

Shanin Specter, Esq.



February 8, 2019

The Honorable Jan E. DuBois
United States District Judge
United States Courthouse
601 Market Street
Philadelphia, Pennsylvania 19106

Dear Judge DuBois:

I am writing in relation to Mr. Ken Smuckler who is to be sentenced by Your Honor on March 13.

I have known Ken for all of my adult life. Ken's parents were close friends of my parents. I met Ken through mutual friends. We share an interest in politics and have spent many hours over many years talking about politics and related subjects.

Ken comes from a wealthy family. He inherited a large amount of money. That gave him the freedom to do what he wanted to do, which was to work in politics.

Over the years, we have worked on the same side sometimes and on the opposite side sometimes. For most of Ken's political work, I've not supported either his client or the opponent.

Ken has worked for some fine people and for some who have lesser reputations. Some of us have wondered why Ken would take on some of these clients. But no one thought he did so to make money or to advance a specific or improper agenda. And I believe no evidence was presented at trial that he was motivated by such considerations.

Rather, Ken has always seemed to be motivated by the electoral battle and the struggle itself, regardless of who his client might be. There's nothing legally, ethically or morally wrong with that. But by working with lesser reputed figures, Ken exposed himself to the legal vagaries and bad habits of their worlds. That is not a crime and should not be punished.

I know the specific behavior for which was Ken convicted. He was found to have broken the law in connection with the financing of political

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campaigns. I know the rules he was found to have broken. I am not going to tell you he didn't do it; I respect the jury's verdict.

But two things bother me that bear on the appropriate sentence.

First, the illegal acts Ken was found to have committed are ethically and morally far less blameworthy than acts that have been legalized by the Supreme Court. Yes, one shouldn't use general election money to pay primary campaign debts. Yes, one should not pay an opponent to quit a race. But it's legal to elect or defeat candidates with limitless amounts of money funded by people and companies whose identities are secret. That's worse.

If Ken had needed money and had worked for rich and anonymous manipulators of the political process, he'd be guilty of nothing and charged with nothing. But he'd be perverting democracy.

Ken chose instead to make little money and help local pols deep in the bowels of the sometimes grimy world of Philadelphia politics. These candidates didn't have the largesse of billionaires and big companies and their legal, but dark and anti-democratic money. Ken was found to have committed process crimes when the process is regularly and legally but sadly manipulated and no one is charged or convicted.

Second, the real beneficiaries of Ken's efforts were not charged. I am not saying they were guilty of anything; I don't know. But it is relevant to the gravity of Ken's offenses that the real beneficiaries were not charged.

Thank you for your consideration of this letter.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jan E. DuBois', written in a cursive style.

SS/dg