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June 30, 2014

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

Dear Mr. Attorney General:

It was recently reported by media outlets throughout the Commonwealth of Virginia that the Federal Bureau of Investigations has opened an inquiry into the circumstances surrounding Virginia State Senator Phillip Puckett's June 8<sup>th</sup> resignation.

Frankly, Mr. Attorney General, I am stunned by this and am deeply concerned that this investigation is politically motivated. After all, many similar instances have occurred at both the federal and the state level involving both Republican and Democrat elected officials and there have never been any inklings of federal scrutiny.

As you are likely aware, Senator Puckett's resignation gave Republicans a 20-19 majority in the Virginia State Senate, thus ending deadlock over the Commonwealth's budget and Medicaid expansion—the latter subject I would note is dear to this Administration's heart. Media reports indicate that the investigation is centered on the timing of Senator Puckett's resignation and his alleged consideration for a position with the Virginia Tobacco Indemnification and Community Revitalization Commission (commonly referred to as the Tobacco Commission), as well as the permanent appointment of his daughter to a state judgeship.

I would note that Senator Puckett has publicly stated that he is not accepting any position with the Tobacco Commission. That said, even if he had pursued employment with the Tobacco Commission, he would have been, by all accounts, well-qualified for the job given his experience with the Senate, the Tobacco Commission, and in banking.

I would also note that Senator Puckett's daughter, Martha Ketron, had been serving as an interim Juvenile and Domestic Relations Court judge, but was denied election to a full term on the court by the General Assembly because the Virginia Senate does not appoint the immediate family of sitting Senators to the bench. By all accounts, Judge Ketron did a commendable job during her interim appointment and is well-qualified to serve on the bench for a full term. The only obstacle to her service was the fact that her father was a sitting member of the Virginia Senate. Judge Ketron's dilemma is not a recent discovery. It has been well known and discussed widely in Richmond and in Southwest Virginia since her interim appointment expired.

In other words, Senator Puckett has not received any employment or personal enrichment in return for his resignation. Judge Ketron is well-qualified and widely supported for a full term on the bench, but cannot receive one while her father remains in the Senate, a situation that long predates the recent deadlock of the Virginia budget over Medicaid expansion.

Did one political party stand to gain legislatively by Senator Puckett's resignation? Certainly. But that does not make it a crime. There have been numerous similar cases where resignations have been tendered and appointments extended for political purposes. I am not aware that the Department of Justice showed any interest in opening an investigation in any of these instances.

