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OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

REPORT

Review No. 11-6736

The Board of the Office of Congressional Ethics, by a vote of no less than four members, on September 27, 2011, adopted the following report and ordered it to be transmitted to the Committee on Ethics of the United States House of Representatives.

SUBJECT: Representative Alcee Hastings

NATURE OF THE ALLEGED VIOLATION: On March 7, 2011, Witness 1 filed an employment discrimination lawsuit against the United States Commission on Security and Cooperation in Europe (“Helsinki Commission”), Representative Alcee Hastings, and Helsinki Commission Staff Director, Fred Turner. The suit alleged that from January 2008 through February 2010, while employed at the Helsinki Commission, Witness 1 endured unwelcome sexual advances, sexual comments, and unwelcome touching by Representative Hastings. Witness 1 alleged that she repeatedly complained about the conduct to the Helsinki Commission and Mr. Turner, and that Representative Hastings and Mr. Turner affected the conditions of her employment because she objected to Representative Hastings’ conduct.

If Representative Hastings engaged in the conduct described above, he may have violated House rules, standards of conduct, and federal law.

RECOMMENDATION: The Board of the Office of Congressional Ethics recommends that the Committee on Ethics further review the above allegations because there is probable cause to believe that Representative Hastings violated House rules, standards of conduct, and federal law as a result of his interactions with Witness 1.

VOTES IN THE AFFIRMATIVE: 5

VOTES IN THE NEGATIVE: 1

ABSTENTIONS: 0

MEMBER OF THE BOARD OR STAFF DESIGNATED TO PRESENT THIS REPORT TO THE COMMITTEE ON ETHICS: Omar S. Ashmawy, Staff Director & Chief Counsel.

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OFFICE OF CONGRESSIONAL ETHICS
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FINDINGS OF FACT AND CITATIONS TO LAW

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FINDINGS OF FACT AND CITATIONS TO LAW

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On September 27, 2011, the Board of the Office of Congressional Ethics (the “Board”) adopted the following findings of fact and accompanying citations to law, regulations, rules, and standards of conduct (*in italics*).

The Board notes that these findings do not constitute a determination that a violation actually occurred.

I. INTRODUCTION

A. Summary of Allegations

1. On March 7, 2011, Witness 1 filed an employment discrimination lawsuit against the United States Commission on Security and Cooperation in Europe (“Helsinki Commission”), Representative Alcee Hastings, and Helsinki Commission Staff Director, Fred Turner. The suit alleges that from January 2008 through February 2010, while employed at the Helsinki Commission, Witness 1 endured unwelcome sexual advances, sexual comments, and unwelcome touching by Representative Hastings. Witness 1 alleged that she repeatedly complained about the conduct to the Helsinki Commission and Mr. Turner, and that Representative Hastings and Mr. Turner affected the conditions of her employment because she objected to Representative Hastings’ conduct. If Representative Hastings engaged in the conduct described above, he may have violated House rules, standards of conduct, and federal law.
2. In this matter, the Board was mindful of both the conduct of Witness 1 in making contemporaneous complaints and reports of unwelcome sexual advances, inappropriate behavior, and retaliation during the two-year period of alleged sexual harassment by Representative Hastings, and of Representative Hastings’ denials of harassment, even as he admitted to other factual allegations. Because all but one of the Helsinki Commission staff members who might have witnessed the interactions between Witness 1 and Representative Hastings refused to cooperate with the OCE’s review in this matter, no third party witness testimony was available to directly rebut or confirm any of Witness 1’s allegations with first-hand observations. Thus, most of the information obtained by the OCE was testimonial evidence from Representative Hastings and Witness 1. Their

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accounts of their interactions, although similar in some respects, varied in many important aspects.

3. The Board had particular concern that the refusal of key witnesses to cooperate may have left it without a complete and accurate factual record of the interactions between Witness 1 and Representative Hastings. Further investigation, including witness interviews and certain documentary evidence that was denied to the OCE but would be available under Committee processes, is necessary. Without this information, the Board could not fully assess the allegations.
4. Under these circumstances, with some of Witness 1's allegations corroborated by other evidence, and in view of the seriousness of the allegations, the Board considered it appropriate to assess this matter under the "probable cause" standard of Rule 9(A) of the OCE Rules for the Conduct of Investigations (and not its usual "substantial reason to believe" standard). A referral under this standard will allow the Committee on Ethics to fully develop facts not obtained by the OCE and render a decision in this matter.
5. Therefore, the OCE Board recommends that the Committee on Ethics further review the above allegations because there is probable cause to believe that Representative Hastings violated House rules, standards of conduct, and federal law as a result of his interactions with Witness 1.

B. Jurisdictional Statement

6. The allegations that were the subject of this review concern Representative Hastings, a Member of the United States House of Representatives from the 23rd District of Florida. The Resolution the United States House of Representatives adopted creating the OCE directs that, "[n]o review shall be undertaken . . . by the board of any alleged violation that occurred before the date of adoption of this resolution."¹ The House adopted this Resolution on March 11, 2008. Because much of the alleged conduct in this review took place after March 11, 2008, the OCE has jurisdiction in this matter.

¹ H. Res. 895 of the 110th Congress §1(e) (as amended).

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C. Procedural History

7. The OCE received a written request for a preliminary review in this matter signed by at least two members of the Board on May 2, 2011. The preliminary review commenced on May 3, 2011.² The preliminary review was scheduled to end on June 1, 2011.
8. At least three members of the Board voted to initiate a second-phase review in this matter on May 31, 2011. The second-phase review commenced on June 2, 2011.³ The second-phase review was scheduled to end on July 16, 2011.
9. The Board voted to extend second-phase review for an additional period of fourteen days on July 12, 2011. The additional period was scheduled to end on July 30, 2011.
10. Pursuant to Rule 9(B) of the OCE Rules for the Conduct of Investigations, Representative Hastings submitted a written statement to the Board on September 23, 2011.
11. The Board voted to refer the matter to the Committee on Ethics and adopted these findings on September 27, 2011.
12. The report and findings were transmitted to the Committee on Ethics on October 13, 2011.

D. Summary of Investigative Activity

13. The OCE requested and received documentary evidence from the following sources:
 - (1) Representative Hastings;
 - (2) Witness 1; and
 - (3) The Helsinki Commission.⁴

² A preliminary review is “requested” in writing by members of the Board of the OCE. The request for a preliminary review is “received” by the OCE on a date certain. According to the Resolution, the timeframe for conducting a preliminary review is thirty days from the date of receipt of the Board’s request.

³ According to the Resolution, the Board must vote on whether to conduct a second-phase review in a matter before the expiration of the thirty-day preliminary review. If the Board votes for a second-phase, the second-phase begins when the preliminary review ends. The second-phase review does not begin on the date of the Board vote.

⁴ On May 10, 2011, the OCE made its Request for Information to the Helsinki Commission, and through many telephone and email conversations, informed the Commission of preliminary review and second-phase review termination dates (the request specifically requested cooperation prior to the preliminary review termination date). After initially informing OCE staff that they would be granted access to search and collect information from employee computers at the Helsinki Commission, on July 18, 2011 the Helsinki Commission informed the OCE that the Commission had instead decided to ask House Information Resources to conduct the electronic searches and have Helsinki Commission staff review documents prior to production to the OCE.

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14. The OCE requested and received testimonial evidence from the following sources:

- (1) Representative Hastings;
- (2) Witness 1;
- (3) A Helsinki Commission staff member;
- (4) Representative Hastings' former Chief of Staff;
- (5) Representative Hastings' District Chief of Staff;
- (6) An FBI Agent;
- (7) Chief of Staff to Senator Ben Cardin; and
- (8) Chief of Staff to Representative Chris Smith.

15. The following individuals were determined to be non-cooperating witnesses:

- (1) Mischa Thompson;
- (2) Shelly Han;
- (3) Fred Turner. Despite repeated requests by the current Helsinki Commission Chief of Staff, Mr. Turner also refused to return his Commission laptop computer; and
- (4) Marlene Kaufmann. Ms. Kaufmann returned her laptop computer to the Helsinki Commission with its hard drive completely erased.

Later, on August 3, 2011, Helsinki Commission staff wrote in an email to the OCE that they understood the OCE's request that all of the remaining data, which HIR assembled, should be reviewed and turned over to OCE by the end of August. Before the end of August, Helsinki Commission staff called the OCE and requested that the August 31, 2011 deadline be extended. The OCE staff explained that some flexibility could be provided so that Helsinki Commission staff may make certain scheduling decisions. OCE staff then emailed and called on September 1, 2011 for a status update. In those inquiries, OCE staff explained that the OCE must have time to collect and review the information to inform the Board for its upcoming meeting. On September 6, 2011, Helsinki Commission staff informed the OCE that the Helsinki Commission would be providing half of the outstanding production by Friday, September 9, 2011 and could not provide a date for production of the remaining half.

The OCE explained that the Commission was expected to provide the entire production no later than September 9, 2011. The Helsinki Commission delivered a large production of information responsive to the OCE's requests on September 9, 2011. On September 14, 2011, the Helsinki Commission delivered a final production, and on September 20, 2011, delivered privilege logs listing withheld information and the reasons for withholding it.

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16. Representative Hastings and the Helsinki Commission also claimed attorney work-product and attorney-client privileges on an extensive amount of documents that were requested by the OCE.
17. The OCE Board also notes that Marlene Kaufmann, the Helsinki Commission staff counsel noted above as non-cooperative, advised the Helsinki Commission on cooperation with the OCE's review and reviewed documents before production to the OCE in order to determine what information would be withheld.

II. REPRESENTATIVE HASTINGS' ALLEGED SEXUAL HARASSMENT OF WITNESS 1

A. Laws, Regulations, Rules, and Standards of Conduct

18. *House Rule 23, clause 1 states that "[a] Member, Delegate, Resident Commissioner, officer, or employee of the House shall conduct himself at all times in a manner that shall reflect creditably on the House."*

19. *The Congressional Accountability Act states:*

2 U.S.C. § 1311(a)

"All personnel actions affecting covered employees shall be made free from any discrimination based on — (1) race, color, religion, sex, or national origin..."⁵

2 U.S.C. § 1317(a)

"It shall be unlawful for an employing office to intimidate, take reprisal against, or otherwise discriminate against, any covered employee because the covered employee has opposed any practice made unlawful by this chapter, or because the covered employee has initiated proceedings, made a charge, or testified, assisted, or participated in any manner in a hearing or other proceeding under this chapter."⁶

20. *The Office of Compliance defines "sexual harassment" as "[u]nwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature if the implication is that submission to such conduct is expected as part of the job."⁷*

⁵ 2 U.S.C. § 1311(a). The U.S. House of Representatives Office of Compliance also states in its handbook that 2 U.S.C. § 1311(a) applies to sexual harassment in the workplace. See <http://www.compliance.gov/wp-content/uploads/2010/04/eHandbook.pdf>.

⁶ 2. U.S.C. § 1317(a).

⁷ *Id.*

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B. Representative Hastings' Contact with Witness 1 in 2007

21. Witness 1 told the OCE that she first met Representative Hastings prior to 2007, shortly after he was re-elected to the House of Representatives.⁸ She was introduced by Witness 1's friend who worked for Representative Hastings, Beverly Falby.⁹ At the time, Witness 1 worked at the House Veterans Affairs Committee.¹⁰ When Representative Hastings interacted with Witness 1 during this time period, he was very cordial and would smile at her.¹¹
22. According to Witness 1, in March 2007, she encountered Representative Hastings on a street in Washington, DC.¹² He told Witness 1 that he was the Chair of the Helsinki Commission and that the Commission was hiring.¹³ Representative Hastings then suggested to Witness 1 that she come in to his office to see if he could help her find employment.¹⁴ Witness 1 stated that she thought Representative Hastings may have been willing to make a call to an NGO or some similar organization.¹⁵
- a. Representative Hastings told the OCE that Beverly Falby introduced him to Witness 1.¹⁶ Representative Hastings stated that he saw Witness 1 on C Street in Washington, DC and he asked her how she was doing, in a conversation that lasted four or five minutes.¹⁷
23. Witness 1 told the OCE that she met with Representative Hastings in early April 2007 to discuss a potential position with the Helsinki Commission.¹⁸ At that meeting, Representative Hastings said he wanted to make personnel changes at the Commission staff level.¹⁹ Witness 1 stated that Representative Hastings did not look at her resume

⁸ Memorandum of Interview of Witness 1, May 26, 2011 ("Witness 1 MOP") (Exhibit 1 at 11-6736_0002).

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.* at 11-6736_0002-3.

¹³ *Id.* at 11-6736_0003.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Memorandum of Interview of Representative Hastings, July 27, 2011 ("Representative Hastings MOI") (Exhibit 2 at 11-6736_0018).

¹⁷ *Id.*

A note on the organization of the OCE's findings in Review No. 11-6736: The vast amount of significant evidence obtained in this review comes in the form of testimonial evidence obtained through witness interviews, either corroborating or conflicting with Witness 1's factual allegations. Therefore, Witness 1's account of the events forming the basis of her allegations is compared, chronologically, with witness testimony from other sources.

¹⁸ Witness 1 MOI (Exhibit 1 at 11-6736_0003).

¹⁹ *Id.*

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like a prospective employer normally would; instead, Representative Hastings and Witness 1 chatted about pictures on the wall and also discussed Beverly Falby.²⁰

24. Witness 1 described Representative Hastings' demeanor at this meeting as friendly and inoffensive.²¹ At the end of the meeting, Representative Hastings provided Witness 1 with an official job offer for a Policy Advisor position with the Helsinki Commission; Witness 1 accepted the offer immediately.²² However, she stated that Representative Hastings did not provide a detailed description of the job responsibilities.²³
25. Witness 1 then talked to the Helsinki Commission staff director, Fred Turner, and was finally hired in May 2007 after back and forth discussions with Mr. Turner.²⁴
 - a. Representative Hastings stated that his brief interview with Witness 1 was not unlike other interviews he has conducted in the past and told the OCE that Witness 1 either brought her resume into his office or she sent it to him, but she did not hand it to him that day.²⁵
 - b. Representative Hastings' impressions of Witness 1 were that she had a good presence, was well dressed, carried herself professionally, and that overall he did not have an unfavorable impression of her.²⁶
 - c. Representative Hastings also told the OCE that he never had any capacity, at any time, to terminate Witness 1's employment with the Helsinki Commission.²⁷
26. Witness 1 told the OCE that Representative Hastings invited four Helsinki Commission employees to a dinner in May 2007, at a Thai restaurant on Capitol Hill.²⁸ The attendees included Mischa Thompson, Marlene Kaufmann, Mr. Turner and Witness 1.²⁹
27. Witness 1 stated that Representative Hastings discussed his intention to fire a number of current Helsinki Commission staff members.³⁰ At the dinner, Representative Hastings' treated Witness 1 the same as the other staffers present.³¹

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ Representative Hastings MOI (Exhibit 2 at 11-6736_0018).

²⁶ *Id.*

²⁷ *Id.*

²⁸ Witness 1 MOI (Exhibit 1 at 11-6736_0003).

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

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28. In a November 1, 2007 email from Witness 1 to Mr. Turner, Witness 1 discusses her affinity towards Representative Hastings, declaring that she had "had a crush on him since [she] first met him." The OCE was unable to interview Witness 1 about this statement.³²

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-----Original Message-----
From: Packer, Winsome
Sent: Thursday, November 01, 2007 7:22 PM
To: Turner, Fred
Subject: Re: Security Issues Hearing

Fred,

If you look back at your messages from yesterday you will see that Ron wrote Mr. Smith's
remarks after I emailed him, Bob, Kyle, Fin, Michael and Orest for help. Only he
responded and sent me the draft, which I immediately noted when I forwarded it to you.

