

Corey R. Amundson
Chief, Public Integrity Section
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Re: Senator Loeffler Soliciting Campaign Contributions on Capitol Grounds

Dear Mr. Amundson:

Senator Kelly Loeffler has committed a crime by openly soliciting campaign contributions in a Federal government building, using her power as an elected official to support her own campaign. The Public Integrity Section should immediately investigate this violation and take appropriate action in response.

The Federal criminal code directly prohibits U.S. Senators from soliciting campaign contributions in any government building where government employees are engaged in their official duties.¹ The statute concerning use of the U.S. Capitol Grounds repeats this prohibition.² Yet, while conducting an official interview in the Russell Senate Office Building Rotunda, Senator Loeffler directly asked the public to contribute funds to her campaign.

Senator Loeffler broke the law. Although ignorance of the law is never a defense, especially for a U.S. Senator, this violation is especially egregious given that Senator Lindsey Graham, one of the leaders of Senator Loeffler's party, committed the exact same violation just weeks ago.³ Senator Loeffler deliberately violated the clear spirit and the intent of the law, and the basic principles of public integrity. The Department of Justice must investigate Senator Loeffler immediately to hold her accountable and prevent further erosion of the public trust in our elected representatives.

FACTUAL BACKGROUND

¹ 18 U.S.C. § 607(a) (“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 by an officer or employee of the United States, from any person.”)

² 40 U.S.C. § 193d.

³ Jamie Lovegrove, “Graham Broke Senate Rules by Soliciting Campaign Funds in Federal Building, Experts Say,” Palmetto Politics (Oct. 15, 2020) https://www.postandcourier.com/politics/graham-broke-senate-rules-by-soliciting-campaign-funds-in-federal-building-expert-says/article_972f72bc-0efa-11eb-aac1-c3caab88b9f4.html.

Kelly Loeffler was appointed to the U.S. Senate in 2019.⁴ In the November 3, 2020 special election for U.S. Senate in Georgia, she received just over 25% of the vote, qualifying her for the January 5 runoff election.⁵ Senator Loeffler’s campaign website is kellyforsenate.com.⁶

On November 18, 2020, Senator Loeffler appeared in an interview on Fox News - it is apparent from the news clip that she is standing in the Russell Senate Office Building Rotunda for the duration of the interview.⁷ During the interview, in response to a question about campaign contributions received by her opponent, Senator Loeffler made a direct solicitation for her campaign: “Well look, we know that hundreds of millions of dark, liberal money is pouring into our state. That's why it's so important that everyone across the country get involved. They can visit KellyforSenate.com to chip in 5 or 10 bucks, and get involved, volunteer.”⁸

LEGAL ANALYSIS

Senator Loeffler’s solicitation of campaign funds in an official Senate building is a clear violation of federal law.

Under Section 607(a) of the federal criminal code, it is a crime for a U.S. Senator to solicit campaign contributions “while in any room or building occupied in the discharge of official duties by an officer or employee of the United States, from any person.”⁹ This strict prohibition is in place to ensure that public resources are used only for the public interest, not for a politician’s private gain, and so that there is not even the appearance that Senators are using their official offices to conduct campaign fundraising. Moreover, Section 193d of the federal statute concerning use of the U.S. Capitol states that “it is forbidden to offer or expose any article for sale in said U.S. Capitol Grounds ...[or] to solicit ...contributions therein.”¹⁰ These prohibitions are plain.

Accordingly, Senator Loeffler violated federal criminal law by directly soliciting contributions for her campaign while speaking inside the Russell Senate Office Rotunda. Senator Loeffler’s plea that it is “so important that everyone across the country get involved” by visiting her campaign website to “chip in 5 or 10 bucks” constitutes a clear and direct solicitation for campaign contributions. Senator Loeffler’s request for campaign contributions is not in any way related to her official duties as a Senator or the Senate’s official actions, and this campaign solicitation while standing in the Senate Rotunda was a flagrant violation of federal law and Senate rules.

As a United State Senator, Senator Loeffler is responsible for maintaining the public trust and ensuring the integrity of our federal laws and institutions. Instead, Senator Loeffler chose to use

⁴ Braktkton Booker, “Against Trump's Wishes, Georgia Gov. Appoints Kelly Loeffler To Fill Senate Seat,” (Dec. 4, 2019) <https://www.npr.org/2019/12/04/784743977/against-trumps-wishes-georgia-gov-appoints-kelly-loeffler-to-fill-senate-seat>.

⁵ Georgia Secretary of State, “Results,” <https://results.enr.clarityelections.com/GA/105369/web.264614/#/summary>.

⁶ Kelly for Senate, <https://kellyforsenate.com/>.

⁷ Fox News, “Everything is on the line’ during Georgia Senate runoffs: Sen. Loeffler,” 5:50 (Nov. 18, 2020) <https://video.foxnews.com/v/6210642310001#sp=show-clips>.

⁸ *Id.*

⁹ 18 U.S.C. § 607(a).

¹⁰ 40 U.S.C. § 193d.

her position of power to her own personal and political advantage in violation of federal law. By exploiting official resources for the sake of a few campaign dollars, Senator Loeffler has not only violated federal law, but also the public trust.

Based on these violations, we urge the Department of Justice to immediately open a criminal investigation into Senator Loeffler's actions.

Sincerely,

Scott Hogan
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