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104TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
104–876

# IN THE MATTER OF REPRESENTATIVE BARBARA-ROSE COLLINS

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# REPORT

OF THE

## COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT HOUSE OF REPRESENTATIVES

JANUARY 2, 1997.—Referred to the House Calendar and ordered to be printed

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Mrs. JOHNSON, from the Committee on Standards of Official Conduct, submitted the following

# REPORT

## I. INTRODUCTION

The Committee on Standards of Official Conduct ("Committee") submits this report pursuant to House Rule X, Clause 4(e)(2), which authorizes the Committee to investigate any alleged violation, by a Member, officer, or employee of the House, of the Code of Official Conduct or of any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee.

In the summer and fall of 1995, newspapers in Detroit and Washington, D.C. published allegations by former House employees that Representative Barbara-Rose Collins had misused official House resources, campaign funds, and the resources of a scholarship fund bearing her name. Those allegations, made by former staff from Representative Collins' district congressional office in Detroit, included charges that:

Congressional staff routinely were instructed to perform campaign-related tasks in the congressional office and/or at times when they should have been performing their official duties, such as collecting and depositing campaign contribution checks, issuing campaign checks, and maintaining campaign financial records;

Congressional staff were required to perform personal services for Representative Collins at times when they should have been performing their official duties;

Representative Collins misused official resources by, among other things, routinely purchasing postage stamps with official

funds and using those stamps for personal and campaign purposes; and

Representative Collins used money from her campaign treasury and from a community scholarship fund for personal purposes.

On September 20, 1995, the Committee authorized staff to interview former employees of Representative Collins' district office to verify the published allegations. In early October 1995, two Committee staff attorneys traveled to Detroit and interviewed two former employees of Representative Collins' district office, who corroborated the information reported in the press.

On October 24, 1995, the Committee notified Representative Collins that it was seeking to determine whether these allegations merited further inquiry, and invited her to provide a written response to the allegations.[1] Representative Collins responded in letters dated November 22, 1995, and December 1, 1995, in which she denied the allegations.[2]

On December 5, 1995, the Committee voted to initiate a Preliminary Inquiry regarding allegations that Representative Collins misused official, campaign, and scholarship fund resources.[3] Subsequently, an Investigative Subcommittee ("Subcommittee") was established consisting of Representatives Jim Bunning, Robert Borski, David Hobson, and Thomas Sawyer. The Committee notified Representative Collins of the adoption of the Resolution of Preliminary Inquiry and the establishment of the Subcommittee, as required by Committee rules.

## II. Conduct of the Investigation

The Subcommittee employed the full range of investigative techniques during the investigation. It obtained sworn testimony in Executive Session from former and current members of Representative Collins' congressional staff. The Subcommittee also obtained a sworn affidavit from an official associated with Comerica Bank regarding the purchase of a cashier's check from that bank. In some instances, Committee staff conducted informal interviews, sometimes by telephone.

The Subcommittee also obtained relevant documents and records by written requests for voluntary compliance and by the issuance of subpoenas. Documents obtained by the Subcommittee included bank records concerning Representative Collins' personal bank account, campaign account, and a scholarship and community service fund bearing Representative Collins' name; filings with the Federal Election Commission by Representative Collins' campaign organization, "Friends of Barbara-Rose Collins"; corporate and other records relating to the scholarship and community service fund; and records from the House Office of Finance concerning official expenditures by Representative Collins' congressional office and authorizations for staff salary increases.

In conducting its investigation, the Subcommittee was concerned about the possibility of interfering with an ongoing criminal inves-

[1] App. A.
[2] App. B.
[3] App. C.

tigation by the Department of Justice ("Department") relating to Representative Collins. In February 1996, the Subcommittee notified the Department by letter that it had initiated an investigation of Representative Collins, specifying the allegations under review.[4] In March 1996, the Subcommittee sent a second letter to the Department.[5] In those letters, the Subcommittee advised the Department that it had issued subpoenas to several persons who might be of interest to the grand jury in the government's investigation, and asked if the Department had any objection to the Subcommittee's proceeding with its investigation of Representative Collins. The Department did not respond to the Subcommittee's letters, and at no time did the Department subsequently request that the Committee suspend or limit its investigation.

The existence of a parallel criminal investigation impeded the Subcommittee's access to information from certain witnesses. In response to subpoenas for their testimony, certain material witnesses asserted their right under the Fifth Amendment to the U.S. Constitution to avoid testifying before the Subcommittee.

Representative Collins filed two motions with the Subcommittee during the early stages of the investigation. In letters dated January 26, 1996, and February 7, 1996, Representative Collins, through her counsel, requested a stay of the Subcommittee's investigation pending the outcome of the criminal investigation by the Department.[6] On February 28, 1996, the Subcommittee notified counsel for Representative Collins that it was denying the request for a stay.[7] The Subcommittee also denied a subsequent motion for reconsideration of its denial of a stay.[8]

On March 21, 1996, Representative Collins filed a motion to quash a documentary subpoena issued by the Committee on February 28, 1996.[9] The Subcommittee denied that motion on March 22, 1996.[10]

On June 27, 1996, counsel for Representative Collins requested exculpatory information obtained by the Subcommittee pursuant to Committee Rule 21.[11] On July 25, 1996, the Subcommittee provided a letter to Representative Collins containing certain exculpatory information.[12] The Subcommittee received a second request for exculpatory information on August 6, 1996.[13] Based on further evidence obtained by the Subcommittee, the Subcommittee provided additional exculpatory information to Representative Collins on September 12, 1996.[14]

The Subcommittee twice invited Representative Collins to submit information by testimony or in writing regarding the allegations under investigation. On July 25, 1996, the Subcommittee transmitted a letter to Representative Collins pursuant to Committee Rule 17(a)(3), in which the Subcommittee provided Representative Col-

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[4] App. D.
[5] App. E.
[6] App. F.
[7] App. G.
[8] App. H.
[9] App. I.
[10] App. J.
[11] App K.
[12] App L.
[13] App. M.
[14] App. N

lins with extensive information that it had obtained, and afforded her an opportunity to submit a statement, orally or in writing, regarding the allegations and any other relevant questions arising out of the investigation.[15] On August 26, 1996, counsel for Representative Collins declined in writing to provide any information under Committee Rule 17(a)(3).[16] In addition, counsel asked the Subcommittee to declare its investigation moot because of Representative Collins' primary election defeat on August 6, 1996. The Subcommittee denied counsel's request.

On September 12, 1996, the Subcommittee voted to adopt a Statement of Alleged Violation against Representative Collins, consisting of eleven counts of alleged violations of law and House rules.[17] Consistent with Committee Rule 17(d), members of the Subcommittee stressed that the Statement of Alleged Violation manifested only a "reason to believe" that Representative Collins committed violations within the jurisdiction of the Committee, rather than a finding of guilt.

On September 17, 1996, the Subcommittee transmitted the Statement of Alleged Violation to Representative Collins, and advised her of her right, under Committee Rule 18, to submit an answer in writing and under oath.[18] On October 2, 1996, Representative Collins filed a motion for a bill of particulars, in which she sought additional information regarding various counts of the Statement of Alleged Violation.[19] The Subcommittee granted her motion in part on October 7, 1996.[20]

On October 24, 1996, Representative Collins, through her counsel, formally declined to file an answer to the Statement of Alleged Violation.[21] Pursuant to Committee Rule 18(a), the Investigative Subcommittee regarded Representative Collins' failure to submit an answer as a denial of each count in the Statement of Alleged Violation.

On October 25, 1996, the Chairman and Ranking Member of the Investigative Subcommittee transmitted the Statement of Alleged Violation to the Chairman and Ranking Minority Member of the Committee pursuant to Committee Rule 18(g).[22] In doing so, the Investigative Subcommittee recommended that no adjudicative subcommittee be established, and that no further action be taken in this matter. The Subcommittee based its recommendation on the fact that Representative Collins had lost her primary election in August 1996, and that the Committee therefore would lose its jurisdiction over her on January 3, 1997, before an adjudicative proceeding could be completed. The Committee subsequently approved the Subcommittee's recommendation.

## III. Relevant Standards of Conduct and Laws

At all times relevant to the violations hereafter alleged, the pertinent provisions of House Rules and laws stated as follows:

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[15] App. O.
[16] App. P.
[17] App. Q.
[18] App. R
[19] App. S.
[20] App. T
[21] App. U.
[22] App. V.

A. HOUSE RULE XLIII, CLAUSE 1 (CODE OF OFFICIAL CONDUCT)

"A Member, officer or employee of the House of Representatives shall conduct himself at all times in a manner which shall reflect creditably on the House of Representatives."

B. HOUSE RULE XLIII, CLAUSE 6 (CODE OF OFFICIAL CONDUCT)

"A Member of the House of Representatives shall keep his campaign funds separate from his personal funds. A Member shall convert no campaign funds to personal use in excess of reimbursement for legitimate and verifiable campaign expenditures and shall expend no funds from his campaign account not attributable to bona fide campaign or political purposes."

C. HOUSE RULE XLIII, CLAUSE 8 (CODE OF OFFICIAL CONDUCT)

"A Member or officer of the House of Representatives shall retain no one under his payroll authority who does not perform official duties commensurate with the compensation received in the offices of the employing authority."

D. HOUSE RULE XLV

"No Member may maintain or have maintained for his use an unofficial office account." According to the Committee's interpretation of Rule 45, "outside private donations, funds, campaign contributions, or in-kind services may not be used to support the activities of, or pay the expenses of, a congressional office."[23] Private funds may be used "only to support private or political, and not official, activities."[24]

E. 31 U.S.C. § 1301(a)

"Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law."

F. COMMITTEE ON HOUSE ADMINISTRATION, "CONGRESSIONAL HANDBOOK," REGULATIONS FOR ALLOWANCES AND EXPENSES OF MEMBERS, COMMITTEES AND EMPLOYEES (JUNE 1993)

Salary adjustments of an employee of a Member "should reflect services performed during the particular pay period or may reflect exceptional performance during the course of an allowance year. Increases should be made only when the services of the individual(s) warrant." (Page 7)

"Each Member is authorized an Official Expenses Allowance to pay ordinary and necessary business expenses incurred by the Member (and/or the Member's employees) . . . in support of the conduct of the Member's official and representational duties to the district from which he/she was elected. . . . This allowance may not be used to defray any personal, political or campaign related expenses . . . or expenses related to the conduct of other than official and representational business." (Page 23)

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[23] Committee on Standards of Official Conduct, *House Ethics Manual*, 102d Cong., 2d Sess. 217 (1992) (hereafter *House Ethics Manual*).

[24] *Id.* at 218; *see also id.* at 221.

"Each Member and his/her clerk-hire employees may be reimbursed for travel expenses incurred in support of the conduct of the Member's official and representational duties to the district from which the Member was elected." (Page 36)

"Travel expenses incurred by someone other than the Member or his/her employees are not payable from the Official Expenses Allowance." (Page 36)

"Travel expenses incurred in support of the conduct of personal, political, or campaign-related business . . . or in support of the conduct of other than official and representational business are not payable from the Official Expenses Allowance." (Page 36)

G. COMMITTEE ON HOUSE OVERSIGHT, "MEMBERS' CONGRESSIONAL HANDBOOK," REGULATIONS GOVERNING THE MEMBERS' REPRESENTATIONAL ALLOWANCE OF THE U.S. HOUSE OF REPRESENTATIVES (1995)

"All Members have one 'Members' Representational Allowance' (MRA) available to support the conduct of official and representational duties to the district from which elected. . . . The MRA may *not* be used to pay for any personal, political, campaign, or committee expenses." (Page 1) (Emphasis in original)

"Members may adjust, in any month, a Clerk Hire employee's salary to reflect exceptional, meritorious, or less than satisfactory service." (Page 9)

"Travel expenses incurred by someone other than Members or their Clerk Hire employees are *not* reimbursable from the MRA." (Page 46) (Emphasis in original)

H. REGULATIONS REGARDING SOLICITATION PROMULGATED BY COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The *House Ethics Manual* states that "Members, officers, and employees of the House *may* solicit funds on behalf of charitable organizations qualified under § 170(c) of the Internal Revenue Code, provided that no official resources are used, no official endorsement is implied, and no direct personal benefit results.

No solicitation may bear official letterhead, the Great Seal, or the terms 'Congress of the United States,' 'House of Representatives,' or 'official business.' . . . Questions regarding solicitations on behalf of entities that are not charities qualified under §170(c) should be addressed to the Committee."[25] That guidance is based on an October 9, 1990, memorandum from the Committee on Standards of Official Conduct to all Members, officers, and employees of the House of Representatives. In addition to the guidance discussed above, that memorandum states: "The Committee will address on a case-by-case basis the extent to which a Member, officer, or employee may personally control the distribution of funds from a charity for which he or she solicits funds."[26]

## IV. RESULTS OF INVESTIGATION

This section of the report presents detailed information received by the Subcommittee during its investigation of Representative

[25] *House Ethics Manual, supra*, at 51 (emphasis in original).
[26] *Id* at 65

Collins in the context of the individual counts comprising the Statement of Alleged Violation. The section does not reflect the totality of information received by the Subcommittee during its investigation.

The Committee has placed primary emphasis on explaining the evidentiary basis for the Statement of Alleged Violation. Where appropriate, the Committee also has cited testimony or other evidence that is contrary to the evidence relied on by the Subcommittee in adopting a particular count, and evidence that could be viewed as exculpatory.

A. COUNT I (IMPROPER CAMPAIGN ACTIVITY BY HOUSE EMPLOYEES)

The Subcommittee obtained credible evidence that employees of Representative Collins' congressional offices in Washington, D.C. and Detroit provided extensive assistance to her campaign organization in contravention of law and House rules, and that such assistance occurred with the knowledge and approval of Representative Collins. The campaign-related activities in which congressional staff were improperly involved ranged from day-to-day management of campaign finance operations to the organization of campaign events, including fund-raising events.

*1. Management of campaign finance operations*

The Subcommittee received credible testimonial evidence that campaign contribution checks routinely were brought into Representative Collins' congressional office in Detroit.[27] Sometimes, senior staff from the Washington, D.C. office, such as Meredith Cooper, who served as Staff Director of the Subcommittee on Postal Operations and Services and Chief of Staff to Representative Collins in 1994 and 1995, brought checks to the Detroit office if they were visiting the district, and gave the checks to district office staff.[28] More often, an employee in the Washington congressional office (often Meredith Cooper) mailed campaign contributions checks received in Washington to a post office box in Detroit maintained by Representative Collins' campaign committee.[29]

Joyce Smith, who served as office manager in the Detroit congressional office from approximately May 1994 to February 1995, testified that either she or another office employee, Milton Harris, retrieved mail each morning from the campaign's post office box, including campaign contribution checks.[30] Ms. Smith's testimony was corroborated by Edith Lee Payne, who served as liaison for community relations in the Detroit office from March to August 1994.[31] Ms. Payne testified that Milton Harris regularly retrieved campaign contribution checks and other mail from the campaign's post office box and brought them to the congressional office.[32]

Milton Harris acknowledged that he retrieved mail from a post office box and brought it to the congressional office, although he testified he was unaware that the box was maintained by Rep-

[27] Deposition of Joyce Smith, Apr. 17, 1996, at 18 (hereafter "Smith Dep.").
[28] Deposition of Edith Lee Payne, March 29, 1996, at 11 (hereafter "Payne Dep.")
[29] Payne Dep. at 10–11; Smith Dep. at 20.
[30] Smith Dep. at 20.
[31] Payne Dep. at 4.
[32] *Id.* at 10.

resentative Collins' campaign.[33] He also testified that he opened mail from the post office box that contained checks.[34]

After the district office received campaign contribution checks, district office staff routinely performed various tasks in the congressional office concerning the checks at times when they should have been performing official duties.[35] Edith Lee Payne testified that it was her responsibility to "log" incoming checks, list them on a bank deposit slip, copy them, and deposit them into the campaign's account at a bank in Detroit.[36] According to Ms. Payne, she was also responsible for copying the bank deposit receipt and forwarding that receipt and copies of contribution checks to Meredith Cooper in Washington, D.C.[37]

Ms. Payne testified that Representative Collins personally gave her instructions on how to make the deposits and what follow-up actions to take.[38] She also testified that she performed the above-described tasks (with the exception of the deposit itself) in the congressional office using office equipment, and that she was not instructed to do otherwise.[39]

Ms. Payne's testimony was corroborated in detail by Joyce Smith, who testified that she performed the same tasks regarding campaign contributions as those described above by Ms. Payne.[40] Ms. Smith also advised the Subcommittee that District Director Jerry Springs sometimes personally transmitted campaign contribution checks to her at the congressional office and instructed her to process them.[41] In addition, Ms. Smith advised the Subcommittee that she sometimes told Mr. Springs during normal business hours that she was leaving the congressional office to make a deposit on behalf of the campaign, and that Mr. Springs did not ask her to take leave for the time she was out of the office.[42]

Ms. Payne's version was partially corroborated by Priscilla Waters, who worked as Executive Administrator in the district office from August 1993 to approximately April 1994. Ms. Waters advised Committee staff that she performed campaign bookkeeping chores in the congressional office, but that she usually performed such activities after business hours and on weekends.[43] Ms. Waters' account was corroborated by a March 10, 1994, campaign check made payable to her in the amount of $16.63 for a "log—campaign finance," co-signed by Representative Collins and her daughter, campaign treasurer Cynthia Simpson.

Testimony by district congressional staff regarding the deposit of campaign contribution checks also was corroborated by a document captioned "Job Duties," which Ms. Smith provided to the Subcommittee. That document, which Ms. Smith received from Ms. Payne,[44] consists of a typed list of job responsibilities, including duties expressly characterized as "[c]ampaign-related." The "deposit of

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[33] Deposition of Milton Harris, May 1, 1996, at 10–11 (hereafter "Harris Dep.").
[34] *Id.* at 12–13.
[35] Payne Dep. at 7; Smith Dep. at 13.
[36] Payne Dep. at 9–10, 19–20.
[37] *Id.* at 10, 20.
[38] *Id.* at 20.
[39] *Id.* at 11.
[40] Smith Dep. at 18.
[41] Committee Counsel interview with Joyce Smith, July 18, 1996 (hereafter "Smith Int. I").
[42] *Id.*
[43] Committee Counsel interview with Priscilla Waters, July 12, 1996 (hereafter "Waters Int.").
[44] Smith Dep. at 12

checks" is the first item specified in the list of campaign-related duties.

Congressional staff also paid the campaign's bills. Bank documents show that Joyce Smith was authorized to sign checks drawn on the account of Friends of Barbara-Rose Collins.[45] Ms. Smith testified that she routinely wrote campaign checks in the congressional office in payment of the campaign's utility bills and other expenses.[46] She also testified that she reconciled the campaign bank account in the congressional office and mailed checks to payees.[47]

The Subcommittee obtained credible evidence that the issuance of campaign checks by congressional staff from the congressional office, during official business hours, occurred with the knowledge and approval of Representative Collins. First, the evidence indicates that Representative Collins personally exercised oversight over the expenditure of funds from her campaign's bank account. According to Valerie Nicholas and Gloria Dorsey, former staff in the Washington, D.C. congressional office, Representative Collins kept a campaign checkbook in the desk of her private office in Washington.[48] Representative Collins was among several authorized signers of campaign checks,[49] and copies of canceled campaign checks obtained from Comerica Bank in Detroit indicate that she signed numerous checks drawn on the campaign's account.

Under the terms of the campaign's account at Comerica Bank, two signatures were required to issue a campaign check.[50] After Joyce Smith began writing campaign checks in Detroit, the Washington congressional office sometimes sent checks to the Detroit office that Representative Collins had pre-signed for a second signature by Ms. Smith.[51] According to Ms. Smith, the Washington office also sometimes sent blank campaign checks for her to sign and send back to the Washington office, usually by Federal Express shipments charged to the account of the congressional office.[52] In some instances, Representative Collins personally telephoned Ms. Smith and asked her to sign blank campaign checks and return them by Federal Express to the Washington office.[53]

Joyce Smith testified that Representative Collins sometimes personally directed her to sign campaign checks at times when she otherwise would have been performing official duties.[54] At other times, Meredith Cooper or District Director Jerry Springs (Ms. Smith's immediate supervisor) so instructed her.[55] In addition, Ms. Smith advised the Subcommittee that Representative Collins personally made it clear to her that she was responsible for performing bookkeeping functions for the campaign account.[56] At no time, according to Ms. Smith, did Representative Collins indicate to her

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[45] Smith Dep. at 17.
[46] *Id.* at 13.
[47] *Id.* at 11–12, 16.
[48] Deposition of Valerie Nicholas, March 29, 1996, at 32–33, 51 (hereafter "Nicholas Dep."); Deposition of Gloria Dorsey, Apr. 16, 1996, at 16 (hereafter "Dorsey Dep.").
[49] Smith Dep. at 17–18.
[50] Smith Dep. at 17–18
[51] Smith Dep. at 17; Smith Int. I.
[52] Smith Int. I.
[53] *Id.*
[54] Smith Dep. at 13, 15–16.
[55] *Id.* at 13.
[56] Smith Int. I.

that she should take leave to perform such duties or perform them on her own time.[57]

District Director Jerry Springs provided testimony at odds with the testimony of Joyce Smith and Edith Lee Payne. Initially, Mr. Springs denied any knowledge of campaign contributions coming into the congressional office.[58] Subsequently, he testified that checks came into the congressional office "on occasion," but said that the district office either returned those checks to the sender with a request to send them to the campaign office, or forwarded them immediately to the campaign treasurer.[59] Mr. Springs denied any knowledge that district office staff performed campaign bookkeeping tasks in the congressional office[60] or mailed campaign contribution checks to the Washington congressional office.[61] He also denied instructing staff to make disbursements on behalf of the campaign.[62]

Mr. Springs' testimony also was inconsistent with a document that he himself created.[63] That document consists of a memorandum on Representative Collins' official stationery dated January 24, 1995, from "Jerry Springs, District Director" to "Joyce Smith, Office Manager," regarding "Preliminary Performance Assessment."[64] Mr. Springs produced two versions of the memorandum, each bearing the date of January 24, 1995.[65] The first version of the memorandum began as follows:

> This memorandum serves notice that your performance has been under review and deemed unsatisfactory at this stage of your tenure.
>
> Several recent incidences have ocurred [sic] under your direct involvement that created confusion and/or a negative reflection of the Congresswoman. Specifically, those incidences were as follows:
>
> > A. Mishandling of the Friend's account that resulted in incomplete transaction entries and balances of the account: there was absolutely no follow-up on what was started on December 23, 1995 and no communications with the Congresswoman as to when *the assignment* would be completed. [Emphasis added.] As of today, those transactions are still incomplete.
> >
> > B. Improper documentation and mailing of a $2,500.00 check.

The memorandum proceeded to criticize Ms. Smith for also allegedly committing scheduling errors and taking unapproved leave from the office. Mr. Springs concluded the memorandum by stating:

> As a result of the above recent incidences, I am placing your appointment on a 60 day probationary status. This will give you ample time to demonstrate a willingness and a commitment *to fulfill your duties as an appointee to the 15th Congres-*

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[57] *Id.*
[58] Deposition of Jerry Springs, May 1, 1996, at 23–25 (hereafter "Springs Dep. I").
[59] Deposition of Jerry Springs, Aug. 1, 1996, at 101 (hereafter "Springs Dep. II").
[60] Springs Dep. I at 26–27; Springs Dep. II at 102–03.
[61] Springs Dep. I at 28; Springs Dep. II at 105.
[62] Springs Dep. I at 46; Springs Dep. II at 106.
[63] Springs Dep. II at 119.
[64] *Id.*
[65] *Id.* at 125.

*sional district office.* [Emphasis added.] I am more than willing to work with you in any and all areas needing improvement.

Mr. Springs subsequently revised the memorandum. In the second version, he deleted Paragraph B, which referred to the "[i]mproper documentation and mailing of a $2,500.00 check." Mr. Springs claimed that the document's references to errors in the performance of campaign tasks by Ms. Smith related to "volunteer" work that she was performing for the campaign,[66] and he denied that Ms. Smith was expected to perform those tasks as part of her congressional duties.[67] He explained that he deleted mention of the $2,500.00 check because he had concluded it was inappropriate to cite the handling of that check in an official performance assessment.[68]

*2. Organization of campaign events*

The Subcommittee obtained credible evidence that congressional staff helped to organize and prepare for campaign-related events in violation of House rules. Edith Lee Payne and Joyce Smith testified that they devoted substantial time in the Detroit congressional office to coordinating mass mailings consisting of fund-raising solicitations, at times when they otherwise would have been performing official duties.[69] In one case concerning a fund-raising event held at Halloween, Ms. Smith and other district office staff prepared a campaign mailing to approximately 2,300 persons using office equipment and other official resources.[70] According to Ms. Smith, the campaign letterhead used for that mailing consisted of stationery that had been created on the district office computer.[71] Ms. Smith also recalled that Jerry Springs instructed office staff to assemble the mailing, and that he personally participated in the project.[72]

In another example, several district office staff were instructed to report to the new campaign headquarters of Representative Collins during normal business hours to prepare for a picnic.[73] Ms. Payne and Ms. Smith testified that male staff were required to paint the facility, install ceiling fans, and cut the grass, while female staff were required to prepare food.[74] Ms. Payne recalled that these instructions came from District Office Director Jerry Springs,[75] while Ms. Smith testified her instructions came from Meredith Cooper.[76]

In a third example, Representative Collins and Meredith Cooper directed the Washington office manager, Valerie Nicholas, to accompany Ms. Cooper to Detroit to staff a fund-raising event in mid-1994.[77] Ms. Nicholas testified that she and members of the district office staff distributed identification to invitees when they arrived

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[66] Springs Dep. II at 113, 124.
[67] *Id.* at 114–15, 122–24.
[68] *Id.* at 127.
[69] Smith Dep. at 6–7; Payne Dep at 18.
[70] Smith Dep. at 6, 11.
[71] *Id.* at 7, 11.
[72] *Id.* at 7.
[73] Payne Dep. at 23–24.
[74] Payne Dep. at 23; Smith Dep. at 5.
[75] Payne Dep. at 24.
[76] Smith Dep. at 5.
[77] Nicholas Dep. at 82–83.

and performed other administrative functions.[78] Ms. Nicholas also recalled being directed to coordinate and staff other fund-raising events in Washington, D.C. during normal business hours.[79]

B. COUNT II (USE OF OFFICIAL FUNDS FOR CAMPAIGN PURPOSES)

The Subcommittee obtained credible evidence that the office of Representative Collins used funds of the House of Representatives for campaign-related purposes in 1995. The record indicates that on or about April 4, 1995, District Director Jerry Springs traveled from Detroit to Washington. A hotel bill from the Best Western Skyline Hotel in Washington, D.C. shows that Mr. Springs and one other person (later learned to be Korey Hall, another employee of the Detroit district office[80]) checked into the hotel on the night of April 4, 1995, and incurred $200.61 in charges. A monthly statement for Representative Collins' government American Express card, dated April 26, 1995, shows that the government card was used on April 6, 1995, to pay the hotel bill, and Representative Collins' office submitted a voucher to the House of Representatives, dated April 3, 1995, seeking reimbursement of $200.61 for Mr. Springs' stay at the hotel for "official business."

