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June 8, 2010

The Honorable Eric H. Holder
Attorney General
U.S. Department of Justice
Washington, D.C. 20530

Dear Attorney General Holder,

We write to request that the Justice Department provide any and all documents and correspondence relating to political appointments offered by White House officials and others to candidates in exchange for ending their candidacy for political office.

In February, Representative Joseph Sestak (D-PA) revealed that the White House offered him a job if he would withdraw from the Pennsylvania Senate primary race. In a recent report, the Office of White House Counsel acknowledged that former President Bill Clinton, at the urging of the White House, offered Representative Sestak a Presidential or other Senior Executive Branch Advisory Board position to "avoid a divisive primary" against U.S. Senator Arlen Specter. The White House Counsel asserts that there was no impropriety and even defends such action as a legitimate interest of the Democratic Party leadership.

Last week, we learned of yet another White House job offer to a political candidate. Andrew Romanoff has confirmed that White House Deputy Chief of Staff Jim Messina offered appointments at the U.S. Agency for International Development or the U.S. Trade and Development Agency if Romanoff would withdraw from the Senate Democratic primary race against U.S. Senator Michael Bennett.

As we noted in a letter to FBI Director Robert Mueller on May 28th (see enclosed), we believe these offers could violate federal statutes prohibiting the solicitation of certain public offices, promising government employment in exchange for political activity, or improper interference by Administration employees in political campaigns. We are alarmed to learn that what was believed to be an isolated incident of potentially criminal conduct now appears to be a pattern of potentially corrupt practices by the White House.

These latest allegations call into question the Department's denial of repeated requests to appoint a Special Counsel to investigate these matters and raise the question of whether the Department advised the White House of the propriety of such conduct. It is imperative that Congress have a full understanding of the Department's involvement in these offers. The American people deserve to know the truth about the White House's attempts to manipulate federal elections.

Therefore, we ask that you provide us with answers to the following requests no later than Monday, June 14:

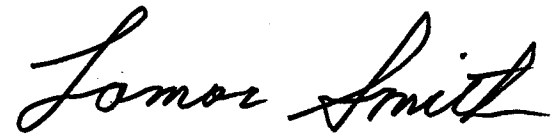
1. Was the Department asked to assess the legality of administration appointments from White House staff (or those operating on their behalf) to political candidates in exchange for their withdrawal from elections? If so, please provide us with any document or correspondence containing such assessment.

2. The Department has denied previous requests to appoint a Special Counsel. Is the Department reconsidering its decision in light of the Romanoff matter? Please provide any document or correspondence pertaining to the decision not to appoint a Special Counsel in the Sestak matter.

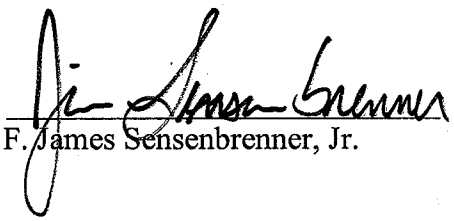
3. The Department defends its decision not to appoint a Special Counsel claiming it "has a long history of handling investigations of high level officials professionally and independently, without the need to appoint a special counsel." Is the Department currently investigating either the Sestak or Romanoff offers? Please provide any document or correspondence pertaining to any such investigation or decision not to investigate.

Thank you for your attention to this matter and we look forward to your prompt reply.

Sincerely,



Lamar Smith
Ranking Member



F. James Sensenbrenner, Jr.

cc: The Hon. John Conyers, Jr.

Enclosure