I actually feel constrained by my limited time on the issues and again only Ron really
reviewed the other statements. Janice also sent me a couple of pointers but more to watch
for politically sensitive stuff. I mentioned a while back how little help some of the
country experts offer when I do ask for their help and that has not changed.

Fred, I have the highest respect for the Chairman and only want to do the best I can for
him so I am really sorry that my attempt here fell short. It's a challenge because there
are quite a few and complex issues. I take full responsibility and will go back to it
tomorrow but I again ask you to look closely at what other staff are doing. Kyle will not
lift a finger to help me on any Russia issue.

I hope you would never think that I would place any other Member above Mr. Hastings. Just
so you understand, I have had a crush on him since I first met him so there is no way that
I would put any Member above him. Yes, that's totally unprofessional, but I want to make
sure you get me.

Winsome
```

C. Representative Hastings' Contact with Witness 1 in 2008

29. Witness 1 stated that in January 2008, Ms. Thompson told Witness 1 that Representative Hastings wanted to have dinner at the same Thai Restaurant discussed above, without Mr. Turner knowing of their dinner plans.³³
30. During this dinner in January 2008, Representative Hastings discussed the details of a position in Vienna, Austria for Witness 1.³⁴ He also told Witness 1 that she would have a choice of two per diems and suggested that she choose the highest one; Witness 1 thought that this was a strange statement to make.³⁵
31. According to Witness 1, while walking from the restaurant that night, Representative Hastings told Witness 1 that when she arrived in Vienna, he could visit her at her apartment.³⁶ Witness 1 was shocked, did not respond to the statement, and hoped that

³² Email from Witness 1 to Fred Turner, dated November 1, 2007 (Exhibit 4 at 11-6736_0026). The OCE was unable to interview Witness 1 about this statement because the production containing this email came to the OCE well after the OCE had interviewed Witness 1.

³³ Witness 1 MOI (Exhibit 1 at 11-6736_0003).

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.* at 11-6736_0004.

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Representative Hastings would “get the message.”³⁷ Representative Hastings moved on from the conversation after her lack of response.³⁸ Witness 1 believed that Ms. Thompson may have heard Representative Hastings’ comment, although she was walking behind them at the time.³⁹

- a. Representative Hastings told the OCE that in January 2008, he invited Ms. Thompson and Witness 1 to dinner at a Thai restaurant on Capitol Hill.⁴⁰ He did not invite Mr. Turner because Ms. Thompson and Witness 1 were the first African-American staffers at the Helsinki Commission and Representative Hastings wanted to have a private conversation with them.⁴¹
- b. Representative Hastings stated that he did not walk Witness 1 to her car after the dinner.⁴² He also stated that there was never a time when he wanted to or asked to go to her apartment once Witness 1 arrived in Vienna.⁴³

32. Witness 1 told the OCE that she spoke to Shelly Han the next morning about Representative Hastings’ comment regarding Vienna.⁴⁴ Ms. Han told her to speak with Mr. Turner about the comment.⁴⁵ Witness 1 did not do so at the time because she believed Mr. Turner’s loyalty was to Representative Hastings.⁴⁶

33. About a week later, Witness 1 stated that Representative Hastings called her about her preparations for Vienna.⁴⁷ Representative Hastings then asked Witness 1 where she lived and Witness 1 responded that she lived in Alexandria, Virginia.⁴⁸ Representative Hastings said that he should check on Witness 1 at her home in Alexandria.⁴⁹ Witness 1 responded that she could have Representative Hastings and Mr. Turner over for dinner sometime, but Representative Hastings declined the offer.⁵⁰ Witness 1 stated that she extended the invitation to Representative Hastings and Mr. Turner to make it a social event in an attempt to respond without offending her boss.⁵¹ Representative Hastings

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ Representative Hastings MOI (Exhibit 2 at 11-6736_0018).

⁴¹ *Id.*

⁴² *Id.* at 11-6736_0019.

⁴³ *Id.*

⁴⁴ Witness 1 MOI (Exhibit 1 at 11-6736_0004).

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

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also said in the telephone call that he would like to stay with Witness 1 when she moved to Vienna.⁵²

34. Witness 1 told the OCE that near the end of February 2008, after relocating to Vienna, Representative Hastings arrived with a congressional delegation.⁵³ In the delegation room, Representative Hastings walked directly to Witness 1 with a small bag containing a music box from the Czech Republic.⁵⁴ Helsinki Commission staff members and others were in proximity.⁵⁵ According to Witness 1, no other staff member received a gift from Representative Hastings at that time.⁵⁶

a. Representative Hastings told the OCE that in February 2008, he gave Witness 1 a music box from Prague.⁵⁷ On the same trip he also gave his congressional Chief of Staff a vase and a scarf.⁵⁸ Representative Hastings stated that he exchanges many gifts, such as ties, with his staff.⁵⁹

35. Witness 1 stated that she put the bag with the music box aside.⁶⁰ Representative Hastings then asked Witness 1 to get him some ice.⁶¹ When she returned with the ice, Representative Hastings asked Witness 1 if she had found an apartment in Vienna and stated that he would spend a week with her once she found one.⁶²

a. Representative Hastings stated that he never asked to stay with Witness 1 in Vienna.⁶³ He also stated that he has never told Witness 1 that he would like to stay with her at any location.⁶⁴

b. Representative Hastings told the OCE that he called Witness 1 three times while she was in Vienna.⁶⁵ He did not personally place the calls but had Mr. Turner place two of them.⁶⁶ One of the calls occurred when he learned that Witness 1 had fainted, telling her that her health was her first priority.⁶⁷ Representative

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ Representative Hastings MOI (Exhibit 2 at 11-6736_0019).

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ Witness 1 MOI (Exhibit 1 at 11-6736_0004).

⁶¹ *Id.* at 11-6736_0005.

⁶² *Id.*

⁶³ Representative Hastings MOI (Exhibit 2 at 11-6736_0017).

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

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Hastings stated that he called other Helsinki Commission staff members at home as well.⁶⁸

36. According to Witness 1, she then made a decision to speak with Mr. Turner about Representative Hastings' conduct towards her, telling Mr. Turner about the three times that Representative Hastings had invited himself to visit Witness 1.⁶⁹ Mr. Turner then asked whether Witness 1 and Representative Hastings had ever had a personal relationship.⁷⁰ Witness 1 told Mr. Turner they had not and, according to Witness 1, Mr. Turner looked visibly surprised that they had not been in a relationship.⁷¹ Mr. Turner told Witness 1 that he would speak with Representative Hastings about the information provided by Witness 1.⁷² Mr. Turner also told Witness 1 that if Representative Hastings ever said he was getting on a plane to visit Witness 1, that she should call him.⁷³
37. Witness 1 told the OCE that she was very concerned at this point that Representative Hastings was not "getting the message" and that it was bothering her because now he was approaching her in public settings.⁷⁴
38. In March 2008, Representative Hastings called Witness 1 and said she should visit Copenhagen for a meeting.⁷⁵ Witness 1 responded that she had too many current tasks to complete but that she would check her schedule.⁷⁶ Witness 1 then called Mr. Turner and told him about the call from Representative Hastings; Mr. Turner said that she should tell Representative Hastings that Mr. Turner said she was too busy to go to Copenhagen.⁷⁷ Mr. Turner again said that he would speak with Representative Hastings.⁷⁸
39. Witness 1 recalled, during her interview with the OCE, that around this time she was speaking with a personal friend, who is an FBI Agent, about Representative Hastings' conduct before and after she left for Vienna.⁷⁹ Witness 1 was a personal friend of the FBI Agent before she took the position with the Helsinki Commission as a result of their shared time as staff members at the House Homeland Security Committee.⁸⁰

⁶⁸ *Id.*

⁶⁹ Witness 1 MOI (Exhibit 1 at 11-6736_0005).

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

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40. Witness 1 recalled that she and the FBI Agent had dinner before Witness 1 left for Vienna, and on that occasion, the FBI Agent suggested to Witness 1 that she take notes on Representative Hastings' conduct towards her.⁸¹
- a. The FBI Agent told the OCE that she first talked to Witness 1 about Representative Hastings after Witness 1 started working at the Helsinki Commission.⁸² The FBI Agent was not certain if she and Witness 1 first talked about Representative Hastings before or after Witness 1 went to Vienna with the Helsinki Commission.⁸³
 - b. The FBI Agent and Witness 1 talked about Representative Hastings six to ten times when it was more than a "passing comment" between them.⁸⁴ During these talks, the FBI Agent stated that Witness 1 was upset about her interactions with Representative Hastings and had endured stress due to his behavior.⁸⁵ Witness 1 also told the FBI Agent that she felt her job at the Helsinki Commission was in jeopardy and that she did not know how to fend off Representative Hastings and keep her job at the same time.⁸⁶
 - c. The FBI Agent recalled that Witness 1 described an event somewhere overseas where Representative Hastings called Witness 1 in the middle of the night and waited for her in a hotel lobby.⁸⁷
 - d. Witness 1 told the FBI Agent that Representative Hastings would hug Witness 1 in public and in group settings, making her uncomfortable.⁸⁸ Witness 1 also told the FBI Agent that she bought a tie for Representative Hastings because she felt pressure to buy him gifts and that she felt she had to do something, like purchasing gifts, to get him to back down.⁸⁹
 - e. The FBI Agent told Witness 1 that Witness 1 needed to take action within her organization and noticed that Witness 1 appeared to be more stressed than at other times she had spent with her.⁹⁰

⁸¹ *Id.*

⁸² Memorandum of Interview of an FBI Agent, June 16, 2011(Exhibit 5 at 11-6736_0029).

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.* at 11-6736_0030.

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.*

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- f. The FBI Agent stated that she probably told Witness 1 to take notes about the interactions with Representative Hastings.⁹¹ She stated that it sounded like something she would have told someone to do.⁹²
- g. Witness 1 told the FBI Agent of instances when she reported things to Mr. Turner and Mr. Turner said he would speak to Representative Hastings but nothing changed.⁹³
- h. The FBI Agent stated that based on her conversations with Witness 1, and her twenty years of experience as an agent, the detailed accounts of the events did not seem rehearsed.⁹⁴

⁹¹ *Id.*

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Id.* at 11-6736_0029, 31.

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41. Witness 1 took handwritten notes during her time in Vienna of her interactions with Representative Hastings.⁹⁵ Although the notes reflect a dated timeline, the OCE cannot authenticate whether the notes were taken at each of the dates noted in the document.

David was a sponsor - said her name in it for effort. Took Fred trip...
 stated she wanted to visit me in Vienna (3 times) Took Fred trip...
 Fred is cheap; James picks up takes to restaurants
 with Alex bought him expensive ties, Fred bought cheap tie
 May 2008 - Incident in van: "even after he has sex, he
 female member of congress says "sleep"
 Mischel among; what kind of pants I was wearing
 Alex - bought ties for him on every trip - a shell
 Ann - saw David buying him gifts in Rome
 David & sport because he said have to spend per day
 bought him new things
 Astana; bought her tie / shirt; Fred; arrived even
 to staff Hastings
 # Feb 09, 1100
 in Astana, wanted to meet at 5 am
 wanted to look at shops in afternoon - tie
 * in Lisbon, wanted for dividend then left when
 work arrived
 Sinatra - in bar; Fred is so cheap; I said
 all his dues for him; would not see with me
 by 2009
 Lisbon; My job is not in any danger as of
 in Lisbon; Fred was drunk; never once had back meeting
 in Vienna; did I want to drive back to
 hotel as was in his car (my address of city)
 Exclusion for correspondence / my portfolio
 Athens: Taxi vs. ride w/ Hastings
 # May; partly met at briefing to buy me
 Ukraine
 finally in PC
 Caversham in Moscow; Moscow & Fred
 him buying me
 June 05 - advised me to travel - do things away from them
 Fred also lectured state about my treatment

42. Witness 1 told the OCE that the next encounter with Representative Hastings occurred in May 2008 when Representative Hastings arrived in Vienna with his (now) former Chief of Staff.⁹⁶ Witness 1 stated that Representative Hastings and his former Chief of Staff had many trips to Vienna together.⁹⁷

⁹⁵ Witness 1 MOI (Exhibit 1 at 11-6736_0005); Handwritten notes taken by Witness 1 (Exhibit 6 at 11-6736_0033).

⁹⁶ Witness 1 MOI (Exhibit 1 at 11-6736_0006).

⁹⁷ *Id.*

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- a. Representative Hastings' former Chief of Staff told the OCE that he has been to Vienna only once in his life and only made one or two trips with both Representative Hastings and Witness 1.⁹⁸
43. After greeting Representative Hastings' former Chief of Staff and Representative Hastings at the airport in Vienna, May 2008, Witness 1 and Representative Hastings rode in a car together, along with a driver.⁹⁹ Representative Hastings told Witness 1 that he was tired because he was not sleeping well.¹⁰⁰ Representative Hastings then said that even after sex he does not sleep well.¹⁰¹ Witness 1 was uncomfortable with the conversation, did not respond, and was in the car with Representative Hastings because she was "staffing" him.¹⁰² Witness 1 later told Mr. Turner about this conversation.¹⁰³
- a. Representative Hastings told the OCE that in the course of a May 2008 discussion in Vienna, he made a comment to Witness 1 about not being able to sleep after sex.¹⁰⁴ He stated that he made this comment to males and females and could not recall if he made the comment solely to Witness 1.¹⁰⁵
 - b. Representative Hastings stated that if the conversation took place on the way to the IAEA (International Atomic Energy Agency) then it would have been Witness 1, the driver, and himself in the car.¹⁰⁶ Representative Hastings stated that he had no thought of offending Witness 1 and that she continued in the conversation about sleep.¹⁰⁷ Representative Hastings stated that Witness 1 told him that when she had difficulty sleeping, she danced in her apartment.¹⁰⁸
44. According to Witness 1, the next interaction with Representative Hastings occurred later that day at the Marriott hotel in Vienna.¹⁰⁹ Near the bar area, Representative Hastings' former Chief of Staff left at one point and Representative Hastings stated to the group that he did not understand how female members of Congress could wear the same underwear from the beginning of a congressional session to the end of a session.¹¹⁰

⁹⁸ Memorandum of Interview of Representative Hastings' former Chief of Staff, July 21, 2011 ("Former Chief of Staff MOI") (Exhibit 7 at 11-6736_0036).

⁹⁹ Witness 1 MOI (Exhibit 1 at 6736_0006).

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ Representative Hastings MOI (Exhibit 2 at 11-6736_0014).

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ *Id.* at 11-6736_0015.

¹⁰⁹ Witness 1 MOI (Exhibit 1 at 11-6736_0006).

¹¹⁰ *Id.*

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According to Witness 1's court complaint, Representative Hastings specifically asked Witness 1 about her underwear.¹¹¹ Witness 1 stated that Ms. Thompson and Alex Johnson laughed about Representative Hastings' comments.¹¹²

- a. Representative Hastings told the OCE that at the Marriott hotel bar after dinner, he was accompanied by Mr. Johnson, Ms. Thompson, his former Chief of Staff, and Witness 1.¹¹³
- b. At the bar, and in similar settings before, Representative Hastings stated that he made a statement to the group discussing that he did not understand how male and female Members of Congress, but especially female members, can stay in their clothing, specifically their underwear, for sixteen hours at a time.¹¹⁴ Representative Hastings mentioned to the group that he takes showers during the day.¹¹⁵ He stated that during this conversation people were drinking and "one-upping" each other and that his comments were not "out of the blue."¹¹⁶
- c. Representative Hastings stated that he "absolutely" did not ask Witness 1 about her underwear then or in any other conversation.¹¹⁷
- d. Representative Hastings' former Chief of Staff told the OCE that at a dinner in Vienna, he recalled Witness 1 being combative with Representative Hastings and that at one point she turned to him and asked "Why doesn't he like me?"¹¹⁸ Later, Witness 1 invited everyone staffed in Vienna, including Representative Hastings, to her apartment for drinks.¹¹⁹ Representative Hastings was among those who did not attend.¹²⁰
- e. When asked specifically about sexually-related comments occurring at the Marriott hotel bar in Vienna, Representative Hastings' former Chief of Staff stated that while he may have been present at the bar, he did not recall any of those comments occurring in front of him.¹²¹

¹¹¹ *Packer v. Helsinki Commission, et al*, No. 11-00485 (D. D.C., filed March 7, 2011) ("Federal District Court Complaint") (Exhibit 8 at 11-6736_0050).

¹¹² Witness 1 MOI (Exhibit 1 at 11-6736_0006).

¹¹³ Representative Hastings MOI (Exhibit 2 at 11-6736_0015).

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ *Id.*

¹¹⁷ *Id.*

¹¹⁸ Former Chief of Staff MOI (Exhibit 7 at 11-6736_0037).

¹¹⁹ *Id.*

¹²⁰ *Id.*

¹²¹ *Id.*

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- f. Representative Hastings' former Chief of Staff stated that he heard from Mr. Turner in 2008, before the trip to Vienna, that Witness 1 approached Mr. Turner and Marlene Kaufmann, alleging that Representative Hastings made sexual comments to her, and that she felt uncomfortable.¹²²
 - g. After he told the former Chief of Staff about Witness 1's claims, Mr. Turner asked the former Chief of Staff to watch the interactions between Representative Hastings and Witness 1 to ensure that she was comfortable but he did not discuss the validity or content of Witness 1's allegations with Mr. Turner.¹²³ The former Chief of Staff stated that in his experience, Representative Hastings' interactions with Witness 1 were no different than with any other staffer: cordial and professional, sometimes laid back.¹²⁴
 - h. Representative Hastings' former Chief of Staff repeatedly told the OCE that he could not recall specific events and conversations related to Witness 1's allegations and delegation trips to Vienna.¹²⁵
45. According to Witness 1, later that evening at the Marriott bar Representative Hastings told her that the only reason that he was dating one of his girlfriends was because she helped him during his legal troubles.¹²⁶ He also told Witness 1 that another girlfriend was not worthy.¹²⁷ Witness 1 told Representative Hastings that the conversation was not appropriate.¹²⁸ Representative Hastings then became frustrated and told Ms. Thompson and Witness 1 to leave the bar area.¹²⁹
46. Witness 1 then told Ms. Thompson about her interactions with Representative Hastings because Ms. Thompson mentioned to Witness 1 that the tension between Representative Hastings and Witness 1 "could be cut with a knife."¹³⁰ According to Witness 1, Ms. Thompson was amused that Members of Congress could have girlfriends in both Florida and Washington, DC.¹³¹

¹²² *Id.* at 11-6736_0036.

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ *Id.* at 11-6736_0035-38.

¹²⁶ Witness 1 MOI (Exhibit 1 at 11-6736_0006).

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ *Id.* at 11-6736_0007.

¹³¹ *Id.*

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47. Witness 1 informed Mr. Turner later that night about what had occurred with Representative Hastings and he told Witness 1 that she was handling the situation very well.¹³²
48. Witness 1 told the OCE that Representative Hastings would continue to call her to see how she was doing with the position in Vienna.¹³³
49. Witness 1 stated that later, while she was in Vienna, Representative Hastings called and asked her if she wanted to meet him in Brussels, Belgium for an event that was not in her job portfolio.¹³⁴ According to Witness 1, Ms. Thompson, who had such issues in her portfolio, was asked by Representative Hastings to persuade Witness 1 to come to Brussels, although Witness 1 did not go to Brussels.¹³⁵ Witness 1 stated that Representative Hastings would continually use Mr. Johnson and Ms. Thompson in his efforts to see her.¹³⁶
50. As an example of this behavior, Witness 1 recalled that in 2010 Representative Hastings had Mr. Johnson cancel Witness 1's hotel reservation in Odessa, Ukraine so that she would have to stay in Kiev, Ukraine during one of his visits to Kiev.¹³⁷ When this occurred, Witness 1 stated that she began to hyperventilate.¹³⁸
- a. Representative Hastings told the OCE that he did not ask anyone at anytime to change Witness 1's flight or hotel reservations.¹³⁹ He stated that Mr. Johnson cancelled Witness 1's hotel reservation in Odessa, but not at his direction.¹⁴⁰

¹³² *Id.*

¹³³ *Id.*

¹³⁴ *Id.*

¹³⁵ *Id.*

¹³⁶ *Id.*

¹³⁷ *Id.*

¹³⁸ *Id.*

¹³⁹ Representative Hastings MOI (Exhibit 2 at 11-6736_0017).

¹⁴⁰ *Id.*

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51. In a January 15, 2010 email from Witness 1 to Mr. Turner, Witness 1 asked Mr. Turner for advice, concerned that by leaving Kiev, she may upset Representative Hastings.¹⁴¹ Mr. Turner responded that “for reasons previously discussed” Witness 1 should nevertheless continue on to Odessa.¹⁴²