The Subcommittee obtained credible evidence that Representative Collins signed and approved that voucher. The signature "Barbara-Rose Collins" appears at the bottom of the voucher in the space designated for the Member's signature, and that signature corresponds to the signature appearing on checks drawn on Representative Collins' personal bank account. In addition, two members of her staff who were responsible for preparing vouchers testified that Representative Collins personally signed vouchers.[81] Jerry Springs testified that he recognized the signature on the voucher regarding his April 1995 trip to Washington as the signature of Representative Collins.[82]

The Subcommittee obtained evidence that Mr. Springs' visit to Washington in April 1995 coincided with a fund-raising event in Washington held on behalf of Representative Collins' campaign. On the night of April 5, 1995, Friends of Barbara-Rose Collins sponsored an event at a Washington, D.C. hotel described on the invitation as the "4th Annual Straight From the Soul Food Feast honoring Congresswoman Barbara-Rose Collins." The invitation indicated that campaign contributions were solicited in connection with the event.

Mr. Springs acknowledged that he attended the event and that the event was a fundraiser,[83] but he testified that he did not know the event was campaign-related until his arrival at the event.[84] He also said that his principal reason for coming to Washington was to meet with Meredith Cooper to provide an update on activities in the district office, including casework matters.[85]

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[78] *Id.* at 83.
[79] *Id.* at 86.
[80] Springs Dep II at 85–86.
[81] Nicholas Dep. at 6; Dorsey Dep. at 6–7.
[82] Springs Dep. II at 94.
[83] *Id.* at 79–82.
[84] *Id.* at 80–81.
[85] *Id.* at 82–83, 96–97.

The Subcommittee determined that the record as a whole supports a finding that Mr. Springs came to Washington primarily to attend the campaign event on April 5, 1996. Mr. Springs' hotel bill indicates that he checked into the hotel at 6:47 p.m. on April 4, 1996, and checked out at 7:16 a.m. on April 6. Thus, the only full day that he spent in Washington was April 5, the day of the campaign event, and he left early in the morning after the event. In addition, as discussed above regarding Count I, the Subcommittee obtained substantial evidence that Mr. Springs was involved in campaign-related activities.

The Subcommittee also obtained evidence of additional misuse of official funds in connection with the above-referenced campaign event held in Washington on April 5, 1995. In that regard, the Subcommittee investigated published allegations that Representative Collins' office submitted a fraudulent voucher to the House of Representatives in connection with that campaign event.[86] Specifically, the Subcommittee investigated allegations that Leon Robinson, reportedly a personal friend of Representative Collins',[87] used an airline ticket purchased in the name of district office employee Milton Harris to travel from Detroit to Washington to attend the campaign event.

Evidence obtained by the Subcommittee corroborated the published allegations. Copies of a Northwest Airlines ticket and related purchase forms provided to the Subcommittee by the House Office of Finance indicate that the congressional office of Representative Collins, using the office's government American Express card, purchased a $436.00 round-trip airline ticket in the name of district office employee Milton Harris on or about April 5, 1995. The ticket indicates that Mr. Harris was scheduled to fly from Detroit to Washington on April 5, 1995—the day on which the fund-raising event was held in Washington—and return to Detroit on April 6. Correspondingly, the congressional office of Representative Collins submitted a voucher to the House of Representatives seeking reimbursement in the amount of $436.00 for round-trip air travel by Milton Harris from Detroit to Washington, D.C. during the period of April 5–6, 1995. The voucher, which appears to bear the true signature of Representative Collins, is dated May 22, 1995 (i.e., after the campaign event), and identified the purpose of Mr. Harris' travel as "official business."

Both Jerry Springs and Michael McQuerry, a former employee in Representative Collins' Washington office, confirmed that Leon Robinson attended the April 5, 1995, campaign event in Washington.[88] Mr. McQuerry, who was working in the Washington congressional office during the relevant time period, told Committee staff that Mr. Harris did not come to Washington for the April 5, 1995, campaign event.[89] Mr. McQuerry's recollection is corroborated by the fact that no voucher was submitted for lodging or other expenses for Mr. Harris, whereas the round-trip airline ticket pur-

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[86] Pekkanen, "Rep. B. Collins Used Congressional Credit Card to Fly Personal Friend from Detroit to D.C.," *The Hill*, Feb. 21, 1996, at 4.

[87] Committee Counsel interview with Michael McQuerry, Feb. 21, 1996 (hereafter "McQuerry Int. I").

[88] Springs Dep II at 99; McQuerry Int. I; Committee Counsel interview with Michael McQuerry, July 24, 1996 (hereafter "McQuerry Int. II").

[89] McQuerry Int. I; McQuerry Int. II.

chased in Mr. Harris' name indicated that he would be staying overnight in Washington on April 5.

The Subcommittee obtained credible information that Meredith Cooper knew the office was submitting a false voucher to the House Office of Finance regarding Mr. Harris' purported air travel to Washington. Mr. McQuerry advised Committee staff that another employee in the Washington office, Anthony Martin, told him during the vouchering process that Mr. Robinson had used the ticket purchased in Mr. Harris's name.[90] According to Mr. McQuerry, Mr. Martin advised him that Chief of Staff Meredith Cooper had instructed Mr. Martin to process a voucher regarding an airline ticket for Mr. Harris despite the fact that Mr. Robinson, rather than Mr. Harris, had used the ticket.[91] Mr. McQuerry also identified the signature "Barbara-Rose Collins" on the airline ticket purchase form as the handwriting of Meredith Cooper. Finally, testimony from former congressional staff indicates that Representative Collins shared a close personal and professional relationship with Meredith Cooper.[92] Ms. Cooper corroborated that description of the relationship to some extent by testifying that she had daily face-to-face contact with Representative Collins.[93]

Based on the foregoing, and particularly because Representative Collins apparently signed the vouchers in question, the Subcommittee found reason to believe that Representative Collins knew that official funds were used to pay for Mr. Springs' lodging to attend the campaign event in Washington, D.C. on April 5, 1995. The Subcommittee also found reason to believe that Representative Collins knew that official funds were used to pay for the travel of Leon Robinson to attend the same campaign event, and that Mr. Harris did not attend that event.

### C. COUNT III (PERFORMANCE OF PERSONAL SERVICES BY HOUSE EMPLOYEES)

The Subcommittee obtained substantial credible evidence that members of Representative Collins' congressional staff routinely performed personal services for Representative Collins at times when they should have been performing official duties, with the knowledge and approval of Representative Collins.

#### *1. Payment of personal bills*

Valerie Nicholas and Gloria Dorsey provided credible testimony that they paid Representative Collins' personal bills in the Washington congressional office at times when they otherwise would have been performing official duties.[94] Ms. Nicholas, who worked in Representative Collins' office from June 1994 until March 1995, testified that she inherited the bill-paying function from another district office employee in the summer of 1994 and paid at least ten bills each month.[95] She told the Subcommittee that some personal

[90] McQuerry Int. II.

[91] *Id.*

[92] Nicholas Dep at 7, 9, 34, 44; Dorsey Dep. at 57; Deposition of Miniard Culpepper, March 27, 1996, at 42 (hereafter "Culpepper Dep."); Committee Counsel interview with Lillian German, March 25, 1996 (hereafter "German Int.").

[93] Deposition of Meredith Cooper, June 25, 1996, at 6.

[94] Dorsey Dep. at 9–12, 52, 55–56; Nicholas Dep. at 6, 8–15.

[95] Nicholas Dep at 8, 12–13

bills were mailed to Representative Collins' home in Virginia, while others were mailed directly to the congressional office.[96] Ms. Nicholas testified that Representative Collins brought personal bills to the office that she had received at home and gave them directly to Ms. Nicholas.[97] To facilitate Ms. Nicholas' preparation of checks, Representative Collins provided Ms. Nicholas with her personal checkbook from the Wright Patman Federal Congressional Credit Union ("Credit Union") in Washington, D.C.[98] Ms. Nicholas wrote out the checks, gave them to Representative Collins to sign, and mailed them.[99] According to Ms. Nicholas, at no time did Representative Collins or Meredith Cooper discuss with her whether it was appropriate to pay the personal bills in the congressional office, or at times when she should be performing official duties.[100]

Ms. Nicholas' testimony was corroborated by Gloria Dorsey, who began working for Representative Collins in the Washington office in May 1995. Ms. Dorsey recalled that she began paying Representative Collins' personal bills in the fall of 1995 after she became the office manager, and that Meredith Cooper told her she would be responsible for that function.[101] According to Ms. Dorsey, she was never given the option of paying Representative Collins' personal bills on her own private time.[102]

Ms. Dorsey testified that she sometimes consulted Representative Collins directly if she was uncertain about whether to pay a given bill or the amount of money to remit.[103] She also testified that Representative Collins personally signed the checks she had prepared, sometimes in her presence.[104]

*2. Retrieval of personal mail*

Priscilla Waters, the former Executive Administrator in the Detroit congressional office, told Committee staff that she was in possession of the keys to Representative Collins' personal mailbox in Detroit.[105] She recalled that, at the request of Administrative Assistant Miniard Culpepper, she retrieved personal mail from Representative Collins' mailbox every few days.[106]

*3. Cleaning Representative Collins' home*

Valerie Nicholas testified that Representative Collins personally directed her to clean Representative Collins' home in the Washington area, and specified the particular housecleaning tasks that Ms. Nicholas should perform.[107] Representative Collins personally paid Ms. Nicholas $50.00 in cash to clean her home.[108]

Ms, Nicholas testified that she regularly went to Representative Collins' home and "would clean her bathrooms, her toilets, vacuum her floors, water her plants, wash her clothes, make up her bed,

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[96] *Id.* at 10.
[97] *Id.* at 9–10.
[98] *Id.* at 10.
[99] *Id.* at 10–11.
[100] *Id.* at 13–14.
[101] Dorsey Dep. at 9, 11.
[102] *Id.* at 56.
[103] *Id.* at 11, 13.
[104] *Id.* at 12.
[105] Waters Int.
[106] *Id.*
[107] Nicholas Dep. at 15–17.
[108] *Id.* at 18–19.

change her linen . . . [and] straighten her closets out."[109] Miniard Culpepper, a senior employee of the Washington office, testified that he sometimes brought cleaning supplies to Representative Collins' home and saw Ms. Nicholas in the midst of her cleaning duties.[110]

Ms. Nicholas told the Subcommittee that Representative Collins did not specify a particular time when Ms. Nicholas should clean her home.[111] She recalled, however, that she cleaned the home on weekdays when she otherwise would have been at the congressional office performing official duties, and that Representative Collins sometimes instructed her to leave the office to clean Representative Collins' home.[112] In contrast, Mr. Culpepper told the Subcommittee that on the occasions he saw Ms. Nicholas at Representative Collins' home, it was usually in the evening.[113]

Ms. Nicholas indicated that it took several hours to clean Representative Collins' home, and testified that on some occasions she did not return to the office after concluding her cleaning duties.[114] At no time did Representative Collins ask Ms. Nicholas to take leave for the time she was out of the office.[115]

*4. Liaison with vendors*

Priscilla Waters told Committee staff that she served as a point of contact with vendors or service-providers concerning Representative Collins' personal affairs in Detroit, including an interior decorator working on Representative Collins' residence.[116] Ms. Waters had received keys to Representative Collins' residence from either Representative Collins or Chief of Staff Miniard Culpepper, and she also went to Representative Collins' home to admit the interior decorator or persons making deliveries.[117]

Ms. Waters' account was corroborated by a typed document captioned "Job Duties," which the Subcommittee obtained from Joyce Smith. One category of duties listed on that document is characterized as "BRC Personal," and consists of "liason [sic] with vendors for her personal accounts, anything related to her apartment (maintenance of her keys)."

*5. Miscellaneous personal services*

The Subcommittee also obtained credible testimony that Representative Collins knowingly misused congressional staff in other ways. In one particularly vivid account, Valerie Nicholas testified that Meredith Cooper once directed her to curl Representative Collins' hair.[118] Ms. Nicholas recalled that this conversation occurred in Representative Collins' private congressional office and in her

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[109] *Id.* at 16.
[110] Culpepper Dep at 22–23.
[111] Nicholas Dep. at 17
[112] *Id.* at 18.
[113] Culpepper Dep. at 23.
[114] Nicholas Dep. at 18.
[115] *Id.*
[116] Waters Int.
[117] *Id.*
[118] Nicholas Dep. at 21–22.

presence.[119] She also recalled that Ms. Cooper threatened to fire her if she "burned" Representative Collins' hair.[120]

Ms. Nicholas also testified that, at Representative Collins' request, she made shopping trips on behalf of Representative Collins, such as visits to department stores, grocery stores, and furniture stores to pick up items for Representative Collins.[121] Ms. Nicholas advised the Subcommittee that she made these shopping expeditions "[d]uring work hours."[122]

D. COUNT IV (IMPROPER USE OF VOUCHERED POSTAGE STAMPS)

According to data compiled by the Clerk of the House, the office of Representative Collins purchased a total of approximately 7,900 first-class postage stamps with official funds during calendar years 1994 and 1995, at a total cost of approximately $2,380.00.[123] According to the Clerk's records, and to copies of corresponding vouchers, Representative Collins' office almost always made these purchases in amounts of 500 stamps. Based on testimonial evidence obtained by the Subcommittee, Representative Collins signed most of the vouchers submitted for the purchase of postage stamps.[124]

Valerie Nicholas testified that, at the direction of Meredith Cooper, she prepared vouchers each month to purchase 500 stamps.[125] As evidenced by the vouchers and by her own testimony, Ms. Nicholas often personally submitted these vouchers to the Office of Finance.[126] She retained 250 stamps from each purchase in the Washington congressional office, and mailed the remaining 250 stamps to the Detroit congressional office.[127]

Congressional staff in the Washington office who prepared payments for Representative Collins' personal bills routinely used postage stamps purchased with official funds to mail those bills.[128] Gloria Dorsey testified that Meredith Cooper directed her to use first-class postage stamps in the congressional office to pay Representative Collins' personal bills.[129] Although Ms. Dorsey was uncertain about the origin of some of the stamps she used to pay the personal bills, she acknowledged that she personally purchased 500 first-class postage stamps with vouchered funds on one occasion.[130] In addition, former office manager Valerie Nicholas testified that, to her knowledge, there were no postage stamps in the congressional office other than the stamps purchased with official funds.[131] Ms. Nicholas also testified that Representative Collins never gave her stamps to use to pay Representative Collins' personal bills, or gave her money to buy stamps for that purpose.[132]

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[119] *Id.* at 21.
[120] *Id.*
[121] *Id.* at 23–24.
[122] *Id.* at 24.
[123] The data was published in quarterly Reports of the Clerk of the House of Representatives for expenditures occurring in 1994 and 1995.
[124] Dorsey Dep. at 6–7.
[125] Nicholas Dep. at 12, 27; *see* Dorsey Dep. at 4–6.
[126] Nicholas Dep. at 53.
[127] *Id.* at 12, 27; *see* Smith Dep. at 8; Dorsey Dep. at 5.
[128] Nicholas Dep. at 11–12, 27; Dorsey Dep. at 13–14.
[129] Dorsey Dep. at 14.
[130] *Id.* at 4–5.
[131] Nicholas Dep. at 41.
[132] *Id.* at 55–56.

In addition to using vouchered stamps to pay Representative Collins' personal bills, congressional staff used them for other non-official purposes. Valerie Nicholas and Joyce Smith, who worked in the Detroit congressional office, each testified that they used vouchered stamps for mailings related to campaign fund-raising events.[133] Ms. Nicholas also advised the Subcommittee that, with the knowledge of Meredith Cooper, she used vouchered stamps to send a letter in 1994 soliciting contributions to the Collins Congressional Community Scholarship Committee in connection with the "Michigan Bash," a party sponsored by Representative Collins in connection with an annual conference held by the Congressional Black Caucus Foundation.[134]

E. COUNT V (USE OF OFFICIAL FUNDS FOR PERSONAL PURPOSES)

The Subcommittee obtained documentary evidence that the office of Representative Collins expended official funds to send items by overnight mail relating to Representative Collins' personal affairs. Vouchers obtained from the Office of Finance, supplemented by attached invoices, show that the congressional offices in Detroit and Washington used official funds to pay for Federal Express shipments of items on several occasions in 1994 and 1995 to Rose Reiter, a jewelry store in New York City. In addition, documents obtained from the Office of Finance indicate that Representative Collins' congressional office in Washington vouchered the cost of a Federal Express shipment in March 1994 to send something to Dwayne Porter in Detroit.

The Subcommittee's determination that such expenses were personal in nature was corroborated by checks drawn on Representative Collins' personal account at the Credit Union that were payable to Rose Reiter and Dwayne Porter. Priscilla Waters, who formerly worked in the Detroit district office, told Committee staff that she sometimes admitted an interior decorator by the name of Dwayne Porter into Representative Collins' apartment.[135]

Documents obtained by the Subcommittee indicate that the office of Representative Collins used Federal Express to remit payments or make deposits for personal items purchased by Representative Collins. For example, on approximately November 2, 1994, Representative Collins issued a check to "Rose Reiter Jewelry, Inc." in the amount of $2,000.00 for "Deposit." A Federal Express invoice indicates that the Detroit congressional office sent an item by Federal Express to Rose Reiter on November 3, 1994. On approximately November 21, 1994, Representative Collins issued a personal check to Rose Reiter Jewelry in the amount of $1,000.00. A Federal Express invoice indicates that on the same day, Valerie Nicholas sent an item by Federal Express from the Washington congressional office to Rose Reiter. In both cases, the congressional office subsequently vouchered the cost of the Federal Express shipment.

Similarly, Representative Collins issued a personal check in the amount of $300.00 to Dwayne Porter dated March 24, 1994, characterized on the check as "Deposit." A Federal Express invoice indi-

[133] *Id.* at 12, 27; Smith Dep. at 8.
[134] Nicholas Dep. at 40.
[135] Waters Int.

cates that on March 23, 1994, Representative Collins' congressional office in Washington sent something to Dwayne Porter in Detroit.

### F. COUNT VI (COMMINGLING AND CONVERSION OF CAMPAIGN RESOURCES)

*1. Checks issued by campaign committee*

Bank documents show that, on or about June 30, 1994, Representative Collins' campaign committee issued a check in the amount of $3,911.00 payable to "Barbara-Rose Collins," for the stated purpose of "Reimbursement." That check corresponds to a July 15, 1994, filing with the Federal Election Commission ("FEC") by Friends of Barbara-Rose Collins, which reported a disbursement on June 30, 1994, of $3,911.00 to Barbara-Rose Collins for "Reimbursement for Precinct Delegate Picnic Catering." Representative Collins subsequently endorsed that check, and records obtained from the Credit Union show that the amount of $3,911.00 was deposited into her personal checking account at the Credit Union on July 1, 1994.

Irregularities in the campaign's financial bookkeeping contributed to the Subcommittee's concern about this particular campaign disbursement. The check stub corresponding to the check issued to Representative Collins shows a payment of $3,911.00 to district office employee George Stanton, not Representative Collins, for "precinct delegate picnic catering."

Approximately one month later, a similar sequence of events occurred. On or about August 3, 1994, the Collins campaign issued a check in the amount of $2,900.00 payable to "Cash" for various "Fundraisers" and the "NAACP." That check bears the endorsement of "Barbara-Rose Collins," and records obtained from the Credit Union show that a check in the amount of $2,900.00 was deposited into Representative Collins' personal checking account at the Credit Union on August 5, 1994. The corresponding check stub simply repeats the information contained on the check itself, and the pertinent FEC filing states only that the disbursement was made to the "NAACP" (and no other recipients) for "fundraisers."

*2. Funds derived from campaign resources*

The Subcommittee obtained credible evidence that Representative Collins improperly converted campaign funds to personal use with respect to two cashier's checks.

*a. Cashier's check for $8,500.00*

Bank records indicate that on or about November 8, 1994, the Collins campaign issued a check in the amount of $8,500.00 to District Director Jerry Springs for "election day expenses." The check was co-signed by Representative Collins and Joyce Smith and was endorsed by Jerry Springs. According to documentary evidence and other information obtained from Comerica Bank in Detroit, Mr. Springs cashed the check on the same day, November 8.

Mr. Springs testified that he received a campaign check in the amount of $8,500.00 from campaign treasurer Cynthia Simpson,

and that he cashed the check.[136] According to Mr. Springs, he and Ms. Simpson used the cash proceeds to pay poll workers on the day of the general election, to provide transportation to the polls for constituents, and to purchase refreshments.[137] Mr. Springs also stated his belief that he and Ms. Simpson disbursed the entirety of the $8,500.00 in cash, and that the disbursements were made on November 8, 1994, the day of the election.[138]

Mr. Springs' testimony was inconsistent with other evidence obtained by the Subcommittee. Bank documents and sworn testimony by a knowledgeable bank official indicate that Mr. Springs purchased a cashier's check payable to Barbara-Rose Collins in the amount of $8,500.00 from Comerica Bank in Detroit on or about November 14, 1994, six days after the campaign check in the same amount was issued.[139] The record also indicates that Mr. Springs used cash to purchase that cashier's check.[140] On or about November 15, 1994—one day after the cashier's check was purchased—the same cashier's check purchased by Mr. Springs was deposited into Representative Collins' personal checking account at the Credit Union, according to Credit Union records and testimony by an official associated with Comerica Bank in Detroit, which issued the cashier's check.[141]

Mr. Springs denied any knowledge that proceeds from the $8,500.00 campaign check issued to him inured to the personal benefit of Representative Collins.[142] After being shown a copy of the cashier's check in question, he also denied any knowledge of any connection between the $8,500.00 cashier's check payable to Representative Collins and the $8,500.00 campaign disbursement that he received.[143]

Bank records reflect a difference between the serial number of the cashier's check and the serial numbers of the corresponding check purchase form and another related bank document. Specifically, the serial number printed on the cashier's check ends in "55–1," whereas the serial number handwritten on the check purchase form and the other bank document ends in "56–0."[144] After reviewing the bank records in question, a Comerica Bank official informed the Subcommittee that she had determined the discrepancy was apparently due to human error in recording the serial number, and that she was convinced the check purchase form signed by Mr. Springs was used to purchase the cashier's check in the amount of $8,500.00.[145]

Additionally, Committee staff were advised by Joyce Smith, who was working on election day in 1994, that Mr. Springs was in possession of envelopes at the district office on election day that contained cash to pay poll workers.[146] Ms. Smith told Committee staff that she distributed three or four envelopes to poll workers contain-

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[136] Springs Dep. I at 59–60; Springs Dep. II at 4–5, 7.
[137] Springs Dep. I at 60–61; Springs Dep. II at 5, 31.
[138] Springs Dep. I at 61–62.
[139] Affidavit of Nancy Asaro, Internal Services Dept., Comerica Inc. ¶¶ 8, 12, 14, 17, 22 (hereafter "Asaro Aff.").
[140] *Id.* ¶¶ 11–12, 14.
[141] *Id.* ¶¶ 15–21.
[142] Springs Dep. I at 146; Springs Dep. II at 29–30.
[143] Springs Dep. I at 64; Springs Dep. II at 8–9, 11.
[144] Asaro Aff. ¶¶ 15–16.
[145] *Id.* ¶¶ 17–21.
[146] Smith Int. I.

ing mostly amounts between $10.00 and $40.00, although she recalled that one or two envelopes contained $100.00.[147]

While Mr. Springs denied any connection between the campaign check and the cashier's check, and Ms. Smith corroborated Mr. Springs' testimony that cash payments were made to poll workers on election day in 1994, the Subcommittee nonetheless found reason to believe that Representative Collins converted $8,500.00 in campaign funds to her personal use. The Subcommittee based that finding on the identical amount of the two checks and the proximity in time between the campaign's disbursement of the check to Mr. Springs and the deposit of $8,500.00 into Representative Collins' personal account.

*b. Cashier's check for $2,400.00*

On or about March 6, 1995, the Collins campaign issued a check payable to "Comerica" in the amount of $2,400.00. That check was co-signed by Representative Collins and Joyce Smith, and was endorsed by Representative Collins. The check contains no annotation regarding its purpose, and the corresponding stub in the check register is blank. On the same day, Comerica Bank in Detroit issued a cashier's check payable to Barbara-Rose Collins in the amount of $2,400.00. On or about March 9, 1995, that cashier's check was deposited into Representative Collins' personal checking account at the Credit Union.

Filings with the FEC by the Collins campaign dated September 25, 1995, and January 8, 1996, reported a disbursement of $2,400.00 on March 6, 1995, to "E & H Printing Services" in Detroit for printing services concerning a fund-raising event. The campaign check register, however, does not reflect any campaign checks issued to E & H Printing on March 6, 1995. Neither campaign financial records nor records concerning Representative Collins' personal checking account at the Credit Union indicate that Representative Collins paid $2,400.00 to E & H Printing on behalf of the campaign, or that she subsequently sought or obtained reimbursement for such an expenditure.

