



STATE OF FLORIDA

**ASHLEY MOODY
ATTORNEY GENERAL**

September 23, 2024

VIA ELECTRONIC MAIL

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue NW
Washington, DC 20535

The Honorable Markenzy Lapointe
United States Attorney
Southern District of Florida
99 NE 4th Street
Miami, FL 33132

RE: Ryan Wesley Routh

Dear Director Wray and United States Attorney Lapointe:

As you know, on September 15, 2024, a gunman—in an apparent attempt to assassinate former President Donald Trump—was able to hide for twelve hours undetected near the fifth hole of Trump International Golf Club. Ultimately, this gunman made it within several hundred yards of President Trump before being detected by Secret Service.

This assassination attempt was the second against President Trump in the last two months. Following the first attack, the head of the Secret Service resigned, and many questions are now being asked about that agency. At the same time, the federal agencies responsible for investigating these attempts—the Federal Bureau of Investigation (FBI) and the Department of Justice (DOJ)—are embroiled in two DOJ

prosecutions against the victim of this attempt, President Trump. Many Americans believe these prosecutions to be politically motivated. It has also come to light that Special Agent in Charge Jeffrey Veltri has been assigned to investigate the second assassination attempt, and the media and others have raised questions regarding his impartiality.

Because the second assassination attempt against President Trump occurred in Florida and was perpetuated against a Florida citizen, the State understandably desires to investigate violations of its own laws, including attempted murder. Concurrent investigations are overwhelmingly common and are a fundamental feature of dual sovereignty. See *Crossley v. California*, 168 U.S. 640, 641 (1898) (“[I]t is settled law that the same act may constitute an offense against the United States and against a state.”). In fact, Florida investigators and prosecutors routinely work together with the FBI and DOJ to enforce the laws of Florida and of the United States. Often, the sovereign with the more straightforward charge or with more significant penalties for the same or similar conduct will take the lead. Other times, the agency with the most expertise will do so.

In light of the above, I was surprised to learn that FBI and DOJ officials have indicated that they may not cooperate with the State of Florida or allow the State access to evidence already collected by federal agencies. Moreover, it has been reported to me that federal agents may view Florida’s investigation as a violation of 18 U.S.C. § 351(f). Given all the public scrutiny on the FBI, DOJ, and the Secret Service, one would think that having Florida conduct its own investigation alongside federal agencies would mitigate public concern regarding the credibility and reliability of these institutions and would be welcomed by the federal government. As we move forward, I expect that the State of Florida will be given access to evidence and witnesses with the level of cooperation that state and federal law enforcement consistently provide each other on matters of public safety.

My main purpose in writing this letter is to seek clarification regarding references made by federal investigators and prosecutors to 18 U.S.C. § 351(f). Section 351(f) states as follows: “If Federal investigative or prosecutive jurisdiction is asserted for a violation of this section, such assertion shall suspend the exercise of jurisdiction by a State or local authority, under any applicable State or local law, until Federal action is terminated.” My understanding is that, on one occasion, FBI Special Agent in Charge Veltri called a Florida law enforcement officer and mentioned the existence of this statute during a conversation about access to evidence and the crime scene. I also understand that, on a second occasion, U.S. Attorney Lapointe referenced § 351(f) during a meeting with Statewide Prosecutor Nick Cox regarding this investigation.

To avoid any misunderstanding between our agents, I write to advise you that the State of Florida does not believe this provision has been properly invoked. It is

our understanding that § 351(f) is triggered only when the federal government “assert[s] . . . investigative or prosecutive jurisdiction.” 18 U.S.C. § 351(f). Black’s Law Dictionary provides two definitions for “assert”—(1) “[t]o state positively” or (2) “[t]o invoke or enforce a legal right.” Given the breathtaking intrusion on state sovereignty that this provision contemplates, it is plain that a court would interpret “assert” in the latter sense. See, e.g., *Hillsborough Cnty. v. Automated Med. Labs. Inc.*, 471 U.S. 707, 718 (1985) (explaining that, to preempt a state law, courts expect a federal agency to clearly manifest an intent to do so); see also *Buckley v. Valeo*, 424 U.S. 1, 125–26 (1976) (explaining that significant government authority must be exercised by an officer of the United States). In light of that reading, invoking this provision would at a minimum require a formal invocation of this authority in writing by an officer of the United States.

To be clear, I believe it would be a grave mistake for the federal government to invoke this provision, and I urge you to cooperate with the State’s investigation rather than seek to frustrate it. In the meantime, however, we must advise our agents in the field and consider any available legal courses of action we may wish to take going forward. I therefore request that you clarify whether the federal government is invoking § 351(f) and, if it is, that it do so consistent with the analysis above. I also ask, to the extent you do invoke this provision, that you provide clarity regarding what you believe this provision prohibits and how you believe the federal government would enforce it.

I am happy to meet with or discuss this matter with either of you further. Due to the exigent circumstances described in this letter, I would ask that you respond by Friday, September 27.

Sincerely,

A handwritten signature in blue ink that reads "Ashley Moody". The signature is written in a cursive, flowing style.

Ashley Moody
Florida Attorney General