```
----- Original Message -----  
From: Turner, Fred  
To: Packer, Winsome  
Sent: Fri Jan 15 07:40:12 2010  
Subject: Re: Can I call you  
  
I can't chat at the moment. But for reasons previously discussed, I think you should still go to Odessa. I'm not on the ground with you and don't really understand what's going on, but that would still be my suggestion. I will help explain the issue to alyg if he is upset. But even if he is, it will go away quickly. That's his style. OK?  
  
----- Original Message -----  
From: Packer, Winsome  
To: Turner, Fred  
Sent: Fri Jan 15 07:35:41 2010  
Subject: Re: Can I call you  
  
Fred,  
  
I wanted to ask your advice on what to do because at this point I think if I went to Odessa Mr. Hastings will be upset. I need to tell the PA asap and also the embassy so they can cancel the flights and hotel. Please advise. Thanks.
```

52. At a July 2008 Helsinki Commission meeting in Kazakhstan, Mr. Turner told Witness 1 that Representative Hastings was arriving a day earlier than planned and asked her to change her initial schedule to meet him.¹⁴³ Witness 1 was shocked that, after her discussions with Mr. Turner about Representative Hastings, Mr. Turner would ask her to staff Representative Hastings alone.¹⁴⁴
53. According to Witness 1, at 4 a.m., on the way to the hotel from the Kazakhstan airport, the embassy representative with her received a call from Representative Hastings saying that he wanted to see Witness 1 as soon as he arrived.¹⁴⁵ When Witness 1 went to the delegation room, Representative Hastings was there with a drink in his hand and told Witness 1 that she looked good.¹⁴⁶ Representative Hastings then told Witness 1 that he wanted to help advance her career.¹⁴⁷ Witness 1 responded that she worked hard to establish herself as a professional and she did not want a personal relationship with him.¹⁴⁸ Representative Hastings responded by telling her that nobody would treat her less

¹⁴¹ Email from Witness 1 to Fred Turner, dated January 15, 2010 (Exhibit 9 at 11-6736_0077-78).

¹⁴² *Id.*

¹⁴³ Witness 1 MOI (Exhibit 1 at 11-6736_0007).

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

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than professionally if she had a relationship with him.¹⁴⁹ This conversation was the first time Witness 1 verbalized her position on a potential relationship with Representative Hastings.¹⁵⁰

54. Representative Hastings had Witness 1 eat with him the next morning before the two went shopping.¹⁵¹ Witness 1 stated that she shopped with Representative Hastings because she was there to staff him and it was part of her job duties.¹⁵²
55. Witness 1 told the OCE that when she and Representative Hastings were in the shops, he complained to Witness 1 about Mr. Turner being cheap and stated that Mr. Johnson and his former Chief of Staff bought him many expensive gifts.¹⁵³ Witness 1 asked Representative Hastings if he would like a shirt.¹⁵⁴ He then selected a shirt in the shop and Witness 1 purchased it for him.¹⁵⁵ Witness 1 stated that Representative Hastings did not explicitly tell her to buy a gift for him.¹⁵⁶
 - a. Representative Hastings told the OCE that during the July 2008 Kazakhstan trip, he did not ask Witness 1 to meet him or to go to Kazakhstan.¹⁵⁷ He stated that Witness 1 arrived after he was already at the hotel.¹⁵⁸ Witness 1 then came to the delegation room when she arrived at the hotel.¹⁵⁹ Although Representative Hastings could not recall all aspects of the conversation, he recalled telling Witness 1 that she looked good.¹⁶⁰
 - b. Representative Hastings also stated that he did not tell her that he would help with her career because he had already helped her career and there could be nothing further that he could offer her.¹⁶¹ Representative Hastings could not recall if anyone else was in the delegation room at that time.¹⁶²
 - c. Representative Hastings stated that the next day he went “looking,” but not shopping, with Witness 1 at a mall in Kazakhstan where Witness 1 bought him a

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

¹⁵¹ *Id.* at 11-6736_0008.

¹⁵² *Id.*

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

¹⁵⁷ Representative Hastings MOI (Exhibit 2 at 11-6736_0015).

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

¹⁶⁰ *Id.*

¹⁶¹ *Id.*

¹⁶² *Id.*

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green tie and shirt.¹⁶³ Witness 1 told him that she wanted to do something nice for him.¹⁶⁴ Representative Hastings stated that he told Witness 1 that Mr. Turner was cheap but did not ask Witness 1 to buy him anything at all.¹⁶⁵

- d. Representative Hastings' former Chief of Staff told the OCE that he purchased gifts (t-shirts, books, ties, liquor) for Representative Hastings throughout his employment and that Representative Hastings never pressured him to buy gifts or asked him to do so.¹⁶⁶

56. Witness 1 told the OCE that Mr. Johnson always bought gifts for Representative Hastings in addition to buying his meals and drinks, and it was understood that Representative Hastings expected this of his staff.¹⁶⁷ During her interview with the OCE, Witness 1 recalled an instance in Athens in 2009, where Mr. Johnson told her that he had to go find a gift to give to Representative Hastings.¹⁶⁸

57. Witness 1 stated that she began to feel sick in Kazakhstan.¹⁶⁹ She went to see a military doctor and told him why she was feeling stress.¹⁷⁰

58. While still in Kazakhstan, Witness 1 agreed to join Mr. Turner and Representative Hastings at a dinner.¹⁷¹ Witness 1 left the dinner early to avoid Representative Hastings; she stated that she was constantly trying to avoid him.¹⁷²

59. During this time, Witness 1 spoke with the FBI Agent intermittently about her interactions with Representative Hastings.¹⁷³

60. During her interview with the OCE, Witness 1 recalled another Vienna dinner in 2008 not mentioned in her March 7, 2011 court complaint.¹⁷⁴ She stated that at this dinner, Ms. Thompson gave Representative Hastings a handful of euros but Representative Hastings' former Chief of Staff, seated at the same table, told Ms. Thompson that he was

¹⁶³ *Id.*

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ Former Chief of Staff MOI (Exhibit 7 at 11-6736_0037).

¹⁶⁷ Witness 1 MOI (Exhibit 1 at 11-6736_0008).

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

¹⁷² *Id.*

¹⁷³ *Id.*

¹⁷⁴ *Id.* at 11-6736_0009.

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a lawyer and he was not going to allow that to happen while he was there.¹⁷⁵ Witness 1 believed that the cash was per diem money.¹⁷⁶

- a. Representative Hastings' former Chief of Staff told the OCE that he could not recall if Ms. Thompson ever handed money to Representative Hastings at dinner in Vienna or whether he told her not to hand over money at a dinner table.¹⁷⁷ The only scenario in which this may have occurred would be if he told a staffer to put their money away because he or Representative Hastings would pay for the meal.¹⁷⁸ According to his biography, Representative Hastings' former Chief of Staff is not a lawyer.¹⁷⁹
- b. Representative Hastings' former Chief of Staff stated that Representative Hastings never asked him for his extra per diem money while traveling but did not know if Representative Hastings ever asked other staffers for their per diem money.¹⁸⁰

D. Representative Hastings' Contact with Witness 1 in 2009

61. In a March 5, 2009 email from Witness 1 to Mr. Turner, Witness 1 discusses an upcoming Lisbon meeting and states that "I just met with Mr. Hastings and feel 100 percent better than I began the week. He is truly amazing."¹⁸¹ The OCE was unable to interview Witness 1 about this statement.¹⁸²

From Packer, Winsome
Sent: Thursday, March 05, 2009 4:35 PM
To: Turner, Fred
Subject: Talk with Mr. Hastings

I just met with Mr. Hastings and feel 100 percent better than I began the week. He is truly amazing. We can catch up tomorrow, but he said he wanted to talk with you Fred.

He again advised me to keep busy with events outside the mission so I will be adding some activities in memos to you in the coming days. You previously said I could attend the bureau meeting in Lisbon and I would really like to do that. Do I need to prepare a memo for that? If the security hearing comes together, I plan to return to Washington for that as well. I also am looking for a time to visit Ukraine.

Thanks.

Winsome A. Packer
Policy Advisor
U.S. Commission on Security & Cooperation in Europe
Room 234, Ford House Office Building
Washington, DC 20516
Tel: 202-228-
Fax: 202-228-4199
Vienna Tel:

¹⁷⁵ *Id.*

¹⁷⁶ *Id.*

¹⁷⁷ Former Chief of Staff MOI (Exhibit 7 at 11-6736_0037).

¹⁷⁸ *Id.*

¹⁷⁹ According to the former Chief of Staff's website biography, he is not a lawyer. *See* http://www.resoluteconsulting.com/David_Goldenberg.html.

¹⁸⁰ Former Chief of Staff MOI (Exhibit 7 at 11-6736_0037).

¹⁸¹ Email from Witness 1 to Fred Turner, dated March 5, 2009 (Exhibit 10 at 11-6736_0080).

¹⁸² The OCE was unable to interview Witness 1 about this statement because the production containing this email came to the OCE well after the OCE had interviewed Witness 1.

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62. Witness 1 told the OCE that during a trip to Lisbon in 2009, Mr. Turner told her that Representative Hastings wanted her to join them for drinks at the hotel.¹⁸³ She stated that when Representative Hastings asked for the bill, he walked away and left the bill for Mr. Turner and Witness 1 to pay.¹⁸⁴ Later that same night, at dinner with the President of the Parliamentary Assembly and others, Representative Hastings started to eat food from her plate.¹⁸⁵
63. According to Witness 1, Mr. Turner, Representative Hastings and Witness 1 then travelled to Sintra, Portugal.¹⁸⁶ At a bar in Sintra, Representative Hastings was intoxicated and told Witness 1 that he had always liked her and that she did not appreciate the help he had given her career.¹⁸⁷
64. Witness 1 stated that she told Representative Hastings that she was not interested in a relationship with him and that the discussion was not appropriate.¹⁸⁸ At that time, Mr. Turner walked in the room.¹⁸⁹ When Witness 1 told Representative Hastings that they should get back to Lisbon for the dinner that night, Representative Hastings then “exploded,” telling her to get the bill in an angry tone.¹⁹⁰
65. Witness 1 stated that after dinner in Lisbon, in the lobby of the hotel, Representative Hastings told Witness 1 to sit with him.¹⁹¹ He then started to “rant” to Witness 1 about his interest in her.¹⁹² According to Witness 1, Representative Hastings told her that she was not a “sport,” and that he had come to her “as a man comes to a woman” and was upset that Witness 1 had complained about his behavior towards her.¹⁹³ According to Witness 1’s handwritten notes, Representative Hastings also stated that her “job is not in any danger.”¹⁹⁴ Witness 1 then apologized to Representative Hastings for not living up to his expectations.¹⁹⁵ According to Witness 1’s court complaint, Representative Hastings then asked Witness 1 to accompany him to his hotel room and also asked for her room

¹⁸³ Witness 1 MOI (Exhibit 1 at 11-6736_0009).

¹⁸⁴ *Id.*

¹⁸⁵ *Id.*

¹⁸⁶ *Id.*

¹⁸⁷ *Id.*

¹⁸⁸ *Id.*

¹⁸⁹ *Id.*

¹⁹⁰ *Id.*

¹⁹¹ *Id.*

¹⁹² *Id.*

¹⁹³ *Id.*

¹⁹⁴ Handwritten notes (Exhibit 6 at 11-6736_0033).

¹⁹⁵ Witness 1 MOI (Exhibit 1 at 11-6736_0009).

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number.¹⁹⁶ Witness 1 declined these requests.¹⁹⁷ Witness 1 stated that Representative Hastings was clearly drunk at this point.¹⁹⁸

66. Later, Witness 1 told Mr. Turner what had happened after dinner in Lisbon, and he responded that there was nothing he could do about it.¹⁹⁹ According to Witness 1, Mr. Turner told Witness 1 that he hoped the financial benefit of living in Vienna outweighed the challenges she had to endure.²⁰⁰

- a. Representative Hastings told the OCE that in 2009, he went on a trip to Lisbon and Sintra, Portugal with Mr. Turner, Witness 1 and a driver.²⁰¹
- b. Representative Hastings stated that they stopped at a restaurant in Sintra and had drinks.²⁰² Representative Hastings told Mr. Turner and Witness 1 that there were two gift shops in the town that they should see.²⁰³ Because he had been to Sintra before, Representative Hastings went to a hotel that had a bar in it.²⁰⁴ Witness 1 arrived first at the bar, followed by Mr. Turner.²⁰⁵
- c. Representative Hastings stated that he did not tell Witness 1 that she was not appreciating the help he had given her.²⁰⁶ He stated that the conversation was not hostile and that he did not know if Witness 1 was upset during the conversation at the hotel bar.²⁰⁷ Further, Representative Hastings stated that at no point did he say to Witness 1 that he “came to her as a man comes to a woman.”²⁰⁸ Representative Hastings told the OCE that he had two double courvoisiers and coke.²⁰⁹
- d. Representative Hastings told the OCE that later that day there was a dinner in Lisbon that he attended but went back to the hotel during the dinner.²¹⁰ He stated that it is not unusual for him to leave a dinner early.²¹¹

¹⁹⁶ Federal District Court Complaint (Exhibit 8 at 11-6736_0056).

¹⁹⁷ *Id.*

¹⁹⁸ Witness 1 MOI (Exhibit 1 at 11-6736_0009).

¹⁹⁹ *Id.*

²⁰⁰ *Id.* at 11-6736_0010.

²⁰¹ Representative Hastings MOI (Exhibit 2 at 11-6736_0016).

²⁰² *Id.*

²⁰³ *Id.*

²⁰⁴ *Id.*

²⁰⁵ *Id.*

²⁰⁶ *Id.*

²⁰⁷ *Id.*

²⁰⁸ *Id.*

²⁰⁹ *Id.*

²¹⁰ *Id.*

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- e. Representative Hastings stated that he did not ask Witness 1 to go to his hotel room in Lisbon nor did he ask to go to her hotel room.²¹²

67. Witness 1 told the OCE that sometime after the April 2009 trip to Lisbon, in Washington, DC at a Helsinki Commission meeting, Representative Hastings tapped Witness 1 on the shoulder and asked her to come into the hallway outside the meeting room.²¹³

Representative Hastings asked Witness 1 to give him a hug and also asked Witness 1 to come by his office and see him after the meeting.²¹⁴ Witness 1 did not go to Representative Hastings' office.²¹⁵ Witness 1 told a staff member of the Parliamentary Assembly about Representative Hastings' request.²¹⁶

68. Witness 1 told the OCE that during a July 2009 trip to Lithuania, Witness 1 had been talking to the same staff member of the Parliamentary Assembly discussed above, about her interactions with Representative Hastings.²¹⁷ When Representative Hastings, accompanied by the Secretary General of the Parliamentary Assembly, again asked Witness 1 for a hug, the staff member walked away upset.²¹⁸ While in Lithuania, Witness 1 purchased a tape recorder to record her interactions with Representative Hastings; however, she did not use the tape recorder.²¹⁹

- a. A Helsinki Commission staff member told the OCE about related incidents in Lithuania. He recalled a discussion he had with Witness 1 concerning her professional interactions with Representative Hastings.²²⁰ He stated that in 2009, at a meeting in Vilnius, Lithuania, Witness 1 told the Helsinki Commission staff member that she was not sure she wanted to staff Representative Hastings on the trip.²²¹ The Helsinki Commission staff member did not recall Witness 1 giving a reason but did not find Witness 1's statement unusual, as there had been occasions when staff and Members did not "click."²²²

²¹¹ *Id.*

²¹² *Id.*

²¹³ Witness 1 MOI (Exhibit 1 at 11-6736_0010).

²¹⁴ *Id.*

²¹⁵ *Id.*

²¹⁶ *Id.*

²¹⁷ *Id.*

²¹⁸ *Id.*

²¹⁹ *Id.*

²²⁰ Memorandum of Interview of Helsinki Commission Staff Member, June 10, 2011 (Exhibit 11 at 11-6736_0083).

²²¹ *Id.*

²²² *Id.*

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b. The Helsinki Commission staff member stated further that he did not personally notice any unusual interactions between Witness 1 and Representative Hastings.²²³

69. Witness 1 next stated that in September 2009, she spoke with Mr. Johnson about her problems with Representative Hastings.²²⁴ Witness 1 told Mr. Johnson that he needed to help Representative Hastings stop his behavior towards her and Mr. Johnson responded that he understood.²²⁵

70. Witness 1 stated that she then told Edward Joseph, Senator Cardin's appointee to the Commission, about her interactions with Representative Hastings.²²⁶ According to Witness 1, Mr. Joseph was surprised, sympathetic, and asked Witness 1 if he could speak with Senator Cardin's Chief of Staff.²²⁷