*3. Purchase of personal appliances*

Documentary evidence and specific information from a credible source indicate that Representative Collins used campaign funds to purchase personal appliances in August 1995. A salesman at ABC Warehouse in Southfield, Michigan told Committee staff that Barbara-Rose Collins personally came to the store on or around August 7, 1995, and, by means of a check, purchased a freezer, electric clothes dryer, and oven.[148] According to the salesman, Representative Collins asked that the oven and dryer be delivered to her "cottage" at Shay Lake, Michigan. Subsequently, she personally telephoned the salesman and gave him the street address of her home at Shay Lake.[149]

The salesman advised Committee staff that he subsequently learned that Representative Collins' home at Shay Lake was out-

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[147] *Id.*

[148] Committee Counsel interviews with Darnell Castelow, ABC Warehouse, Inc., July 17, 1996, and Sept. 11, 1996.

[149] Committee Counsel interview with Darnell Castelow, July 17, 1996.

side of the delivery range of ABC Warehouse, and that he so advised an employee of Representative Collins' congressional office in Detroit by telephone.[150] That employee advised the salesman that someone from the congressional office would pick up the appliances and transport them to Representative Collins' home at Shay Lake.[151] Accordingly, the salesman revised the store invoice to indicate that the customer would pick up the appliances from the store. Subsequently, two men came to the ABC Warehouse location in Southfield to confirm arrangements to pick up the merchandise purchased by Representative Collins.[152] According to the salesman, one of the men signed a form and then departed with the other man in a truck, bound for the ABC Warehouse location in Pontiac where the merchandise was located.

Information obtained from the ABC Warehouse salesman was corroborated by campaign financial records and documents provided by ABC Warehouse. The Subcommittee obtained a campaign check dated August 7, 1995, in the amount of $913.72, payable to ABC Warehouse for "Appliances." That check was signed only by Barbara-Rose Collins, and endorsed by ABC Appliance, Inc. Correspondingly, a February 1, 1996, FEC filing by the Friends of Barbara-Rose Collins reported that on August 7, 1995, the campaign disbursed $913.72 to ABC Warehouse in Southfield, Michigan for "Freezer & Stove" for "appliances for Hdq."

The Subcommittee obtained a copy of the original invoice from ABC Warehouse dated August 7, 1995, indicating that the store received payment for a freezer, oven, and dryer by means of a check matching the serial number of the campaign check referenced above. The Subcommittee also obtained an amended ABC Warehouse invoice dated August 16, 1995, noting "Customer Picking Up ABC Pontiac" with respect to an oven and dryer, and bearing the signature "Jerry Springs."

Documents concerning the refund of a delivery charge by ABC Warehouse also indicate that the purchases were at least partially personal in nature. On or about September 1, 1995, ABC Warehouse issued a refund check in the amount of $42.40 in recognition of the fact that the purchaser had made arrangements after initially paying a delivery fee to pick up the merchandise. The check was payable to "Barbara Collins" and was mailed to 8120 East Jefferson, Apartment 2F, Detroit, Michigan, her personal residence. Representative Collins subsequently endorsed the check, and documents provided by ABC Warehouse indicate that the check cleared the bank on September 13, 1995.

Mr. Springs testified that he (rather than Representative Collins) tendered payment for the merchandise.[153] He denied that he picked up an oven, dryer, or any other appliance from ABC Warehouse on behalf of Representative Collins or her campaign organization.[154] In that regard, he testified that he did not know who picked up the appliances from ABC Warehouse, and had no knowledge that they

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[150] *Id.*

[151] *Id.*

[152] Committee Counsel interviews with Darnell Castelow, ABC Warehouse, Inc., July 17, 1996, and Sept. 11, 1996.

[153] Springs Dep II at 75–77.

[154] *Id.* at 73.

were subsequently transferred to Representative Collins' home at Shay Lake.[155]

Approximately two months after the original purchase of the appliances from ABC Warehouse, Representative Collins took steps to reimburse the campaign for the oven and dryer, at least partially. On or about October 3, 1995, Representative Collins issued a personal check in the amount of $345.00 payable to her campaign. According to ABC Warehouse, the total cost of the oven and dryer was $506.68, including a delivery charge of $42.40. Thus, the total cost without delivery was $464.28, approximately $119.00 more than the amount Representative Collins remitted to the campaign.

### G. COUNT VII (EXPENDITURE OF CAMPAIGN FUNDS NOT ATTRIBUTABLE TO BONA FIDE CAMPAIGN OR POLITICAL PURPOSES)

The Subcommittee found credible evidence of at least three instances where Representative Collins' campaign apparently expended funds for purposes not attributable to bona fide campaign or political purposes.

#### *1. Loan to house employee*

Joyce Smith, who formerly worked in the district office in Detroit, testified that she personally asked Representative Collins for a loan to pay her home electric bill in the fall of 1994.[156] According to Ms. Smith, Representative Collins subsequently caused a campaign check to be made available to her in the amount of $1,000.00, payable to Detroit Edison.[157] A copy of the check obtained by the Subcommittee states that the purpose of the payment was to "Reconnect 19713 Ridgemont St. Clair Shores." A campaign filing with the FEC dated January 8, 1996, lists a disbursement on October 26, 1994, to Detroit Edison in the amount of $1,000.00 to "[r]econnect 19731 Ridgemont constituents." Ms. Smith testified that the address on the check corresponded to her personal residence, and that she was not a constituent of Representative Collins at the time of the disbursement.[158]

Ms. Smith testified that when Representative Collins made the $1,000.00 in campaign funds available to her, Representative Collins stressed the need for Ms. Smith to pay back the loan in full to the campaign committee.[159] When Ms. Smith later approached Representative Collins to repay the loan, she asked Representative Collins if she should pay in cash or write a check to the campaign account.[160] According to Ms. Smith, Representative Collins instructed her to pay in cash, and she personally gave Representative Collins $500.00 in cash.[161] Ms. Smith advised the Subcommittee that she has no knowledge that Representative Collins transferred that cash to the campaign treasury.[162] Subsequently, Ms. Smith

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[155] *Id.* at 78.
[156] Smith Dep. at 31.
[157] *Id.*
[158] Smith Dep. at 31–32.
[159] *Id.* at 46.
[160] *Id.*
[161] *Id.* at 32, 46.
[162] *Id.* at 46–47.

personally gave Representative Collins an additional $500.00 in cash to pay off the balance of the loan.[163]

Ms. Smith testified that when she made the latter payment, Representative Collins said that she was planning to use those funds for spending money on an upcoming trip to Africa.[164]

*2. Expenditures relating to trip to Africa*

In early December 1994, Representative Collins traveled to Ghana with approximately twenty people, including several members of her congressional staff.[165] The congressional staff who accompanied Representative Collins included Valerie Nicholas, Joyce Smith, Jerry Springs, George Stanton, and Korey Hall.[166] Mr. Stanton's wife and two of Representative Collins' grandchildren also participated in the trip.[167]

Credible testimony and documentary evidence indicate that the trip to Africa did not serve a bona fide campaign or political purpose. Rather, the principal purpose and centerpiece event of the trip was the "crowning" of Representative Collins as the "Queen Mother" of a local community in Ghana on December 11, 1994.[168] Jerry Springs testified that he understood the purpose of the trip was to "foster relationships with the country of Ghana," and that "many of the events" during the trip "involved" Ghanaian dignitaries, such as a "tribal chief," President Jerry Rawlings, and cabinet ministers.[169] In that regard, a January 8, 1996, filing with the FEC by the Collins campaign reported $272.95 in campaign expenditures for "refreshments" for a "meeting with African leaders and business people to discuss econ devel & trade with Detroit." In contrast, Valerie Nicholas testified that she and Representative Collins were together during much of the trip, and that she was unaware of any meetings with Ghanaian government officials.[170] In any event, the record as a whole suggests that any meetings between Representative Collins and Ghanaian government officials were incidental to the trip, and that the trip was mostly personal in nature for Representative Collins and the members of her entourage.[171] George Stanton, for example, testified that "[i]t was a personal trip for me. I went purely for the enjoyment of going to Africa."[172]

The Subcommittee received credible documentary and testimonial evidence that the Collins campaign expended several thousand dollars in campaign funds in connection with the trip to Africa. For example, the Subcommittee obtained a campaign check issued on or about December 6, 1994, in the amount of $4,000.00, payable to Jerry Springs. The check itself contained only the annotation "for 1840–30096–4." A campaign filing with the FEC dated January 8, 1996, represented that the purpose of the disbursement

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[163] *Id.* at 32, 46.
[164] *Id.* at 47.
[165] Springs Dep. II at 37.
[166] Smith Dep. at 27; Deposition of George Stanton, May 22, 1996, at 16 (hereafter "Stanton Dep."); Nicholas Dep. at 66; Springs Dep. I at 68–70.
[167] Stanton Dep. at 31; Smith Dep. at 29.
[168] Nicholas Dep. at 70–71; Smith Dep. at 27; Springs Dep. I at 70–71; Stanton Dep. at 16.
[169] Springs Dep. II at 36; see also Stanton Dep. at 17–18.
[170] Nicholas Dep. at 69.
[171] Nicholas Dep. at 68–69; Stanton Dep. at 17.
[172] Stanton Dep. at 18.

concerned a "reception" for the "Panafest event," and the corresponding entry in the campaign check register indicated that the payment related to the "Panafest Reception." According to testimony by congressional staff who participated in the trip, the term "Panafest" refers to a music and cultural festival in Ghana held approximately every two years, which occurred during Representative Collins' trip to Africa.[173]

Mr. Springs endorsed the check and cashed it on December 7, 1994, prior to his departure for Africa.[174] According to Mr. Springs, he subsequently gave the entire $4,000.00 in cash proceeds to campaign treasurer Cynthia Simpson, Representative Collins' daughter.[175] Mr. Springs testified that he did not recall who directed him to give the cash proceeds to Ms. Simpson.[176]

Mr. Springs testified that he was unsure what Ms. Simpson did with the cash, and that he did not discuss with Representative Collins or anyone else how the funds would be used "because it didn't concern me."[177] Based upon an itinerary prepared before the trip, however, Mr. Springs told the Subcommittee that it was his understanding that Representative Collins would use the funds to pay for receptions, luncheons, and other events during the trip.[178] Mr. Springs testified that he did not receive any personal benefit from the cash proceeds of the check.[179] Joyce Smith, who co-signed the check with campaign treasurer Cynthia Simpson, recalled that Jerry Springs used a portion of the $4,000.00 in proceeds from the check to purchase gifts for Representative Collins to give to local dignitaries in Ghana, and that Representative Collins took the remainder of the funds with her on the trip.[180]

On or about January 20, 1995, the Collins campaign issued a check in the amount of $8,043.11, co-signed by Representative Collins and Joyce Smith and payable to American Express for the "Golden Tulip Hotel" and other expenses. Other information obtained by the Subcommittee, including an FEC filing by the campaign dated January 8, 1996, indicates that the Golden Tulip Hotel is an establishment in Accra, Ghana.

Finally, according to a separate FEC filing also dated January 8, 1996, the Collins campaign disbursed $1,673.00 to the "African Art Market [in] Accra, Ghana" on February 10, 1995, for "Art objects for offices" in "DC/District." Although the FEC filing represented that the disbursement was made in February 1995, the record suggests that the art purchases were made during Representative Collins' trip to Ghana in December 1994. The Subcommittee found no record of this disbursement in the campaign check register or in the campaign's monthly bank statements, suggesting that cash transactions may have occurred.

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[173] Nicholas Dep. at 71; Stanton Dep. at 16; Springs Dep. I at 77.
[174] Springs Dep. II at 34–35, 41.
[175] *Id.* at 35, 41.
[176] *Id.* at 42.
[177] *Id.* at 44, 46.
[178] *Id.* at 35, 43–44.
[179] *Id.* at 47, 50.
[180] Smith Dep. at 38.

*3. Personal cleaning services*

The Subcommittee obtained credible evidence that Representative Collins used campaign funds to pay for her personal residence in Detroit to be cleaned. Joyce Smith advised Committee staff that she used petty cash located in the district congressional office to pay a woman by the first name of "Mary" to clean Representative Collins' residence.[181] According to Ms. Smith, that petty cash consisted of funds from the campaign's bank account.[182] She advised Committee staff that she prepared and co-signed campaign checks payable to Jerry Springs for petty cash, and that Mr. Springs subsequently informed her that he had cashed such checks for petty cash and had placed the cash in his office desk.[183] Ms. Smith told Committee staff that she customarily went to Representative Collins' residence to pay the cleaning lady and lock up the residence after the cleaning lady had completed her work, and that she would advise Mr. Springs of what she had done.[184] Before leaving the district office, she would ask Mr. Springs for cash to pay the cleaning lady, and he would provide her with cash from the petty cash fund.[185] On some occasions, according to Ms. Smith, Mr. Springs personally went to Representative Collins' residence to pay the cleaning lady.[186]

Other evidence obtained by the Subcommittee confirms information provided by Joyce Smith. First, Jerry Springs acknowledged that the Collins campaign maintained a petty cash fund. He testified that most of the petty cash funds derived from the campaign account were kept in a secure location outside of the district congressional office, and that he brought only "a couple [of] hundred dollars" into the district office "just in case something came up."[187] He also testified that if someone needed money from the petty cash fund, he or she came directly to Mr. Springs.[188] Second, on or about February 9, 1995, the Collins campaign issued a check in the amount of $300.00 to "Mary Pointer" for "services rendered," co-signed by Representative Collins and Joyce Smith. An amended FEC filing dated January 8, 1996, characterized the purpose of the $300.00 disbursement as "maintenance campaign mtgs." Joyce Smith advised Committee staff, however, that congressional staff in the district office were responsible for cleaning the campaign facility.[189]

## H. COUNT VIII (MISUSE OF SCHOLARSHIP FUNDS)

In connection with allegations that Representative Collins misused resources of a scholarship fund bearing her name, the Subcommittee sought information about the purpose and activities of that fund. The Subcommittee learned that on or about December 17, 1992, an organization by the name of the "Collins Congres-

[181] Smith Int I; Committee Counsel interview with Joyce Smith, Dec. 9, 1996 (hereafter "Smith Int. II").
[182] Smith Int. II.
[183] *Id.*
[184] Smith Int. I; Smith Int. II.
[185] Smith Int. II.
[186] *Id.*
[187] Springs Dep. II at 52, 64–65.
[188] *Id.* at 62–63.
[189] Smith Int. II.

sional-Community Scholarship Committee" ("CCCSC") was incorporated in the District of Columbia as a private, non-profit corporation. Article Three of the Articles of Incorporation indicated that the organization would seek tax-exempt status. It stated that the corporation "is organized exclusively for charitable [purposes], including, for such purposes, the making of distribution to the organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code." Article Five stated that "[n]o part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set for in Article [Three] hereof."

The articles of incorporation identified Barbara-Rose Collins as the registered agent of the CCCSC, listing her address as 301 G Street, S.W., Apt. 620, Washington, D.C. 20004. Representative Collins also was among the initial directors of the corporation, which included her daughter Cynthia Simpson and one other person.

On approximately December 22, 1992, the CCCSC applied to the Internal Revenue Service ("IRS") for tax-exempt status under Section 501(c)(3) of the Internal Revenue Code.

The record indicates that Representative Collins signed the application as "President" of the CCCSC. In its application for exempt status, the CCCSC provided information regarding its proposed activities and operations. The organization indicated that it planned to distribute food baskets during the Christmas season in Detroit and Washington, D.C. The CCCSC stated that the food distribution would "be initiated from the Detroit area by the Collins Congressional Community-Scholarship Committee to needy families provided by church and community organizations." In addition, the CCCSC indicated that it would award annual scholarships to persons in the Detroit area. It stated in the application that "[s]cholarships will be distributed annually, prior to the college fall semester of the college school year, to benefit students who meet a certain criteria set by the Committee. The activity will be initiated from the Detroit area by the Collins Congressional Community-Scholarship Committee."

The CCCSC stated in the application that its "sources of financial support" would be "Public Support, Fundraisers, Donations, and Direct Solicitation." It also stated that "[t]he organization's fundraising program will consist of Direct solicitation."

The IRS advised Committee staff that it could not locate in its files any "exemption letter" concerning the CCCSC, indicating that it had never granted exempt status to the organization under any subpart of Section 501(c) of the Internal Revenue Code. The Subcommittee also learned that the Department of Consumer and Regulatory Affairs of the District of Columbia revoked the CCCSC corporate charter in September 1994 for failing to file an annual report.

Bank records indicate that persons working on behalf of the CCCSC successfully raised several thousand dollars in contribu-

tions to the CCCSC, mostly from corporations in the Detroit area. On September 30, 1994, for example, the CCCSC checking account balance at Riggs Bank totaled $38,257.61.

Evidence obtained by the Subcommittee indicates that Representative Collins exercised direct personal control over CCCSC finances. Valerie Nicholas testified that Representative Collins maintained the CCCSC checkbook in her congressional office in Washington, D.C.[190] Ms. Nicholas' testimony is corroborated by records obtained from Riggs Bank in Washington, D.C., which indicate that Representative Collins routinely signed checks drawn on the CCCSC account. In addition, records from Riggs Bank indicate that on October 27, 1995, Representative Collins personally closed the CCCSC bank account.

Bank records and testimonial evidence indicate that CCCSC funds were expended at least partly for purposes consistent with the original corporate charter and the application for exempt status. Canceled checks, for example, indicate that in December 1993 and December 1994, Representative Collins caused CCCSC checks to be issued for several hundred dollars in purchases relating to the "Festival of Giving," such as the purchase of turkeys and fruit baskets.[191] In addition, canceled checks indicate that the CCCSC awarded a total of at least $7,500.00 in scholarship funds to at least twelve persons in 1994 and 1995.[192] District office employee George Stanton, who testified that he was extensively involved in CCCSC operations, told the Subcommittee that the purpose of the scholarship program was to "try and help needy students in the district with their college costs."[193]

At the same time, however, the record indicates that several thousand dollars in CCCSC funds were commingled with personal funds of Representative Collins and converted for personal use, as detailed below.

On or about May 3, 1994, Representative Collins signed a check drawn on the account of the CCCSC in the amount of $9,800.00, payable to "Cash" for Scholarships. The record indicates that Representative Collins endorsed that check and, on or about May 4, 1994, caused it to be deposited into her personal checking account at the Credit Union, raising the account balance to approximately $34,630.00. Approximately three weeks later, Representative Collins wrote $500.00 in checks for scholarship awards to five recipients, and in October 1994, she signed three additional scholarship checks totaling $3,000.00. In December 1994, Representative Collins signed another scholarship check in the amount of $500.00. All of those checks, however, were drawn on the CCCSC account, not on Representative Collins' personal account. The Subcommittee found no evidence that Representative Collins caused any of the CCCSC funds transferred to her personal account to be used for scholarship purposes or for the Festival of Giving.

On or about August 15, 1994, Representative Collins signed a check drawn on the CCCSC account in the amount of

[190] Nicholas Dep. at 51.
[191] *See* Smith Dep. at 30–31; Stanton Dep. at 57, 68.
[192] *See* Payne Dep. at 31–32.
[193] Stanton Dep. at 56.

$1,200.00, payable to "Kande Dean." The canceled check and other bank records indicate that Representative Collins personally endorsed the check and cashed it on the same day, August 15. The Subcommittee did not obtain any evidence indicating a relationship between this check and either scholarships or the Festival of Giving. The Subcommittee was unable to obtain any information about "Kande Dean," or about the actual use of the funds transferred to Representative Collins' personal account.

On or about October 24, 1994, Representative Collins signed a check drawn on the CCCSC account in the amount of $3,812.11, payable to American Express for "AC 3728–334–213–25001." According to other information obtained by the Subcommittee, the account number listed on the check corresponds to Representative Collins' personal American Express account. The Subcommittee did not receive any evidence indicating that Representative Collins used her American Express credit card on behalf of the CCCSC, or that she was obtaining legitimate reimbursement for such expenditures.

On or about November 9, 1994, Representative Collins signed a check drawn on the CCCSC account in the amount $8,000, payable to House employee Valerie Nicholas for the stated purpose of the "Festival of Giving." Ms. Nicholas testified that one evening, Representative Collins called Ms. Nicholas into her office, handed her a check that already had been written, and instructed Ms. Nicholas to cash it.[194] Ms. Nicholas further testified that Representative Collins directed her to cash the check the next morning and to bring the cash proceeds to her home in Virginia.[195] According to Ms. Nicholas, Representative Collins said nothing about why the check was payable to Ms. Nicholas, why she had not made the check payable to cash and cashed it herself, or why she wanted Ms. Nicholas to bring the cash proceeds to her at her home.[196] Nor did Representative Collins mention the Festival of Giving in connection with the check.[197] The next morning, November 10, Ms. Nicholas cashed the check at Riggs Bank in Washington, D.C. and brought the cash proceeds to Representative Collins at her home in Virginia.[198] Ms. Nicholas had no personal knowledge regarding the ultimate purpose of the cash proceeds, but she testified that she was required to help Representative Collins pack for a trip to India when she delivered the money to her at her home in Virginia.[199] In addition, the Subcommittee obtained documentary evidence that Representative Collins traveled to India in November 1994, and that she purchased merchandise in India valued at nearly $2,000.00.

The record indicates that Representative Collins used CCCSC funds to purchase home furnishings for her personal residence. On or about May 7, 1995, Representative Collins issued a check drawn on her personal account at the Credit

[194] Nicholas Dep. at 58.
[195] Id. at 59–61.
[196] Id. at 59–60.
[197] Id. at 62.
[198] Id. at 61.
[199] Id. at 61, 63.

Union in the amount of $5,000.00, payable to "Classic Consignments." The Subcommittee learned that "The Classic Consignment Company" (hereafter "Classic Consignment") is a business in Palm Desert, California specializing in the sale of luxury second-hand home furnishings and other merchandise.[200] On or about May 9, 1995, Representative Collins caused a check to be issued from the CCCSC bank account in the amount of $8,900.00, payable to "Comerica/Cash" for "Classic Consignments." She signed and endorsed the check. Bank records indicate that on the same day, she caused the check to be deposited into her personal account at Comerica Bank in Detroit.

A store invoice, supplemented by information from a co-owner who assisted Representative Collins, indicates that on May 13, 1995, Representative Collins purchased $4,440.00 in merchandise from Classic Consignment, including a Tiffany lamp valued at $1,000.00, a French crystal lamp valued at $2,250, and two chandeliers. According to the invoice and information from the store official, Representative Collins directed that the merchandise be shipped to her personal residence in Detroit at a cost of approximately $1,048.00, bringing the total amount of the purchase and shipping to approximately $5,646.00.[201] On or about July 1, 1995, Representative Collins issued a subsequent personal check to Classic Consignment in the amount of $645.81, designated "Final Payment."

The record indicates that Representative Collins subsequently reimbursed the CCCSC account for the $8,900.00 in CCCSC funds previously deposited to her personal account. On or about June 1, 1995, Representative Collins caused a check to be issued on her personal account at the Credit Union in the amount of $8,900.00, payable to the CCCSC. That check contains the handwritten annotation "Reimburse Ch#1081," corresponding to the serial number of the check drawn on the CCCSC account on May 9, 1995. On or about September 20, 1995—nearly three months later—Representative Collins' personal check in the amount of $8,900.00 was deposited into the CCCSC account at Riggs Bank in Washington, D.C.

On or about October 3, 1995, a check drawn on the account of the CCCSC was issued in the amount of $3,888.90, payable to American Express for "CBC Week Hotel Expenses & Misc. Hyatt Regency." Representative Collins signed the check.

Testimony from members of Representative Collins' congressional staff, supplemented by information from a former official with the Congressional Black Caucus Foundation ("Foundation"), indicates that the annotation on the above check relates to an annual conference in Washington, D.C. held by the Foundation.[202] According to Clinton Lawson, then the Executive Director of the Foundation, the conference consists of four days

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[200] Committee Counsel interview with Ed Mann, Classic Consignments, May 29, 1996 (hereafter "Mann Int.").

[201] Mann Int.

[202] Dorsey Dep. at 23; Nicholas Dep. at 37; Committee Counsel interview with Clinton Lawson, Executive Director, Congressional Black Caucus Foundation, Apr. 16, 1996 (hereafter "Lawson Int.").

of policy workshops, receptions, and fundraising events.[203] Several thousand African-Americans attend the conference, including elected officials and educators.[204]

According to congressional staff, it was Representative Collins' practice to sponsor an annual party during the Foundation's annual conference, known as the "Michigan Bash."[205] Valerie Nicholas testified that in 1994, Representative Collins used contributions to the CCCSC to fly in family members to Washington, D.C. and pay for their lodging at the Grand Hyatt Hotel.[206] The Subcommittee obtained no evidence indicating that the use of CCCSC funds to pay for hotel accommodations and other related expenses furthered the purposes of the CCCSC.

Bank documents indicate that on October 27, 1995, Representative Collins closed the CCCSC account at Riggs Bank. To close the account, Representative Collins caused a check drawn on the account to be issued in the amount of $12,367.91 (the balance in the account), made payable to "Riggs/Barbara-Rose Collins." Representative Collins signed and endorsed that check. Bank documents indicate that on the same day, Representative Collins cashed that check and used the cash proceeds to purchase a cashier's check in the amount of $6,853.91, payable to "Barbara R. Collins." Bank documents also indicate that Representative Collins endorsed that check and transferred it to another unidentified person, who also endorsed the check. Riggs Bank apparently did not pay the check until December 4, 1995. The Subcommittee was unable to determine the ultimate disposition of the check proceeds.

Representative Collins also used cash—apparently from the proceeds from the cashier's check in the amount of $12,367.91—to purchase two additional cashier's checks on October 27, 1995. One of those checks was made payable to "Operation Get Down" in the amount of $4,000.00. According to Ceceilia Walker, the deputy district director, "Operation Get Down" is an organization in Detroit that provides food, clothing, and mentoring to underprivileged and disadvantaged persons.[207]

Representative Collins endorsed the $4,000.00 check. Beneath her endorsement is the handwritten annotation, "Not Used For Purpose Intended." Bank records indicate that Riggs Bank did not pay that check until November 15, 1995. The Subcommittee was unable to obtain any information concerning the disposition of the proceeds from that check.

