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July 14, 2011

VIA HAND DELIVERY

The Honorable Charles M. Oberly, III
United States Attorney
District of Delaware
1007 Orange Street, Suite 700
Wilmington, DE 19801

RECEIVED:

DATE: 7/14/11 | TIME: 3:56 PM

BY: Christine Wehner

SIGNATURE

Christine Wehner
PRINT NAME

Re: *CREW Allegations Against Christine O'Donnell*

Dear Mr. Oberly:

I am writing to request the investigation into false statements submitted to your office and the Federal Elections Commission regarding the above matter on behalf of my clients, Christine O'Donnell and Friends of Christine O'Donnell.

On September 20, 2010, the Citizens for Responsibility and Ethics in Washington ("CREW"), by their Executive Director Melanie Sloan, submitted a request to your office seeking an investigation into Ms. O'Donnell for purportedly "converting campaign funds to personal use, for making false statements on forms filed with the Federal Election Commission ("FEC"), and for tax evasion." A copy of the letter is enclosed for your reference.

A copy of the CREW Complaint filed with the FEC was submitted to your office soon after. A copy of the Complaint submitted by Ms. Sloan on behalf of CREW, as well as the FEC confirmation of receipt letter, are enclosed for your reference.

The matter submitted to your office relies in part on an Affidavit of David C. Keegan. Based upon tape recorded statements made by Mr. Keegan, some of the contents of his Affidavit were false. This same date, a Complaint has been filed with the Delaware Attorney General's office, requesting that the Department of Justice immediately commence an investigation and undertake any appropriate prosecution of Mr. Keegan for potential violations of the Delaware State Criminal Code. A copy of the letter is enclosed.

The CREW submission to your office also alleges that rent was paid by Ms. O'Donnell from campaign funds for a personal residence, despite the fact that it was well established that the premises at issue were in fact utilized for purposes of a campaign headquarters. Indeed, the enclosed Lease documents show that the tenant was the campaign, not Ms. O'Donnell. It is obvious that paying rent for campaign offices and campaign staff housing is a legitimate campaign expense.

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United States Attorney
July 14, 2011
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The CREW submission to your office was suspiciously timed. It occurred just days after Ms. O'Donnell won an upset Republican Primary election victory in the United States Senate race. And not surprisingly, the publicity that arose from CREW's bogus complaint was played up in the media during the course of the ensuing general election season. Although the purely political motives behind the submission to your office are not illegal, making false statements to the United States Attorneys' Office and/or FEC would violate Federal law.

Under Title 18, § 1001 of the United States Code, it is a crime for a person to knowingly and willfully make "any materially false, fictitious, or fraudulent statement or representation" in "any matter within the jurisdiction of the Executive, Legislative, or Judicial Branch of the government of the United States." The CREW Complaint to the FEC and your office constitute matters which are in the jurisdiction of the U.S. Government.

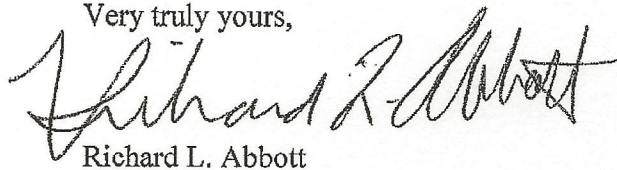
The complaints were made without proper vetting of the Keegan Affidavit, which is now known to be false. They were also submitted directly in the face of evidence indicating that the allegations about rent payments were both untrue and legally erroneous. As a result, your office is respectfully requested to immediately commence an investigation and undertake any appropriate prosecution of Ms. Sloan for potential violation(s) of Federal law.

It should also be noted that the September 20, 2010 letter from Ms. Sloan to your office contends that Ms. O'Donnell committed certain crimes. Specifically, Ms. Sloan alleged that Ms. O'Donnell "violated 2 U.S.C. § 439(a)(b) and § 437(g)(b)(1)(A)(ii)," and "knowingly and willfully...[committed a] violation of 18 U.S.C. § 1001." To the extent that the mails or interstate wire communications were involved with the filings made by CREW and Ms. Sloan, there also could be violations of the Federal Criminal Code provisions governing Mail Fraud and Wire Fraud, 18 U.S.C. §§ 1341 and 1343. The September, 2010 submission to your office purports to be made via facsimile transmission. Follow-up communications with your office may have been submitted by means of the U.S. Postal Service.