71. Witness 1 told the OCE that Mr. Turner began retaliating against her after April 2009.²²⁸ At first Witness 1 thought it was an oversight that Mr. Turner was assigning work within her portfolio to other individuals; this began in Lisbon in 2009.²²⁹ Witness 1 stated that she would receive emails concerning issues in her portfolio that she had not discussed with anyone previously.²³⁰ There were also meetings concerning her portfolio in which she was not present.²³¹

72. Witness 1 stated that in 2009 she asked Mr. Turner if she could return home after completing a year in Vienna.²³² Mr. Turner told Witness 1 that when Representative Hastings arrived in Vienna in February, Representative Hastings would discuss her future with her.²³³

²²³ *Id.*

²²⁴ Witness 1 MOI (Exhibit 1 at 11-6736_0010).

²²⁵ *Id.*

²²⁶ *Id.*

²²⁷ *Id.*

²²⁸ *Id.*

²²⁹ *Id.*

²³⁰ *Id.*

²³¹ *Id.*

²³² *Id.*

²³³ *Id.*

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E. Representative Hastings' Contact with Witness 1 in 2010

73. According to Witness 1, in early February 2010, Mr. Turner and Ms. Kaufmann told her that they had talked to Representative Hastings and advised him not to touch her anymore.²³⁴

74. In a February 5, 2010 email exchange between Witness 1, Mr. Turner, and Ms. Kaufmann, Ms. Kaufmann discusses a conversation between Mr. Turner and Representative Hastings "regarding the issues [Witness 1] had raised," stating that Representative Hastings had a "different assessment of the situation" but that he was "sensitive to [Witness 1's] concerns and will proceed accordingly." Witness 1 responded that she "completely stand[s] by the fact that Mr. Hastings has sexually harassed me since December 2007, after [she] was offered the position in Vienna"²³⁵

Kaufmann, Marlene <Marlene.Kaufmann@mail.house.gov> Sun, Feb 7, 2010 at 2:14 PM
To: [REDACTED]@gmail.com
Cc: "Turner, Fred" <Fred.Turner@mail.house.gov>

Winsome,
As I said before, understood.
Just want to clarify. Are you satisfied that we are handling the situation and comfortable with what Fred laid out in our conversation going forward?
Thanks,
Marlene

Sent from my BlackBerry Wireless Device

----- Original Message -----
From: Winsome Pecker <[REDACTED]@gmail.com>
To: Kaufmann, Marlene
Sent: Fri Feb 05 16:39:21 2010
Subject: Re: following-up

Marlene,
Thanks for your follow up
Most of what you say below has my concurrence, but I completely disagree with the statement that Mr. Hastings "had a different assessment of the situation". What Fred said was that he had a different assessment of some of the issues, which Fred did not elaborate on. I completely stand by the fact that Mr. Hastings has sexually harassed me since December 2007, after I was offered the position in Vienna, and I have no intention of sugar-coating what has happened to me. Thanks.

Winsome
On Fri, Feb 5, 2010 at 2:16 PM, Kaufmann, Marlene <Marlene.Kaufmann@mail.house.gov> wrote:
> Hi Winsome,
>
>
> I hope you had a smooth flight back to Vienna.
>
>
> I just wanted to confirm with you the conversation we had with Fred yesterday afternoon and ensure that we're all on the same page going forward.
>
>
> Fred described his conversation with Mr. Hastings regarding the issues you had raised and indicated that, while Mr. Hastings said he had a different assessment of the situation, Mr. Hastings is sensitive to your concerns and will proceed accordingly. Fred also indicated that both he and Mr. Hastings

²³⁴ *Id.* at 11-6736_0011.

²³⁵ Emails between Witness 1, Fred Turner, and Marlene Kaufmann, dated February 5, 2010 (Exhibit 12 at 11-6736_0087-88).

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75. Witness 1 also stated that Mr. Turner and Ms. Kaufmann informed her that they had asked Representative Hastings' District Chief of Staff to talk to him about his interactions with Witness 1 and her complaints.²³⁶ Witness 1 stated that someone told her that the District Chief of Staff advised Representative Hastings that Representative Hastings was going to make people's lives difficult if he continued the behavior.²³⁷ Mr. Turner then informed Witness 1 that Representative Hastings finally understood the problem.²³⁸
- a. Representative Hastings explained to the OCE that he spoke with his District Chief of Staff in a less-than-twenty minute conversation, informing him that Witness 1's allegations were coming out in the press.²³⁹
 - b. Representative Hastings told the District Chief of Staff that the allegations were untrue.²⁴⁰ Representative Hastings did not know whether the District Chief of Staff knew about the allegations made by Witness 1 before his call to the District Chief of Staff.²⁴¹
 - c. Representative Hastings' District Chief of Staff told the OCE that Representative Hastings called him around the time of the first media reports regarding Witness 1's civil lawsuit to tell him what to expect.²⁴² Representative Hastings told him that Witness 1 was a staff member who traveled extensively, and that there was "no basis whatsoever" to the "romantic allegations."²⁴³ According to Representative Hastings' District Chief of Staff, Representative Hastings told him: "I assure you, as brother to brother, that none of this ever happened."²⁴⁴ Representative Hastings' District Chief of Staff could not recall the date of this telephone conversation.²⁴⁵
 - d. Representative Hastings' District Chief of Staff stated that he has spoken to Ms. Kaufmann at least once, maybe two times, about Witness 1's allegations.²⁴⁶ These conversations would have occurred months ago, but the witness could not

²³⁶ Witness 1 MOI (Exhibit 1 at 11-6736_0011).

²³⁷ *Id.*

²³⁸ *Id.*

²³⁹ Representative Hastings MOI (Exhibit 2 at 11-6736_0017).

²⁴⁰ *Id.*

²⁴¹ *Id.*

²⁴² Memorandum of Interview of Representative Hastings' District Chief of Staff, July 20, 2011 (Exhibit 13 at 11-6736_0090-91).

²⁴³ *Id.* at 11-6736_0091.

²⁴⁴ *Id.*

²⁴⁵ *Id.*

²⁴⁶ *Id.*

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recall a specific month.²⁴⁷ His conversation with Ms. Kaufmann was about Witness 1's allegations, but they did not discuss the specific allegations or their validity.²⁴⁸

- e. Representative Hastings' District Chief of Staff also discussed Witness 1's allegations with Mr. Turner approximately several months prior to the interview with the OCE.²⁴⁹ Although they did not discuss the allegations in any detail, Mr. Turner may have called to tell him that Ms. Kaufmann would be calling to "advise" him.²⁵⁰
- f. Representative Hastings' District Chief of Staff stated that he did not provide any advice to Representative Hastings with respect to Witness 1's allegations.²⁵¹ He "just listened" when Representative Hastings, Mr. Turner, and Ms. Kaufmann contacted him about the allegations.²⁵² Representative Hastings' District Chief of Staff stated that he told Representative Hastings that he did not have to explain himself and that he knew the allegations were not true.²⁵³
- g. When asked if he ever advised Representative Hastings not to engage in the kind of behavior raised in Witness 1's allegations, Representative Hastings' District Chief of Staff stated that he did not, repeating that he simply listened when others contacted him about Witness 1 and her pending allegations regarding Representative Hastings.²⁵⁴

76. Witness 1 stated that on February 17, 2010,²⁵⁵ in Vienna, Witness 1 asked a member of the embassy staff to pick up Representative Hastings from the airport.²⁵⁶ After arriving from the airport, Representative Hastings walked over to Witness 1 in the delegation room and pressed his face against hers.²⁵⁷ Witness 1 told the OCE that before Representative Hastings hired Witness 1, he greeted her by shaking her hand, but after her employment at the Helsinki Commission, he hugged her and pressed his face against

²⁴⁷ *Id.*

²⁴⁸ *Id.*

²⁴⁹ *Id.*

²⁵⁰ *Id.*

²⁵¹ *Id.*

²⁵² *Id.*

²⁵³ *Id.*

²⁵⁴ *Id.*

²⁵⁵ Witness 1 stated that in her district court complaint, this date incorrectly read "February 18, 2010." Witness 1 MOI (Exhibit 1 at 11-6736_0011).

²⁵⁶ Witness 1 MOI (Exhibit 1 at 11-6736_0011).

²⁵⁷ *Id.*

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her face.²⁵⁸ Witness 1 told the OCE that she was surprised and felt uncomfortable by these actions.²⁵⁹

77. Witness 1 told the OCE that on February 19, 2010, during a meeting in Vienna, Mr. Johnson told Witness 1 that Representative Hastings wanted to have his picture taken with her.²⁶⁰ Representative Hastings then told Witness 1 that they should take the picture in "their favorite pose."²⁶¹ Witness 1 stated that, although she was uncomfortable, she took the picture with Representative Hastings because there was an audience around.²⁶² Witness 1 had taken a photo with Representative Hastings in the past, in Sintra, Portugal.²⁶³ Witness 1 believed that Representative Hastings was trying to give people the impression that there was a relationship going on between them.²⁶⁴

²⁵⁸ *Id.* at 11-6736_0006.

²⁵⁹ *Id.*

²⁶⁰ *Id.* at 11-6736_0011.

²⁶¹ *Id.*

²⁶² *Id.*

²⁶³ *Id.*

²⁶⁴ *Id.*

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78. In a February 19, 2010 email exchange between Witness 1, Mr. Turner, and Ms. Kaufmann, Witness 1 describes her encounters on February 17, 2010 and February 19, 2010 with Representative Hastings, her past discussions with Mr. Turner and Ms. Kaufmann, and her intention to take legal action if the behavior continued.²⁶⁵

<p>Packer, Winsome</p> <p>From: Packer, Winsome Sent: Friday, February 19, 2010 7:47 PM To: Turner, Fred; Kaufmann, Marlene Cc: [REDACTED]@state.gov Subject: RE: My personal safety and security</p> <p>Okay, thanks.</p> <hr/> <p>From: Turner, Fred Sent: Friday, February 19, 2010 7:11 PM To: Packer, Winsome; Kaufmann, Marlene Cc: [REDACTED]@state.gov Subject: Re: My personal safety and security</p> <p>Thank you for bringing this to my attention, Winsome. I hope we can chat about this situation first thing in the morning. As you know, Mr. Hastings is not returning on the codet plans, so I doubt that you'll see him in the morning. Again, I'll look forward to discussing this with you at once.</p> <p>--Fred</p> <p>Fred L. Turner Chief of Staff U.S. Commission on Security and Cooperation in Europe Senator Benjamin L. Cardin, Chairman Congressman Alcee L. Hastings, Co-Chairman 234 Ford Building Washington, DC 20516</p> <p>(202) 225- [REDACTED] www.cseae.gov</p> <hr/> <p>From: Packer, Winsome To: Turner, Fred; Kaufmann, Marlene Cc: Hartung, Robert A - [REDACTED]@state.gov Sent: Fri Feb 19 16:45:22 2010 Subject: My personal safety and security</p> <p>Fred,</p> <p>This has bothered me all evening and I want to bring it to your attention before I have to encounter Mr. Hastings tomorrow morning in the delegation room. After our discussions over the past month, it pains me to send you this message, but I feel I must in order for the ongoing concerns we discussed to be taken seriously by Mr. Hastings.</p>	<p>First of all, even though I specifically asked you and Marlene to advise Mr. Hastings that I do not want him to hug me in greeting me or saying good bye, when he entered the control room with Christian Ludwig on Wednesday, he came over to where I was seated at the table and briefly placed his cheek against mine. Tammy Urban was sitting there with me and can attest to it. As I stressed to you and Marlene, I do not want Mr. Hastings to hug me because I am uncomfortable with it and I insist at this point that it is not repeated.</p> <p>Secondly, this evening, Lt. McGruffie and I had just discussed tomorrow's itinerary and I was walking toward the control room to look it over when Alex called out that I was needed. I paused, and he said that Mr. Hastings wanted to take a photograph with me. Mr. Hastings walked over to where I was standing, stood extremely close to me, and held out both of his arms in a pose while I kept mine at my side. He looked at me and said, "We have to do our favorite pose," indicating that I too should hold out my arms. I did and Alex took the picture. The situation made me feel extremely uncomfortable and I am suspicious as to why I was placed in this awkward and ridiculous circumstance.</p> <p>After all that we have discussed regarding my discomfort with Mr. Hastings behavior toward me, I was shocked that he chose to again force himself into my personal space and come into physical contact with me. It is apparent that he does not take the situation seriously or considers himself above regulations governing how employers should treat their employees. I want you to know that if anything of this sort happens again, I intend to file legal charges against Mr. Hastings because I will not allow myself to be subjected to any further abuse of this sort. I am sorry it has come down to this, but I have done everything I can so far to convey that I want to have no more than a professional relationship with Mr. Hastings and he has chosen to disregard my wishes and the law.</p> <p>Winsome</p>
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- a. Representative Hastings told the OCE that the photograph of him and Witness 1 in Vienna, February 2010, was taken on or about the same time that he learned of Witness 1's sexual harassment allegations.²⁶⁶ Later, in the same interview with the OCE, Representative Hastings stated that he learned of Witness 1's allegations in late January 2010.²⁶⁷
- b. Representative Hastings stated that he has had no interaction with Witness 1 since the 2010 Vienna photo was taken.²⁶⁸ He stated that he did not hug Witness 1

²⁶⁵ Emails between Witness 1, Fred Turner, and Marlene Kaufmann, dated February 19, 2010 (Exhibit 14 at 11-6736_0094-95).

²⁶⁶ Representative Hastings MOI (Exhibit 2 at 11-6736_0016).

²⁶⁷ *Id.*

²⁶⁸ *Id.*

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when she arrived; she was seated in the delegation room.²⁶⁹ He also said hello and did the “air kiss” that is customary in Europe with Witness 1 and to another woman who was seated next to Witness 1.²⁷⁰ Representative Hastings told the OCE that he hugged Witness 1 every time she said he did and that he hugs many different people.²⁷¹

- c. Representative Hastings’ mother told him to have a signature pose in photographs, one with his hands raised to signify that he “had the world in his hands.”²⁷² That is the pose displayed in the February 2010 Vienna photograph.²⁷³
- d. Representative Hastings stated that Mr. Johnson told Witness 1 to go over and take a picture with him.²⁷⁴ Representative Hastings told the OCE that he was already posing for the picture when Witness 1 approached.²⁷⁵

79. After informing Senator Cardin’s Chief of Staff in 2010 of her interactions with Representative Hastings, Witness 1 stated that Senator Cardin’s Chief of Staff seemed sympathetic at first.²⁷⁶ He told Witness 1 she did not have to worry about losing her job.²⁷⁷ Senator Cardin’s Chief of Staff did not tell Witness 1 whether Senator Cardin talked to Representative Hastings about these matters.²⁷⁸

- a. Senator Cardin’s Chief of Staff told the OCE that in January 2010, he received a telephone call from Witness 1, who was in Vienna with the Helsinki Commission.²⁷⁹ On the call, Witness 1 told Senator Cardin’s Chief of Staff that Representative Hastings had made sexual advances towards her and that, as a result, she was having health issues.²⁸⁰ She stated that she thought her job may be in jeopardy.²⁸¹ Witness 1 stated that she wanted Senator Cardin’s Chief of Staff to know in case there was talk of her employment being terminated.²⁸²

²⁶⁹ *Id.*

²⁷⁰ *Id.*

²⁷¹ *Id.* at 11-6736_0017.

²⁷² *Id.*

²⁷³ *Id.*

²⁷⁴ *Id.*

²⁷⁵ *Id.*

²⁷⁶ Witness 1 MOI (Exhibit 1 at 11-6736_0011).

²⁷⁷ *Id.*

²⁷⁸ *Id.*

²⁷⁹ Memorandum of Interview of Senator Cardin’s Chief of Staff, June 27, 2011 (Exhibit 3 at 11-6736_0022).

²⁸⁰ *Id.*

²⁸¹ *Id.*

²⁸² *Id.*

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- b. Senator Cardin's Chief of Staff stated that he had not heard of Witness 1's allegations concerning Representative Hastings before she called him in January 2010.²⁸³
- c. Senator Cardin's Chief of Staff returned Witness 1's call in March 2010 and told her that Senator Cardin did not tolerate harassment.²⁸⁴ Shortly before he called Witness 1, Senator Cardin's Chief of Staff spoke with Mr. Turner about Witness 1's allegations.²⁸⁵