The other cashier's check purchased by Representative Collins on October 27, 1995, was in the amount of $1,500.00, payable to Lillian German, a staffer in Representative Collins' Washington congressional office. Ms. German advised Committee staff that she received a "certified" check from Riggs Bank in the amount of $1,500.00 from Royal Hart, the Deputy Chief

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[203] Lawson Int.
[204] *Id.*
[205] Nicholas Dep. at 37; Dorsey Dep. at 23; German Int.
[206] Nicholas Dep. at 46.
[207] Deposition of Ceceilia Walker, May 22, 1996, at 55–66 (hereafter "Walker Dep.").

of Staff in the Washington office.[208] According to Ms. German, she cashed the check at the Credit Union.[209] She then purchased a money order with some of the cash proceeds and used that money order to buy books on women's health that Representative Collins had asked her to obtain on behalf of "Men and Women of Destiny," a group of supporters in Detroit.[210] Ms. German told Committee staff that she returned the remainder of the cash proceeds from the cashier's check to Representative Collins, placing them on her office chair in an envelope.[211] The Subcommittee found no evidence that the expenditure of CCCSC funds for the purchase of books for "Men and Women of Destiny" constituted a use of CCCSC funds for Representative Collins' personal use. The Subcommittee was unable to determine the amount or disposition of the funds returned to Representative Collins by Ms. German.

I. COUNT IX (MAINTENANCE OF UNOFFICIAL ACCOUNT)

In addition to obtaining evidence regarding the disbursement of campaign funds for petty cash expenses represented as legitimate campaign expenditures, as discussed above, the Subcommittee learned that campaign funds also were used to capitalize a petty cash fund used at least partly for expenses relating to Representative Collins' district congressional office. Ceceilia Walker, then the deputy district director, testified that the need for petty cash relating to district office activities first arose in the fall of 1995, when she learned that she could not use official funds to purchase frames for certificates awarded to constituents in Detroit for outstanding community service or personal achievement.[212] At that time, Ms. Walker purchased frames totaling $13.78 with her personal funds and was reimbursed, consistent with House rules, by the Collins campaign.[213] According to Ms. Walker, the fact that funds were not more readily available to purchase the frames led to a discussion within the congressional office about the need for a source of funds for petty cash expenses relating to the office.[214]

Subsequently, in early October 1995, District Director Jerry Springs transmitted to Ms. Walker a sealed envelope from Representative Collins containing a check in the amount of $500.00, along with other documents from Representative Collins.[215] That check, dated October 6, 1995, was drawn on the campaign's account and was payable to Ms. Walker.[216] A handwritten annotation on the check indicated that the check was to be used for "petty cash," and Jerry Springs subsequently told Ms. Walker that she should use the proceeds from the check for petty cash purposes.[217]

Ms. Walker testified that she cashed the check and kept some of the cash proceeds in a file cabinet at the district congressional of-

[208] German Int.
[209] *Id.*
[210] *Id.*
[211] *Id.*
[212] Walker Dep. at 10–13, 28, 42.
[213] *Id.* at 11.
[214] *Id.* at 28.
[215] *Id.* at 23–26.
[216] Id. at 26.
[217] Id. at 26–27.

fice.[218] Although Ms. Walker did not recall whether she received specific instructions regarding how to use the funds—other than to use them for petty cash—she testified that she was "under the impression . . . from Mr. Springs and . . the Congresswoman that we could purchase . . . certain items . . . for office use or for meetings or whatever, provided that we kept very accurate records and receipts, and I did that."[219] While Ms. Walker understood that the funds were to be used for expenses related to the congressional office, she testified that Representative Collins did not tell her specifically that the funds should be used for the district office.[220] Rather, she recalled that Representative Collins "just said petty cash."[221] Ms. Walker added that at no time did either Representative Collins or Jerry Springs instruct her not to use the petty cash fund for expenses related to the district office.[222]

Ms. Walker maintained an organized record-keeping system regarding the petty cash fund. District office staff submitted receipts to her for reimbursement from the petty cash fund, which she kept in the office.[223] She also devised a ledger to log petty cash expenditures and reflect the balance of the petty cash fund.[224] The initial entry on that ledger reflects a balance of $500.00, corresponding to the campaign check that she received from Jerry Springs.[225]

Neither the ledger maintained by Ms. Walker nor attached receipts provide a basis for determining the precise purpose of petty cash expenses reimbursed from the fund capitalized by the $500.00 campaign check. In reviewing the ledger and receipts at her deposition, Ms. Walker identified several expenses that, in her judgment, were unrelated to the district office, such as the repair of a fax machine for $185.00.[226] She based her conclusion regarding the fax machine on the fact that the congressional office had a pre-existing maintenance contract for repairs to the office fax machine.[227] Ms. Walker recalled that the voucher for the repair of the fax machine had been submitted to her by Mr. Springs, who informed Ms. Walker that Representative Collins had approved the reimbursement from petty cash.[228]

Before the $500.00 in petty cash funds was depleted, Ms. Walker received another check drawn on the campaign's account in the amount of $1,000.00 to replenish the account.[229] Ms. Walker received the check directly from Representative Collins during a meeting with Representative Collins at her personal residence in Detroit.[230] She recalled that during the meeting, Representative Collins inquired about the status of the petty cash fund, and that she advised Representative Collins that the fund was almost depleted.[231] According to Ms. Walker, Representative Collins subse-

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[218] *Id.* at 29.
[219] *Id.* at 21, 28–29, 32.
[220] *Id.* at 43.
[221] *Id.*
[222] *Id.* at 49–50.
[223] *Id.* at 30–31.
[224] *Id.* at 31–33.
[225] *Id.* at 33–34.
[226] *Id.* at 34–35.
[227] *Id.*
[228] *Id.* at 35–36.
[229] *Id.* at 40–43.
[230] *Id.* at 40.
[231] *Id.*

quently gave her a $1,000.00 check drawn on the campaign account and told her to use it for petty cash.[232] Ms. Walker could not recall whether she discussed with Representative Collins whether funds from the $1,000.00 check could be used to purchase items for the district office, but she interpreted Representative Collins' reference to "petty cash" to mean that the funds would be used for the district office.[233]

Documents obtained by the Subcommittee corroborated Ms. Walker's testimony. The Subcommittee obtained a canceled campaign check in the amount of $1,000.00, dated October 30, 1995, and payable to Ceceilia Walker for "Petty Cash fund." The corresponding check stub represented that the payment was for "Petty Cash (misc. ofc. supplies)." The petty cash ledger created by Ms. Walker for the period of October 19–November 29, 1995, reflects an infusion of $1,000.00.[234] In addition, a FEC filing by the Collins campaign dated February 1, 1996, reported a disbursement on October 30, 1995, to Ceceilia Walker in the amount of $1,000.00 for "supplies."

Ms. Walker deposited the check into her personal bank account, later withdrawing cash for the petty cash fund.[235] Receipts and reimbursement vouchers associated with the subsequent use of the petty cash fund indicate that the fund was used at least partly for purposes related to the district office. Ms. Walker purchased several items (other than frames) related to certificate awards, such as cleaning supplies and ribbons totaling approximately $51.00.[236] The record also includes receipts and vouchers for purchases of labels totaling approximately $92.00, at least some of which were obtained for the district office's "legislative update mailing."[237]

The Subcommittee also obtained evidence that campaign funds were used to purchase furnishings for the congressional offices in Detroit and Washington. Ms. Walker testified that, at Representative Collins' express request, she used the petty cash fund to purchase a pedestal to display art in the district office, at a cost of approximately $108.00.[238] A February 1, 1996, campaign filing with the FEC reported that the campaign disbursed $500.00 to "Open Market" in New Delhi, India on January 2, 1995, for a "Floor Rug" for the "D.C. Office." According to a FEC filing by the Collins campaign date February 1, 1996, the campaign made separate disbursements of $200.00 and $70.00 to the "Senegal Art Market" in Senegal on May 16, 1995, for "art carvings" for the "D.C. Office" and "Det. office," respectively. The Subcommittee could not confirm whether African art purchased with campaign funds actually was placed in either congressional office, although Gloria Dorsey testified that African art was on display in Representative Collins' personal office in Washington.[239]

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[232] *Id.* at 41–42.
[233] *Id.* at 42–43.
[234] *Id.* at 46.
[235] *Id.* at 43–44.
[236] *Id.* at 46–47.
[237] *Id.* at 47–48.
[238] *Id.* at 50–51.
[239] Dorsey Dep. at 33–34.

## J. COUNT X (EMPLOYEE RAISES NOT COMMENSURATE WITH OFFICIAL DUTIES)

The Subcommittee obtained credible testimonial and documentary evidence that Representative Collins awarded raises to members of her congressional staff to enable them to participate in a December 1994 trip to Africa that apparently was personal in nature.[240] Valerie Nicholas testified that Representative Collins personally asked her if she wanted to accompany her to Africa.[241] According to Ms. Nicholas, she replied that "I would love to go but I don't have money to go."[242] Representative Collins told Ms. Nicholas that she would award a bonus to Ms. Nicholas to enable her to go on the trip.[243] According to Ms. Nicholas, Representative Collins said that she could not pay for all of Ms. Nicholas's travel expenses, but would pay for half of them.[244] At no time did Representative Collins indicate to Ms. Nicholas that her bonus was in recognition for the performance of her official duties.[245]

The linkage between Ms. Nicholas's salary increase and the trip to Africa was further evidenced by a subsequent exchange she had with Representative Collins regarding the possibility that she might not be able to participate in the trip. When Ms. Nicholas asked Representative Collins what would happen if she did not participate in the trip, Representative Collins replied that, in that event, "I want my money back."[246]

Joyce Smith testified that she also had a personal conversation with Representative Collins about traveling to Africa.[247] In addition to recalling that Representative Collins specifically linked a salary increase to the Africa trip, Ms. Smith recalled that Representative Collins advised her to change her withholding exemptions so that she could receive the maximum amount of money.[248] According to Ms. Smith, Representative Collins did not tell her that the salary increase was in any way related to the performance of her official duties.

When Representative Collins invited George Stanton to participate in the trip to Africa, he inquired if he would be receiving his usual year-end bonus.[249] According to Mr. Stanton, he advised Representative Collins that his ability to go on the trip would depend on the amount of his bonus.[250] Mr. Stanton testified that Representative Collins indicated to him that it was "more likely than not" that he would receive a bonus.[251] Mr. Stanton also had a follow-up conversation with Representative Collins to confirm that he would be receiving a bonus, as he was interested in bringing his wife with him on the trip.[252] According to Mr. Stanton, he and Representative Collins shared a mutual understanding that his travel

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[240] See discussion above.
[241] Nicholas Dep. at 65.
[242] *Id.* at 66.
[243] *Id.*
[244] *Id.*
[245] *Id.* at 67.
[246] *Id.*
[247] Smith Dep. at 27–29.
[248] *Id.* at 29.
[249] Stanton Dep. at 22.
[250] *Id.*
[251] *Id.* at 23.
[252] *Id.* at 23–24.

to Africa with his wife was contingent on the size of his bonus.[253] Mr. Stanton told the Subcommittee, however, that Representative Collins did not mention the Africa trip when she confirmed that he would receive a bonus, and that she said she was giving him a bonus because of his job performance during the year.[254]

Jerry Springs provided an account similar to that of Mr. Stanton. He testified that Representative Collins at no time told him that she would increase his salary to enable him to finance his travel to Africa.[255] According to Mr. Springs, Representative Collins recommended him for a bonus in late 1994 because of his performance.[256] Mr. Springs also testified that he did not discuss with other staff participating in the trip whether they received salary increases to enable them to pay for their travel, and that he had no knowledge of such increases.[257]

Information compiled by the Clerk of the House confirms not only that the congressional staff who traveled to Africa with Representative Collins received year-end salary increases, but that they were the only members of her staff to receive such increases.

Valerie Nicholas' annual salary increased from $30,000 in September 1994 to $85,000 in October 1994. Her annual salary was reduced to $35,000 in November 1994.

Joyce Smith's annual salary increased from $35,000 in October 1994 to $80,000 in November 1994. Her annual salary then diminished to $30,000.

Jerry Springs' annual salary changed from $36,000 in August 1994 to $80,000 in September 1994, remained at $80,000 in October 1994, then declined to $45,000.

George Stanton, who was earning an annual salary of $35,000 in August 1994, received an increase to $93,000 in September 1994. His salary remained at $93,000 in October 1994 before reverting to $35,000 in November 1994.

Korey Hall, who earned an annual salary of $26,000 in August 1994, received an increase to $70,000 in September 1994. His annual salary was reduced to $30,000 in October 1994.

The staff members benefiting from these temporary salary increases received real increases in income apparently substantial enough to finance their travel to Africa. Based on the last quarter of 1994 prior to any salary increase, the staff received the following total increases in income (rounded to the nearest dollar): George Stanton, $10,667; Valerie Nicholas, $5,417; Korey Hall, $6,000; Joyce Smith, $4,167; and Jerry Springs, $8,833.

The record indicates that Representative Collins personally was involved in implementing the salary increases. Valerie Nicholas testified that Representative Collins personally directed her to prepare forms for submission to the House Office of Finance to effect the salary increases.[258] Ms. Nicholas testified that she prepared the forms, and that Representative Collins signed them.[259]

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[253] *Id.* at 25–26.
[254] *Id.* at 25.
[255] Springs Dep. I at 76–77.
[256] *Id.* at 76.
[257] *Id.* at 80–81.
[258] *Id.* at 66–67.
[259] *Id.*

K. COUNT XI (IMPROPER SOLICITATION)

On or about August 3, 1994, the congressional office of Representative Collins sent letters to private corporations soliciting financial contributions to sponsor an event known as the "Michigan Bash," scheduled to be held in Washington, D.C. on September 16, 1994.[260] Based on the text of the letter and testimony from congressional staff familiar with the event, the Subcommittee determined that the "Michigan Bash" was a "gala reception" organized by Representative Collins during the "Legislative Weekend" sponsored by the Congressional Black Caucus Foundation in Washington, D.C. from September 13–17, 1994.[261]

The letter sought donations of "at least $2,000, to assist in defraying the cost of this year's reception. . . ." It directed recipients to make checks payable to the "Collins Congressional Community Service Committee" and to mail their donations to Representative Collins' congressional office in the Longworth House Office Building. According to Valerie Nicholas, Meredith Cooper drafted the letter, and Ms. Nicholas typed it.[262] Representative Collins signed the letter.[263]

The Subcommittee found reason to believe that the solicitation letter violated the rules governing solicitations by Members of the House. First, in light of the fact that the IRS did not grant exempt status to the CCCSC, the CCCSC apparently was not an organization qualified under Section 170(c) of the Internal Revenue Code. Second, Committee records contain no indication that Representative Collins or any member of her staff obtained the Committee's prior approval to disseminate the solicitation letter. Third, the stationery used for the solicitation improperly featured the words "Congress of the United States" and "House of Representatives, Washington, D.C. 20515," and it included in the top left margin the words "Barbara-Rose Collins" over "Fifteenth District" and "Michigan."

The Subcommittee also determined that the letter apparently misrepresented the disposition of donations for the Michigan Bash. The letter represented that checks would be "deposited directly into an account set up specifically for the reception." The Subcommittee found no evidence that a separate fund was established for the deposit of contribution checks. Rather, bank records and testimony by Valerie Nicholas indicate that contribution checks were deposited into the existing account of the CCCSC at Riggs Bank in Washington, D.C., an account over which Representative Collins exercised personal control.[264]

Bank records concerning deposits to the CCCSC account indicate that the office of Representative Collins received approximately $30,000.00 in donations for the Michigan Bash. The Subcommittee was unable to determine the actual cost of the event.

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[260] Nicholas Dep. at 34–35.
[261] Nicholas Dep. at 37; German Int.; Dorsey Dep. at 23.
[262] Nicholas Dep at 34.
[263] *Id.* at 38.
[264] *Id.* at 40.

# APPENDIX A

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
*Washington, DC, October 24, 1995.*

Hon. BARBARA-ROSE COLLINS,
*House of Representatives, Cannon House Office Building, Washington, DC.*

DEAR REPRESENTATIVE COLLINS: The Committee on Standards of Official Conduct has recently become aware of allegations regarding certain activities in your district and Washington congressional offices. These allegations concern the use of congressional resources (including office space, materials, personnel, and equipment) for the performance of campaign and personal activities. Additional allegations concern your use of campaign and scholarship funds. The allegations are described below.

The Committee is presently in the process of determining whether the allegations merit further inquiry. We invite you to provide a written response to any or all of the allegations, and to provide any additional information that you believe would be of assistance to the Committee. If you choose to provide a response, we request that you do so within 30 days of the date of this letter.

*Allegations*

The allegations were reported in: The Hill newspaper on August 9, August 16, September 6, and September 13, 1995; and the Detroit News & Free Press on August 19, and September 10, 1995.

The allegations consist of reports that:

a. former staffers, working in your district and Washington officers in 1994, claimed that they were routinely instructed to perform campaign related tasks. In the performance of the campaign activities, office equipment including Xerox machines and computers were used.

b. a former staffer claimed that during regular office hours she served as the contact person for fund-raisers, collected and deposited checks and logged them into office computers before sending copies to you, and that in the period of time near to a fund-raiser, 80% of her time could be spend on campaign or fund-raising activities while on the congressional payroll.

c. staffers in your district office were given a list detailing personal and campaign related tasks they were instructed to perform while on congressional time. The tasks that the staffers were instructed to perform included depositing checks for campaign contributions, preparation of donor lists, paying campaign bills, handling your personal accounts, and maintenance of your apartment keys.

d. a memorandum written on your congressional letterhead chastised a staffer for mishandling your campaign account by among other things, improperly documenting and mailing of a $2500 campaign contribution as part of his or her official duties.

e. former staffers claimed that you misused official resources by among other things, routinely purchasing stamps with official funds and using the stamps for personal and campaign mailings.

f. a staffer, among other campaign related chores, was required to pay campaign bills on official time.

g. in 1994, you used monies from your campaign and community scholarship fund for personal purposes.

h. a $1000 payment in campaign funds was listed on your federal Election Commission filing as having been paid to Detroit Edison, but Detroit Edison claims never to have received the payment.

If you would like to discuss any of these allegations, please contact either of us, or the Committee's Chief Counsel, Ted Van Der Meid.

Sincerely,

NANCY L. JOHNSON,
*Chairman.*
JIM MCDERMOTT,
*Ranking Democratic Member.*

## APPENDIX B

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HOUSE OF REPRESENTATIVES,
*Washington, DC, November 22, 1995.*

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
*House of Representatives, U.S. Capitol—Suite HT-2,*
*Washington, DC.*

DEAR COMMITTEE: I write in response to your letter dated October 24, 1995, which invited me to respond to any or all of certain press allegations against me that have appeared in the press. Please consider the following.

I do not instruct my staff to perform campaign activities by making use of official resources of any kind, equipment, stamps, time, or anything else. Moreover, I do not and would not condone such conduct by them. Anyone on my staff who chooses to participate in matters related to my campaign is to do so on his or her own time.

An allegation noted in your letter mentioned a "list detailing * * * personal and campaign related tasks." Neither I, nor anyone acting with my knowledge or under my authority, created any such list. I first heard of it from the press. The same is true of the memorandum chastising a staffer, described as having been written on my congressional letterhead.

The allegation that in 1994 I used monies from my campaign and community scholarship fund for "personal purposes" is simply not true. And, contrary to the allegation regarding Detroit Edison, on October 26, 1994, I wrote $1,000 dollar check to Detroit Edison. I have a copy of the returned check.

One thing the press has correctly reported is that in 1994, my office experienced significant turnover in personnel. Unfortunately, some of those who were let go bear me and my office ill will. I am sure this will be considered in evaluating the allegations and their sources.

Please contact me if I can provide anything further to assist you in this process.

Sincerely,

BARBARA-ROSE COLLINS.

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HOUSE OF REPRESENTATIVES,
*Washington, DC, December 1, 1995.*

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
*U.S. House of Representatives, U.S. Capitol—Suite HT-2,*
*Washington, DC.*

DEAR COMMITTEE: I write concerning the allegation in paragraph (d) of your letter of October 24, 1995 about a memorandum chastising a staffer for mishandling a campaign account. Since my letter

to the Committee of November 22, 1995, my District Director has informed me for the first time that in fact he did issue a memorandum containing such a criticism, among other criticisms properly directed at congressional staff work, to a staffer in the district office in January 1995.

The memorandum was issued without my knowledge or authority. I am informed that the District Director recognized he had made an error by including such a criticism in the memorandum. Nonetheless, I am taking appropriate action with my District Director to insure no repetition of such an occurrence.

Please contact me if I can provide anything further to assist in your review.

Sincerely,

BARBARA-ROSE COLLINS.

# APPENDIX C

HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
*Washington, DC, December 5, 1995.*

RESOLUTION OF PRELIMINARY INQUIRY

Whereas information has been provided to the Committee on Standards of Official Conduct alleging the misuse of official, campaign, and scholarship fund resources by Representative Barbara-Rose Collins; and

Whereas this information raises questions as to whether Representative Collins may have committed violations of the Code of Official Conduct, or a law, rule, regulation, or other standard of conduct applicable to the conduct of a Member of Congress in the performance of her duties or in the discharge of her responsibilities;

*Now, therefore, be it resolved,* That the Committee determines, pursuant to Committee Rule 16(a), that these allegations merit further inquiry; and

*It is further resolved,* That this Committee conduct a Preliminary Inquiry pursuant to Committee Rule 17 to determine whether there is reason to believe that Representative Collins violated the Code of Official Conduct, or a law, rule, regulation, or other standard of conduct applicable to the conduct of a Member of Congress in the performance of her duties or in the discharge of her responsibilities; and

*It is further resolved,* That Representative Collins be immediately notified of this action and informed of her rights pursuant to the Rules of this Committee.

## APPENDIX D

HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
*Washington, DC, February 29, 1996.*

Hon. SAUL A. GREEN,
*United States Attorney for the Eastern District of Michigan, Detroit, MI.*

DEAR MR. GREEN: This is to advise you of investigative actions taken by a committee of the United States Congress that may relate to an ongoing criminal investigation by the United States Attorney's Office for the Eastern District of Michigan.

On December 5, 1995, the Committee on Standards of Official Conduct ("Committee") of the U.S. House of Representatives voted to commence a Preliminary Inquiry regarding whether Representative Barbara-Rose Collins misused official, campaign, and scholarship fund resources. At that time, the Committee voted to conduct a Preliminary Inquiry "to determine whether there is reason to believe that Representative Collins violated the Code of Official Conduct, or a law, rule, regulation, or other standard of conduct applicable to the conduct of a Member of Congress in the performance of her duties or in the discharge of her responsibilities. * * *"

An investigative subcommittee established to conduct the Preliminary Inquiry is now conducting an investigation into alleged misconduct by Representative Collins. Among other actions it has taken, the subcommittee has issued subpoenas to several individuals who may be of interest to the grand jury in the government's criminal investigation, including Representative Collins.

Should you have any comments or questions regarding this matter, please contact the Committee's Chief Counsel, Theodore J. Van Der Meid, at (202) 225–7103.

Sincerely,

JIM BUNNING,
*Chairman.*
ROBERT A. BORSKI,
*Ranking Democratic Member.*

## APPENDIX E

HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
*Washington, DC, March 27, 1996.*

LYNN HELLAND,
*Chief, Special Prosecutions Unit, Office of the U.S. Attorney, Detroit, MI.*

DEAR MR. HELLAND: We are writing as a follow-up to our letter of February 29, 1996, to U.S. Attorney, Saul A. Green, and pursuant to a telephone conversation between Faith Burton of the Justice Department and the Committee's Chief Counsel, Ted Van Der Meid, on March 13, 1996. As was stated in our correspondence to Mr. Green, the Committee has commenced a Preliminary Inquiry to determine whether there is reason to believe that Representative Barbara-Rose Collins violated the Code of Conduct of the House or any law, rule, regulation or other standard of conduct in the performance of her duties as a Member of Congress by misusing "official, campaign, and scholarship fund resources" Further, we informed Mr. Green that an investigative subcommittee that was established for this purpose, had, as part of its investigation into alleged misconduct of Representative Collins, issued subpoenas to several individuals who may be of interest to the grand jury in the government's criminal investigation, including Representative Collins. We also invited any "comments or questions" regarding the matter.

Ms. Burton has requested that we provide you with the general areas of our investigation, a list of the witnesses being subpoenaed, and a list of the physical and documentary items being subpoenaed. Ms. Burton also expressed concern about the granting of immunity by the subcommittee and inquired if any witnesses, who testified in an employment related matter before the Office of Fair Employment Practices of the House, were granted immunity.

Under House and Committee rules, no information received by the Committee or subcommittee may be disclosed unless specifically authorized by the Committee. To maintain the integrity of its proceedings, the Committee customarily does not authorize the disclosure of information during the course of a Preliminary Inquiry. For this reason, we are unable to furnish your office with the names of witnesses or a list of documents that have been subpoenaed.

However, it should be noted that the general areas of our investigation are stated in the Committee's Resolution of Preliminary Inquiry, a public document, and restated in the subcommittee's February 29 correspondence to Mr. Green and above. The Committee's policy as to the acceptance or requesting of originals of documents is not to accept originals of documents when there is reason to believe that such originals may be part of an investigation by

a United States Attorneys' office. Further, it should be noted that the Committee traditionally has not granted immunity and if the issue does arise we would consult your office.

Finally, the Committee does not wish to interfere with or impede the ongoing criminal investigation. However, we have determined that it is important to the interests of the House of Representatives to conduct the Committee's inquiry. Therefore, if you have any objections to the Committee's investigation of Representative Collins, we request that you formally advise us of such. Should you have any questions or comments regarding this matter, please contact Mr. Van Der Meid at 202–225–7103.

Sincerely,

JIM BUNNING,
*Chairman, Investigative Subcommittee.*

ROBERT A. BORSKI,
*Ranking Democratic Member, Investigative Subcommittee.*

## APPENDIX F

CORNELIUS PITTS,
ATTORNEY AT LAW,
*Detroit, MI, January 26, 1996.*

Attn: Theodore J. Van Der Meid, Chief Counsel.
Re: The Honorable Barbara-Rose Collins.
Hon. NANCY L. JOHNSON,
*Chairman, Committee on Standards of Official Conduct,*
*House of Representatives, Washington, DC.*

DEAR MR. VAN DER MEID: Please be advised that this office has been retained to represent the above-captioned Congresswoman, Barbara-Rose Collins, who, we have reason to believe, is the target of a Federal Grand Jury Investigation; presently under way in the City of Detroit.

