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Congress of the United States

House of Representatives

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March 29, 2007

Karl Rove
Assistant to the President,
Deputy Chief of Staff, and Senior Adviser
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. Rove:

Yesterday, the Committee held a hearing into allegations of misconduct at the General Services Administration (GSA). One of the allegations involved a political presentation that your deputy, J. Scott Jennings, made to the GSA Administrator, Lurita A. Doan, and approximately 40 GSA political appointees in the GSA headquarters building on January 26, 2007.

The basic facts of this event are not in dispute. The GSA White House liaison scheduled Mr. Jennings to speak at a meeting that took place on January 26, 2007, at the GSA headquarters building, although some appointees participated by videoconference. After a brief introduction, Mr. Jennings presented a 28-page slide briefing that reviewed the 2006 election results and outlined the Republican Party's top electoral targets in upcoming federal and state elections. This slide presentation included:

- A list of the 20 Democratic House districts the White House views as the most vulnerable to Republican takeover in 2008;
- A list of the 36 Republican House districts the White House views as the most vulnerable to Democratic takeover in 2008; and
- A map showing the Senate seats up for election in 2008 and whether the White House believes Republicans will have to play "defense" or "offense."

After the presentation was over, Ms. Doan asked her staff to discuss how GSA resources could be used to help "our candidates" in the next election.¹

¹ See e.g., Interview of Christiane Monica by House Committee on Oversight and Government Reform (Mar. 13, 2007); Interview of Matthew Sisk by House Committee on

At the hearing, many questions were raised about the legality and appropriateness of Mr. Jennings's presentation and the discussion that followed it. The nonpartisan Congressional Research Service issued an 11-page report that found that both the presentation itself and Ms. Doan's comments could be violations of the federal Hatch Act. According to CRS, the White House presentation alone may cross the line into being an impermissible "political activity" under the Hatch Act when "the sponsor or presenter is closely affiliated/identified with a partisan political campaign, invitations are directed only to 'political' employees of a department, and the objectives and agenda of the program appear to have a partisan slant."²

As part of the Committee's investigation into Mr. Jennings's presentation, I ask that you answer the following questions:

- Did you approve of the slides in Mr. Jennings's presentation? Did you approve of Mr. Jennings's participation in this meeting?
- Does the White House Office of Political Affairs or the White House Counsel have a policy addressing when and where White House employees can make political presentations such as the one Mr. Jennings gave at GSA headquarters on January 26, 2007? Please explain the legal authority you believe allows you to make such presentations on federal property during business hours.
- Did Mr. Jennings, you, or any other employee of the White House Office of Political Affairs consult with the White House Counsel or the Office of the Special Counsel about whether delivering this presentation to federal government employees in a government building during business hours violated the Hatch Act or any other rules, policies or procedures?
- Have you, Mr. Jennings, or other employees of the White House Office of Political Affairs given this political briefing or any similar briefing mentioning future elections or candidates on other occasions? Please provide the Committee a list of the dates, times, and locations of any of these presentations at which federal officials were present, whether they occurred on federal property or not, as well as a list of the people and organizations who participated.

Oversight and Government Reform (Mar. 12, 2007); Interview of Justin Busch by House Committee on Oversight and Government Reform (Mar. 13, 2007); House Committee on Oversight and Government Reform, *Deposition of Emily Murphy* (Mar. 15, 2007).

² Memorandum from Congressional Research Service to House Committee on Oversight and Government Reform, *Meetings, Conferences as "Political Activities" in a Federal Office, and "Hatch Act" Considerations* (Mar. 26, 2007) (online at www.oversight.house.gov/Documents/20070328154603-20874.pdf).

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- Have you, Mr. Jennings, or other employees of the White House Office of Political Affairs provided Mr. Jennings's PowerPoint presentation or any similar presentation to federal officials mentioning future elections or candidates to people or organizations outside of the White House Office of Political Affairs? Please provide the Committee a list of who received the presentation, as well as the dates, times, and locations the presentation was provided.
- Who prepared the PowerPoint presentation given by Mr. Jennings? Did your office use federal funds to prepare this briefing? If so, please explain the legal authority that you believe allows you to use federal funds to prepare political briefings such as the one Mr. Jennings presented at GSA headquarters on January 26, 2007.
- Why did Mr. Jennings and his staff assistant use private "gwb43.com" accounts rather than their "eop.gov" accounts to correspond with Administrator Doan's office about the PowerPoint presentation?

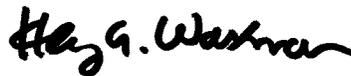
In addition, I ask that you provide the Committee with any documents and communications relating to (1) the presentation of the PowerPoint presentation or any similar presentation mentioning future elections or candidates to federal officials and (2) the use of federal agencies or resources to help Republican candidates.

I request that you answer the Committee's questions and provide the requested documents by April 13, 2007.

The Committee on Oversight and Government Reform is the principal oversight committee in the House of Representatives and has broad oversight jurisdiction as set forth in House Rule X. An attachment to this letter provides additional information on how to respond to the Committee's request.

I will appreciate your cooperation with the Committee's inquiry. If you have any questions about the Committee's request, your staff can contact David Rapallo or David Leviss of the Committee staff at (202) 225-5420.

Sincerely,



Henry A. Waxman
Chairman

Enclosure

cc: Tom Davis
Ranking Minority Member