- d. Senator Cardin's Chief of Staff also talked to the Senate Employment Counsel and the House Employment Counsel.²⁸⁶ The counsels decided that the House Employment Counsel would handle the matter.²⁸⁷ Senator Cardin's Chief of Staff and the House Employment Counsel then discussed the matter with Ms. Kaufmann and Mr. Turner.²⁸⁸
- e. Senator Cardin's Chief of Staff made separate calls to Mr. Turner and Ms. Kaufmann.²⁸⁹ Each told Senator Cardin's Chief of Staff that they had worked with Witness 1 to address her concerns.²⁹⁰ Senator Cardin's Chief of Staff stated that as a result of these conversations, a series of agreements had been made with Witness 1.²⁹¹ The agreements included that Witness 1 and Representative Hastings would only interact professionally, that they would accommodate Witness 1, and that there was an open offer that she could talk to them about any of her concerns.²⁹²
- f. Senator Cardin's Chief of Staff stated that Mr. Turner talked to Representative Hastings about not doing anything inappropriate towards Witness 1.²⁹³
- g. Sometime before September 2010, Senator Cardin's Chief of Staff contacted Witness 1 again to see if she was satisfied with the way the situation had been

²⁸³ *Id.*
²⁸⁴ *Id.*
²⁸⁵ *Id.*
²⁸⁶ *Id.*
²⁸⁷ *Id.*
²⁸⁸ *Id.*
²⁸⁹ *Id.*
²⁹⁰ *Id.*
²⁹¹ *Id.*
²⁹² *Id.*
²⁹³ *Id.*

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handled and she responded that she was satisfied with the steps that had been taken.²⁹⁴

- h. In September 2010, Witness 1 called Senator Cardin's Chief of Staff and told him that she was filing a complaint with the Office of Compliance.²⁹⁵ Senator Cardin's Chief of Staff then sent an email to the Senate Employment Counsel to inform that office of the potential complaint.²⁹⁶ That was the last time he spoke with Witness 1.²⁹⁷
- i. Senator Cardin's Chief of Staff did not believe Mr. Turner commented on whether he believed Witness 1's allegations were true or not.²⁹⁸ Senator Cardin's Chief of Staff stated that at some point Witness 1 told him that Mr. Turner was not taking her allegations seriously, that nothing was being done, and that there was retaliation occurring.²⁹⁹
- j. Senator Cardin's Chief of Staff stated that he told Witness 1 that she was allowed to move back to Washington, DC when she wanted and that he felt that she was not the subject of retaliation.³⁰⁰

80. When asked if Witness 1 ever considered quitting her job during her encounters with Representative Hastings, Witness 1 stated that she could not afford to be unemployed for any period of time.³⁰¹ Witness 1 stated that she sought strategic relationships that would allow her to move on to another position, but nothing came of the searches.³⁰²

81. Witness 1 began writing her book, "A Personal Agenda," in 1993 or 1994.³⁰³ It was completed in 2006.³⁰⁴ Witness 1 stated that she developed the story from her observations in Washington, DC and her experience as an immigrant to the United States.³⁰⁵

²⁹⁴ *Id.*

²⁹⁵ *Id.*

²⁹⁶ *Id.*

²⁹⁷ *Id.*

²⁹⁸ *Id.* at 11-6736_0023.

²⁹⁹ *Id.*

³⁰⁰ *Id.*

³⁰¹ Witness 1 MOI (Exhibit 1 at 11-6736_0012).

³⁰² *Id.*

³⁰³ *Id.*

³⁰⁴ *Id.*

³⁰⁵ *Id.*

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F. Administrative and Judicial Proceedings Regarding Witness 1's Allegations

82. Witness 1 told the OCE that she first contacted the Office of Compliance from Vienna in February 2010.³⁰⁶ The Office of Compliance³⁰⁷ told Witness 1 that she had 180 days to file a complaint.³⁰⁸ After Representative Hastings asked that the picture be taken with her in Vienna, she felt that she had no other choice but to file a complaint.³⁰⁹
83. According to Witness 1, the Office of Compliance interviewed her one-on-one and she submitted documents to the office.³¹⁰ After she filed a complaint, she was interviewed, and her case was assigned to a mediator. The mediation process then commenced.³¹¹ After going through the mediation process, Witness 1 stated that she then chose to file a civil lawsuit in federal court.³¹²
84. Witness 1 also contacted the House Ethics Committee in August 2010 to discuss her interactions with Representative Hastings.³¹³ Witness 1 told the OCE that she spent two hours speaking with investigators at the House Ethics Committee in August 2010.³¹⁴
85. In a letter dated February 15, 2011, from the House General Counsel's office to the Assistant Attorney General for the Civil Division, the House General Counsel requested that representation be provided in the civil suit by the Department of Justice.³¹⁵ The letter went on to state, *inter alia*, that there was no merit to Witness 1's allegations of sexual harassment.³¹⁶
86. Witness 1 was never interviewed by the House General Counsel's office or the House Employment Counsel's office.³¹⁷

³⁰⁶ *Id.* at 11-6736_0011.

³⁰⁷ The OCE requested information from the Office of Compliance; however, because the Congressional Accountability Act prohibits disclosure of any information related to a matter under review during mediation, the Office of Compliance could not disclose any information.

³⁰⁸ Witness 1 MOI (Exhibit 1 at 11-6736_0011).

³⁰⁹ *Id.*

³¹⁰ *Id.*

³¹¹ *Id.*

³¹² *Id.*

³¹³ *Id.* at 11-6736_0012.

³¹⁴ *Id.*

³¹⁵ Letter from the House General Counsel's office to the Assistant Attorney General for the Civil Division, February 15, 2011 (Exhibit 15 at 11-6736_0097-107). This letter was submitted to the OCE by Representative Hastings.

³¹⁶ *Id.*

³¹⁷ Witness 1 MOI (Exhibit 1 at 11-6736_0012).

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III. WITNESS 1'S 2009 CAMPAIGN CONTRIBUTION TO REPRESENTATIVE HASTINGS' CAMPAIGN COMMITTEE

87. Witness 1 told the OCE that in February 2009, she contributed \$1,000 to Representative Hastings' campaign committee.³¹⁸ She stated that during her first dinner with Representative Hastings, he told her that no staffers had contributed to his campaign.³¹⁹ Representative Hastings never mentioned to Witness 1 that staff may not give contributions to his campaign under House rules or federal law.³²⁰

88. Witness 1 told the OCE that she felt that contributing to Representative Hastings' campaign was the "lesser of two evils," of either "sex or money."³²¹ She stated that Representative Hastings' inappropriate behavior towards her continued and that she hoped the contribution might help the situation.³²² After Witness 1 received her income tax refund, she had the money to contribute to the campaign.³²³ In Vienna, Witness 1 hand delivered the check to Representative Hastings.³²⁴

- a. Representative Hastings told the OCE that Witness 1 contributed \$1,000 to his congressional campaign committee.³²⁵ He stated that Witness 1 delivered the contribution to him by hand in Washington, DC.³²⁶ Representative Hastings did not request the contribution.³²⁷ Representative Hastings stated that this instance was another time where Witness 1 said she wanted to do something nice for him. He also stated that Witness 1 presented the contribution with a card attached.³²⁸ The card was not a love or friendship card, it was more of a thank you card.³²⁹ In 2010, Representative Hastings sent back the contribution to Witness 1 after Ms. Kaufmann told him there was a statute governing the legality of the contribution.³³⁰

³¹⁸ *Id.* at 11-6736_0008.

³¹⁹ *Id.*

³²⁰ *Id.*

³²¹ *Id.*

³²² *Id.*

³²³ *Id.*

³²⁴ *Id.* at 11-6736_0008-09.

³²⁵ Representative Hastings MOI (Exhibit 2 at 11-6736_0015).

³²⁶ *Id.*

³²⁷ *Id.*

³²⁸ *Id.* at 11-6736_0015-16.

³²⁹ *Id.* at 11-6736_0016.

³³⁰ *Id.*

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IV. CONCLUSION

89. Therefore, based on the above findings, the OCE Board recommends that the Committee on Ethics further review the above allegations because there is probable cause to believe that Representative Hastings violated House rules, standards of conduct, and federal law as a result of his interactions with Witness 1.

V. INFORMATION THE OCE WAS UNABLE TO OBTAIN AND RECOMMENDATIONS FOR THE ISSUANCE OF SUBPOENAS

90. The following individuals refused to interview with the OCE and cooperate with its review in this matter:

- a) Mischa Thompson;
- b) Shelly Han;
- c) Fred Turner; and
- d) Marlene Kaufmann.

The Board recommends that the Committee on Ethics issue subpoenas to these individuals.

91. The OCE included with its Request for Information to all witnesses, a "Request for Information Certification" document that asked witnesses to "certify that I have provided the Office of Congressional Ethics all information requested in the Request for Information . . . and if I have not provided a requested document or certain information, then I have identified the document or information that was not available or withheld and why it was not available or withheld. This certification is given subject to 18 U.S.C. § 1001 (commonly known as the False Statements Act)."

92. Representative Hastings' refused to submit the OCE's certification form.

93. Witness 1 refused to submit the OCE's certification form.

94. The Helsinki Commission refused to submit the OCE's certification form.

EXHIBIT 1

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OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE: Witness 1
REVIEW No.: 11-6736
DATE: May 26, 2011
LOCATION: Judicial Watch
425 3rd Street, SW
Washington, DC
TIME: 2:05 p.m. to 5:39 p.m. (approximate)
PARTICIPANTS: Kedric L. Payne
Paul Solis
Jim Peterson (counsel)

SUMMARY: Witness 1 is a Policy Advisor with the Commission on Security and Cooperation in Europe (“Helsinki Commission”). The OCE requested an interview with the witness on May 26, 2011, and she consented to an interview. The witness made the following statements in response to OCE questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. She signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness is currently employed as a Policy Advisor at the Helsinki Commission. She has worked there for four years. Her duties include: facilitating Members’ interest in policy issues, researching, writing, and organizing hearings. Prior to the Helsinki Commission, she worked at the Homeland Security Committee for three and a half years.
3. The witness met Representative Hastings prior to 2007, shortly after he was elected. These encounters were cordial and friendly. The witness had a friend who worked for him, Beverly Falby; the witness would also see Representative Hastings at receptions.
4. During this time the witness worked at the Veterans Affairs Committee. When the witness interacted with Representative Hastings, he was very cordial and smiled at her.
5. When the Democrats gained control of the House of Representatives in 2007, the witness lost her position at the Homeland Security Committee.
6. In March 2007, the witness came into contact with Representative Hastings on a street in Washington, DC. He told the witness he was the Chair of the Helsinki Commission and

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that the Commission was hiring. Representative Hastings then suggested to the witness that she come in to his office to see if he could help. The witness thought that Representative Hastings would make a call to an NGO or some similar organization. The witness thought that maybe Representative Hastings did not know the depth of her party affiliation because she is a Republican.

7. At that meeting in early April 2007, around 10 a.m., Representative Hastings said he wanted to make personnel changes at the Helsinki Commission. Representative Hastings did not look at her resume like a prospective employer would; instead Representative Hastings and the witness chatted about pictures on the wall and Beverly Falby, a staff member for Representative Hastings, who passed away in 2004.
8. Representative Hastings' demeanor was friendly and not offensive to the witness. At the end of the meeting, Representative Hastings provided the witness with an official job offer as a Policy Advisor position at the commission. The witness accepted the offer on the spot. However, Representative Hastings did not provide a detailed description of the responsibilities of the job.
9. The witness then talked to the staff director, Fred Turner. The witness was finally hired in May after back and forth discussions with Mr. Turner.
10. Representative Hastings invited four Helsinki Commission employees to a dinner in May 2007, at a Thai restaurant on Capitol Hill. The attendees included Mischa Thompson, Marlene Kaufman, Fred Turner and the witness.
11. Representative Hastings discussed his intention to fire a number of current Helsinki staff; he griped that he needed to hire his own people because the current staff was not responsive to him. Representative Hastings' treatment towards the witness at this meal was the same as the other staffers present.
12. Soon after, the witness talked to Ms. Thompson who told her that Representative Hastings wanted to have a meal at the same Thai Restaurant without Mr. Turner knowing of their dinner plans.
13. During this dinner in January 2008, Representative Hastings discussed the details of a position in Vienna for the witness. He also told the witness she would have a choice of two per diems and suggested to her to choose the highest one; the witness thought this was a strange statement to make. Representative Hastings complained to the witness and Ms. Thompson about the woman who held the Vienna position before, Janice Helwig.
14. The witness did not really want to go to Vienna because she does not like cold weather and her son was returning from college. The witness did not know if she could do the

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work of the Vienna position. However, after some hesitation, the witness accepted the Vienna position. The witness took the job knowing she would keep looking for other employment and thought she would try it for about a year, based on talks with Mr. Turner.

15. After the dinner in January 2008, while walking from the restaurant, Representative Hastings told the witness that when she arrived in Vienna, he could visit her. The witness was shocked that he said this to her and did not respond to the comment. She did not respond because she thought that if she did not, Representative Hastings would “get the message.” The witness stated that she had been grossly approached by Members of Congress before but this was the first instance from Representative Hastings.
16. Representative Hastings moved the conversation on after her lack of response. The witness believed that Ms. Thompson may have heard Representative Hastings’ comment, although she was walking behind them at the time.
17. The witness spoke to Shelly Han about Representative Hastings’ comment the next morning. The witness wanted to know if the Representative Hastings had a reputation for this type of behavior. Ms. Han told her to speak with Mr. Turner about the comment; however, she did not because she believed Mr. Turner’s loyalty was to Representative Hastings and that she believed Mr. Turner did not trust her.
18. About a week later Representative Hastings called the witness about her preparations for Vienna. Representative Hastings then asked the witness where she lived. The witness told Representative Hastings that she lived in Alexandria, Virginia. Representative Hastings said that he should come check on the witness. The witness responded that perhaps she could have Representative Hastings and Mr. Turner over for dinner. Representative Hastings declined the offer. The witness extended the invitation to Representative Hastings to make it a social event. She felt put upon because Representative Hastings was her boss. She was trying to respond without offending him.
19. Near the end of February 2008, Representative Hastings arrived in Vienna with a delegation. Representative Hastings walked directly over to the witness carrying a small bag. There was a music box in the bag for the witness from the Czech Republic. This occurred in the delegation room with multiple Members of Congress, their spouses and staff. Helsinki Commission staff members Robert Hand and Shelly Han were there with others in proximity. No other staff member received a gift from Representative Hastings at that time.
20. The witness put the bag with the music box aside. Representative Hastings then asked the witness to get him some ice. The witness went to get some ice.