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United States Attorney
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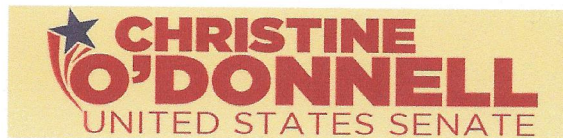
I look forward to receiving your reply.

Very truly yours,

A handwritten signature in cursive script that reads "Richard L. Abbott". The signature is written in dark ink and is positioned above the printed name.

Richard L. Abbott

RLA:cth
Enclosures
File No. 353.01



FOR IMMEDIATE RELEASE

DATE: July 16, 2011

CONTACT: Brian Jones

bookings@blackrockgrp.com / 703-535-3390

CREW Complaint Against Christine O'Donnell Dismissed by Delaware U.S. Attorney

"I write to inform you that [the U.S. Attorney's Office] has closed its review and does not intend to pursue criminal charges...."

- Charles M. Oberly, III, United States Attorney (July 15, 2011)

"The justice system should not be used as a political weapon, and we're going to keep fighting back."

-Christine O'Donnell via Twitter (July 15, 2011)

Wilmington, DE - The United States Attorney for Delaware, Charles Oberly, III, late yesterday notified attorneys for Christine O'Donnell and Friends of Christine O'Donnell that his office has dismissed the complaint filed against them by Melanie Sloan and Citizens for Responsibility & Ethics in Washington ("CREW") last September.

"We are, of course, very pleased that the US Attorney's office has finally seen through the bogus CREW complaint and concluded it is without merit, because there were *never* any facts to support their allegations," said Christine O'Donnell. "CREW interjected itself into the campaign within hours of my winning the Delaware GOP primary, even though CREW had no actual basis for its complaint. Even more troubling is that CREW, as a 501(c)(3) organization, is prohibited by law from intervening in political campaigns - but they more than intervened in the campaign, doing everything they could possibly do to sabotage my election."

Cleta Mitchell, attorney for the O'Donnell campaign said Friday, "the CREW complaint was nothing more than yet another partisan hit job by Melanie Sloan, an ultra-liberal Democratic operative and former Biden staffer posing as a nonpartisan activist. This is not the first time a citizen has been unfairly maligned by CREW and Melanie Sloan, always to great press fanfare when the attacks are launched. However, my clients have *always* prevailed against CREW's attacks because CREW consistently and continually files false allegations. It is high time we put a stop to these unlawful, politically motivated CREW schemes that waste countless hundreds of thousands of taxpayer dollars being reviewed by federal authorities, only to ultimately be dismissed."

"We are absolutely confident the FEC complaint will also be dismissed because there are no facts to support any of CREW's allegations against Christine or the campaign," Mitchell added.

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Paid for by Friends of Christine O'Donnell



U.S. Department of Justice

*United States Attorney's Office
District of Delaware*

1007 Orange Street, Suite 700
P.O. Box 2046
Wilmington, Delaware 19899-2046

(302) 573-6277
FAX (302) 573-6220

July 15, 2011

Via Facsimile and U.S. Mail

Cleta Mitchell, Esq.
Foley & Lardner, LLP
3000 K Street, N.W.
Suite 600
Washington, DC 20007

Re: **Christine O'Donnell**

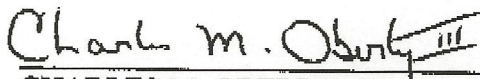
Dear Ms. Mitchell:

In or about September 2010, this office received a referral from Citizens for Responsibility and Ethics in Washington ("CREW") alleging certain criminal campaign finance violations committed by Ms. O'Donnell. As you are aware, this office has been reviewing these allegations, which principally involve the claim that Ms. O'Donnell illegally converted campaign funds to her personal use and made corresponding false statements on forms filed with the Federal Election Commission.

