



June 3, 2010

The Honorable Robert Bauer
Counsel to the President
The White House
Washington, DC 20500

Dear Mr. Bauer:

Yesterday it was revealed that White House Deputy Chief of Staff Jim Messina suggested three administration jobs that would be available to U.S. Senate candidate Andrew Romanoff if he dropped his plans to run in the Colorado Democratic Primary.¹ In the wake of the White House's admission that a similar offer was made to Rep. Joe Sestak,² it has become clear that it is the pattern and practice of this Administration to exert inappropriate and potentially unlawful influence on primary elections.

In neither the case of Rep. Sestak nor in the case of Mr. Romanoff was it the White House that first revealed that a job was offered to entice the candidate to abandon his campaign. Rep. Sestak's disclosure came during an interview with veteran Philadelphia newsman Larry Kane during a taping of a news show for the Comcast Network on February 18, 2010.³ The offer to Mr. Romanoff was disclosed by "several top Colorado Democrats" who requested anonymity because of the sensitivity of the subject when they spoke to the *Denver Post* in September 2009.⁴

The American people should not have to rely on candidates and party leaders who have been on the wrong end of inappropriate and unlawful job offers to disclose those offers months after the fact. Instead, the White House should honor the President's commitment to making his Administration the most open and transparent in history by cataloging and self-reporting any primary election upon which it attempted to exert

¹ Philip Elliott, *AP Sources: Admin talked jobs with Romanoff*, ASSOC. PRESS, Jun. 2, 2010.

² Memorandum from White House Counsel Robert F. Bauer, "Review of Discussion Relating to Congressman Sestak," May 28, 2010 at 1[hereinafter Sestak Memorandum].

³ Thomas Fitzgerald, *Sestak Says Federal Job Was Offered to Quit Race*, PHILA. INQUIRER, Feb. 19, 2010,

⁴ Michael Riley, *D.C. Job Alleged as Attempt to Deter Romanoff*, DENVER POST, Sept. 27, 2009.

influence.⁵ As such, I respectfully urge you to disclose any and all attempts to clear the field for Democratic candidates preferred by the Administration.

The President has often stated his preference for transparency and open government. In his January 21, 2009 Memorandum, he stated:

My Administration is committed to creating an unprecedented level of openness in Government. We will work together to ensure the public trust and establish a system of transparency, public participation, and collaboration. Openness will strengthen our democracy and promote efficiency and effectiveness in Government.

Government should be transparent. Transparency promotes accountability and provides information for citizens about what their Government is doing. Information maintained by the Federal Government is a national asset. **My Administration will** take appropriate action, consistent with law and policy, to **disclose information rapidly** in forms that the public can readily find and use.⁶

In addition to a full accounting of affected primary elections by the White House, the American people deserve a public assurance that this Administration is not engaged in a cover-up. In a May 26, 2010 letter to Attorney General Eric Holder Jr., seven Republicans on the Senate Judiciary Committee requested public confirmation that steps are being taken to preserve records consistent with prior investigations of alleged White House wrongdoing.⁷ To date, there is no indication that the Justice Department has submitted a document preservation request to the White House. Absent such a request, I respectfully urge you to publicly commit to preserving all records and communications related to job offers made to Rep. Sestak, Mr. Romanoff, and any other candidates.

So that the American people can better understand the extent to which the White House systematically interfered with elections across the country, please provide the following:

1. A full and complete list of all elections in which the White House engaged in efforts to persuade specific candidates to drop election bids. If a job or any other thing of value meant to entice a candidate to withdraw from or not to

⁵ WhiteHouse.gov, "Change has come to WhiteHouse.gov," Jan. 20, 2009, available at http://www.whitehouse.gov/blog/change_has_come_to_whitehouse-gov/ (last visited June 3, 2010).

⁶ The President, *Memorandum for the Heads of Executive Departments and Agencies*, Jan. 21, 2009 (emphasis supplied).

⁷ Letter from Republican Members of the S. Comm. on the Judiciary to Atty. Gen. Eric H. Holder, Jr., May 26, 2010 at 2.

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enter the race was offered, please specify to whom it was offered, and by whom it was offered.

2. A written commitment to preserve all records and communications related to any attempts by the White House to clear the field in Democratic primary elections.

I look forward to your response by June 9, 2010. Please contact the Committee staff at (202) 225-5074 if you have any questions about this request. Thank you for your attention to this important matter.

Sincerely,



Darrell Issa
Ranking Member

cc: The Honorable Edolphus Towns, Chairman