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21. When she returned with the ice, Representative Hastings asked the witness if she had found an apartment in Vienna yet. Representative Hastings said to the witness that he would spend a week with her once she found an apartment. Representative Hastings had also said this in the phone call to the witness before she left for Vienna.
22. The witness then decided to speak with Mr. Turner. She walked down the hall from the delegation room and spoke with him. The witness told Mr. Turner about the three times that Representative Hastings had invited himself to see the witness. Mr. Turner asked whether the witness and Representative Hastings had ever had a personal relationship. The witness said no and Mr. Turner looked visibly surprised that they had not been in a personal relationship. Mr. Turner said he would speak with Representative Hastings.
23. The witness stated that she was very concerned at this point that Representative Hastings was not "getting the message" and that it was bothering her because now he was approaching her in public settings.
24. Mr. Turner then told the witness that if Representative Hastings ever said he was getting on a plane to visit the witness, that she should call him.
25. Then in March 2008, Representative Hastings called the witness and said she should visit Copenhagen for a meeting. The witness told him that she had too many tasks to do and that she would check her schedule. The witness then called Mr. Turner and told him about the call from Representative Hastings and Mr. Turner said that she should tell Representative Hastings that Mr. Turner said she was too busy to go. Mr. Turner also said that he would talk to Representative Hastings.
26. Around this time, the witness may have talked to a friend, who is an FBI agent, Jony Madden, about Representative Hastings' conduct, before and after she left for Vienna. The witness was friends with Ms. Madden before her job at the Helsinki Commission. The witness also stated that Ms. Madden told one of her colleagues, Joe Rodger, about Representative Hastings' conduct.
27. The witness met Ms. Madden when she was working with the Homeland Security Committee. Ms. Madden and the witness had a dinner before the witness left for Vienna. On that occasion, Ms. Madden suggested to the witness that she take notes about her experience. However, these are handwritten notes she would take not extensively and were not typed.
28. The witness also stated that what was made clear to her through discussions with Ms. Madden, was that sexual harassment was not under the purview of the FBI, but that they were interested in the practice of the witness buying gifts and giving money to Representative Hastings.

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29. The witness stated that Representative Hastings usually picked meetings in Vienna that were usually not attended by other Members of Congress.
30. The next encounter with Representative Hastings occurred in May 2008 in Vienna. Rep Hastings came with David Goldenberg, his then Chief of Staff. Representative Hastings and Goldenberg took many trips to Vienna. The witness met Representative Hastings and Mr. Goldenberg at the airport.
31. The witness stated that before Representative Hastings hired the witness, he used to shake her hand as a greeting. After her employment at the Helsinki Commission, he hugged her and pressed his face against her face. The witness was surprised and uncomfortable by these actions from Representative Hastings.
32. After greeting Mr. Goldenberg and Representative Hastings at the airport, the witness and Representative Hastings rode in a car together, along with a driver. Representative Hastings said that he was tired because he wasn't sleeping well. Representative Hastings then said to the witness that even after sex he does not sleep well. The witness was not comfortable with the conversation, she did not respond, and was in the car with Representative Hastings because she was staffing the congressman. The witness later told Mr. Turner about this interaction.
33. Around this time, the witness told Sam Lauechly, who was the political counselor to the Helsinki Commission Delegation, about Representative Hastings inviting himself to her apartment. Mr. Lauechly responded to the witness that he was disappointed in the way some elected officials behave.
34. The next interaction with Representative Hastings occurred later that day at the Marriott hotel in Vienna. Representative Hastings told the witness that Janice was telling people that Representative Hastings was the witness' girlfriend.
35. Near the bar area, Mr. Goldenberg left at one point and Representative Hastings said he did not understand how female Members of Congress wear the same underwear from the beginning of the congressional session to the end of the session. Ms. Thompson and Alex Johnson giggled and definitely heard Representative Hastings' comment.
36. Later Representative Hastings told the witness that the only reason that he was dating Patricia, his girlfriend, was because she helped him during his legal troubles. He also told the witness that Vanessa, another girlfriend, was not worthy. The witness told Representative Hastings that the conversation was not appropriate. Then Representative Hastings got frustrated and told Ms. Thompson and the witness to leave.

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37. The witness told Ms. Thompson what was going on because Ms. Thompson told the witness that the tension between Representative Hastings and the witness "could be cut with a knife." Ms. Thompson was amused that Members of Congress could have women in both in Florida and Washington, DC. Vanessa was located in Washington, DC and Patricia was located in Florida.
38. The witness told Mr. Turner later that night what had occurred with Representative Hastings earlier and he told the witness that she was handling it very well. Mr. Turner never gave the witness any indication that he had spoken with Representative Hastings.
39. After this conversation, Representative Hastings continued to call to see how the witness was doing with the position in Vienna.
40. The witness stated that Representative Hastings asked her if she wanted to meet him in Brussels for an event that was not in her job portfolio. As a result, Ms. Thompson, who had such issues in her portfolio, was asked by Representative Hastings to have the witness come to Brussels. The witness did not go to Brussels. The witness stated that Representative Hastings would use Alex Johnson and Mischa Thompson in his efforts to see her.
41. For example, the witness also stated that Representative Hastings had Alex Johnson cancel the witness' hotel reservation in Odessa so that she would have to stay in Kiev, during one of his visits to Kiev. When this occurred the witness began to hyperventilate and the witness had to try to avoid Representative Hastings.
42. At a July 2008 Helsinki meeting in Kazakhstan, the witness' original schedule had her arriving at one time, but Mr. Turner told the witness that Representative Hastings was arriving a day earlier than planned. The witness was shocked that Mr. Turner would ask her to staff Representative Hastings alone.
43. On the way to the hotel from the airport at 4 a.m., the embassy representative who was with the witness received a call from Representative Hastings saying that he wanted to see the witness as soon as he arrived. When the witness went to the delegation room, Representative Hastings was there with a drink. He told the witness she looked good. This upset the witness. Representative Hastings told the witness about how he wanted to help advance her career. The witness responded that she worked hard to establish herself as a professional and she did not want a personal relationship with Representative Hastings. He responded by telling her that nobody would treat her less than professionally.
44. This conversation was the first time the witness verbalized her position to a relationship with Representative Hastings.

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45. The witness stated that part of the reason that she was treated this way by Representative Hastings was because the Commission staff thought she was his girlfriend. Several staff members told her this.
46. In Kazakhstan, Representative Hastings had the witness eat with him the next morning, and then go to the arcades for shopping. The witness said that she shopped with Representative Hastings because she was there to staff him and it was part of her job.
47. When Representative Hastings and the witness were in the shops he complained to the witness about Mr. Turner being cheap and that Alex and David bought him many expensive gifts. The witness asked Representative Hastings if he would like a shirt. He selected a shirt in the shop and the witness purchased it for him. Representative Hastings did not explicitly tell her to buy a gift for him.
48. The witness stated that Alex Johnson always bought gifts for Representative Hastings in addition to buying his meals and drinks, and it was understood that Representative Hastings expected this of his staff. She recalled an instance in Athens in 2009, where Alex told her that he had to go find something to give to Representative Hastings.
49. The witness began to feel sick in Kazakhstan and she went to see the military doctor and the witness told him why she was feeling so stressed.
50. Later while still in Kazakhstan, Representative Hastings sat next to the witness during a meeting. Afterwards they were at the same reception and traveled in the same vehicle.
51. Later the witness agreed to join Mr. Turner and Representative Hastings to go to dinner. The witness left the meal early to avoid Representative Hastings; she stated that she was constantly trying to avoid him.
52. During this time, the witness spoke with Ms. Madden intermittently.
53. In February 2009 the witness contributed a \$1000 to Representative Hastings' campaign committee. From the first dinner that the witness had with Representative Hastings, he said that no staffers had contributed to his campaign. He said that none of them had ever written him a check.
54. Representative Hastings never mentioned that staff should not give contributions to his campaign under the Rules of the House or federal law.
55. The witness felt that contributing to his campaign was the lesser of two evils, of either sex or money. She stated that Representative Hastings' behavior wasn't going away and that she hoped the contribution might help the situation. It was after the witness got her

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income tax return that she had the money to donate to the campaign. In Vienna the witness gave Representative Hastings the check into his hand.

56. The witness then recalled another dinner in Vienna 2008. She recalled that Ms. Thompson gave Representative Hastings a handful of euros but David Goldenberg, seated at the same table, told Ms. Thompson that he was a lawyer and he was not going to allow that to happen while he was there. The witness believed that the cash was per diem money.
57. During a trip to Lisbon in 2009, Mr. Turner told the witness that Representative Hastings wanted her to join them for drinks at the hotel. She stated that when Representative Hastings asked for the bill, he walked away and left the bill for Mr. Turner and the witness to pay.
58. Later that same night at dinner with the President of the parliamentary assembly and others, Representative Hastings started to eat off her plate. The witness stated that anyone would have assumed she was one of "his women."
59. Mr. Turner, Representative Hastings and the witness then travelled to Sintra, Portugal. At a bar in Sintra, Representative Hastings was intoxicated and told the witness that he had always liked her and that she didn't appreciate the help he had given her for her career.
60. The witness told him that she was not interested and that the discussion was not appropriate. At that time, Fred Turner walked in the room. The witness told Representative Hastings that they should get back to Lisbon for the dinner that night. Representative Hastings then "exploded" and was very angry with her. After about ten minutes Representative Hastings told her to get the bill.
61. After dinner in the lobby of the hotel, Representative Hastings told the witness to sit and he started to rant to the witness about his interest in her. Representative Hastings told her that she not a "sport," and that he had come to her as a man comes to a women and stated "how dare you complain about me." The witness apologized to Representative Hastings for not living up to his expectations. The witness stated that Representative Hastings was clearly drunk at this point.
62. The witness stated that she always called Representative Hastings "Sir" despite his requests that she call him by his first name.
63. Later, the witness told Mr. Turner what had happened at the bar after dinner in Lisbon and he told her that there was nothing he could do about it. Mr. Turner told the witness

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that he hoped the financial benefit of living in Vienna outweighed the challenges she had to go through.

64. Next, in Washington, DC at a meeting, Representative Hastings tapped the witness on the shoulder and asked her to come into the hallway outside the meeting room. Representative Hastings then asked the witness to give him a hug. Representative Hastings then asked the witness to come by his office and see him after the meeting. The witness did not go to Representative Hastings' office. The witness told Anna Chernova of Parliamentary Assembly.
65. In Athens 2009, the witness and Shelly Han talked and they worked out a way where the witness would not have to ride in a car from the airport with Representative Hastings. Ms. Han would ride with Representative Hastings and the witness would ride with the Greek police escorting the delegation.
66. In Lithuania in July 2009, the witness talked to Anna Chernova about her issues with Representative Hastings. So when Representative Hastings, accompanied by the Secretary General of the Parliamentary Assembly, again asked the witness for a hug, Ms. Chernova walked off upset. The witness later went to buy a tape recorder; however she did not use the tape recorder.
67. In September 2009, the witness spoke with Alex Johnson about the problems with Representative Hastings. The witness told Mr. Johnson that he needed to help Representative Hastings and Mr. Johnson responded that he understood.
68. The witness told Edward Joseph, Senator Cardin's appointee to the Commission about her interactions with Representative Hastings. Mr. Joseph was surprised and sympathetic and asked the witness if he could speak with Chris Lynch, Senator Cardin's Chief of Staff, about the issue.
69. The witness stated that Mr. Turner began retaliating against her. At first the witness thought it was oversight that Mr. Turner was assigning work elsewhere. This began in Lisbon in 2009. The witness stated that an email would pop up concerning issues in her portfolio that she had not discussed previously. There were meetings concerning her portfolio in which she was not present.
70. The witness asked Mr. Turner if she could go home after her first year in Vienna. Mr. Turner responded that when Representative Hastings arrived in Vienna in February, he would discuss her future with her.
71. When the witness discussed these matters with Ms. Kaufmann and Mr. Turner, she would not get an explanation as to why they believed she was not being retaliated against.

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72. Chris Lynch's response was that he seemed sympathetic at first. He told the witness she didn't have to worry about losing her job. Mr. Lynch did not tell the witness that Senator Cardin talked to Representative Hastings about these matters.
73. In early February 2010, both Mr. Turner and Ms. Kaufmann told the witness that they had talked to Representative Hastings and advised him not to touch the witness anymore.
74. On February 17, 2010¹ in Vienna, the witness asked a member of the embassy staff to pick up Representative Hastings. After arriving from the airport, Representative Hastings walked over to the witness in the delegation room and pressed his face against hers.