I write to inform you that this office has closed its review and does not intend to pursue criminal charges at this time. It is my understanding that the CREW complaint was also filed with the FEC, and we intend to refer this matter to that agency.

If you have any questions, please contact Assistant United States Attorney Keith M. Rosen, the Chief of our Criminal Division.

Very truly yours,


CHARLES M. OBERLY, III
United States Attorney

Breaking Exclusive: Crew Director uses own Father to levy FEC charges against Christine O'Donnell- Tea Party News

O'Donnell attacker, Melanie Sloan, uses her own father to file trumped up charges with FEC

The Freedomist has been investigating the charges levied against Tea Party champion Christine O'Donnell by the partisan group, CREW (Citizens for Responsibility and Ethics in Washington- which targets conservative leaders), led by former Biden staffer Attorney Melanie Sloan. In the course of that investigation, The Freedomist has learned that the group, CREW, filed a charge on behalf of a Leonard S. Togman. (see the official charges here from a PDF posted on the crew site): <http://www.citizensforethics.org/crew-calls-for-odonnell-criminal-investigation>

FEDERAL ELECTION COMMISSION In the matter of: Christine O'Donnell ...

"Complainant *Leonard S. Togman* is a citizen of the United States, a registered voter, and a resident of the State of Delaware. As a registered voter, ..."

While Mr. Togman may be a Delaware voter, what has been omitted from Melanie Sloan's statements on this case, from the official complaint filed by the FEC, and the official statements made by CREW, is that Leonard Togman is Melanie Sloan's father. Not only is Leonard Togman the father of Melanie Sloan, like Melanie Sloan herself, he also happens to be a heavy Biden supporter.

This story is about much more than Tea Party challenger Christine O'Donnell, this is about the tactics being used by progressives to assault our Tea Party and Conservative Leaders over and over again with personal assaults, using accusations, false charges, and a myriad of Alinsky-like tactics to undermine the person, since they cannot stand in front of the American people and tell them to vote for their kind of candidate, ones who are beholden to big government, big unions, and political class elitism. This is why we call on our Freedomist readers to help us get this story out about Melanie Sloan and her Father, political class elitists using our own government to attempt to destroy any Freedom-loving leader that dares stand in the way of their big government agenda. **How can you help?** You can link this site onto your own site. You can tweet this story out. But more importantly, you can do this:

Here is more information about this emerging controversy now surrounding the accuser herself, Melanie Sloan:

- 1) Melanie Sloan's father is Leonard S. Togman, a retired attorney from Potter Anderson & Corroon LLP.^[3]
- 2) CREW's Complaint against Christine O'Donnell is based upon — LEONARD S. TOGMAN (her father) — for "standing" of a Delaware voter.
- 3) Leonard S. Togman's campaign donations are almost exclusively donations to **JOE BIDEN** and Thomas Carper.

The Complaint against Christine O'Donnell is officially/formally brought on behalf of a Delaware voter **LEONARD S. TOGMAN**.

This same Leonard S. Togman has made 16 donations to Biden in the last decade, totaling \$9,975, and 8 donations to Democratic Senator Tom Carper, whom everyone expects Christine O'Donnell to run against for the US Senate in 2012, totaling \$4,500

67.7% of all of the Togman's political donations have been to JOE BIDEN

30.5% of all of the Togman's political donations have been to TOM CARPER, possible future opponent for Christine O'Donnell in 2012.

Melanie Sloan is using her father, a Biden-Carp supporter (as she is) as the COMPLAINTANT in the FEC Complaint.

Here is the link to the pdf file that lists Leonard S. Togman as the official complainant in the charges trumped up by his daughter, Melanie Sloan: http://crew.3cdn.net/bc0bf09cc6b884f9f0_vdm6b4gix.pdf

<http://www.nytimes.com/2007/09/23/fashion/weddings/23sloan.html?ref=weddings> - Here is an article which references

Melanie Sloan being "... the daughter of Barbara and Leonard S. Togman of Wilmington, Del."