- **President Obama's appointment of U.S. Senator Max Baucus (D-Montana) as Ambassador to China.** In 2013 President Obama nominated Senate Finance Committee Chairman Max Baucus as the next U.S. Ambassador to China. A *Washington Post* article on December 18, 2013 listed three reasons "Why the White House is Sending Max Baucus to China", outlining how the President, his party, and his allies in the Congress would benefit from Baucus accepting the nomination. Two of the reasons appear similar to the situation in the Puckett case yet there is no indication that the FBI found the resignation and appointment worthy of investigation:
  - The nomination would increase the chances of Democrats holding onto Senator Baucus' seat in this year's Montana Senate race, as he had announced he would not seek reelection in 2014. Senator Baucus' resignation allowed Governor Steve Bullock (D-Montana), to appoint his replacement, the sitting Lieutenant Governor John Walsh (D-Montana), who will now be an incumbent heading in the 2014 Senate race.
  - Sending Senator Baucus to China removed a credible and vocal critic of Obamacare from the U.S. Senate and from his key position chairing the Senate Finance Committee. Senator Ron Wyden (D-Oregon) was generally seen as a stronger supporter of Obamacare and less likely to pursue extensive hearings highlighting the program's well-known failures and problems.
- **President Obama's appointment of U.S. Representative John McHugh (R-New York) as Secretary of the Army.** In 2009, the President appointed Congressman McHugh to head the Department of the Army, requiring his resignation from the U.S. House of Representatives. This resignation in return for an appointment gave Democrats a chance to win a special election in a competitive House seat in upstate New York, which they subsequently did. These actions benefited the Administration, Congressman McHugh and Democrats in the House but there is no indication that the FBI found this incident worthy of investigation.
- **Governor Tim Kaine's (D-Virginia) appointment of Delegate Preston Bryant (R-Virginia) as the Commonwealth's Secretary of Natural Resources.** During his term as Governor of Virginia, Tim Kaine appointed Delegate Bryant to this key Secretariat necessitating Delegate Bryant's resignation. This appointment dramatically increased Delegate Bryant's annual earnings from the Commonwealth and would increase his pension upon his retirement. Delegate Bryant's resignation also created a vacancy in the House of Delegates that was won by Delegate Shannon Valentine (D-Virginia) giving the Governor's party one more seat in the House. These actions benefited Governor Kaine, Delegate Bryant, House Democrats and the Democratic Party of Virginia, but there is no indication that the FBI initiated any investigation into these actions.
- **Governor Mark Warner's (D-Virginia) appointment of Delegate Robert Bloxom (R-Virginia) as the Commonwealth's Secretary of Agriculture.** Governor Warner appointed Delegate Bloxom as Virginia's first Secretary of Agriculture, which required Delegate Bloxom to resign from his seat in the House. The appointment dramatically increased Delegate Bloxom's annual income from the Commonwealth and provided a substantial boost to the payments he would receive once he began drawing his pension. Delegate Bloxom's resignation created a



vacancy in a swing district, which was won by Delegate (now State Senator) Lynwood Lewis (D-Virginia), giving Governor Warner's party an additional seat in the House. These actions benefited Governor Warner and Delegate Bloxom along with House Democrats and the Democratic Party of Virginia, yet there is no indication that the FBI opened an inquiry into these matters.

- **Governor Jim Gilmore's (R-Virginia) appointment of State Senator Charles Waddell (D-Virginia) as the Commonwealth's Deputy Secretary of Transportation and Delegate David Brickley (D-Virginia) as Director of the Department of Virginia Department of Conservation and Recreation.** In 1998, Governor Gilmore appointed Senator Waddell and Delegate Brickley to senior positions in his Administration, which required both individuals to resign their seats in the Virginia General Assembly. Democrats in Virginia were vocal in their anger over these appointments. Senator Waddell's appointment gave Republican's a 20-19 advantage in the Virginia Senate, an advantage that increased to 21-19 when then-Delegate Bill Mims (R-Virginia) won the seat in a special election. Governor Gilmore appointment of Delegate Brickley also created a vacancy that was won by Delegate Michele McQuigg (R-Virginia) in a special election. In both instances, the appointees received much larger salaries in their new positions and increased their pension payments upon retirement. While these appointments benefited Governor Gilmore, his allies in the General Assembly and the Republican Party of Virginia, the FBI made no known effort to investigate this incident.

Let me be clear, I see no criminal conduct by any of the people mentioned above. However, if FBI Director Comey and you truly believe that a crime may have been committed in connection with Senator Puckett's resignation, then I expect we will soon be hearing announcements of the Bureau's belated inquiries into the actions of President Obama, Senator Kaine, Senator Warner and Governor Gilmore providing inducements to secure the resignations of Senator Baucus, Representative McHugh, Delegate Bryant, Delegate Bloxom, Senator Waddell and Delegate Brickley. Otherwise I, along with the people of Southwest Virginia, can draw no other conclusion than that this is a politically-motivated investigation intended to intimidate individuals who took perfectly legal actions that also happen to be unhelpful to the agenda of President Obama. And we wonder why people do not trust the government they elect to serve them.

Sincerely,



H. MORGAN GRIFFITH  
Member of Congress

Cc: James Comey, Director, Federal Bureau of Investigation (FBI)