We are also aware that the Committee on Standards of Official Conduct likewise has undertaken an investigation into certain activities, in the Congresswoman's district and Washington congressional offices.

As the subject matter of the local Grand Jury Investigation is unknown, it is reasonable to assume that the material, information and/or evidence sought or presented may be the same desired, needed or wanted by the committee.

While the Congresswoman continues in her desire to be as cooperative as possible, counsel must be concerned about the full and complete protection of her constitutional rights. And with the overlapping of the two (2) aforementioned investigation, an obvious conflict is presented.

Consequently, it is respectfully requested that the continuation of your investigation be adjourned or stayed, pending the outcome of the Grand Jury Investigation.

With our appreciation for the consideration given, we remain,

Sincerely,

CORNELIUS PITTS.

CORNELIUS PITTS,
ATTORNEY AT LAW,
*Detroit, MI, February 7, 1996.*

Re Committee Letter of January 24, 1996, Request for Records, etc. Congresswoman Barbara-Rose Collins.

Hon. JIM BUNNING,
*House of Representatives, Chairman, Investigative Subcommittee of the Committee on Standards of Official Conduct, Washington, DC.*

and

Hon. ROBERT A. BORSKI,
*House of Representatives, Ranking Democratic Member of the Investigative Subcommittee of the Committee on Standards of Official Conduct, Washington, DC.*

DEAR CONGRESSMEN BUNNING AND BORSKI: Reference is made to your letter of January 24, 1996 to your colleague, Congresswoman Barbara-Rose Collins and ours of January 26, 1996, addressed to the Honorable Nancy L. Johnson, Chairperson of the Committee on Standards of Official Conduct and to the Honorable Jim McDermott, Ranking Democratic Member of said committee.

As you can note, our correspondence of January 26, 1996 requests an adjournment or stay of your investigation, pending the outcome of a Federal Grand Jury Investigation re: Congresswoman Collins; which we now have confirmation is underway. Having definitively learned the existence of said Grand Jury and its purpose yesterday, February 6, 1996, we contacted Mr. Theodore J. Van Der Meid, Chief Counsel of your committee to request a similar delay in complying with your letter of January 24, 1996. Mr. Van Der Meid, having been informed of the circumstances, was not receptive to our request and indicated that if there was not compliance, a Subpoena would be sought.

In view of the aforementioned, Congresswoman Collins has no alternative other than to bring the urgency of this matter to your attention. This, because our discussions (of course, informally) with both sitting Members of the House and Retirees disclosed that in the past such adjournments or stays, under similar circumstances, have been routinely granted.

With this in mind, it is respectfully requested that your Subcommittee, at your earliest opportunity, consider Congresswoman Collins' request that the Committee's investigation of her actions either be adjourned or stayed, pending the outcome of the Federal Grand Jury Investigation. If that is not acceptable, another option would be to continue the investigation BUT without the requirement of the Congresswoman producing her records.

While there are, obviously, other options, it is again respectfully requested that your body favorably consider Congresswoman Collins' request. Finally, with the deadline being February 8, 1996 and with the House of Representatives in recess, I am Faxing a copy of this letter to your respective staffs, for their immediate attention.

With our deepest appreciation for the consideration given, we remain,

Sincerely,

CORNELIUS PITTS.

## APPENDIX G

HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
*Washington, DC, February 28, 1996.*

CORNELIUS PITTS, Esq.
*Detroit, MI.*

DEAR MR. PITTS: We are in receipt of your correspondence of February 7, 1996, on behalf of Congresswoman Barbara-Rose Collins, in which you request that the Subcommittee's investigation concerning the Congresswoman be adjourned or stayed pending the outcome of the Federal Grand Jury investigation currently being conducted in Detroit. We are also in receipt of your correspondence of February 8, 1996, in which you informed the Subcommittee that upon your advice, the Congresswoman would not voluntarily comply with the Subcommittee's request for documents of January 24, 1996 at this time.

Pursuant to section 14(g) of the Rules of the Committee on Standards of Official Conduct, the Committee may defer action on allegations of misconduct when it has reason to believe that such conduct is being reviewed by law enforcement or regulatory authorities. The practice of the Committee has been to make the determination on whether to defer on a case-by-case basis, taking into consideration the particular circumstances of each case.

At its meeting yesterday, the Investigative Subcommittee considered your request on behalf of Representative Collins. The Subcommittee voted to deny the request and to proceed with the issuance of subpoenas for documents. A copy of the subpoena issued to Representative Collins is enclosed.

If you have any further questions, please contact the Committee's Chief Counsel, Ted Van Der Meid.

Sincerely,

JIM BUNNING
*Chairman, Investigative Subcommittee.*

ROBERT A. BORSKI,
*Ranking Democratic Member, Investigative Subcommittee.*

[Subpoena Duces Tecum]

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF CONGRESS OF THE UNITED STATES OF AMERICA

To: Representative Barbara-Rose Collins, U.S. House of Representatives, 401 Cannon House Office Building, Washington, DC 20515.

You are hereby commanded to produce before the Investigative Subcommittee of the Committee on Standards of Official Conduct of the House of Representatives of the United States, of which the Honorable Jim Bunning is chairman, in Suite HT–2 of the Capitol, in the city of Washington, by no later than 5:00 p.m. on March 13, 1996, the things identified on the attached schedule concerning matters of inquiry committee to said Subcommittee.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 28th day of February, 1996.

NANCY L. JOHNSON,
*Chairman, Committee on Standards of Official Conduct.*

JIM MCDERMOTT,
*Ranking Minority Member, Committee on Standards of Official Conduct.*

Attest:

ROBIN H. CARLE,
*Clerk of the House.*

SCHEDULE

All records, correspondence, memoranda, papers, and documents for calendar years 1994 and 1995, including electronic mail and other computerized records, in your district and Washington offices, and in your personal possession, custody, or control, pertaining to:

1. Documents showing annual leave and leave without pay taken by staff, and the home address and telephone numbers of staff.
2. Staff duties and assignments.
3. Staff payroll, including documents relating to increases and decreases in staff salaries.
4. Postage stamps purchased with appropriated funds, including the use of such stamps.
5. Fundraising events for your 1994 reelection campaign.
6. The solicitation, receipt, logging, or deposit of campaign contributions by district or Washington office staff.
7. Any work on your 1994 reelection campaign performed at any time by district or Washington office staff.
8. Post office boxes leased or maintained by you, your Washington office, the Detroit district office, or staff in either office, in connection with your congressional office or the Friends of Barbara-Rose Collins.
9. the use of congressional staff, at any time, to perform personal tasks, favors, or chores for you.

10. Scholarship funds with which you are, or have been, associated, including but not limited to the Collins Congressional Community Scholarship Committee, and including documents or records concerning (1) withdrawals from, and deposits to, financial accounts relating to such funds (including cancelled checks and check registers, logs, and stubs); (2) scholarship awards; and (3) the staffing or administration of such funds.

11. Checking or savings accounts in the name of "Friends of Barbara-Ross Collins," and any other financial accounts relating to your 1994 reelection campaign, including records concerning withdrawals from, and deposits to, such accounts.

12. Any repairs or renovations made to any homes or residences in which you have an ownership or lessee interest, including any homes or residences used for vacation purposes.

13. A trip to Africa in 1994 by yourself and members of your staff.

14. Your trip to New York City in October or November 1994, including records pertaining to purchases of clocks and any other items during that trip, and the subsequent disposition of any items purchased.

## APPENDIX H

CORNELIUS PITTS,
ATTORNEY AT LAW,
*Detroit, MI, March 8, 1996.*

Re investigation concerning Rep. Barbara-Rose Collins.

Hon. JIM BUNNING,
*Chairman, Investigative Subcommittee, Committee on Standards of Official Conduct, House of Representatives, Washington, DC.*
and
Hon. ROBERT A. BORSKI,
*Ranking Minority Member, Investigative Subcommittee, Committee on Standards of Official Conduct, House of Representatives, Washington, DC.*

HONORABLE SIRS: On February 8, 1996, I asked that your committee "stay or adjourn" the proceedings concerning Rep. Collins, in light of the ongoing Grand Jury investigation in the Eastern District of Michigan. By letter of February 28, you informed me that the Investigative Subcommittee had met and, treating my request as one to defer action under § 14(g) of the Committee's rules, had voted to deny it. On that day, a subpoena was issued to Rep. Collins; additional subpoenas, I have learned, have also been issued to members of her staff. The subpoena to Rep. Collins calls for her to produce a lengthy list of documents, and is returnable March 13, 1996.

I am writing this letter to apprise you of additional facts not available to me at the time of my letter of February 7, and to request that, in light of these additional facts, you reconsider my request to defer action on this matter.

Since my letter of February 7, we have learned that the Detroit Grand Jury has issued additional subpoenas, calling not only for the production of documents, but for testimony as well. Although we cannot, of course, determine with any degree of precision what the exact scope of the Grand Jury's investigation may be, subpoenas issued by your Investigative Subcommittee and the Grand Jury call, in several instances, for identical categories of documents, leading me to believe that there is a substantial overlap in the inquiries. Thus, while it may not have been so previously, it now seems eminently clear that there is good "reason to believe" that the conduct under scrutiny by the Committee "is being reviewed by appropriate law enforcement . authorities," within the meaning of Rule 14(g).

I recognize that, under that rule, a decision to defer action is discretionary. However, recent events in Rep. Collins' personal life should, I believe, move you to exercise that discretion in favor of deferring action at this time. Towards the end of February, Rep. Collins became ill. On Friday, March 1, she was admitted to Harp-

er Hospital in Detroit, for treatment and testing. She remains hospitalized as of this writing, and it is uncertain when she will be released. Obviously, her illness and hospitalization have made it impossible for her to turn her full attention to the question of compliance with the February 28 subpoena, so that compliance with it by March 13 would be difficult, if not impossible. Moreover, her medical condition is such that I cannot adequately consult with her regarding the various legal options open to her. Accordingly, I believe it would be unfair to insist that the investigation proceed at this time.

If there is any other or further information I may offer, I will be pleased to do so on request. In light of the return date of the subpoena issued to Rep. Collins, I await the favor of a response at your very earliest convenience.

Respectfully,

CORNELIUS PITTS.

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
*Washington, DC, March 14, 1996.*

CORNELIUS PITTS, Esq.,
*Detroit, MI.*

DEAR MR. PITTS: This responds to your letter of March 8, 1996 requesting reconsideration by the Investigative Subcommittee of your request to defer action in the matter pertaining to Representative Barbara-Rose Collins because of the pending Federal Grand Jury investigation and the recent hospitalization of Representative Collins. This letter also responds to your request through Committee Counsel, David Laufman, for an extension of time for the production of records by Riggs National Bank. We understand that subsequent to your letter of March 8 Representative Collins was released from the hospital.

As you were informed by Committee Counsel, Charles J. Willoughby, on March 11, 1996, your request for reconsideration is denied. However, based solely on your inability to adequately consult with Representative Collins because of her recent hospitalization, as represented in your March 8 correspondence, a ten day extension is granted for Representative Collins to submit the documents in question. Since the due date, March 23, will fall on a Saturday, Representative Collins will have until 5:00 P.M. on March 25, 1996 to comply with the subpoena. In light of the fact that the Subcommittee initially requested the production of the documents by February 8, 1996, the Subcommittee will not be inclined to grant any further extensions. Finally, please be advised that your request for an extension of time for the production of documents by Riggs National Bank is denied.

If you have any further questions, please contact either Mr. Willoughby or Mr. Laufman at 202–225–7103.

Sincerely,

JIM BUNNING,
*Chairman, Investigative Subcommittee.*

ROBERT A. BORSKI,
*Ranking Democratic Member, Investigative Subcommittee.*

## APPENDIX I

CORNELIUS PITTS,
ATTORNEY AT LAW,
*Detroit, MI, March 18, 1996.*

Re: Motion to Quash Subpoena Duces Tecum issued to Rep. Barbara-Rose Collins.

NANCY J. JOHNSON,
*Chairperson, Committee on Standards of Official Conduct, House of Representatives, Washington, DC.*

HONORABLE MADAME: Enclosed please find for your consideration, pursuant to Rule 17(a)(5) of the Rules of the Committee on Standards of Official Conduct, a Motion to Quash the Subpoena Duces Tecum issued to my client, Representative Barbara-Rose Collins, along with a Memorandum in support of that motion.

If there is any other or further information which you may require in the premises, I will of course be happy to provide it upon request.

Respectfully yours,

CORNELIUS PITTS,
*Attorney for Rep. Collins.*

IN THE UNITED STATES HOUSE OF REPRESENTATIVES, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

In re: Subpoena Duces Tecum issued to Rep. Barbara-Rose Collins.

MOTION TO QUASH SUBPOENA DUCES TECUM

Now comes United States Representative Barbara-Rose Collins, by and through her Attorney, Cornelius Pitts, and, pursuant to Rule 17(a)(5) of the Rules of the Committee on Standards of Official Conduct, moves to quash the Subpoena Duces Tecum issued to her, and in support of said Motion says as follows:

1. That on February 28, 1996, a Subpoena Duces Tecum was issued by this Committee, apparently on the application of an Investigative Subcommittee consisting of Representatives Jim Bunning and Robert A. Borski. (A copy of the said Subpoena and the attachment thereto is attached hereto as Exhibit 1 and incorporated herein by reference.)

2. That the said subpoena was originally returnable on or before March 13, 1996, but, on application of undersigned counsel, and apparently in consideration of Movant's recent hospitalization, the return date was extended to March 23.

3. That on three occasions, undersigned counsel advised this Committee and the Investigative Subcommittee that the conduct which is apparently the subject of the investigation herein is also apparently the subject of an investigation being conducted by a

United States Grant Jury sitting in the Eastern District of Michigan. (See letters of January 26, February 7 and March 8, 1996, attached hereto as Exhibits 2, 3 and 4, respectively, and incorporated herein by reference.)

4. That on February 7 and March 8, after the matter had been referred to the Investigative Subcommittee, undersigned counsel requested that the proceedings herein be stayed, adjourned or deferred pursuant to Rule 14(g) of the Rules of this Committee, which allows for such action when "the Committee has reason to believe [the] conduct [under investigation] is being reviewed by appropriate law enforcement . . . authorities."

5. That the Investigative Subcommittee, acting on its own initiative, and without referring the matter to the Committee itself, refused to honor these requests. (See letter of February 28, from Representatives Bunning and Borski to undersigned counsel, attached hereto as Exhibit 5, and incorporated herein by reference.)

6. That under Rule 14(g), the discretion to defer action resides in the Committee itself, not the Investigative Subcommittee: therefore, the Investigative Subcommittee was without the authority to deny the requests for deferral, and the issuance of the Subpoena Duces Tecum, without consideration of the requests to defer action under Rule 14(g) by the Committee itself was in violation of the Rules of this Committee.

7. That the said subpoena is overbroad, and compliance with it would be burdensome, unreasonable and oppressive: it intrudes into wholly private matters, and seeks access to documents, records, papers and things which are not, and could not, be relevant to any legitimate and properly authorized investigation which this Committee is empowered to conduct.

8. That in addition, in light of the pendency of the parallel grand jury investigation, it would be unfair, unreasonable and oppressive for this Committee to insist on compliance with the subpoena herein at this time; while Movant might otherwise wish to submit the records in question to this Committee, and otherwise to respond to and participate in its review of whatever allegations may have been made against her, upon advice of undersigned counsel she cannot responsibly do so with the grand jury investigation actively proceeding; accordingly, if the Committee in fact wishes to have Movant's active cooperation with this inquiry, at the very least it should, in the informed exercise of the discretion allowed under Rule 14(g), defer proceedings in regard to the instant Subpoena Duces Tecum.

9. That the production of the documents called for in the said Subpoena Duces Tecum would entail compelled testimonial self-incrimination, because the act of producing any such documents would admit the documents' existence, authenticity and Movant's possession of them; in addition, because the attachment to the subpoena does not describe the documents to be produced in an objective manner, compliance with it would require the Movant to discriminate between documents, and in furnishing any such documents, to provide information that would be testimonial in nature, and therefore subject to Movant's invocation of the Fifth Amendment privilege.

10. That because of the pendency of the grand jury investigation, undersigned counsel has advised Movant that the only responsible course of action open to her is to assert her Fifth Amendment privilege against self-incrimination with respect to the requests for production contained in the attachment to the instant Subpoena Duces Tecum, and it is the intention of Movant to follow that advice.

11. That if the Committee is not now willing to defer proceedings in regard to the instant investigation, or at least in regard to the Subpoena Duces Tecum issued to Movant, the said Subpoena should be quashed because of its overbreadth, and, in addition, because to require Movant to produce the documents called for by it would violate the privilege against self-incrimination afforded her by the Fifth Amendment to the United States Constitution.

WHEREFORE, Movant respectively prays that under the authority of Rule 17(g) of the Rules of this Honorable Committee, the previously issued subpoena be quashed.

CORNELIUS PITTS,
*Attorney for Rep. Barbara-Rose Collins.*

IN THE UNITED STATES HOUSE OF REPRESENTATIVES, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

In re: Subpoena Duces Tecum issued to Rep. Barbara-Rose Collins.

MEMORANDUM IN SUPPORT OF MOTION TO QUASH SUBPOENA DUCES TECUM

While this Committee's investigative authority is no doubt broad, it is equally certainly subject to certain inherent limitations of the sort which circumscribe the activities of all investigative bodies functioning under the Constitution and laws of the United States. The motion in support of which this memorandum is written suggests that recognition of certain of those limitations requires that the Subpoena Duces Tecum heretofore issued to Representative Collins be quashed.

The words of Chief Justice Warren, writing for the majority in *Watkins* v. *United States.* 354 U.S. 178.187 (1957), are still an appropriate starting place for any discussion on the nature (and limitations) of the investigative authority of Congress, and of this Committee:

> We start with several basic premises on which there is general agreement. The power of the Congress to conduct investigations is inherent in the legislative process. That power is broad. It encompasses inquiries concerning the administration of existing laws as well as proposed or possibly needed statutes. It includes surveys of defects in our social, economic or political system for the purpose of enabling the congress to remedy them. It comprehends probes into departments of the Federal government to expose corruption, inefficiency or waste. But, broad as is this power of inquiry, it is not unlimited. There is no general authority to expose the private affairs of individuals without justification in terms of the functions of the Congress. * * * Nor is the Congress a law enforcement or trial agency. These are functions of the executive and judicial depart-

> ments of government. No inquiry is an end in itself: it must be related to, and in furtherance of, a legitimate task of the Congress. Investigations conducted solely for the personal aggrandizement of the investigations or to punish those investigated are indefensible.

As *Watkins* cautions. "[a]buses of the investigative process may imperceptibly lead to abridgment of protected freedoms." 354 U.S. at 196. Thus, it has been uniformly understood that the subject of a congressional investigation, or the recipient of a congressional subpoena, retains the same panoply of rights and protections afforded those whose lives are touched by other investigative bodies. *See. e.g. Watkins, supra.* 354 U.S. at 193–200: *United States* v. *Rumely.* 345 U.S. 41 (1953).

A Congressional Committee's controlling charter and the "pertinency" of its inquiry delimit its right to compel testimony, *Gojack* v *United States.* 384 U.S. 702.708. (1966), and authorities cited above. In addition, a Committee is bound to follow its own rules, and actions taken in violation of those rules are not enforceable. *Yellin* v *United States,* 374 U.S. 109. 114 (1963).

As noted in the motion in support of which this memorandum is written. (and as the attached letters from undersigned counsel evidence), a Federal Grand Jury sitting in Detroit is actively conducting an investigation that, as has become increasingly apparent, substantially overlaps the inquiry which has been undertaken by this Committee. The pendency of such a parallel investigation is obviously of overwhelming significance to a person in the position of Rep. Collins, and of necessity has an overwhelming impact on any response to this Committee's inquiries. Under the circumstances, no responsible attorney would advise anything but the highest degree of circumspection, and any desire which she might otherwise have to cooperate with the work of this committee of her fellows must, under the circumstances, bow to her need to follow the advice of counsel.

It is undoubtedly in recognition of such considerations that this Committee adopted Rule 14(g), which provides:

> The Committee may defer action on a complaint against a Member, officer, or employee of the House of Representatives when the Committee has reason to believe such conduct is being reviewed by appropriate law enforcement or regulatory authorities.

On February 7, undersigned counsel wrote to the Investigative Subcommittee, asking that the instant inquiry by "stayed or adjourned" in light of the Detroit grand jury investigation. On February 28, the Subcommittee responded, in essence, that it had considered the request in light of Rule 14(g), and voted to deny it, and caused the instant subpoena to issue. A more detailed request, specifically referring to Rule 14(g), was made on March 7, and also denied by the Subcommittee. (See Exhibits 3, 4 and 5).

The Rule, however, speaks of discretion to defer proceedings as residing in the Committee, not the Subcommittee. Thus, under the Rule, Movant has a right to consideration of her request by the full Committee. The Investigative Subcommittee did not have the authority to deny the request for deferral on its own, but it presumed

to do so, without referring the request to the full Committee for action. Accordingly, it is Movant's first contention that the Subcommittee's action in pursuing the issuance of subpoenas (including the subpoena to the Member herself) is in violation of the Rules of the Committee, and that the Subpoena Duces Tecum issued to her should therefore be quashed on this ground.

In a broader sense, however, the Subpoena should be quashed for the same reason that the Committee's inquiry should be deferred under Rule 14(g); because it would be unreasonable, oppressive and burdensome to require her to finish the information sought under the shadow of the parallel grand jury investigation.

In addition, the Subpoena violates the "pertinency" limitations on the power of this Committee to inquire, because, in addition to documents which at least arguably touch on Rep. Collins' official conduct, it also demands records and information relating solely to her personal and private affairs—areas which are in no way relevant to any proper or legitimate area of this Committee's investigation.

Moreover, the "Schedule" which itemizes the "records, correspondence, memoranda, papers and documents" to be produced does so by calling for documents which "pertain to" broadly defined subjects, rather than by objective descriptions of particular documents. Accordingly, the assembling of records which might fit into the enumerated categories would be more than a merely mechanical procedure. It would call for the exercise of judgment by a person with knowledge of the significance of all the documents from which the documents to be turned over might be selected, as well as the matters to which they might or might not "pertain," and a process of discrimination as to whether any particular document "pertained" to any of the generally described subjects. The production of any document would carry with it the implicit statement that, whatever its contents, it was "pertinent" to one or another of the subjects identified in the Schedule; and the nonproduction of any other documents would constitute an assurance that the documents not produced did not concern the matters spoken of in the Schedule, but rather, concerned other matters. In addition, of course, the production of any documents would carry with it the assurance that the documents produced were in fact authentic, and that Rep. Collins had dominion and control over them.

In short, compliance with the Subpoena Duces Tecum would require acts which would clearly be testimonial in nature, and therefore subject to a claim of privilege under the Fifth Amendment to the United States Constitution.

In *Fisher* v. *United States*, 425 U.S. 391 (1976), the Supreme Court held that the Fifth Amendment shields only compelled testimonial acts, and that the contents of documents not prepared in response to governmental behest cannot constitute compelled testimony; however, as the Court recognized, the act of producing documents in response to a subpoena "has communicative aspects of its own, wholly aside from the contents of the papers produced." *Id. at* 410. Such "communicative aspects," the Court noted, may relate to the existence of the documents, their possession or control, their authenticity, or their meaning or character. *Id. at* 410–413. With respect to the instant subpoena, all of these categories are implicated.

That the instant Subpoena Duces Tecum implicates Movant's Fifth Amendment rights is well illustrated by the decision of the Eighth Circuit in *In re Grand Jury Proceedings,* 41 F.3d 377, 380–381 (8th Cir. 1994), in which the court upheld a claim of privilege in response to a grand jury subpoena calling for "documents regarding financial transactions" during specified years:

> Turning over documents in response to the subpoenas authenticates the documents and reveals that some of the documents relate to financial transactions.
>
> * * * * * * *
>
> Furthermore, compliance with the subpoenas, in this case, would involve a testimonial act because of the broad-sweeping scope of the subpoenas. The act of turning over documents in response to a broad-sweeping subpoena may involve discretionary judgments about the documents themselves. The question is whether a subpoena requires the witness to discriminate among documents, thereby identifying information relevant to the authenticity of the documents. This determination is fact specific and dependent on the particular wording of the subpoena in question—the broader, more general, and subjective the language of the subpoena, the more likely compliance with the subpoena would be testimonial. *Cf. United States* v. *Fox,* 721 F.2d 32, 38 (2d Cir. 1983) (holding that enforcement of IRS summons of sole proprietorship would result in compelled testimonial communication and refusing to enforce broad-sweeping summons); [*United States* v.] *Porter,* 711 F.2d [1397] at 1401 [[(7th Cir. 1983)]. *See generally* Robert P Mosteller, Simplifying Subpoena Law: Taking the Fifth Amendment Seriously. 73 Va.L.Rev. 1, 12–13 (1987).
>
> * * * * * * *
>
> The language does not specifically describe the requested documents in an objective manner. Compliance with this broad language would require the witness to discriminate among documents, thereby providing identifying information that is relevant to the authenticity of the documents. "[A] subpoena compels the person receiving it by his own response to identify the documents delivered as the ones described in the subpoena." *United States* v. *Blank,* 459 F.2d 383, 385 (6th Cir.), *cert. denied,* 409 U.S. 887, 93 S. Ct. 111, 34 L.Ed.2d 143 (1972). In addition, testimonial conduct may be compelled if the subpoena requires a person to select documents used for a particular purpose. See *United States* v. *Beattie,* 522 F.2d 267, 268 (2d Cir. 1975), *vacated,* 425 U.S. 967, 96 S. Ct. 2163, 48 L.Ed.2d 791, *cert. denied,* 425 U.S. 970, 96 S.Ct. 2165, 48 L.Ed.2d 793, *modified,* 541 F.2d 329 (1976) (subpoena requiring the production of accountant's workpapers used in the preparation of tax returns).

