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**R E C E I V E D**  
MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

**MAY 13 2011**

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DOCKETED \_\_\_\_\_ DATE \_\_\_\_\_ INITIAL \_\_\_\_\_

David A. DeJute  
Assistant United States Attorney  
Room 7516 Federal Building  
300 North Los Angeles Street  
Los Angeles, CA 90012

May 9, 2011,

Dear Mr. DeJute,

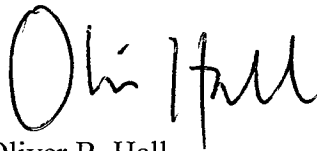
I write on behalf of my client, consumer advocate and former presidential candidate Ralph Nader, in response to your representations regarding Mr. Nader in a May 2, 2011 hearing before the Ninth Circuit Court of Appeals in *Drake v. Obama*, No. 09-56827. Specifically, you stated as follows:

There have been a series of cases that Ralph Nader has brought in challenging qualifications of other candidates. He's done so during the course of the election.

See *Drake v. Obama*, No. 09-56827 (audio transcript of May 2, 2011 hearing) available at [http://www.ca9.uscourts.gov/media/view\\_subpage.php?pk\\_id=0000007341](http://www.ca9.uscourts.gov/media/view_subpage.php?pk_id=0000007341) (last visited May 5, 2011). Those statements are incorrect.

Please be advised that Mr. Nader has never initiated a legal or administrative proceeding to challenge the qualifications of any candidate for public office. By contrast, during the 2004 election, Mr. Nader defended no fewer than 24 complaints challenging his eligibility to appear on state ballots as an independent candidate for President of the United States. In addition, in furtherance of his advocacy for a more robust and competitive democracy, Mr. Nader has successfully challenged laws restricting ballot access and limiting voter choice. See, e.g., *Nader v. Brewer*, 531 F.3d 1028 (9th Cir. 2008) (holding Arizona election law unconstitutional); *Nader v. Blackwell*, 545 F.3d 459 (6th Cir. 2008) (holding Ohio election law unconstitutional).

Sincerely,



Oliver B. Hall

cc: Ralph Nader  
Judge Harry Pregerson  
Judge Marsha Siegel Berzon  
Judge Raymond C. Fisher