75. The witness stated that Mr. Turner and Ms. Kaufmann then asked Representative Hastings' District Director, Art, to talk to him. The witness stated that the District Director advised Representative Hastings that he was going to mess up people's lives if he continued the behavior. Mr. Turner then informed the witness that Representative Hastings finally understood the problem.
76. On February 19, 2010, during a Helsinki meeting, Alex Johnson told the witness that Representative Hastings wanted to have his picture taken with her. Representative Hastings stated that he and the witness should take the picture in their "favorite pose." The witness took the picture with Representative Hastings because there was an audience around. The witness had taken a photo with Representative Hastings in the past, in Sintra, Portugal.
77. The witness believed that Representative Hastings was trying to give people the impression that there was a relationship going on between them.
78. The witness first contacted the Office of Compliance from Vienna in February 2010. They told the witness she had 180 days to file a complaint and the witness took the step forward because she was falling apart. After Representative Hastings demanded the picture taken with her in Vienna she felt that she had no other choice but to file a complaint.
79. The Office of Compliance interviewed her one-on-one and she submitted documents to the office. After she filed a complaint, there was an interview, her case was assigned to a mediator, and a mediation process ensued.

¹ The witness stated that in a complaint filed on March 7, 2010 in federal district court, this date incorrectly read "February 18, 2010."

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80. The witness was then advised to get an attorney. The witness believes that mediation at the Office of Compliance was a worthless exercise because no action was taken. Mr. Turner was part of Representative Hastings' defense team.
81. The witness called the House Ethics Committee in August 2010. The witness confused the House Ethics Committee and the Office of Congressional Ethics. She thought she had contacted the Office of Congressional Ethics but in fact contacted the House Ethics Committee. The witness spent two hours speaking with investigators at the House Ethics Committee after her call in August.
82. The witness was not interviewed by the House General Counsel's office or the House Employment Counsel's office.
83. When asked if the witness ever considered quitting her job during her encounters with Representative Hastings, the witness stated that she could not afford to be unemployed for a period of time. The witness sought strategic relationships that would allow her to move on to another position, but nothing panned out.
84. The witness began writing her book "A Personal Agenda" in 1993 or 1994. It was completed in 2006. The witness developed the story from her personal observations in Washington, DC and her experience as an immigrant.

This memorandum was prepared on June 2, 2011, based on the notes that the OCE staff prepared during the interview with the witness on May 26, 2011. I certify that this memorandum contains all pertinent matter discussed with the witness on May 26, 2011.

Paul Solis
Investigative Counsel

EXHIBIT 2

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OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE: Representative Alcee Hastings
REVIEW No.: 11-6736
DATE: July 27, 2011
LOCATION: 2353 Rayburn Office Building
Washington, DC
20515
TIME: 9:40 a.m. to 11:15 a.m. (approximate)
PARTICIPANTS: Kedric L. Payne
Paul Solis
Lale Mamaux
Tonya Robinson (counsel)

SUMMARY: Representative Alcee Hastings (the “witness”) is a Member of the United States House of Representatives and represents the 23rd District of Florida. The OCE requested an interview with the witness on July 27, 2011, and he consented to an interview. The witness made the following statements in response to OCE questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. He signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. When asked questions about events prior to March 2008, the witness stated that he would not answer questions because he felt the OCE’s jurisdiction was limited. He stated that he may reconsider later in the interview whether he would answer these questions.
3. The witness stated that he went to Europe approximately 31 times and cannot remember every time he spoke with Winsome Packer.
4. The witness stated that in the course of a May 2008 discussion in Vienna, Austria, he made a comment about not being able to sleep after sex. The witness stated that he made this comment to males, females and other people and could not recall if he made the comment solely to Ms. Packer. The witness stated that if the conversation took place on the way to the IAEA (International Atomic Energy Agency) then it would have been Ms. Packer, the driver of the car, and himself. The witness stated that he had not thought of offending Ms. Packer.

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5. The witness stated that Ms. Packer continued in the conversation. She told the witness that when she had difficulty sleeping, she danced in her apartment.
6. Later on that same trip, at the Marriott hotel bar after dinner, the witness was accompanied by Alex Johnson, Mischa Thompson, Winsome Packer and David Goldenberg.
7. At the bar, and in similar settings before, the witness said that he does not understand how male and female Members of Congress, but especially female members, can stay in their own clothing specifically their underwear for sixteen hours at a time. The witness mentioned that he often takes showers. The witness stated that during this conversation people were drinking and "one-upping" each other and that his comments were not "out of the blue."
8. The witness "absolutely" did not ask Ms. Packer about her underwear then or in any other conversation.
9. During a July 2008 Kazakhstan trip, the witness said he did not ask Ms. Packer to meet him or to go to Kazakhstan. Ms. Packer arrived after he was already at the hotel.
10. Ms. Packer came to the CODEL room when she arrived at the hotel. The witness recalled telling Ms. Packer that she looked good.
11. The witness does not remember every conversation.
12. The witness stated that he did not tell her that he would help with her career because he had already helped her career. There would be nothing further that he could offer her professionally.
13. The witness did not recall if anyone else was in the CODEL room at that time. The witness does not know whether the control officer was in the room or not.
14. The witness stated that the next day he went "looking" not shopping with Ms. Packer at the Mall in Kazakhstan. Ms. Packer bought the witness a green tie and shirt.
15. The witness stated that he did say that Fred Turner was cheap and that he did not ask Ms. Packer to buy anything at all. The witness stated that Ms. Packer told him that she wanted to do something nice for him.
16. Ms. Packer contributed \$1,000 to the witness' congressional campaign committee. The witness stated that Ms. Packer delivered the contribution to him by hand, in Washington, DC. The witness did not request the contribution. The witness stated that this was another time where Ms. Packer said she wanted to do something nice for him. The

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witness also stated that Ms. Packer presented the contribution with a card attached. The card was not a love or friendship card, it was more of a thank you card.

17. In 2010, the witness sent back the contribution to Ms. Packer after Marlene Kaufman told him there was a statute. The witness stated that he did not feel like Ms. Packer did anything wrong.
18. In 2009 the witness went on a trip to Lisbon and Sintra, Portugal with Mr. Turner, Ms. Packer and a driver. This driver had driven the witness before on three other occasions but he did not remember the driver's name.
19. The witness stated that they stopped at a restaurant in Sintra and had drinks. The witness told Mr. Turner and Ms. Packer that there were two gift shops that they should see. Because the witness has been to Sintra before, he went to a hotel that had a bar in it. Ms. Packer arrived first at the bar followed by Mr. Turner.
20. The witness stated that he did not tell Ms. Packer that she was not appreciating all of what he had done for her. The witness stated that the conversation was not hostile and that he did not know if Ms. Packer was upset during the conversation at the hotel bar. At no point did the witness say to Ms. Packer that "he came to her as a man comes to a woman." The witness did not tell Ms. Packer that he liked her. The witness told the OCE that he had two double courvosiers and coke.
21. Later, there was a dinner in Lisbon that the witness attended and then went back to the hotel. The witness said that it is not uncustomary for him to leave a dinner early.
22. The witness stated that Ms. Packer has various narratives of events; in various instances she says that the witness was seated to different people.
23. The witness stated that he was offended that someone would say he was offended by sitting next to someone from Kazakhstan.
24. The witness did not ask Ms. Packer to go to his hotel room in Lisbon nor did he ask to go to her hotel room.
25. The witness stated that the photograph taken of him and Ms. Packer in Vienna, 2010, was on or about the same time or week that he learned that Ms. Packer was saying that he sexually harassed her. Later the witness stated that in late January 2010, the he learned of Ms. Packer's allegations.
26. The witness has had no interaction with Ms. Packer since the photo was taken. The witness stated that he did not arrive and hug Ms. Packer; she was seated in the CODEL

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room. The witness said hello and did the "air kiss" that is customary in Europe, to Ms. Packer and to another woman who was there seated next to Ms. Packer.

27. The witness' mother told him to have a signature pose in photographs and he did it with his hands raised to signify that he has the world in his hands. That is the pose that he and Ms. Packer engaged in.
28. Mr. Johnson told Ms. Packer to go over and take a picture with the witness. The witness was already posing for the picture with his hands up.
29. The witness stated that he has never asked to stay with Ms. Packer in Vienna, Austria. The witness also stated that he has never told Ms. Packer that he would like to stay with her or asked her to stay in his hotel room.
30. The witness called Ms. Packer three times while she was in Vienna. He did not place all the calls but Fred Turner placed two of them for him. When the witness learned that Ms. Packer had fainted, he called to tell her that her health was her first priority. The witness stated that he called other Helsinki staffers at home as well.
31. The witness said that he hugged Ms. Packer every time she said that he did. The witness hugs everyone and provided examples of his staff and other officials that he has hugged.
32. The witness stated that he did not ask anyone at anytime to change Ms. Packer's flight or hotel reservation. He stated that Alex Johnson cancelled Ms. Packer reservation in Odessa but it was not at his direction.
33. The witness explained to his District Chief of Staff in a less than twenty minute conversation that Ms. Packer's allegations were coming out. The witness considers his District Chief of Staff "his brother."
34. The witness told the District Chief of Staff that the allegations were untrue. The witness does not know whether the District Chief of Staff read about this in the newspaper or not before his call to him.
35. The witness stated that he never asked Ms. Packer to call him by his first name but that he prefers when people do.
36. When asked whether the witness ever had had a physical relationship with Ms. Packer, the witness stated "none whatsoever, period." The witness had a friendly relationship with her. Ms. Packer never expressed that she had any romantic or sexual feelings for him.
37. The witness has always hired more women than men for his congressional staff and was offended by Ms. Packer's allegations.

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38. The witness stated that he would answer the OCE's questions about events prior to March 2008, but that he continued to object to the OCE's jurisdiction.
39. Beverly Falby introduced the witness to Ms. Packer. The witness saw Ms. Packer on C Street as he was coming across the street and he asked her how she was doing. This conversation lasted four or five minutes.
40. Ms. Packer either brought her resume to the witness' office or sent it. She did not hand it to the witness.
41. The witness recommended that Ms. Packer speak with Mr. Turner about a position on the Helsinki Commission staff.
42. According to the witness throughout Ms. Packer's narratives of events she talks about Republicans and Democrats on the hill. The witness does not consider this when hiring a new employee and in fact considered Ms. Packer's party affiliation as a Republican as an added benefit.
43. The witness stated that his interview with Ms. Packer was not unlike other interviews he conducts. The witness spoke with Ms. Thompson over the phone and hired her.
44. The witness would have had a very brief conversation with Ms. Packer. He has had good luck with hiring people from the gut.
45. The witness said he had two failures when "hiring from the gut" that include a fraternity brother and Ms. Packer.
46. The witness had no capacity at anytime to fire Ms. Packer. No one on his personal staff interviewed her.
47. The witness' impressions of Ms. Packer where that she had a good presence, was well dressed, carries herself professionally and that overall he did not have an unfavorable impression of her.
48. The witness did not know that Ms. Packer worked with Committee on Homeland Security, it may have been listed on her resume but he did not recall.
49. In January 2008, the witness invited Ms. Thompson and Ms. Packer to dinner at a Thai restaurant on Capitol Hill. He did not invite Mr. Turner because Ms. Thompson and Ms. Packer were going to be the first African American staffers on the Helsinki Committee. The witness wanted to encourage them to be better than everyone on the commission.
50. The witness was living across the street from the Thai restaurant.

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51. The witness stated that it was lie that he walked Ms. Packer to her car after the meal. There was never a time when he wanted to or asked to go to her apartment in Vienna.
52. In February 2008, the witness gave Ms. Packer a music box from Prague. On the same trip he gave his Chief of Staff a vase and a scarf. The witness exchanges many gifts such as ties with staff.
53. The witness said that Ms. Packer did not mention three trips in her allegations. These are Madrid, Vienna and another city that he could not recall.
54. Before she left for Vienna in 2008, the witness states that Ms. Packer came to his office and they discussed Caribbean food. Later, she brought the witness a meal. The witness did not ask her to cook it and he was not there when she brought it in. This was another instance where Ms. Packer said she wanted to something nice for the witness.
55. When Ms. Packer went to Vienna, the witness thought they were getting better reports. Thus, as an employee the witness would rate Ms. Packer as fair or good.
56. The witness had bought gifts for Mr. Johnson, Ms. Thompson, David Goldenberg and Mr. Turner.
57. The witness stated that the U.S. Department of Justice did their own inquiry before they would pay for attorneys taking the witness' civil case.
58. The witness stated that everyone who will not talk to the OCE about this matter talked to the U.S. Department of Justice. Each and every one of them refuted Ms. Packer's allegations including Ms. Thompson and Mr. Johnson. The witness had made it a point not to talk about this case with the Helsinki staffers. They have not said anything to the witness about this case.