Were it not for the pendency of the Detroit grand jury investigation, Rep. Collins might well not elect to claim her Fifth Amend-

ment privilege; given the fact of that investigation, however, undersigned counsel has advised her that she has no choice but to do so, and she feels bound to heed that advice. In the face of that claim, her compliance with the Subpoena Duces Tecum cannot be required.

The motion in support of which this Memorandum is written is directed, as required by Rule 17(a)(5), to the Chairperson of the Committee, and is framed as a Motion to Quash. While a decision to quash the Subpoena Duces Tecum would be appropriate, for all the reasons outlined above, the Movant would also be satisfied if it were treated as a request to defer under Rule 14(g), which might be granted after appropriate consultation with the Committee itself. In any event, it is clear that, under the circumstances Rep. Collins cannot be compelled to comply with the Subpoena Duces Tecum which has been issued to her, and that Subpoena must be quashed.

Respectfully submitted,

CORNELIUS PITTS,
*Attorney for Rep. Barbara-Rose Collins.*

## APPENDIX J

HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
*Washington, DC, March 22, 1996.*

CORNELIUS PITTS, Esq.,
*Penobscot Building,*
*Detroit, MI.*

DEAR MR. PITTS: The Committee is in receipt of your Motion to Quash Subpoena Duces Tecum on behalf of Representative Barbara-Rose Collins dated March 18, 1996 and received March 21, 1996.

As grounds for the Motion, you asserted that the Subpoena Duces Tecum issued to Representative Collins on February 28, 1996, was: overly broad and burdensome in that it requires the production of documents that could not legitimately and properly fall within the jurisdiction of this Committee; that production of the documents in question would violate the Fifth Amendment rights of Representative Collins; and that in light of the pendency of the "parallel grand jury investigation it would be unfair, unreasonable and oppressive * * * to insist on compliance with the subpoena". Further, you assert that pursuant to Committee 14(g), the Investigative Subcommittee lacked authority to deny the previous requests for deferral. Finally, in the alternative, your requested that the Motion be treated as a request to defer to the full Committee.

After consideration of the motion and the grounds therefor, I have determined that it fails to adequately establish a basis for quashing the subpoena in question. I find that the subpoena is not overly broad in that it requests the production of documents that relate to allegations that Representative Collins misused official, campaign, and scholarship fund resources, matters that fall within the jurisdiction of this Committee and the Resolution of Preliminary Inquiry voted by the Committee on December 5, 1995. Production of the documents in question do not appear to fall within the protections of the Fifth Amendment. I do not find that the mere pendency of a parallel grand jury investigation, without more, demonstrates that compliance with the subpoena would be unfair, unreasonable and oppressive to the Member.

Finally, in regard to the contention that the Investigative Subcommittee lacked jurisdiction to deny Representative Collins' previous requests for deferral, is should be noted that Committee Rule 14(g) applies to the initial consideration by the Committee in determining whether a complaint merits further inquiry. Once the determination is made that a matter merits further inquiry and an investigative subcommittee is established, all investigative authority, except that which is specified in the Committee's rules, rests with the investigative subcommittee. Thus, the previous action taken by

the Investigative Subcommittee of denying Representative Collins' request for deferral conforms to Committee rules.

Accordingly, for the reasons stated herein, the Motion To Quash the Subpoena Duces Tecum issued to Representative Collins is denied.

Sincerely,

NANCY L. JOHNSON, *Chairman.*

## APPENDIX K

BRAND, LOWELL & RYAN,
*Washington, DC, June 27, 1996.*

Re House inquiry concerning Hon. Barbara-Rose Collins.

DAVID H. LAUFMAN, Esq.,
*Counsel, Committee on Standards of Official Conduct, House of Representatives, the Capitol, Washington, DC.*

DEAR MR. LAUFMAN: Pursuant to Rule 21 of the Rules, Committee on Standards of Official Conduct, this letter formally requests the immediate disclosure of any exculpatory information in connection with the inquiry concerning Hon. Barbara-Rose Collins.

Thank you for your cooperation.

Sincerely yours,

JONATHAN S. FELD.

## APPENDIX L

HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
*Washington, DC, July 25, 1996.*

Hon. BARBARA-ROSE COLLINS,
*House of Representatives, Cannon House Office Building, Washington, DC.*

DEAR COLLEAGUE: We are in receipt of your counsel's correspondence of June 27, 1996, requesting exculpatory information that the Investigative Subcommittee has received in the course of its Preliminary Inquiry concerning your conduct.

Pursuant to Committee Rule 21, the subcommittee is required to provide you with any exculpatory information that it receives during the course of its investigation. Consequently, at this time, we are writing to inform you that the subcommittee, thus far, has received the following exculpatory information.

MISUSE OF OFFICIAL RESOURCES

Certain staff have advised the subcommittee that:

They did not perform personal or campaign-related tasks on official time or in the congressional office;

They did not recall observing other staffers performing campaign related chores or tasks on congressional time, in or outside of the congressional office, including the logging in of campaign contributions, paying campaign bills, circulating political or campaign petitions, painting or cleaning the campaign headquarters, or assisting in the preparation of campaign mailings;

If staffers performed any campaign-related chores or tasks, such work was supposed to be performed outside of the office and on the staffer's own time;

The policy of your congressional office was not to allow the performance of campaign activities either on congressional time or in congressional space, and sometime in March or April of 1994, you indicated on at least one occasion that campaign activities were not to be performed in the office. On other occasions, supervisory personnel informed staff that no campaign-related work was to be performed on congressional time or in the congressional office;

Requests for leave were required to be submitted to the office manager, and staffers were charged leave to work on the campaign;

You never asked them to perform campaign work on official time and the performance of campaign work was not discussed at staff meetings; and

You did not inform them that they would receive bonuses to help them pay for a trip to Africa with you in December, 1994.

MISUSE OF CAMPAIGN RESOURCES

While campaign funds were used to purchase appliances from ABC Warehouse in August, 1995, and those appliances appear to have been converted to your personal use, it also appears that in October, 1995, you partially reimbursed the campaign in the amount of $354 for the appliances.

MISUSE OF SCHOLARSHIP RESOURCES

While it appears that $8900 in funds from the Riggs Bank account were used to purchase personal items from Classic Consignment in May, 1995, it appears that you did reimburse the Riggs Bank account for $8900 in June, 1995.

While it appears that $2000 in funds from the Riggs Bank account were deposited into your personal account at the Wright Patman Credit Union in July, 1995, documents suggest that the payment was a reimbursement for an expenditure of $2000 for the Queen's Community Workers from your personal account at Wright Patman in June, 1995.

Should the subcommittee receive any further information that is determined to be exculpatory, we shall make such information available to you. If you or your counsel have any questions, please contact Committee Counsel, Charles J. Willoughby or David H. Laufman.

Sincerely,

JIM BUNNING,
*Chairman, Investigative Subcommittee.*

ROBERT A. BORSKI,
*Ranking Democratic Member, Investigative Subcommittee.*

## APPENDIX M

BRAND, LOWELL & RYAN,
*Washington, DC, August 6, 1996.*

Re Barbara-Rose Collins.

DAVID LAUFMAN,
*Counsel, Committee on Standard of Official Conduct, House of Representatives, the Capitol, Washington, DC.*

DEAR MR. LAUFMAN: This letter confirms my telephone call with you. Pursuant to Rule 21 of the Rules of the Committee on Standard of Official Conduct, I am again requesting all exculpatory information relating to the preliminary inquiry of the Hon. Barbara-Rose Collins.

While I have received some information, I have not received any information regarding petty cash expenditures. Several of the Committee's questions ask for confirmation that the funds were used for staff members for office expenses. (*See, e.g.* Committee letter at p. 10). I specifically request any testimony by Jerry Springs, George Stanton, or Cecilia Walker or other witnesses that confirm the use of petty cash funds for the purposes described in the questions or that they have no knowledge of any petty cash being improperly used. Furthermore, I request any testimony or information that an employee of the district office stated that the check registers were accurate or had no reason to question the checking account records.

I look forward to receiving this information as soon as possible. Please let me know if you have any questions.

Sincerely yours,

JONATHAN S. FELD.

## APPENDIX N

HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
*Washington, DC, September 12, 1996.*

Hon. BARBARA-ROSE COLLINS,
*House of Representatives, Cannon House Office Building,*
*Washington, DC.*

DEAR COLLEAGUE: We are in receipt of your counsel's correspondence of August 6, 1996, requesting exculpatory information regarding petty cash expenditures that the Investigative Subcommittee has received in the course of its Preliminary Inquiry concerning your conduct.

As we noted in our correspondence of July 25, 1996, pursuant to Committee Rule 21, the subcommittee is required to provide you with any exculpatory information that it receives during the course of its investigation. Further, at that time, we indicated that you would be informed of any additional information that was determined to be exculpatory. Consequently, at this time, we are writing to inform you of additional exculpatory information that the subcommittee was received. The subcommittee has received the following exculpatory information, since our correspondence of July 25, 1996.

Regarding the allegations of the misuse of campaign resources, the subcommittee has been advised by a certain staffer that a petty cash fund comprise of campaign funds was used to:

pay for advertisements in publications of political groups for their events;

pay for postage and stationery to respond to invitations and other correspondence from your political supporters and political groups; and

to purchase food and toys for the Festival of Giving in Detroit.

Additionally, regarding the disbursement on or about November 8, 1994 of campaign funds for election day expenses, the subcommittee has received information that funds were distributed to poll workers.

Should the subcommittee received any further information that is determined to be exculpatory, we shall make such information available to you. If you or your counsel have any questions, please contact Committee Counsel, Charles J. Willoughby or David H. Laufman.

Sincerely,

JIM BUNNING,
*Chairman, Investigative Subcommittee.*

ROBERT A. BORSKI,
*Ranking Democratic Member, Investigative Subcommittee.*

# APPENDIX O

HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
*Washington, DC, July 25, 1996.*

Hon. BARBARA-ROSE COLLINS,
*House of Representatives, Cannon House Office Building, Washington, DC.*

DEAR COLLEAGUE: As you have been previously informed, an investigative subcommittee of the Committee on Standards of Official Conduct is conducting a Preliminary Inquiry into certain allegations regarding your conduct as a Member of the House. Specifically, the subcommittee is investigating allegations concerning the misuse of official, campaign, and scholarship fund resources.

Pursuant to Committee Rule 17(a)(3), the subcommittee hereby affords you an opportunity to submit a statement to the subcommittee, orally or in writing, "regarding the allegations and any other relevant questions arising out of the Preliminary Inquiry." Any statement you submit under Rule 17(a)(3) must be under oath or affirmation. You may accompany your statement with any documents that you have not previously furnished to the subcommittee.

Set forth below for your response thereto is information in support of the allegations described above, as well as additional information developed during the investigation concerning possible violations of House Rules or laws. Incorporated within the information provided are questions relating to selected expenditures, transactions, events, and organizations.

Any written statement that you may wish to provide should be submitted by no later than Friday, August 17, 1996. If you prefer to respond orally in person, the subcommittee will receive your statement by means of sworn testimony during the week of September 2, 1996. Further, if you choose to appear in person, you should so notify the subcommittee through Committee counsel by no later than 5:00 P.M. on August 17, 1996.

## I. MISUSE OF OFFICIAL RESOURCES

### *A. Performance of campaign work*

During 1994 and 1995, members of your congressional staff in your Detroit district office and/or your Washington, D.C. office performed campaign work during office hours without being charged leave. Such campaign work included:

(1) Logging checks comprising campaign contributions;

(2) Depositing campaign contribution checks;

(3) Using office copy machines to copy campaign contribution checks;

(4) Using postage stamps purchased with official funds to send copies of campaign contribution checks from the Detroit district office to the Washington office;

(5) Writing checks drawn on the campaign's account at Commercial Bank in Detroit;

(6) Using the office Federal Express account to send blank checks drawn on the account of Friends of Barbara-Rose Collins to and from the Detroit and Washington offices;

(7) Collecting names for petitions to place your name on an election ballot;

(8) Preparing for campaign events, including one event where Detroit office staff were required to prepare food and clean and paint the premises during office hours; and

(9) Distributing campaign literature on behalf of other candidates during office hours.

In approximately January 1995, the District Office Director admonished the office manager for "mishandling" her "duties" as a House employee regarding the processing of campaign contribution checks.

Official funds, including a government American Express card, were used to pay for travel to Washington, D.C. by District Office Directory Jerry Springs to attend an April 1995 campaign fundraiser, as well as to pay for his hotel accommodations in Washington. In addition, the subcommittee has obtained the information that official funds were used to pay for round-trip travel by Leon Robinson from Detroit to Washington to attend the same event, and that a false voucher was submitted to the House Finance Office in connection with Mr. Robinson's travel to Washington.

On or about October 6, 1995, your campaign issued check #2119 in the amount of $500.00, payable to Deputy District Director Cecilia Walker for "Petty Cash." (The corresponding check stub indicates the payment was made for "petty cash (ofc supplies & refreshments)." The check was signed only by Cynthia Simpson, and endorsed by Ms. Walker. Similarly, on or about October 30, 1995, the campaign issued check #2131 in the amount of $1,000.00, payable to Cecilia Walker for "Petty Cash fund," signed only by Cynthia Simpson, and endorsed by Ms. Walker. The corresponding check stud indicates the payment is for "petty cash (misc. ofc. supplies)." *For which office were these funds intended: the campaign office, the congressional district office, or both? Why were these checks made payable to an employee of the District office, rather than to Cynthia Simpson? What arrangements were made to log or record petty cash expenditures, and who was responsible for maintaining the petty cash fund? Please state whether any proceeds from those checks were used, directly or indirectly, to purchase goods or services on behalf of the congressional district office. Please describe any such purchases with specificity.*

Filings with the Federal Election Commission by your campaign in connection with your 1994 election campaign reflect numerous disbursements to employees of your district office in Detroit, many of which are characterized as reimbursements. For example, on March 10, 1994, your campaign issued check #1643 in the amount of $16.63, payable to Priscilla Waters for "log—campaign finance." (The corresponding check stub states that the payment was for

"log-book campaign finance.") The check was co-signed by you and Cynthia Simpson. The number of such disbursements raises additional questions about whether congressional staff were conducted campaign-related work during office hours.

*B. Performance of personal services*

During 1994 and 1995, congressional staff were required to perform various personal chores or activities on your behalf, including:

(1) The regular payment of your personal bills during hours when they were supposed to be performing congressional duties. With your knowledge and approval, postage stamps purchased with official funds were often used to pay your personal bills.

(2) During office hours, district office staff were required to go to your home in Detroit to facilitate the entry, departure, and payment of a cleaning lady.

The subcommittee has received information that congressional staff, during congressional office hours, performed personal tasks related to your Shay Lake property in 1995. Certain documents, for example, indicate that District Office Director Jerry Springs assisted you in obtaining contract estimates for construction-related work. In addition, on or about July 5, 1995, you wrote a personal check (#2942) drawn on your account at Wright Patman Congressional Credit Union (hereafter "Credit Union") in the amount of $1,200.00, payable to Jerry Springs for "Shay Lake."

*C. Use of official funds for trip to Africa*

During the latter part of 1994, you awarded bonuses to several congressional staff to enable them to accompany you on a non-official trip to Africa.

*D. Use of official funds for personal expenses*

During 1994 and 1995, the Detroit and Washington offices sent several items to the Rose Reiter Jewelry store in New York by means of the office Federal Express account. In another instance in 1994, the Washington office sent a priority letter to Dewayne Porter, an interior decorator in Detroit, by means of the office Federal Express account. The subcommittee understands that Mr. Porter has provided interior decorating services to you.

*E. Solicitation of contributions*

Employees of your congressional office in Washington, D.C. used official resources, including official congressional letterhead, to solicit private contributions to sponsor the "Michigan Bash" event in September 1994.

## II. MISUSE OF CAMPAIGN RESOURCES

*A. Commingling and conversion of campaign funds*

On or about June 30, 1994, your campaign issued check #1719 in the amount of $3,911.00, payable to Barbara-Rose Collins for "Reimbursement." The check bears your endorsement and was deposited into your personal checking account at the Credit Union on or about July 1, 1994. A campaign filing with the Federal Election

Commission dated July 15, 1994, shows a disbursement of $3,911.00 to Ms. Collins in "Reimbursement for Precinct Delegate Picnic Catering.") But the corresponding check stub shows a $3,911.00 payment to District office employee George Stanton for "precinct delegate picnic catering."

On or about August 3, 1994, your campaign issued check #1732 in the amount of $2,900.00 payable to "Cash" for "Fundraisers—Clyde Cleveland—Mich Spanish Dem.—Abe Cherry & NAACP." The check bears your endorsement. On or about August 5, 1994, $2,900.00 was deposited into your personal bank account at the Credit Union.

On or about September 19, 1994, your campaign issued check #1735 in the amount of $1,661.90 payable to American Express for account #372833432–75001, which the subcommittee understands to be your personal account.

On or about October 24, 1994, your campaign issued check #1783 in the amount of $6,242.89 payable to American Express for account #372833423–75001.

On or about November 8, 1994, your campaign issued check #1796 in the amount of $8500.00, payable to Jerry Springs for "election day expenses." On or about November 16, 1994, a deposit that included a check in the amount of $8500.00 was made to your personal checking account at the Credit Union.

On or about November 25, 1994, your campaign issued check #1816 (co-signed by yourself) in the amount of $5663.52, payable to American Express for account #372833412–75001. The corresponding check stub states that the purpose of the payment was "Reimbursement to Congresswoman for air, hotel & meals."

On or about January 20, 1995, your campaign issued check #1833 in the amount of $8043.11 for "Golden Tulip Hotel," payable to American Express. As the subcommittee understands that your trip to Africa in December 1994 was personal in nature, it appears that this payment by the campaign was for personal expenses.

On or about February 9, 1995, your campaign issued check #1840 in the amount of $300.00, payable to Mary Pointer. That check was co-signed by yourself and Joyce Smith. A handwritten annotation states that the check is for "Services Rendered," while a campaign filing with the FEC dated January 8, 1996, states that the disbursement was for "maintenance campaign mtgs." The subcommittee has received information that the payee was your personal cleaning lady in Detroit, and that campaign funds were used to pay her to clean your home in Detroit.

On or about March 6, 1995, your campaign issued check #1849 in the amount of $2,400.00, payable to "Comerica." The check bears your signature and your endorsement. On or about the same day, Comerica Bank issued a cashier's check payable to Barbara-Rose Collins in the amount of $2,400.00. On or about March 9, 1995, $2,400.00 was deposited into your checking account at the Credit Union.

On or about March 28, 1995, your campaign issued check #1865 to American Express in the amount of $75.00 for "Annual Mbr. Dues." Although neither the check nor corresponding check stub identify the number of the pertinent American Express account,

the subcommittee is concerned that the payment in question was made in connection with your personal American Express account.

On or about June 21, 1995, your campaign issued check #1893 in the amount of $7168.10, payable to American Express for "#3728–334213–75001."

On or about August 7, 1995, you purchased a freezer, oven, and electric dryer from ABC Warehouse in Southfield, Michigan using campaign funds. You signed a campaign check (#2132) in the amount of $913.72, payable to ABC Warehouse, to effect those purchases. In addition, you instructed a salesperson at ABC Warehouse to have the oven and dryer delivered to your cottage at Shay Lake, Michigan. Based on other information it has obtained, the subcommittee has reason to believe that the oven and dryer subsequently were delivered to your home at Shay Lake by employees of your Detroit district office.

*B. Expenditures not attributable to bona fide campaign or political purposes*

On or about October 26, 1994, your campaign issued check #1793 in the amount of $1,000.00 payable to Detroit Edison to "Reconnect 19713 Ridgemont St. Clair Shores," an address where Joyce Smith—an employee of your Detroit district office and not a constituent—then resided. The subcommittee understands that the utility payment was made as a loan to Ms. Smith. The subcommittee also understands that subsequently, Ms. Smith personally and directly repaid you, rather than the campaign, in two separate cash payments of $500.00 each. The subcommittee has no evidence indicating that the campaign was reimbursed for the loan.

On or about December 6, 1994, your campaign issued check #1823 to District Office Director Jerry Springs in the amount of $4,000.00. The corresponding check stub states that the payment was for the "Panafest Reception,"relating to your trip to Africa.

According to a campaign filing with the FEC dated January 8, 1996, on or about February 10, 1995, your campaign disbursed $272.95 to the Golden Tulip Hotel in Accra, Ghana for "refreshments" for a "meeting with African leaders and business people to discuss econ devel & trade with Detroit."

*C. Questionable campaign expenditures*

Please explain how the following expenditures by your 1994 campaign were attributable to bona fide campaign or political purposes, and provide any supporting documentation. In addition, please answer any additional questions stated below.

On or about November 28, 1994, your campaign issued check #1801 in the amount of $1,500.00 payable to "Cash" for "Petty Cash." The check was cosigned by yourself and Joyce Smith. According to an FEC filing dated January 8, 1996, your campaign issued a check on or around November 25, 1994, to district office staffer George Stanton in "reimbursement for camcorder and tapes." The corresponding check stub for check #1801 shows a payment of "petty cash" on November 25, 1994, for "camcorder & tapes." But the check is endorsed by Jerry Springs, not George Stanton, and contains no mention of a camcorder or reimbursement. *Please explain these discrepancies. Also, please explain the*

*purpose of the purchase of a camcorder, and how it was used. In particular, please state whether you or members of your congressional staff used the camcorder during your December 1994 trip to Africa.*

According to the campaign filing with the FEC dated February 7, 1996, on or about January 2, 1995, your campaign disbursed $500.00 to "Open Market" in New Delhi, India for a "Floor Rug" for the "D.C. Office." (You may also wish to comment on the fact that neither the campaign register nor canceled checks or bank statements from Comerica Bank manifest any record of such a disbursement.)

According to a campaign filing with the FEC dated January 8, 1996, on February 10, 1995, your campaign disbursed $1,673.00 to "African Art Market" in Accra, Ghana for "Art objects for offices" in "DC/District." (You may also wish to comment on the fact that there is no record of this disbursement in the campaign check register or in monthly bank statements pertaining to the campaign's account at Comerica Bank.)

According to an FEC filing dated January 8, 1996, on or about April 17, 1995, your campaign disbursed $78.04 to Knossos Art Shop in Crete, Greece for "art object" re: "fundraiser." On the same date, your campaign disbursed $147.00 to Antique Art Shop in Athens, Greece for "art object" for "fundraiser"; $24.00 to Opsis Art Shop in Athens, Greece for "art objects" for "fundraiser"; and $357.43 to Mazarakis & Sons, Ltd. in Athens, Greece for "art object" for "fundraiser." *Please be advised that there is no record of any of the above disbursements in either the campaign check register or in monthly bank statements of the campaign account at Comerica Bank. Who made those expenditures, and for what purpose? What was the disposition of the art purchased in Greece? Please provide information regarding any fundraising event at which art purchased in Greece was either sold or auctioned, including the date and location of the fundraiser and the amount of contributions received.*

According to an FEC filing dated January 8, 1996, on or about May 16, 1995, your campaign disbursed the following amounts to "Senegal Art Market" in Senegal: $3,198.57 for "art objects" for a "fundraiser"; $650.00 for "art carving" for a "fundraiser"; $200.00 for "art carvings" for "D.C. Office"; and $70.00 for "art carvings" for "Dist. Office." *Did you travel to Senegal in 1995? If so, please describe the purpose of the travel, and explain how the purpose related to your campaign. Who made those expenditures, and for what purpose? What was the disposition of the art objects purchased? Please provide information regarding any fundraising event at which art purchased in Senegal was either sold or auctioned, including the date and location of the fundraiser and the amount of contributions received.*

According to an FEC filing dated January 8, 1996, on or about May 31, 1995, your campaign made the following disbursements: $813.20 to National Palace Museum, Taipei, China, for "art objects" for "fundraiser"; $20.47 to National Palace Museum, Taipei, China, for "art object" for "fundraiser"; $161.38 to National Palace Museum in Taipei, China, for "art object" for "fundraiser"; $82.68 to DFS Taiwan, Ltd. in Taiwan for "art object" for "fundraiser";

$177.42 to Taiwan Handicraft in Taiwan for "art objects" for "fundraiser"; and $179.67 to Taiwan Handicraft in Taiwan for "art objects" for "fundraiser." *Who made those expenditures, and for what purpose? What was the disposition of the art objects purchased? Please provide information regarding any fundraising event at which art purchased in Taipei was either sold or auctioned, including the date and location of the fundraiser and the amount of contributions received.*

*D. Miscellaneous campaign expenditures*

On or about March 3, 1994, your campaign issued check #1626 in the amount of $3,282.00, payable to "Cash" for "Reimbursement." The check was co-signed by yourself and Cynthia Simpson, and was endorsed by you. The corresponding check stub indicates the purpose of the check relates to the "Hyatt Regency" for "Reimbursement." *Please explain the purpose of this check and provide a full accounting of any expenses that you personally incurred for which you sought reimbursement from the campaign.*

On or about August 31, 1994, your campaign issued check #1757 in the amount of $6,000.00, payable to Samric Agencies, 1 Kennedy Square, Detroit, for "public relations." The subcommittee understands that Samric Agencies was operated at the time by Lamar and Lydia Richardson, your bother and sister-in-law. *Please provide documentation concerning any services provided by Samric Agencies in connection with this campaign disbursement.*

On or about October 24, 1994, your campaign issued check #1790 in the amount of $3,000.00, payable to Cynthia Simpson, for "Staff Salaries for Poll Workers 11–8–95 Elex." The check was co-signed by Cynthia Simpson and Eugene Pettis and was endorsed by Ms. Simpson. *Please explain why the campaign needed to spend $3,000 in salaries for poll workers for a general election in which, for all practical purposes, you were unopposed. Also, please provide a full accounting of what Cynthia Simpson did with the $3,000.00 check and the proceeds therefrom.*

On or about November 1, 1994, your campaign issued check #1759 in the amount of $948.00, payable to Delta Fashion Watch for "Inner Circle gifts." *Plese explain the nature and purpose of this expenditure, and identify the recipients of the clocks. Also, please explain why, in the FEC filing dated December 8, 1994, your campaign reported that the cost of these clocks was $8,500.00.*

On or about November 8, 1994, your campaign issued check #1797 in the amount of $3,000.00, payable to your brother Lamar Richardson for "services rendered." *Please specify the services rendered and provide supporting documentation.*

On or about November 11, 1994, your campaign issued check #1800 in the amount of $1,000.00, payable to Jerry Springs for "Petty Cash." Contrary to bank signature requirements, the check was signed by only one person, Joyce Smith, and was endorsed by Mr. Springs. *What was the purpose of this check? What types of "petty" expenses did the campaign incur? Why did the campaign need so large an infusion of petty cash after the general election? Why was a campaign check for "petty cash" made payable to your District Office Director? Why did only one person sign the check? What did Mr. Springs do with the proceeds from the check?*

On or about January 25, 1995, your campaign issued check #1837 in the amount of $2,400.00, payable to "Cash" for "E & H Printing." The corresponding check stub indicates that the disbursement pertained to the purchase of "stationery." Contrary to bank signature requirements, the check was signed by only one person—yourself—and was endorsed by Jerry Springs. *Please confirm the purpose of this disbursement. Why was the disbursement made payable to cash, rather than directly to E & H Printing? Why was the check endorsed by Mr. Springs, rather than by the campaign treasurer, Cynthia Simpson?*

On or about January 31, 1995, your campaign issued check #1834 in the amount of $1,000.00, payable to Jerry Springs for "petty cash." The corresponding campaign check stub states that the payment was for "petty cash," while the FEC filing dated January 8, 1996, reported that the purpose of the disbursement was "office supplies, coffee, tea, cups, sugar . . ." relating to "constituents, visits." The check was co-signed by you and Joyce Smith and was endorsed by Jerry Springs. *Please confirm the purpose of this disbursement. Why was the check made payable to Jerry Springs? What did Mr. Springs do with the proceeds of the check?*

On or about March 28, 1995, your campaign issued check #1855 in the amount of $1,500.00, payable to "Cash" for "Petty Cash." The check was co-signed by yourself and Cynthia Simpson and was endorsed by both Cynthia Simpson and Jerry Springs. *Please explain why $1,500 in additional funds were necessary for petty cash less than two months after $1,000.00 was disbursed for petty cash purposes. In addition, please explain why this check was endorsed by Mr. Springs, and provide a full accounting of how this money was spent.*

On or about July 7, 1995, your campaign issued check #1879 in the amount of $1,500.00, payable to "Cash" for "Petty Cash." The check was co-signed by yourself and Eugene Pettis and was endorsed by Jerry Springs. *Please explain why this check was endorsed by Jerry Springs, and provide a full accounting of how this money was spent.*

III. MISUSE OF SCHOLARSHIP FUND RESOURCES

On or about May 3, 1994, the Collins Congressional Community Scholarship Committee (CCCSC) issued check #1053 in the amount of $9,800.00, drawn on its account at Riggs National Bank in Washington, D.C. The check was payable to "cash" for "Scholarships," and was signed and endorsed by you. On or about May 4, 1994, the check was deposited into your personal checking account at the Credit Union.

