

CONGRESSIONAL
INTEGRITY 
PROJECT

March 22, 2023

VIA MAIL AND EMAIL

Hon. Kimberly Henderson Baird
Commonwealth's Attorney
Fayette Commonwealth's Attorney's Office
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Re: Criminal Investigation into Representative James Comer

Dear Attorney Baird:

New information has come to light pertaining to now-Representative James Comer's involvement in unlawfully obtaining and/or receiving stolen emails from a computer server belonging to the law firm of Hurt, Deckard, & May PLLC (formerly Hurt, Crosbie, & May PLLC). No one should be above the law, and information revealed yesterday in an article published in the *New York Times* provides strong reason to believe that Representative Comer committed at least one, and perhaps multiple, felony offenses during his failed attempt to secure the Republican nomination for governor in 2015. At the very least, this new information deserves a formal and thorough investigation by your office.

The emails that Representative Comer now appears to acknowledge he unlawfully obtained or received were widely reported on during the 2015 gubernatorial primary, in which Comer sought the Republican nomination. During that campaign the emails were leaked to the Herald-Leader. *See, e.g.,* Sam Youngman, *Exclusive: Heiner apologizes to Comer over campaign's communication with controversial blogger*, Lexington Herald-Leader (April 29, 2015), available at <https://www.kentucky.com/news/politics-government/article44596779.html>. Until yesterday's article, the identities of the person or people behind the leak were unknown. However, as reported in that article, in talking to the *New York Times*' reporter, Representative Comer confirmed "for the first time, that he had been behind the leak and strongly hinted he had gotten them from the server." Jonathan Swan, *Juke Broadwater, Comer, Republicans' Investigative Chief, Embraces Role of Biden Antagonist*, NY Times (Mar. 21, 2023), available at <https://www.nytimes.com/2023/03/21/us/politics/james-comer-republican-oversight-biden.html>. Perhaps recognizing that he had all but admitted to illegal conduct, Representative Comer then

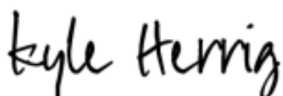
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appeared to carefully avoid providing any specific information about how the emails came to him, stating cryptically that, “It ended up in my lap, I’ll put it like that.” *Id.*

It is a felony offense to unlawfully access any “computer software, computer program, data, computer, computer system, computer network, or any part thereof.” KRS 434.845. Misuse of computer information is also a felony. KRS 434.855. There is more than sufficient evidence to initiate a criminal investigation into Representative Comer’s involvement in obtaining or receiving emails that appear to have been unlawfully obtained from a computer server owned by a Lexington law firm. At the very least, it now appears that Representative Comer has admitted that he knowingly received—and then used, distributed, and leaked for his own political gain—emails that he knew to be unlawfully obtained, in violation of KRS 434.855. That Representative Comer waited eight years to admit his involvement is no barrier to investigation and—should the investigation confirm what now appears to be true from his own public statements—ultimately, prosecution. As you are aware, there is no statute of limitations for a felony prosecution in Kentucky. KRS 500.050.

Public officials should not be permitted to flout the law without consequence. Representative Comer’s conduct deserves a thorough investigation, and this office should send a clear message that public figures will be held to answer for their actions. I urge you to open a formal investigation into Representative Comer’s involvement in obtaining and distributing the leaked emails, and to take swift action as prescribed by law.

Sincerely,



Kyle Herrig
Executive Director, Congressional Integrity Project