



Republican National Committee

Reince Priebus
Chairman

July 18, 2011

The Honorable Eric H. Holder, Jr.
Attorney General of the United States
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Dear Attorney General Holder:

It is with grave concern that I write to request a Department of Justice investigation into an apparent crime committed by President Barack Obama.

Facts and Background

On or about June 27, 2011, Obama for America Campaign Manager Jim Messina sent an email message containing an announcement he said President Obama wanted to make personally. The message solicited funds for a raffle, of which the winner would have the opportunity to have dinner with President Obama and Vice-President Biden. "If you haven't yet thrown your name in the hat for this thing," Mr. Messina wrote, "I have a feeling this announcement might change that."

Embedded in Mr. Messina's message was a video of President Obama, along with a link to a website through which donors could enter the raffle by making contributions to the President's reelection campaign. In the video, President Obama made the following solicitation:

Hi, everybody. I've got a pretty big announcement about that contest the campaign is running where you can join me for dinner. We're setting another place at the table for Joe Biden. He wants to join us. So this isn't so much dinner with Barack anymore as it is dinner with Barack and Joe. And to use one of his favorite expressions, "That's a big deal." We're both really looking forward to it. I hope to see you soon.

According to multiple individuals with knowledge of the White House's rooms and layout, the video appears to have been recorded in the Map Room. According to news reports, however, the White House Counsel has indicated that the video was filmed somewhere in the residential portion of the White House.



Governing Law

Title 18 (“Crimes and Criminal Procedures”) Section 607 (“Place of Solicitation”) of the United States Code makes it a crime for the President to solicit political contributions in a place of official government business:

It shall be unlawful for an individual who is an officer or employee of the Federal Government, including the President, Vice President, and Members of Congress, to solicit or receive a donation of money or other thing of value in connection with a Federal, State, or local election, while in any room or building occupied in the discharge of official duties. 18 U.S.C. § 607 (2011).

In this case, despite the White House Counsel’s indication to the contrary, it appears that President Obama recorded the video in the Map Room. The Map Room is not residential, but rather is “occupied in the discharge of official duties.” The Map Room has been used for a myriad of official functions, including the administration of the oath of office to President Obama by Chief Justice Roberts and the launch of “The Campaign to Cut Waste.”

If President Obama recorded the video in the Map Room, then it appears he has committed a crime under federal law.

Request for Investigation

Based on these facts and circumstances, I call on the Department of Justice to investigate this possible criminal act by the President of the United States. The investigation should resolve the following questions:

1. Was the video filmed in the White House Map Room? If not, in which room was the video filmed?
2. Is the room considered to be “occupied in the discharge of official duties” under 18 U.S.C. § 607? Or is the room considered to be a portion of the White House residence?
3. Does the video distribution constitute a solicitation of funds in connection with a federal election? Did President Obama know, at the time the video was recorded, that it would be used to solicit funds in connection with a federal election?
4. In addition to President Obama, who was involved in conceiving, filming, producing, editing, and distributing the video? In particular, were other federal employees involved? Were employees, agents, or vendors of the Democratic National Committee or Obama for America involved?
5. How many people received the email message containing the embedded video and contribution link?

6. How many people have contributed funds to Obama for America in response to this solicitation? How much money have they contributed?
7. Are there any additional federal criminal or civil laws that may have been violated?
8. What are the statutory penalties for a violation of 18 U.S.C. § 607, as well as for any other laws you determine the President violated?

As these are simple questions that should not take long to resolve, I request your immediate attention to this matter. Indeed, as Obama for America presumably is receiving some funds in response to this solicitation, and the “Dinner with Barack and Joe” is fast approaching, it seems justice demands a quick and thorough investigation. In the event the President has committed a crime, the dinner should be cancelled and all funds received in response to this solicitation, as the proceeds of a criminal act, should be refunded.

Grounds for Appointing Special Counsel

I am not calling for the appointment of a Special Counsel at this time, and unless your Department fails to carry out its duty to investigate such an appointment should not be necessary. Under Department of Justice regulations, 28 C.F.R. § 600.1 (“Grounds for appointing a Special Counsel”), you are required to appoint a special counsel if three conditions are met. First, a criminal investigation must be warranted. As the facts of this case strongly suggest a crime was committed, this condition is clearly met.

Second, in order for a special counsel to be appointed, an investigation by the Department of Justice must present a conflict of interest. I believe this condition is also easily satisfied. Under your leadership, the Department of Justice has consistently ignored the law in order to protect the President politically. Your refusal to represent the United States in litigation over the constitutionality of the Defense of Marriage Act and your decision to drop the voter intimidation case against the New Black Panther Party and its members are but two examples of the primacy of politics in your Justice Department.

The final condition for appointing a Special Counsel is that doing so must be in the public interest. I am not yet convinced that this condition is quite met. The incident appears to be very straightforward, and I believe a Department of Justice investigation quickly would reveal a violation of law. Therefore, despite my reservations about your objectivity, I believe it is in the public interest to save the taxpayers the expense of a Special Counsel at this time of fiscal peril for our nation. However, if your Department abdicates its responsibility to impartially and thoroughly investigate this apparent crime, I believe the appointment of a Special Counsel will be necessary. I hope it does not come to that.

Conclusion

As Chairman of the Republican National Committee, I have the responsibility to hold the President accountable for his reckless spending, for the unsustainable growth of government and the crushing debt he is leaving for future generations of Americans, and now, sadly, for his apparent criminal behavior. I never expected I would be in this regrettable position, but the President's conduct and the White House staff's stonewalling leave me no choice.

Thank you for your attention to this important matter. I look forward to your response and to the results of your investigation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Reince Priebus', written over a large, light-colored circular scribble or watermark.

Reince Priebus
Chairman
Republican National Committee