On or about August 15, 1994, the CCCSC issued check #1050 in the amount of $1,200.00, payable to Barbara-Rose Collins for "Kande Dean." The check was signed and endorsed by yourself.

On or about October 24, 1994, the CCCSC issued check #1058 in the amount of $3812.11, payable to American Express for "AC# 3728–334–213–25001" [sic], which appears to be your personal account.

On or about November 9, 1994, the CCCSC issued check #1073 in the amount of $8,000, payable to "Valerie Nicholas" for "Festival of Giving." The check was signed by you and endorsed by Valerie

Nicholas, then an employee of your Washington, D.C. office. The subcommittee has received information that, on your instructions, Ms. Nicholas cashed the check and gave the proceeds directly to you. The subcommittee also has learned that you received the cash proceeds one or two days before you and Meredith Cooper departed the United States for a trip to India.

On or about May 9, 1995, the CCCSC issued check #1081 in the amount of $8900.00, payable to "Comerica/Cash" for "Classic Consignments." The check was signed by you. On or about the same date, the check was deposited into your personal bank account (account #0933802290) at Comerica Bank in Detroit. This check appears to relate to your purchase of personal items from Classic Consignments, a business located in California. On or about May 7, 1995, you wrote a check (check #2898) drawn on your account at the Credit Union in the amount of $5,000.00, payable to Classic Consignments. The subcommittee has obtained information that you purchased a lamp, chandeliers, and other personal items from Classic Consignments. In addition, the subcommittee is aware that on or about June 1, 1995, you wrote a personal check (check #9685) drawn on Comerica Bank account #0933–80229–0 in the amount of $8,900, payable to the CCCSC for "Reimburse Ch#1081." Bank records indicate that the latter check was not deposited into the CCCSC account at Riggs Bank until September 20, 1995, and that Comerica Bank did not pay the check until September 21, 1995.

On or about October 3, 1995, you wrote a check drawn on the Riggs Bank account of the CCCSC (check #1091) in the amount of $3888.90, payable to American Express for "CBC Week Hotel Expenses & Misc. Hyatt Regency."

On or about October 27, 1995, you closed the Riggs Bank account of the CCCSC in Washington, D.C. The balance of the account when it was closed was $12,367.91. On or about the same day, you obtained a cashier's check from Riggs Bank in Washington, D.C. in the amount of $6,853.91 (check #1550748), payable to you. Also on the same day, you obtained a cashier's check from Riggs Bank (check #1550745) in the amount of $4,000, payable to "Operation Get Down." That cashier's check bears your endorsement and the handwritten note, "Not used for purpose intended."

In addition to the foregoing, the Committee requests that you respond to the following questions:

1. What was the purpose of the "Michigan Bash" events held in Washington, D.C. in 1994 and 1995? How did that purpose relate to the purpose of the CCCSC? Why were financial sponsors of the 1994 Michigan Bash directed to make their contributions to the CCCSC?

2. What is (or was) the relationship between the Collins Congressional Community Scholarship Committee and: (1) the Congressional Black Caucus Foundation; (2) "Operation Get Down"; and (3) the "Festival of Giving?" How do those organizations or events further the purposes of the CCCSC? What is your relationship to those organizations or events?

3. On or about June 25, 1995, you caused a check (#2939) drawn on your personal account at the Credit Union to be issued to the Queen's Community Workers in the amount of $2,000.00. On July 28, 1995, you wrote a check drawn on the CCCSC account (#1088)

in the amount of $2,0000.00, payable to cash for "Scholarship—Queen's Community Workers." On or about July 28, 1995, that check was deposited into your personal account at the credit union. Please explain why you wrote a personal check for scholarship, instead of a check drawn on the account of the CCCSC. In addition, please identify the Queen's Community Workers and the individuals who receive scholarships based in any way on the $2,000.00 disbursement.

4. Were any CCCSC funds used, directly or indirectly, to pay for travel to Washington, D.C. by Leon Robinson to attend any event related to the Congressional Black Caucus, or for any hotel accommodations for Mr. Robinson during such a visit?

## APPENDIX P

BRAND, LOWELL & RYAN,
*Washington, DC, August 26, 1996.*

Re Hon. Barbara-Rose Collins.

Hon. JIM BUNNING,
*Chairman, Investigative Subcommittee, House of Representatives, Committee on Standards of Official Conduct, Washington, DC.*

Hon. ROBERT A. BORSKI,
*Investigative Subcommittee, House of Representatives, Committee on Standards of Official Conduct, Washington, DC.*

DEAR. REPRESENTATIVE BUNNING AND REPRESENTATIVE BORSKI: Rep. Barbara-Rose Collins submits this letter pursuant to Rule 17(a) of the Rules of the Committee on Standards of Official Conduct of the U.S. House of Representatives. At this time, Rep. Collins, upon the advice of counsel, respectfully declines the Committee's invitation to present, orally or in writing, a statement regarding the questions arising out of the Preliminary Inquiry as set forth in the Committee's letter dated July 25, 1996.

Additionally, Rep. Collins requests that the Committee declare its inquiry to be moot in light of the primary election results for her district.

Respectfully submitted,

JONATHAN S. FELD.

# APPENDIX Q

## INVESTIGATIVE SUBCOMMITTEE OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT IN THE MATTER OF REPRESENTATIVE BARBARA-ROSE COLLINS

### STATEMENT OF ALLEGED VIOLATION

(Adopted September 12, 1996)

*I. Revelant standard of conduct and laws*

At all times relevant to the violations hereafter alleged, the pertinent provisions of House Rules and laws stated as follows:

A. HOUSE RULE XLIII, CLAUSE 1 (CODE OF OFFICIAL CONDUCT)

"A member, officer or employee of the House of Representatives shall conduct himself at all times in a manner which shall reflect creditably on the House of Representatives."

B. HOUSE RULE XLIII, CLAUSE 6 (CODE OF OFFICIAL CONDUCT)

"A Member of the House of Representatives shall keep his campaign funds separate from his personal funds. A Member shall convert no campaign funds to personal use in excess of reimbursement for legitimate and verifiable campaign expenditures and shall expend no funds from his campaign account not attributable to bona fide campaign or political purposes."

C. HOUSE RULE XLIII, CLAUSE 8 (CODE OF OFFICIAL CONDUCT)

"A Member or officer of the House of Representatives shall retain no one under his payroll authority who does not perform official duties commensurate with the compensation received in the offices of the employing authority."

D. HOUSE RULE XLV

"No Member may maintain or have maintained for his use an unofficial office account." According to the Committee's interpretation of Rule 45, "outside private donations, funds, campaign contributions, or in-kind services may not be used to support the activities of, or pay the expenses of. a congressional office." (*House Ethics Manual* at 217.) Private funds may be used "only to support private or political, and not official, activities." (*Id.* at 218; *see also id.* at 221.)

E. 31 U.S.C. § 1301(a)

"Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law."

F. COMMITTEE ON HOUSE ADMINISTRATION, CONGRESSIONAL HANDBOOK, REGULATIONS FOR ALLOWANCES AND EXPENSES OF MEMBERS, COMMITTEES AND EMPLOYEES (JUNE 1993)

Salary adjustments of an employee of a Member "should reflect services performed during the particular pay period or may reflect exceptional performance during the course of an allowance year. Increases should be made only when the services of the individuals(s) warrant." (Page 7)

"Each Member is authorized an Official Expenses Allowance to pay ordinary and necessary business expenses incurred by the Member (and/or the Member's employees) . . . . in support of the conduct of the Member's official and representational duties to the district from which he/she was elected. . . . This allowance may not be used to defray any personal, political or campaign related expenses . . . or expenses related to the conduct of other than official and representational business." (Page 23)

"Each Member and his/her clerk-hire employees may be reimbursed for travel expenses incurred in support of the conduct of the Member's official and representational duties to the district from which the Member was elected. (Page 36)

"Travel expenses incurred by someone other than the Member or his/her employees are not payable from the Official Expenses Allowance." (Page 36)

"Travel expenses incurred in support of the conduct of personal, political, or campaign-related business . . . or in support of the conduct of other than official and representational business are not payable from the Official Expenses Allowance." (Page 36)

G. COMMITTEE ON HOUSE OVERSIGHT, MEMBER'S CONGRESSIONAL HANDBOOK, REGULATIONS GOVERNING THE MEMBERS' REPRESENTATIONAL ALLOWANCE OF THE U.S. HOUSE OF REPRESENTATIVES (1995)

"All Members have one 'Members' Representational Allowance' (MRA) available to support the conduct of official and representational duties to the district from which elected. . . . The MRA may *not* be used to pay for any personal, political, campaign, or committee expenses. (Page 1) (Emphasis in original)

"Members may adjust, in any month, a Clerk Hire employee's salary to reflect exceptional, meritorious, or less than satisfactory service." (Page 9)

"Travel expenses incurred by someone other than Members or their Clerk Hire employees are *not* reimbursable from the MRA." (Page 46) (Emphasis in original)

H. REGULATIONS REGARDING SOLICITATION PROMULGATED BY COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The *House Ethics Manual* states that "Members, officers, and employees of the House *may* solicit funds on behalf of charitable organizations qualified under § 170(c) of the Internal Revenue Code, provided that no official resources are used, no official endorsement is implied, and no direct personal benefit results. No solicitation may bear official letterhead, the Great Seal, or the terms 'Congress of the United States,' 'House of Representatives,' or 'official business.' . . . . Questions regarding solicitations on behalf of entities that are not charities qualified under § 170(c) should be addressed to the Committee." (*House Ethics Manual* at 51) (emphasis in original). That guidance is based on an October 9, 1990, memorandum from the Committee on Standards of Official Conduct to all Members, Officers, and Employees of the House of Representatives. In addition to the guidance discussed above, that memorandum states: "The Committee will address on a case-by-case basis the extent to which a Member, officer, or employee may personally control the distribution of funds from a charity for which he or she solicits funds." (*House Ethics Manual* at 65)

*II. Alleged violations*

Count I—Misuse of official resources (Campaign activity by House employees)

The record indicates that during calendar years 1994 and 1995, House employees in the district and Washington, D.C. congressional offices of the Respondent, Representative Barbara-Rose Collins, regularly performed work for the Respondent's campaign at times when they should have been performing official duties, and often in the congressional office, with the Respondent's knowledge and approval. Such activities included: (1) collecting campaign contribution checks from a campaign post office box; (2) depositing campaign contribution checks; (3) maintaining the financial records of the Respondent's campaign organization; (4) paying the campaign's bills; and (5) organizing campaign events. Because the Respondent permitted appropriations to be applied to objects other than those for which the appropriations were made, the Committee has reason to believe that the Respondent violated 31 U.S.C. § 1301(a) and corresponding Regulations of the Committee on House Administration and the House Committee on Oversight. Because of the frequency with which employees of the Respondent performed campaign-related activities in the manner described above, and the Respondent's knowledge and approval of such activities, the Committee also has reason to believe that the Respondent conducted herself in a manner that does not reflect creditably on the House of Representatives, in violation of the Code of Official Conduct as set forth in Clause 1 or Rule XLIII of the House of the Representatives.

Count II—Misuse of official resources (Use of official funds for campaign purposes)

The record indicates that on or about April 4, 1995, Jerry Springs, an employee of the Respondent's congressional office in Detroit, traveled to Washington D.C. for the primary purpose of attending a fundraising event benefiting the Respondent's campaign committee. The record also indicates that, with the Respondent's knowledge and approval, official funds of the House of Representatives were used to pay for Mr. Springs' lodging in Washington. The record indicates that the Respondent's congressional office in Washington, D.C. submitted a voucher to the House Office of Finance regarding Mr. Springs' lodging expenses, which represented that the purpose of the travel was "official business." The record also indicate that the Respondent signed and approved that voucher.

The record further indicates that the Respondent's congressional office, with the knowledge and approval of the Respondent, used official funds of the House of Representatives to purchase a round-trip airline ticket form Detroit to Washington, D.C. in the name of Milton Harris, another employee of the Respondent's Detroit congressional office. The record indicates that the Respondent's congressional office submitted a voucher to the House Office of Finance regarding the cost of Mr. Harris' round-trip air transportation, which represented that the purpose of the travel was "official business." The record also indicates that the Respondent signed and approved that voucher. The record indicates that Mr. Harris did not use the airline ticket purchased in his name, and that instead, the ticket was used by Leon Robinson, a personal friend of the Respondent's who was not employed by the House of Representatives, with the knowledge and approval of the Respondent.

Because the Respondent permitted appropriations to be applied to objects other than those for which the appropriations were made, the Committee has reason to believe that the Respondent violated 31 U.S.C. § 1301(a) and corresponding Regulations of the Committee on House Administration and the House Committee on Oversight. For the reasons cited above, the Committee also has reason to believe that the Respondent acted in a manner that does not reflect creditably on the House of Representatives, in violation of the Code of Official Conduct as set forth in Clause 1 of Rule XLIII of the House of the Representatives.

Count III—Misuse of official resources (Performance of personal services by House employees)

The record indicates that during calendar years 1994 and 1995, House employees in the Respondent's congressional offices in Detroit and Washington, D.C. regularly performed personal services for the Respondent at times when they should have been performing official duties, within the Respondent's knowledge and approval. Such personal services included: (1) paying the Respondent's personal bills; (2) picking up the Respondent's personal mail; (3) cleaning the Respondent's personal residence; and (4) affording access to the Respondent's personal residence for deliveries and the

performance of personal services. Because the Respondent permitted appropriations to be applied to objects other than those for which the appropriations were made, the Committee has reason to believe that the Respondent violated 31 U.S.C. § 1301(a) and corresponding Regulations of the Committee on House Administration and the House Committee on Oversight. Because of the regularity with which House employees performed personal services for the Respondent, the Committee also has reason to believe that the Respondent conducted herself in a manner that does not reflect creditably on the House of Representatives, in violation of the Code of Official Conduct as set forth in Clause 1 of Rule XLIII of the House of Representatives.

Count IV—Misuse of official resources (Improper use of vouchered postage stamps)

The record indicates that during calendar years 1994 and 1995, the Washington, D.C. congressional office of the Respondent purchased first-class postage stamps with official funds that were used by employees of the Respondent's congressional offices to pay the Respondent's personal bills and bills incurred by the Respondent's campaign committee, with the knowledge and approval of the Respondent. Because the Respondent permitted appropriations to be applied to objects other than those for which the appropriations were made, the Committee has reason to believe that the Respondent violated 31 U.S.C. § 1301(a) and corresponding Regulations of the Committee on House Administration and the House Committee on Oversight. Because the record indicates that the above-described use of vouchered postage stamps occurred with the knowledge and approval of the Respondent, the Committee also has reason to believe that the Respondent did not conduct herself in a manner that reflects creditably on the House of Representatives, in violation of the Code of Official Conduct as set forth in Clause 1 of Rule XLIII of the House of Representatives.

Count V—Misuse of official resources (Use of official funds for personal purposes)

The record indicates that during calendar years 1994 and 1995, the congressional offices of the Respondent used official funds to send several packages by overnight mail concerning the Respondent's personal affairs, with the Respondent's knowledge and approval. Because the Respondent permitted appropriations to be applied to objects other than those for which the appropriations were made, the Committee has reason to believe that the Respondent violated 31 U.S.C. § 1301(a) and corresponding Regulations of the Committee on House Administration and the House Committee on Oversight. Because the record indicates that official funds were used in the manner described with the knowledge and approval of the Respondent, the Committee also has reason to believe that the Respondent did not conduct herself in a manner that reflects creditably on the House of Representatives, in violation of the Code of Official Conduct as set forth in Clause 1 of Rule XLIII of the House of Representatives.

Count VI—Misuse of campaign resources (Commingling and conversion)

The record indicates that funds from the Respondent's campaign committee improperly were used for the Respondent's personal purposes on several occasions during calendar years 1994 and 1995, with the knowledge and approval of the Respondent.

1. The record indicates that on or about June 30, 1994, the Respondent's campaign committee, "Friends of Barbara-Rose Collins," issued a check in the amount of $3,911.00 payable to Barbara-Rose Collins, purportedly for reimbursement of expenses concerning a campaign event. The record also indicates that the Respondent endorsed that check and, on or about July 1, 1994, caused it to be deposited in her personal checking account at the Wright Patman Congressional Credit Union ("Credit Union").

2. The record indicates that on or about August 3, 1994, Friends of Barbara-Rose Collins issued a check in the amount of $2,900.00 payable to "Cash" in connection with fundraising events and the NAACP. The record also indicates that the Respondent endorsed the check and, on or about August 5, 1994, caused it to be deposited in her personal checking account at the Credit Union.

3. The record indicates that:

a. On or about November 8, 1994, Friends of Barbara-Rose Collins issued a check in the amount of $8,500.00 payable to Jerry Springs, District Director of the Respondent's congressional office in Detroit, purportedly for election day poll workers and other election day expenses.

b. On the same day November 8, 1994, Mr. Springs cashed the same $8,500.00 check at Comerica Bank in Detroit.

c. On or about November 14, 1994, Mr. Springs used cash to purchase a cashier's check at Comerica Bank in Detroit in the amount of $8,500.00, made payable to Barbara-Rose Collins.

d. On or about November 15, 1994, the same cashier's check purchased by Mr. Springs in the amount of $8,500.00 was deposited into the Respondent's personal checking account at the Credit Union.

4. The record indicates that:

a. On or about March 6, 1995, Friends of Barbara-Rose Collins issued a check in the amount of 2,400.00, payable to "Comerica." That check was co-signed and endorses by the Respondent.

b. On or about the same day, March 6, 1995, Cosmerica Bank in Detroit issued a cashier's check payable to Barbara-Rose Collins in the amount of $2,400.00.

c. On or about March 9, 1995, $2,400.00 was deposited into the Respondent's checking account at the Credit Union.

5. The record indicates that:

a. On or about August 7, 1995, the Respondent purchased a freezer, oven, and electric dryer from ABC Warehouse in Southfield, Michigan.

b. The Respondent effected that purchase by means of a check in the amount of $913.72 drawn on the account of Friends of Barbara-Rose Collins and signed by the Respondent.

c. The Respondent instructed a salesperson at ABC Warehouse to have the oven and dryer delivered to her vacation home at Shay Lake, Michigan.

d. Employees of the Respondent's congressional office in Detroit subsequently delivered the oven and dryer to the Respondent's home at Shay Lake, Michigan.

e. On or about October 3, 1995, the Respondent issued a personal check in the amount of $354.00 payable to the Friends of Barbara-Rose Collins in partial reimbursement for the campaign's purchase of the oven and dryer.

Based on the foregoing, the Committee has reason to believe that the Respondent commingled campaign and personal funds, and converted campaign funds to personal use, in violation of the Code of Official Conduct as set forth in Clause 6 of Rule XLIII of the House of Representatives. In addition, the Committee has reason to believe that the Respondent conducted herself in a manner that does not reflect creditably on the House of Representatives, in violation of the Code of Official Conduct, as set forth in Clause 1 of Rule XLIII of the House of the Representatives.

Count VII—Misuse of campaign funds (Expenditure of campaign funds not attributable to bona fide campaign or political purposes)

The record indicates that the Respondent's campaign committee made numerous expenditures during calendar years 1994 and 1995 that were not attributable to bona fide campaign or political purposes, with the knowledge and approval of the Respondent.

1. The record indicates that on or about October 26, 1994, the Respondent caused a check to be issued on the account of her campaign committee in the amount of $1,000.00, payable to Detroit Edison. A handwritten annotation on the check indicated that the purpose of the check was to "Reconnect 19713 Ridgemont St. Clair Shores," while a campaign filing with the Federal Election Commission ("FEC") dated January 8, 1996, indicated that the purpose of the disbursement was to "reconnect 19731 Ridgemont constituents." The $1,000.00 campaign expenditure was made on behalf of Joyce Smith, an employee of the Respondent's Detroit congressional Office, for the purpose of enabling Ms. Smith to pay her residential electric bill. Ms. Smith was not a constituent at the time of the payment, and she later reimbursed the Respondent in two direct cash payments of $500.00 each.

2. The record indicates that on or about December 6, 1994, a check drawn on the account of the Respondent's campaign committee was issued in the amount of $4,000.00, payable to Jerry Springs, District Director of the respondent's congressional office in Detroit. The record indicates that Mr. Springs cashed the check on or about December 7, 1994. A campaign filing with the FEC dated January 8, 1996, represented that he purpose the expenditure related to the "Panafest event," while the check register corresponding to the $4,000.00 check stated that the purpose of the payment concerned the "Panafest Reception." The record indicates that the term "Panafest" pertains to an event that occurred in Ghana during a personal visit there in December 1994 by the Respondent and members of her congressional staff, including Mr. Springs.

3. The record indicates that:

a. On or about January 20, 1995, a check drawn on the account of the Respondent's campaign committee, co-signed by the Respondent, was issued in the amount of $8,043.11, payable to American Express.

b. That payment to American Express related at least in part to personal expenses incurred by the Respondent at the "Golden Tulip Hotel," which, according to the record, is a hotel in Ghana that the Respondent visited during her December 1994 trip to Africa.

c. According to documents filed with the FEC by the Respondent's campaign committee, on or about February 10, 1995, the Respondent's campaign committee disbursed $1,673.00 to "African Art Market in Accra, Ghana" for "Art objects for offices" in "DC/District."

4. On or about February 9, 1995, a check drawn on the account of the Respondent campaign committee was issued in the amount of $300.00, payable to "Mary Pointer" for "Services Rendered." The corresponding check register also stated that the purpose of the expenditure was "services rendered," while a campaign filing with the FEC dated January 8, 1996, represented that he purpose concerned "maintenance campaign mtgs." The record indicates that the $300.00 in campaign funds were used to pay for the cleaning of the Respondent's personal residence in Detroit.

Based on the foregoing, the Committee has reason to believe that the Respondent violated the Code of Official Conduct as set forth in Clause 6 of Rule XLIII of the House of Representatives. In addition, the Committee has reason to believe that the Respondent conducted herself in a manner that does not reflect creditably on the House of representatives, in violation of the Code of Official Conduct as set forth in Clause 1 of Rule XLIII of the House of Representatives.

Count VIII—Misuse of Scholarship Committee Funds

The record indicates that the Respondent commingled with personal funds, and converted to personal use, funds of the Collins Congressional Community Scholarship Committee ("CCCSC") on several occasions during calendar years 1994 and 1995.

1. The record indicates that on or about May 3, 1994, a check drawn on the account of the CCCSC was issued in the amount of $9,800.00, payable to "Cash" for "Scholarships." The record indicates that the Respondent signed and endorsed that check. The record further indicates that on or about May 4, 1994, the same check in the amount of $9,800.00 was deposited into the Respondent's personal checking account at the Credit Union.

2. The record indicates that on or about August 15, 1994, a check drawn on the account of the CCCSC was issued in the amount of $1,200.00, payable to Barbara-Rose Collins for "Kande Dean." The record indicates that the Respondent signed and endorsed that check, and that the check was cashed on or about August 15, 1994.

3. The record indicates that on or about October 24, 1994, a check drawn on the account of the CCCSC was issued in the amount of $3,812.11, payable to American Express. The record also indicates that this payment was made in connection with the Respondent's personal American Express account.