Here are the Togman's official campaign contribution records:

**Individual Contributions Arranged By Type, Giver, Then Recipient
Contributions to Political Committees**

TOGMAN, LEONARD S
WILMINGTON, DE 19803

CARPER, THOMAS R
VIA CARPER FOR SENATE

04/05/2000	1000.00	<u>20020202632</u>
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TOGMAN, LEONARD S
WILMINGTON, DE 19803
POTTER ANDERSON & CORROON

BIDEN, JOSEPH R JR
VIA CITIZENS FOR BIDEN

05/25/1999	500.00	<u>99020061587</u>
11/13/2001	500.00	<u>22020021813</u>
10/13/2003	500.00	<u>24020091956</u>
06/16/2004	250.00	<u>24020472437</u>
06/13/2005	250.00	<u>25020331549</u>
06/13/2005	975.00	<u>25020331550</u>

TOGMAN, LEONARD S
WILMINGTON, DE 19803
POTTER ANDERSON & CORROON/ATTORNE

BIDEN, JOSEPH R JR
VIA CITIZENS FOR BIDEN

04/19/2006	250.00	<u>26020522713</u>
06/08/2006	1000.00	<u>26020522713</u>
07/10/2008	250.00	<u>29020120922</u>

TOGMAN, LEONARD S
WILMINGTON, DE 19803
POTTER, ANDERSON & CORROON/ATTORN

CARPER, THOMAS R
VIA CARPER FOR SENATE

10/18/2005	300.00	<u>26020052735</u>
07/31/2006	300.00	<u>26020632639</u>
05/22/2007	400.00	<u>27020212941</u>

TOGMAN, LEONARD S
WILMINGTON, DE 19803
POTTER, ANDERSON, & CORROSON, LLP

CARPER, THOMAS R
VIA CARPER FOR SENATE

04/18/2008	400.00	<u>28020323058</u>
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TOGMAN, LEONARD S
WILMINGTON, DE 19803
WILMINGTON FAMILY OFFICE/CONSULTA

CARPER, THOMAS R
VIA CARPER FOR SENATE

04/02/2009	400.00	<u>29020234359</u>
06/29/2010	400.00	<u>10020444479</u>

TOGMAN, LEONARD S.
WILMINGTON, DE 19803
POTTER, ANDERSON & CORROON LLP/AT

CARNEY, JOHN CHARLES JR
VIA JOHN CARNEY FOR CONGRESS
12/01/2009 250.00 [10930304261](#)

TOGMAN, LEONARD S.
WILMINGTON, DE 19899
POTTER ANDERSON CORROON LLP/PARTN

BIDEN, JOSEPH R JR
VIA BIDEN FOR PRESIDENT, INC.
03/20/2007 1000.00 [27930576984](#)

Total Contributions: 8925.00

**Individual Contributions Arranged By Type, Giver, Then Recipient
Contributions to Political Committees**

TOGMAN, BARBARA
WILMINGTON, DE 19803
DELAWARE SCHOOL DISTRICT

BIDEN, JOSEPH R JR
VIA CITIZENS FOR BIDEN
05/25/1999 500.00 [99020061587](#)

TOGMAN, BARBARA
WILMINGTON, DE 19803
HOMEMAKER

BIDEN, JOSEPH R JR
VIA CITIZENS FOR BIDEN
11/13/2001 500.00 [22020021813](#)
10/13/2003 500.00 [24020091956](#)

BIDEN, JOSEPH R JR
VIA BIDEN FOR PRESIDENT, INC.
06/01/2006 1000.00 [27930577591](#)

TOGMAN, BARBARA
WILMINGTON, DE 19803
HOMEMAKER/HOMEMAKER

BIDEN, JOSEPH R JR
VIA CITIZENS FOR BIDEN
06/01/2006 1000.00 [26020522713](#)

BIDEN, JOSEPH R JR
VIA BIDEN FOR PRESIDENT, INC.
03/20/2007 1000.00 [27930576984](#)

TOGMAN, BARBARA A
WILMINGTON, DE 19803
SALES

CARPER, THOMAS R
VIA CARPER FOR SENATE
10/30/2000 250.00 [20020422707](#)

Total Contributions: 4750.00