



U.S. Department of Justice

*Criminal Division
Public Integrity Section*

*1400 New York Avenue, N.W.
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Washington, D.C. 20005*

April 22, 2013

Via e-mail

Eleni M. Roumel
Assistant Counsel
Office of General Counsel
U.S. House of Representatives
219 Cannon House Office Building
Washington, D.C. 20515

Dear Ms. Roumel,

We write in response to your letter of April 11, 2013, in which you requested that the Government provide you with information in connection with Rule VIII.3 of the Rules of the House of Representatives with respect to possible testimony by Kevin Messner.

As we discussed at our April 17 meeting in your office, the Government is not yet aware of the full extent to which Mr. Renzi may offer or elicit evidence that otherwise would be covered by the speech or debate clause. To the extent that Mr. Renzi does so at all, the Government anticipates a dispute between the parties over how much additional information may be admitted as a result, and it is impossible to know at this stage how much (if any) of that information Judge Bury would permit to be introduced.

As a result of this uncertainty, I asked your advice on how the Government should approach this letter, and you advised that we should include all topics about which we might want to inquire, whether or not they are covered by the speech or debate clause. That is what we have done below. We are aware that some of the listed topics plainly implicate the clause. Whether we attempt to explore all of them, whether Judge Bury permits us to do so, and how they might be important, all depend largely on how trial goes.

The topics are as follows, in no particular order:

- history of the Renzi Rider;
- Mr. Messner's familiarity with the Sandlin property;
- any discussions Mr. Messner may have had with Mr. Renzi concerning the Sandlin property, its inclusion in the PPFLI bill, or Mr. Renzi's sponsorship of it;
- any discussions Mr. Messner had with Mr. Renzi about Renzi's relationship with James Sandlin;

- when the PPFLI land exchange bill was transferred from Mr. Renzi's office to Mr. Kolbe's office, the reasons for the transfer, and the circumstances surrounding the transfer;
- who worked on the PPFLI land exchange bill in Congressman Kolbe's office;
- the letter prepared by Robert Scott that was discussed at our recent meeting;
- the Resolution Copper land exchange bill, and how Mr. Messner knows whatever he knows about it;
- Mr. Messner's awareness of Mr. Renzi's ownership and/or operation of an insurance business;
- Mr. Renzi's meeting with the House Ethics Committee at which the rules governing whether Mr. Renzi could own and/or operate an insurance business while serving as a Congressman were discussed;
- any comments by Mr. Renzi or discussions Mr. Messner may have had with Mr. Renzi concerning the meeting with the House Ethics Committee;
- any actions Mr. Renzi took with respect to his insurance business following the meeting with the House Ethics Committee;
- the Federal Election Commission's audit of the Renzi campaign; and any inquiries by the FEC related to that audit;
- any conversations Mr. Messner may have had with Mr. Renzi concerning the FEC audit or issues implicated in the audit;
- any interaction Mr. Messner may have had with the FEC on Mr. Renzi's behalf concerning the FEC audit or issues implicated in it.

We hope this adequately addresses your inquiry. Please call me if you have any questions.

Very truly yours,

JACK SMITH
Chief, Public Integrity Section

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cc: AUSA Gary M. Restaino