4. The record indicates that on or about November 9, 1994, a check drawn on the account of the CCCSC was issued in the amount of $8,000.00, signed by Barbara-Rose Collins and payable to Valerie Nicholas for "Festival of Giving." At the time, Ms. Nicholas was an employee of the Respondent's congressional office in Washington, D.C. The Respondent directed Ms. Nicholas to cash the check on behalf of the Respondent, and to bring the cash to the Respondent at her home. On or about November 10, 1994, Ms. Nicholas cashed the $8,000.00 check at Riggs Bank in Washington, D.C. and delivered the cash proceeds to the Respondent at her home in Virginia.

5. The record indicates that:

a. On or about May 7, 1995, the Respondent issued a check drawn on her personal account at the Credit Union in the amount of $5,000.00, payable to "Classic Consignments." Classic Consignments is a business in Palm Desert, California, that sells second-hand home furnishings and other merchandise.

b. On or about May 9, 1995, a check drawn on the account of the CCCSC was issued in the amount of $8,900.00, payable to "Comercia/Cash" for "Classic Consignments." The Respondent signed the check.

c. On or about May 9, 1995, the same $8,900 check drawn on the account of the CCCSC was deposited into the Respondent's personal account at Comerica Bank in Detroit.

d. On or about May 13, 1995, the Respondent purchased several personal items from Classic Consignments, including chandeliers and a Tiffany lamp, at a cost of $4,440.00. The Respondent ordered the delivery of the items to her home in Detroit, bringing the total cost of the transaction to approximately $5,646.00.

e. On or about June 1, 1995, the Respondent issued a check drawn on her personal account at the Credit Union in the amount of $8,900.00, payable to the CCCSC in reimbursement for $8,900.00 drawn from the CCCSC account on or about May 9, 1995. On or about September 20, 1995, that check was deposited into the CCCSC account at Riggs Bank in Washington, D.C.

6. On or about October 3, 1995, a check drawn on the account of the CCCSC was issued in the amount of $3,888.90, payable to American Express for "CBC Week Hotel Expenses & Misc. Hyatt Regency." Respondent signed the check. The record indicates that the proceeds from the check were used in connection with an annual social event in Washington, D.C. relating to the Congressional Black Caucus.

7. The record indicates that on or about October 27, 1995, the Respondent closed the bank account of the CCCSC at Riggs Bank in Washington, D.C. In closing the account, Respondent issued a check drawn on the account in the amount of $12,367.91, made payable to "Riggs/Barbara-Rose Collins." On or about the same day, the Respondent cashed the check in the amount of $12,367.91 and used the cash proceeds to purchase a cashier's check from Riggs Bank in the amount of $6,853.91, payable to herself. The Respondent also purchased a second cashier's check from Riggs Bank in the amount of $4,000.00, payable to "Operation Get Down." The latter

cashier's check bears the Respondent's endorsement and, beneath the endorsement, the handwritten annotation, "Not used for purpose intended."

Based on the foregoing, the Committee has reason to believe that the Respondent conducted herself in a manner that does not reflect creditably on the House of Representatives, in violation of the Code of Official Conduct as set forth in Clause 1 of Rule XLIII of the House of Representatives.

Count IX—Maintenance of unofficial account

1. The record indicates that in early October 1995, Jerry Springs, the District Director of the Respondent's congressional office in Detroit, transmitted a check in the amount of $500.00, drawn on the account of the Respondent's campaign committee, to Deputy District Director Cecilia Walker. A handwritten annotation on the check indicates that the purpose of the check was to provide a fund for "petty cash" expenses, and the record indicates that Mr. Springs advised Ms. Walker that the check was to be used for petty cash purposes. In addition, in late October or early November 1995, the Respondent personally gave a check in the amount of $1,000.00, drawn on her campaign committee's account, to Ms. Walker with instructions to use the money for petty cash expenses. The Respondent directed Ms. Walker to use petty cash consisting of campaign funds for expenditures concerning the district congressional office. The record also indicates that the petty cash fund was used to purchase items for the Respondent's congressional office in Detroit.

2. The record indicates that on or about May 16, 1995, the Respondent's campaign committee disbursed $270.00 to the "Senegal Art Market" to purchase "art carvings" for the Respondent's congressional offices in Washington, D.C. and Detroit.

Because outside donations, including campaign contributions, may not be used to support the activities of, or pay the expenses of, a congressional office, the Committee has reason to believe that the Respondent violated Rule XLV of the House of Representatives. Because the Respondent conducted herself in a manner that does not reflect creditably on the House of Representatives, the Committee also has reason to believe that the Respondent violated the Code of Official Conduct as set forth in Clause 1 of Rule XLIII of the House of the Representatives.

Count X—House employee raises not commensurate with official duties

The record indicates that in the summer and fall of 1994, the Respondent awarded substantial bonuses to several members of her congressional staff in the form of temporary salary increases. The record further indicates that each of the House employees who received these salary adjustments traveled to Africa with Representative Collins in December 1994, that the trip to Africa was personal in nature, and that the purpose of the adjustments was to enable those employees to pay for their travel to Africa. The Committee therefore has reason to believe that the compensation awarded to the House employees in question was not commensurate with the

performance of their official duties, and that Representative Collins violated the Code of Official Conduct as set forth in Clause 8 of Rule XLIII of the House of Representatives. Because the Respondent conducted herself in a manner that does not reflect creditably on the House of Representatives, the Committee also has reason to believe that the Respondent violated the Code of Official Conduct as set forth in Clause 1 of Rule XLIII of the House of the Representatives.

Count XI—Improper solicitation

The record indicates that on or about August 3, 1994, the Respondent's congressional office in Washington, D.C. sent letters to private corporations soliciting financial contributions to sponsor the "Michigan Bash IV," described in the solicitation letter as a "gala reception" occurring on September 16, 1994, in connection with the Congressional Black Caucus. The letter was sent on Representative Collins' official congressional letterhead bearing the term "Congress of the United States," and it was signed by Representative Collins. The letter directed that contribution checks "should be made payable to the Collins Congressional Community Service Committee, and forwarded to 1108 Longworth HOB, Washington, D.C. 20515"—the location of Representative Collins' congressional office at that time. In addition, the letter stated that "[c]hecks will be deposited directly into an account set up specifically for the reception."

The record indicates that the "Collins Congressional Community Service Committee" is the same organization known as the "Collins Congressional-Community Scholarship Committee" ("CCCSC"). In addition, the record indicates that (1) the CCCSC was not an organization qualified under § 170 of the Internal Revenue Code; (2) neither Representative Collins nor any member of her congressional staff obtained permission from the Committee on Standards of Official Conduct to solicit contributions to the CCCSC; (3) a separate financial account was not established for the deposit of contribution checks for the "Michigan Bash IV"; (4) several thousand dollars in contributions were received as a result of the solicitation for the "Michigan Bash IV"; (5) checks were deposited into the preexisting bank account of the CCCSC in Washington, D.C.; and (6) Representative Collins personally exercised control over funds in the bank account of the CCCSC.

Based on the foregoing, the Committee has reason to believe that the Respondent violated applicable House rules governing solicitations. The Committee also has reason to believe that by soliciting private donations to a fund that she controlled, the Respondent conducted herself in a manner that does not reflect creditably on the House of Representations, in violation of the Code of Official Conduct as set forth in Clause 1 of Rule XLIII of the House of Representatives.

## APPENDIX R

HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
*Washington, DC, September 17, 1996.*

Hon. BARBARA-ROSE COLLINS,
*House of Representatives, Cannon House Office Building, Washington, DC.*

DEAR REPRESENTATIVE COLLINS: On September 12, 1996, the Investigative Subcommittee (Subcommittee") established to investigate allegations concerning your conduct as a Member of Congress adopted a Statement of Alleged Violation based on information that it received during its Preliminary Inquiry. Pursuant to Rule 17(d) of the Committee on Standards of Official Conduct, the Subcommittee hereby transmits to you the attached Statement of Alleged Violation.

The Statement of Alleged Violation is based on the Subcommittee's determination, pursuant to Committee Rule 17(d), that there is "reason to believe" that violations of laws and House rules have occurred.

Under Committee Rule 18(a)(1), you may submit an answer to the Statement of Alleged Violation within 30 days after its transmittal. The failure to file an answer within the time prescribed will be considered a denial of each count in the Statement of Alleged Violation.

If you submit in answer, it must be in writing and under oath, and it must be signed by both you and your attorney. Committee Rule 18(a)(2) states that the answer "shall contain an admission to or denial of each count set forth in the Statement of Alleged Violation and may include negative, affirmative, or alternative defenses and any supporting evidence or other relevant information."

Under Committee Rule 18(b), you also have the option of filing a Motion for a Bill of Particulars within 15 days of transmittal of the Statement of Alleged Violation. Should you file such a motion, you will not be required to file an answer until 15 days after the Subcommittee has replied to the motion.

In addition, under Committee Rule 18(c)(1), you may file a Motion to Dismiss within 15 days after the date of transmittal of the Statement of Alleged Violation or, if a Motion for a Bill or Particulars has been filed, within 15 days after the date of the Subcommittee's reply to the Motion for a Bill of Particulars. Under Committee Rule 18(c)(2), a Motion to Dismiss "may be made on the grounds that the Statement of Alleged Violation fails to state facts that constitute a violation of the Code of Official Conduct or other applicable law, rule, regulation, or standard of conduct, or on the grounds that the Committee lacks jurisdiction to consider the allegations contained in the Statement." If you file a Motion to Dismiss, you

will not be required to file an answer until 15 days after the Subcommittee has replied to that motion.

Please be advised that under Committee Rule 18(d), any motion that you may file with the Subcommittee must be accompanied by a Memorandum of Points and Authorities.

If you have any questions, you may contact Committee Counsel David H. Laufman or Charles J. Willoughby.

Sincerely,

JIM BUNNING,
*Chairman.*
ROBERT A. BORSKI,
*Ranking Democratic Member.*

Attachment.

## APPENDIX S

BRAND, LOWELL & RYAN,
*Washington, DC, October 2, 1996.*

Re Representative Barbara-Rose Collins.

DAVID LAUFMAN,
*Counsel, Committee on Standards of Official Conduct, House of Representatives, the Capitol, Washington, DC.*

DEAR MR. LAUFMAN: Enclosed please find Rep. Collins' Motion for a Bill of Particulars and Supporting Memorandum. As we discussed, you agreed to accept service by facsimile and I will mail an additional copy.

Thank you for your cooperation.

Sincerely yours,

JONATHAN S. FELD.

Enclosures.

### U.S. HOUSE OF REPRESENTATIVES, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

### MOTION AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF REQUEST FOR BILL OF PARTICULARS

#### A. INTRODUCTION

The Honorable Barbara-Rose Collins respectfully submits the following motion and memorandum of points and authorities in support of her request for a Bill of Particulars. Despite having many months to review the documents, financial accounts and interview witnesses, the Subcommittee on Standards of Official Conduct ("Subcommittee") has presented a Statement of Alleged Violations ("Statement") that does not adequately apprise Rep. Collins of the specific theories and information necessary for her to respond. By utilizing generalizations and conclusory terms, the Subcommittee has created the distinct probability that Rep. Collins will be unfairly surprised and unable to respond meaningfully to the charges.

Rep. Collins seeks a limited bill of particulars in order to protect against this problem. She requests certain specific, limited information which will enable her to adequately defend herself, prevent unfair surprise, and prevent the unfair shifting or altering theories at any adjudicative hearing. Listed below are the particularized requests and a supporting memorandum.

#### BILL OF PARTICULARS

The Hon. Barbara-Rose Collins, pursuant to Rule 18b of the Rules, Committee on Standards of Official Conduct, seeks the following information.

*Count I*

(1) Specify the campaign contribution checks that were collected and deposited.

(2) Specify the financial records that were maintained and the work that was done in connection with these records.

(3) Specify the particular campaign bills that were allegedly paid.

(4) Identify the House employees involved in the conduct described in Count I.

(5) Specify the particular events that were organized and what particular activities were done to "organize" these terms.

(6) Explain the phrase "when they [House employees] should have been performing official duties."

(7) Specify the frequency and dates with which employees worked on the campaign related activities.

(8) Explain how Rep. Collins knew and approved of such activities.

*Count II*

(1) Specify the reasons and evidence supporting that "the primary purpose" for Jerry Springs' trip to Washington was to attend a fund raising event benefiting Rep. Collins' committee.

(2) Explain what records specify that official funds of the House of Representatives were used to pay for Mr. Springs' lodging.

(3) Explain what activities Mr. Springs engaged in in Washington, DC.

(4) Specify the records that show that Milton Harris did not use the ticket purchased for him.

(5) Specify the basis for the allegation that Rep. Collins knew that the ticket purchased in the name of Milton Harris, was intended to be used by Leon Robinson.

*Count III*

(1) Explain and describe the terms "official duties" and "personal services" as used in this Count.

(2) Identify the House employees involved in the conduct and the amount of time devoted by each to the "personal services."

(3) Specify the time of day when employees used personal time to perform the alleged "personal services," and the amount of business hours worked by each House employee involved.

(4) Specify the dates, frequency and amount of time involved when House employees (a) paid Rep. Collins' personal bills; (b) picked up Rep. Collins' personal mail; (c) cleaned Rep. Collins' personal residence; and (d) provided access for others for the delivery or performance of personal services.

(5) Explain with precision the term "regulatory" as used these allegations.

*Count IV*

(1) Specify the dates on which official funds were used to purchase postage stamps and the total value of the postage.

(2) Specify how it is determined that "official funds" were used to purchase the stamps.

(3) Specify whether stamps were purchased with official funds and were used for mailing of official business.

(4) Identify the personal correspondence on which such stamps were placed.

(5) Explain how postage stamps were used by House employees to pay personal bills of Respondent and bills incurred by the campaign committee.

(6) Explain how Rep. Collins knew and approved of these practices.

*Count V*

(1) Identify and provide dates when the packages were sent by overnight mail concerning Rep. Collins' personal affairs for which official funds were used as payments.

(2) Explain the term "personal affairs" as used in Count V.

(3) Explain how Rep. Collins knew and approved of this conduct.

*Count VI*

(1) Specify how the expenditures in subparts (1) and (2) did not qualify for reimbursement pursuant to House Rules.

(2) Explain how personal funds and campaign funds were co-mingled.

(3) Specify the cost of the oven and dryer.

*Count VII*

(1) Specify the dates that Ms. Smith was a constituent of Rep. Collins.

(2) Explain the basis for determining that the travel to Africa constituted a "personal visit".

(3) Explain the basis for determining when a meeting qualifies for an expenditure of campaign funds.

(4) Specify whether Mr. Springs paid for any expenses, and the amount, relating to the "Panafest event."

(5) Specify whether campaign activities were ever held at Rep. Collins' residence.

*Count IX*

(1) Specify the expenditures that were paid for with "petty cash" funds.

(2) Specify the political or campaign activities that were paid from the "petty cash" fund.

(3) Explain what office activities and expenses may be paid by campaign funds.

(4) Explain whether the purchases of "art carvings" for a congressional office is an "activity" or "expenses" that is reimbursable from official funds.

*Count X*

(1) Specify the evidence which indicates that the Congressional staff was not properly entitled to receive the adjustments in salary.

(2) Specify the basis on which bonuses and promotions should have been made.

(3) Explain the basis for determining that the trip to Africa "was personal in nature".

(4) Explain and specify the evidence that show the promotions were solely to enable employees to pay for their travel to Africa.

(5) Specify those employees who received "substantial bonuses" or "temporary salary increases" and did not travel to Africa.

(6) Explain the evaluation system that was used to show that the compensation awarded "was not commensurate with the performance of their [House employees] official duties."

*Count XI*

(1) Specify the evidence that shows that Rep. Collins instructed that the letter related to Michigan Bash should be printed on official stationery.

(2) Specify any additional times that official stationery was used for improper solicitations.

(3) Explain how the funds in the Collins Congressional Community Service Committee or Collins Congressional-Community Scholarship Committee were used and the names of the recipients.

## MEMORANDUM OF POINTS AND AUTHORITY IN SUPPORT OF MOTION FOR BILL OF PARTICULARS

### ARGUMENT—A BILL OF PARTICULARS IS MANDATED BY FUNDAMENTAL PRINCIPLES OF FAIRNESS

Rule 18(b) of the Rules of Committee on Standards of Official Conduct provides for the filing of a bill of particulars. Analogizing to federal practice, the purpose of a bill of particulars is multi-faceted: "[T]o inform the [respondent] of the charge[s] . . . with sufficient precision to allow [for preparation] of [her] defense, to minimize surprise at trial, and to enable [her] to plead double jeopardy in the event of a later prosecution for the same offense." *United States* v. *Cole*, 755 F.2d 748, 760 (11th Cir. 1985) (citations omitted); *see also United States* v. *Giese*, 597 F.2d 1170, 1180, (9th Cir.), *cert. denied*, 444 U.S. 979 (1979); *Yeargin* v. *United States*, 314 F.2d 881, 882 (9th Cir. 1963). A bill of particulars, properly viewed, is to provide the information *necessary* for Rep. Collins to defend herself at a hearing.

The object and purpose of a bill of particulars is not to supplement charges but to better apprise an individual of the pending charges. *United States* v. *Pipkin*, 243 F.2d 491 (5th Cir. 1957). Since respondents should be presumed innocent, it cannot be assumed that they know the particular information sought and can only be considered "ignorant of the facts on which the pleader founds his charges." *Fontana* v. *United States*, 262 F. 283, 286 (8th Cir. 1919); *United States* v. *Smith*, 16 F.R.D. 372, 375 (W.D. Mo. 1954).

The granting of a bill of particulars is within the Subcommittee's power. Such authority should be liberally exercised because a statement may be sufficient to state an offense, yet be insufficient to adequately inform a Representative of the charges to enable the preparation of a defense and to avoid prejudicial surprise. *United States* v. *Peelle*, 122 F. Supp. 923, 924, (E.D.N.Y. 1954) (The charges may meet the notice requirements but inform the defendant only as to the general nature of the charges against him. The bill of particulars is "meant to remedy just a situation"). *Accord, United States* v. *Solomon,* 26 F.R.D. 397, 407 (S.D.N.Y. 1960), ("[w]hen a Bill of Particulars is warranted, its scope will vary from

case to case, depending upon the complexity of the charges laid in the indictment.")

In this case, the Subcommittee has spent at least six months reviewing complex transactions, examining copies of banking records and receiving testimony on a wide-ranging set of matters that encompass a two year period. The breadth of the Statement, and the many transactions referenced therein, alone justifies Rep. Collins' motion for a bill of particulars. However, when the broad scope of the Statement is combined with the conclusory language in several of the Counts, Rep. Collins' motion for a bill of particulars is compelling. Without it, she will be unable to prepare adequately for her response.

For example, the Statement claims that Rep. Collins knew and approved of certain conduct. The Subcommittee failed to explain the basis for Rep. Collins' alleged knowledge and approval of the conduct. The alleged knowledge constitutes an integral—if not the integral—part of the Subcommittee's case, but fails to give any adequate explanation. It replies on mere assertions. Without a bill of particulars, Rep. Collins will be forced to speculate about the theory on which the Statement is predicated.

Similarly, the Statement asserts that bonuses or promotions to her Congressional employees were not warranted or "commensurate with their duties". Notable by its absence as an explanation for the basis for the Subcommittee's determination that promotions within a Representative were not allowed under the House Rules. Furthermore, the Bill of Particulars fails to give any articulable definition of "personal affairs", or the standard used to distinguish between "campaign related activities" and "official duties".

These examples are but a sample of the conclusory allegations and ambiguous terms that permeate the Statement. Simply put, Rep. Collins is entitled to know the exact theories and evidence relied upon by the Subcommittee for each and every allegation. Given the importance of this matter, she should not be forced to guess at the theories behind the Statement.

CONCLUSION

Rep. Collins' Bill of Particulars is fully justified to identify the Subcommittee's charges.

BRAND, LOWELL & RYAN,
*A Professional Corporation.*

By: Jonathan S. Feld, counsel for respondent, Hon. Barbara-Rose Collins.

## APPENDIX T

HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
*Washington, DC, October 7, 1996.*

Re motion for bill of particulars.

JONATHAN FELD, Esq.,
*Brand, Lowell & Ryan,*
*Washington, DC.*

DEAR MR. FELD: This is in response to a Motion and Memorandum of Points and Authorities in Support of Request for Bill of Particulars ("Motion") filed on October 2, 1996, on behalf of Representative Barbara-Rose Collins.

In the Motion, you assert that the Statement of Alleged Violations ("Statement") transmitted to Representative Barbara-Rose Collins on September 16, 1996, "does not adequately apprise [Ms. Collins] of the specific theories and information necessary for her to respond." You further assert that the Statement consists of "generalizations and conclusory terms" that have "created the district probability that Rep. Collins will be unfairly surprised and unable to respond meaningfully to the charges." In accordance with those assertions, you seek additional information about ten of the eleven counts in the Statement.

Pursuant to my authority under Rule 17(b)(2) of the Committee on Standard of Official Conduct, I deny Representative Collin's motion with respect to Counts II, III, IV, VI, VII, IX, X, and XI of the Statement on the grounds that the information contained in those counts is sufficient to advise Representative Collins of the allegations against her, and to afford her a meaningful opportunity to respond to those allegations.

As set forth below, the Investigative Subcommittee is providing additional information concerning Counts I and V.

### COUNT I

With respect to campaign-related events organized by House employees, the Subcommittee provides the following additional information:

The record indicates that in the spring or summer or 1994, House employees employed by the Detroit congressional office of Representative Collins were instructed to help prepare for a picnic at the campaign headquarters of Friends of Barbara-Rose Collins. Male employees of the congressional office painted the campaign headquarters, cut the grass, and installed ceiling fans. Female employees prepared food for the picnic.

The record also indicates that in 1994, employees of Representative Collins' congressional office in Washington, D.C. inspected facilities for upcoming campaign fund-raising events and took steps

to ensure that appropriate food and supplies were available for those events.

COUNT V

With respect to the use of official funds for personal purpose, the Subcommittee provides the following additional information:

The record indicates that on or about March 23, 1994, the Washington, D.C. office of Representative Collins sent an item by Federal Express to "Dwayne Porter" in Detroit, Michigan, at a net cost of $5.23. The record further indicates that this mailing related to interior decorating service that Mr. Porter provided to Representative Collins in connection with her personal residence. On or about April 22, 1994, Representative Collins' office in Washington, D.C. submitted a voucher to the House of Representatives for reimbursement of this expense, signed by Representative Collins.

The record indicates that on or about November 3, 1994, the Detroit congressional office of Representative Collins sent an item by Federal Express to Rose Reiter Jewelry, Inc. in New York, New York, at a net cost of $5.23. On or about November 17, 1994. Representative Collins' office in Washington, D.C. submitted a voucher to the House of Representatives for reimbursement of this expense, signed by Representative Collins.

The record indicates that on or about November 21, 1994, the Washington, D.C. congressional office of Representative Collins sent an item by Federal Express to Rose Reiter, Jewelry, Inc. in New York, New York at a net cost of $3.75. On or about January 11, 1995, Representative Collins' office in Washington, D.C. submitted a voucher to the House of Representatives for reimbursement of this expense, signed by Representative Collins.

The record indicates that on or about November 28, 1994, the Detroit congressional office of Representative Collins sent an item by Federal Express to "Rose Reiter" in New York, New York, at a net cost of $5.23. On or about January 11, 1995, Representative Collins's office in Washington, D.C. submitted a voucher to the House of Representatives for reimbursement of this expense, signed by Representative Collins.

The record indicates that on or about December 22, 1994, the Detroit congressional office of Representative Collins sent an item by Federal Express to the Rose Reiter jewelry store in New York, at a new cost of $6.16. On or about January 11,1995, Representative Collins' office submitted a voucher to the House of Representative for reimbursement of this expense, signed by Representative Collins.

The record indicates that on or about April 11, 1995, the Detroit congressional office of Representative Collins sent an item by Federal Express to the Rose Reiter Jewelry store in New York. New York, at a new cost of $5.23. On or about May 1, 1995, Representative Collins' office submitted a voucher to the House of Representatives for reimbursement of this mailing, signed by Representative Collins.

This concludes the Subcommittee's response to the above Motion.

Sincerely,

JIM BUNNING,
*Chairman, Investigative Subcommittee.*

## APPENDIX U

BRAND, LOWELL & RYAN,
*Washington, DC, October 24, 1996.*

Re Representative Barbara-Rose Collins.

DAVID LAUFMAN,
*Counsel, Committee on Standards of Official Conduct, House of Representatives, the Capitol, Washington, DC.*

DEAR MR. LAUFMAN: This letter confirms our conversation which I informed you that the Honorable Barbara-Rose Collins will not file an answer to the Statement of Alleged violations pursuant to Rule 18(a)(1) of the Rules of Committee on Standards of Official Conduct.

Sincerely yours,

JONATHAN S. FELD.

# APPENDIX V

HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
*Washington, DC, October 25, 1996.*

MEMORANDUM

To: Hon. Nancy L. Johnson, Chairman and Hon. Jim McDermott, Ranking Minority Member.
From: Hon. Jim Bunning, Chairman, Investigative Subcommittee Concerning Rep. Barbara-Rose Collins and Hon. Robert A. Borski, Ranking Minority Member.
Subject: Transmittal of Statement of Alleged Violation.

Pursuant to Committee Rule 18(g), the Investigative Subcommittee concerning Representative Barbara-Rose Collins hereby transmits a Statement of Alleged Violation in connection with the Resolution of Preliminary Inquiry adopted by the Committee on December 5, 1995. The Subcommittee also transmits a Motion for a Bill of Particulars filed by the respondent and the Subcommittee's response to that motion.

The respondent chose not to file an answer within the time prescribed by Committee rules, and so advised the Subcommittee. (See the attached letter.) Under Rule 18(a)(1), her failure to file an answer must be regarded as a denial of each count of the Statement of Alleged Violation.

Because the Committee and the House soon will lose jurisdiction over the respondent, the Subcommittee unanimously recommends that the full Committee not establish an adjudicatory subcommittee, and that no further action be taken in this matter.