

Hon. Robert Heberle  
Director, Election Crimes Branch  
Public Integrity Section  
U.S. Department of Justice  
1301 New York Ave., 10th Floor  
Washington, D.C. 20005

April 11, 2023

**RE: Potential Criminal Violations by the Democratic Congressional  
Campaign Committee and Elias Law Group LLP**

Dear Mr. Heberle:

I write on behalf of the Committee to Defeat the President (“CDP”), a federally registered, unauthorized, non-connected hybrid political committee, to bring to your attention possible criminal violations of both the Federal Election Campaign Act and the federal Criminal Code. These apparent violations were committed by the Democratic Congressional Campaign Committee (“DCCC”) and the Elias Law Group LLP. CDP has separately forwarded an administrative complaint to the Federal Election Commission (“FEC”) concerning those Respondents’ apparent civil violations of the Federal Election Campaign Act (“FECA”). The violations below are outside of the FEC’s jurisdiction, however. *See* 52 U.S.C. § 30109(a)(1)-(2). I hope that you will not allow the Biden Administration’s political appointees within the Department of Justice to allow President Biden’s close political allies to gain an unfair advantage in the electoral process by violating federal criminal law with impunity.

The FECA requires each political committee to report to the FEC the purpose of each of its operating expenditures over \$200. 52 U.S.C. § 30104(b)(5)(A). In a series of FEC filings over the course of 2021 and 2022, the DCCC reported making a total of \$5,177,460.62 in payments between October 19, 2021, and July 15, 2022, to Elias Law Group for “RECOUNT LEGAL SVCS.” The DCCC’s reported purpose for this nearly \$5.2 million in disbursements appears to have been false, for several reasons.

At the time these payments were made, there were no longer any recounts pending arising from congressional elections in 2020. Moreover, such payments occurred as much as a year prior to the 2022 general election, making it highly unlikely they were connected to potential recounts in that election. Indeed, it does not appear the Elias Law Group used this nearly \$5.2 million to prepare for potential recounts in connection with the 2022 general election. Between July 15, 2022 and December 31, 2022, the DCCC paid the Elias Law Group a total of over \$7.3 million, also for “RECOUNT LEGAL SVCS,” to prepare for any recounts, monitor the conduct of voting, and conduct any necessary post-election litigation. Likewise, it is unlikely these payments were made in connection with recounts arising from the 2022 primary elections, since the DCCC typically stays neutral in such races and does not provide legal assistance to particular candidates.

It is also worth noting Mark Elias, the name partner of Elias Law Group, has a history of allowing Democratic political committees to misrepresent the nature of his firm’s legal services to

shield their activities from public scrutiny. The Democratic National Committee and Hillary for America entered into a Conciliation Agreement with the FEC after falsely reporting the purpose of payments to Perkins Coie LLP (Mark Elias' firm at the time) as being for legal work, when in fact the payments were made in connection with the Steele Dossier. *See In re DNC Services Corp. / Democratic Nat'l Comm.*, MUR 7449 (Aug. 8, 2018).<sup>1</sup> Elias has also been sanctioned by the U.S. Court of Appeals for the Fifth Circuit for lack of candor. *See Order, Texas Alliance for Retired Ams. v. Hughs*, No. 20-40643 (5th Cir. Mar. 11, 2021).<sup>2</sup> Another federal court accused him of attempting to “impinge[.]” upon “free, open, rational elections.” Bill Mahoney, *Judge Mocks New York Democrats' Redistricting “Hail Mary” Case*, POLITICO (May 4, 2022).<sup>3</sup> It is reasonably possible Elias Law Group facilitated the DCCC's false reporting by providing fraudulent billing statements misrepresenting the purpose of the firm's charges, to assist in shielding the true nature of their activities from public scrutiny.

The DCCC's and Elias Law Group's activities may have violated four federal statutes:

- **FECA criminal provisions**—“Any person who knowingly and willfully commits a violation of any provision of this Act which involves the . . . reporting of any . . . expenditure . . . aggregating \$25,000 or more during a calendar year shall be fined . . . or imprisoned for not more than 5 years, or both . . .” 52 U.S.C. § 30109(d)(1)(A)(i). It appears the DCCC knowingly and willfully violated FECA's reporting requirement, 52 U.S.C. § 30104(b)(5)(A), by misstating more than \$25,000 worth of expenditures to Elias Law Group in 2021 and 2022. To the extent the Elias Law Group provided false billing statements misrepresenting the purpose of its legal services to facilitate these false reports, the firm and any individuals involved may also be held criminally liable under 18 U.S.C. § 2.

- **Sarbanes-Oxley Act**—“Whoever knowingly . . . falsifies, or makes a false entry in any record, [or] document . . . with the intent to impede, obstruct, or influence the . . . proper administration of any matter within the jurisdiction of any [federal] department or agency . . . shall be fined under this title, imprisoned not more than 20 years, or both.” 18 U.S.C. § 1519. The filing of a campaign finance report constitutes a matter within the FEC's jurisdiction for purposes of this provision. *United States v. Benton*, 890 F.3d 697, 811 (8th Cir. 2018). It appears the DCCC knowingly violated the Sarbanes-Oxley Act by filing false campaign finance disclosure reports that collectively misrepresented the purpose of almost \$5.2 million in disbursements to the Elias Law Group. To the extent the Elias Law Group provided false billing statements misrepresenting the purpose of its legal services to facilitate these false reports, the firm and any individuals involved may also be held criminally liable under 18 U.S.C. § 2.

- **False Statements**—“[W]hoever, in any matter within the jurisdiction of the executive . . . branch of the Government of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device, a material fact; [or] makes any materially

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<sup>1</sup> [https://www.fec.gov/files/legal/murs/7449/7449\\_64.pdf](https://www.fec.gov/files/legal/murs/7449/7449_64.pdf).

<sup>2</sup> <https://www.texasattorneygeneral.gov/sites/default/files/images/admin/2021/Press/Sanctions.pdf>

<sup>3</sup> <https://www.politico.com/news/2022/05/04/new-york-judge-democrats-redistricting-00030015>

false, fictitious or fraudulent statement or representation . . . shall be fined under this title, imprisoned not more than 5 years . . . or both . . .” 18 U.S.C. § 1001(a)(1)-(2). The DCCC violated this provision by making materially false statements in its campaign finance disclosure reports concerning the purpose of nearly \$5.2 million in disbursements to the Elias Law Group. To the extent the Elias Law Group provided false billing statements misrepresenting the purpose of its legal services to facilitate these false reports, the firm and any individuals involved may also be held criminally liable under 18 U.S.C. § 2.

- **Conspiracy**—“If two or more persons conspire . . . to commit any offense against the United States . . . or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both.” 18 U.S.C. § 371. There is reason to believe the DCCC and Elias Law Group conspired for the DCCC to misrepresent the purpose of its nearly \$5.2 million in payments to the Elias Law Group, in order to shield the nature of their activities from public scrutiny and political criticism.

Particularly in light of the Democratic national party committees’ past efforts to fraudulently conceal the purpose of their payments to Mark Elias, and Elias’ history of dishonesty in the federal courts, I hope you will thoroughly investigate this matter. Please do not hesitate to contact me if you have any questions, or if CDP can be of any assistance. Thank you for your time. I look forward to your response.

Sincerely,



Dan Backer, Esq.

*Counsel for Committee to  
Defeat the President*