This memorandum was prepared on July 27, 2011, based on the notes that the OCE staff prepared during the interview with the witness on July 27, 2011. I certify that this memorandum contains all pertinent matter discussed with the witness on July 27, 2011.

Paul Solis
Investigative Counsel

EXHIBIT 3

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE: Senator Cardin's Chief of Staff
REVIEW No.: 11-6736
DATE: June 27, 2011
LOCATION: Offices of Senator Cardin
Washington, DC
TIME: 3:33 pm to 4:14 pm (approximate)
PARTICIPANTS: Paul J. Solis
Kedric Payne
Thomas Caballero (counsel)

SUMMARY: The witness is the Chief of Staff for Senator Benjamin Cardin. The OCE requested an interview with the witness on June 27, 2011 and he consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. He signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness has been employed as the Chief of Staff for Senator Benjamin Cardin since January 2007. His duties include overseeing the various phases of Senator Cardin's activity. The witness also oversees activities involving the Helsinki Commission.
3. Fred Turner is Senator Cardin's appointee at the Helsinki Commission. Mr. Turner is the Deputy Staff Director at the Helsinki Commission.
4. The Helsinki Commission operates largely independently, although the witness does perform some administrative work at the commission. He also interviews new hires on behalf of Senator Cardin. This is the only type of direct contact the witness has with the commission.
5. The witness interviewed Winsome Packer before her appointment to the Commission staff. The witness' impression of Ms. Packer was that she was well-spoken, thoughtful, and professional.
6. The witness and Ms. Packer may have gone to a lunch, when she was working with the Commission in the Ford Building. They were not overseas when this lunch occurred.

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7. The Helsinki Commission is composed of members, half from the House of Representatives and half from the Senate. There are four ranking Members on the commission.
8. Representative Hastings is the Democratic Appointing Officer. The Chair and Co-Chair each appoints a Staff Director. The other staff members are considered to be Professional Staff.
9. In January 2010, the witness received a phone call from Ms. Packer, who was in Vienna with the Helsinki Commission. On the call Ms. Packer told the witness that she was having health issues and thought her job may be in jeopardy. Ms. Packer told the witness that Representative Hastings had made sexual advances towards her. Ms. Packer wanted the witness to know in case there was talk of her being fired.
10. The witness stated that he had not known of Ms. Packer's allegations before she called him in January 2010.
11. The witness called Ms. Packer back in March, 2010, following up to address her concerns and told her that Senator Cardin did not tolerate harassment. Shortly before he called Ms. Packer the witness spoke with Fred Turner about Ms. Packer's allegations.
12. The witness also talked to the Senate Employment Counsel and they then contacted the House Employment Counsel. The Counsels decided that the House Employment Counsel would handle the matter. They then discussed with Marlene Kaufmann and Fred Turner about what should occur.
13. The witness made separate calls to Mr. Turner and Mr. Kaufman to discuss the issue. They told the witness that they had worked with Ms. Packer to address her concerns. The witness stated that a series of agreements had been made with Ms. Packer that she and Representative Hastings would only interact professionally, that the commission would accommodate Ms. Packer, and that there was an open offer that she could talk to them about any of her concerns.
14. The witness stated that Mr. Turner talked to Representative Hastings about not doing anything inappropriate.
15. The witness contacted Ms. Packer again to see if she was satisfied with the way things had been handled and she responded that she was satisfied with steps that had been taken.
16. In September 2010, Ms. Packer called the witness and told him that she was going to file a complaint with the Office of Compliance. The witness then sent email to the Senate Employment Counsel to inform that office. That was the last time he spoke with Ms. Packer.

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17. The witness does not believe Mr. Turner commented on whether he believed Ms. Packer's allegations were true or not.
18. The witness does not believe anyone else came to him with information on Ms. Packer's allegations.
19. The witness knows Ed Joseph, but he is "next to sure" that Mr. Joseph did not speak to him about Ms. Packer's allegations.
20. The witness stated that at some point, Ms. Packer told him that Mr. Turner was not taking her allegations seriously, that nothing was being done, and that retaliation occurred.
21. According to the witness, Ms. Packer has not suffered in terms of her job assignment or pay.
22. In discussions with Ms. Packer, the witness stated that she was allowed to move back to Washington, DC at the exact time she preferred.
23. When the witness interviewed Ms. Packer he thought she was well spoken, thoughtful and professional. She told the witness that she was a Republican.
24. The witness stated that he did not believe anything in Ms. Packer's federal court complaint to be false as it relates to him, but that he did not recall Mr. Joseph speaking with him about Ms. Packer's allegations. He stated that maybe Mr. Joseph told her that information.
25. The witness stated that he felt that no retaliation occurred against Ms. Packer from the Commission.

This memorandum was prepared on July 6, 2011, based on the notes that the OCE staff prepared during the interview with the witness on June 27, 2011. I certify that this memorandum contains all pertinent matter discussed with the witness on June 27, 2011.

Paul Solis
Investigative Counsel

EXHIBIT 4

Packer, Winsome

From: Packer, Winsome
Sent: Thursday, November 01, 2007 7:35 PM
To: Turner, Fred
Subject: Re: Security Issues Hearing

Absolutely. I'll see you in the morning.

Sent from my BlackBerry Wireless Device

-----Original Message-----

From: Turner, Fred
To: Packer, Winsome
Sent: Thu Nov 01 19:33:41 2007
Subject: RE: Security Issues Hearing

You have to know that I would never repeat anything like that, Winsome.

My note made sense to you, though?

-----Original Message-----

From: Packer, Winsome
Sent: Thursday, November 01, 2007 7:31 PM
To: Turner, Fred
Subject: Re: Security Issues Hearing

Fred,

PLEASE don't ever tell Mr. Hastings about my confession.

Thanks

Sent from my BlackBerry Wireless Device

-----Original Message-----

From: Turner, Fred
To: Packer, Winsome
Sent: Thu Nov 01 19:28:44 2007
Subject: RE: Security Issues Hearing

I hear what you are saying loud and clear, Winsome. And this is feedback I need to hear. If I don't get it from you, then it's hard for me to do my job. So, thank you. I intend to raise this issue, in a more general sense, at the next staff meeting. (Don't let me forget!) As you know, Mr. Hastings has hired (only) me, you, Mischa, Marlene, and Lale. I work under the assumption that the rest of the "team" are doing their jobs professionally. If that is not the case, as you suggest, then that is a matter I need to take up. Let's discuss in the morning.

And, if you reread my note to you, I hadn't yet read the statement you prepared for Mr. Hastings. I actually was comparing the Smith statement to the CARDIN statement. (Note my use of the term "Co-Chairman.") The one for Mr. Hastings, though, is excellent. It could be extended if you want, too. Since we have a smaller panel this time, his opening remarks could be longer. It was just that I read the Smith and Cardin statements back to back and what you heard from me was just a gut reaction.

WP_088

11-6736_0025

Let's chat tomorrow morning. Thanks, as always, for your candor.

Fred

-----Original Message-----

From: Packer, Winsome
Sent: Thursday, November 01, 2007 7:22 PM
To: Turner, Fred
Subject: Re: Security Issues Hearing

Fred,

If you look back at your messages from yesterday you will see that Ron wrote Mr. Smith's remarks after I emailed him, Bob, Kyle, Fin, Michael and Orest for help. Only he responded and sent me the draft, which I immediately noted when I forwarded it to you.

I actually feel constrained by my limited time on the issues and again only Ron really reviewed the other statements. Janice also sent me a couple of pointers but more to watch for politically sensitive stuff. I mentioned a while back how little help some of the country experts offer when I do ask for their help and that has not changed.

Fred, I have the highest respect for the Chairman and only want to do the best I can for him so I am really sorry that my attempt here fell short. It's a challenge because there are quite a few and complex issues. I take full responsibility and will go back to it tomorrow but I again ask you to look closely at what other staff are doing. Kyle will not lift a finger to help me on any Russia issue.

I hope you would never think that I would place any other Member above Mr. Hastings. Just so you understand, I have had a crush on him since I first met him so there is no way that I would put any Member above him. Yes, that's totally unprofessional, but I want to make sure you get me.

Winsome

.....
Sent from my BlackBerry Wireless Device

-----Original Message-----

From: Turner, Fred
To: Packer, Winsome
Sent: Thu Nov 01 19:07:08 2007
Subject: RE: Security Issues Hearing

Winsome,

These remarks are very good. In fact, I found them to be more passionate, substantive, and lengthier than those prepared for the Commission's Co-Chairman, Sen. Cardin. That perplexes me. Certainly, remarks prepared for all Members should be excellent. But I would think remarks for the Chair and Co-Chair should, at least, be first among equals. Thanks.

Fred

.....
From: Packer, Winsome
Sent: Thursday, November 01, 2007 1:38 PM
To: Turner, Fred
Cc: McNamara, Ronald
Subject: Security Issues Hearing

Here is the final draft of Mr. Smith's statement for your review. Thanks. << File: CHS
open.doc >>

Winsome A. Packer

Staff Advisor

U.S. Commission on Security and Cooperation in Europe Room 234, Ford House Office Building

Washington, DC 20515

Tel: 202-225-██████

Fax: 202-226-4199

Winsome.Packer@mail.house.gov

EXHIBIT 5

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE: FBI Agent
REVIEW No.: 11-6736
DATE: June 16, 2011
LOCATION: OCE offices
425 3rd Street, SW
Washington, DC
TIME: 2:02 p.m. to 2:35p.m. (approximate)
PARTICIPANTS: Kedric L. Payne
Paul Solis

SUMMARY: The witness is an agent with the Federal Bureau of Investigation ("FBI"). The OCE requested an interview with the witness on June 16, 2011, and she consented to an interview. The witness made the following statements in response to OCE questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. She signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness is currently employed with the FBI. She has been an agent for twenty years, with 16 years of investigatory experience. She now works in the Office of Congressional Affairs located at the FBI Headquarters in Washington, DC. The witness manages ten employees. The responsibility of the office is to act as a liaison to congress.
3. The witness is a personal friend of Winsome Packer. She met Ms. Packer in 2006, when the witness was detailed to the House Homeland Security Committee. Ms. Packer was also employed with the Homeland Security Committee at that time.
4. Sometime after Ms. Packer had started working at the Helsinki Commission, the witness first talked to her about Representative Hastings.
5. The witness was not certain if she and Ms. Packer talked about Representative Hastings before Ms. Packer went to Vienna with the Helsinki Commission.
6. The witness and Ms. Packer talked about Representative Hastings six to ten times when it was more than a passing comment between them. During these talks, Ms. Packer was upset and needed to talk to the witness.

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7. Ms. Packer told the witness that she was quite stressed about Representative Hastings' behavior as he had put her in uncomfortable situations. Ms. Packer told the witness that she felt her job at the commission was in jeopardy.
8. The witness recalled an event somewhere overseas when Representative Hastings called Ms. Packer in the middle of the night and waited for her in the hotel lobby.
9. Ms. Packer told the witness that Representative Hastings would hug her in public and in group settings, making her uncomfortable.
10. Ms. Packer told the witness that she bought a tie for Representative Hastings because she felt pressure to purchase gifts for him.
11. Ms. Packer told the witness there was a rumor that a staffer was paying part of his or her salary to Representative Hastings every month as a kick back.
12. The witness told Ms. Packer that she needed to get out of the situation and that Ms. Packer needed to talk with her boss about what was happening.
13. The witness told Ms. Packer that it sounded like sexual harassment issues and that it was not something for the FBI to investigate.
14. The witness told Ms. Packer that she needed to take action within her organization. The witness noticed that Ms. Packer appeared to be more stressed than at other times.
15. The witness introduced Ms. Packer to a friend of hers, a fellow agent at the FBI, Special Agent Joe Lewis. The witness was not part of those interactions between Mr. Lewis and Ms. Packer.
16. The witness stated that she probably told Ms. Packer to take notes about the interactions with Representative Hastings. She explained that it sounded like something she would have told someone.
17. The last time the witness talked about Representative Hastings with Ms. Packer was after Ms. Packer filed the civil lawsuit. These discussions about Representative Hastings were either in person or over the phone. The witness has never spoken with Ms. Packer's lawyers; however, earlier this year Ms. Packer asked if the witness would speak to her lawyers at some point.
18. Ms. Packer mentioned issues with Fred Turner where she reported things to him and Mr. Turner said he would speak to Representative Hastings and take care of it, but nothing changed.

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19. The witness stated that Ms. Packer also felt that Mr. Turner was not supportive. Ms. Packer felt that Helsinki staffers in Vienna were not sharing information with her and she couldn't do her job.
20. Ms. Packer mentioned to the witness frequently that she was going to lose her job. Ms. Packer did not know how to fend off Representative Hastings and keep her job.
21. Ms. Packer told the witness that she felt she had to do something, like buy a tie for Representative Hastings, to get him to back down.
22. The witness stated that based on her conversations with Ms. Packer, the detailed accounts of the events did not seem rehearsed.
23. The witness had not spoken to Ms. Packer about the OCE's review of the matter and that Ms. Packer did not know she agreed to answer questions from the OCE.

This memorandum was prepared on June 21, 2011, based on the notes that the OCE staff prepared during the interview with the witness on June 16, 2011. I certify that this memorandum contains all pertinent matter discussed with the witness on June 16, 2011.

Paul Solis
Investigative Counsel

EXHIBIT 6

David was a spirit - said per annum vs in the spirit
He wanted to visit me in Vienna (3 times) / David Fred trip
Fred is cheap; never picks up tabs & restaurants
with Alex bought him expensive ties, Fred bought cheap

May 2009 - Incident in van: "Even after he has sex, he
remains members of congress can't sleep"
M/S Che among / what kind of panties I was wearing
Alex - bought ties for him in every shop - Shulby
Anna - saw David bought him gifts in Rome

David a spirit because he said here to spend per diem
bought him new things

Astana: bought him tie / shirt / Fred: arrive early
to Staff Heshys

* Feb 09, 11000

In Astana, wanted to meet at 5 am

Wanted to look at shops in afternoon - tie

* In Lash, invited for drinks then left when
you arrived

Gintra - in bar - Fred is so cheap; often
all his done for me, would not see with me

May 2009

His bar: My job is not to say things & ask

In Vilnius: Fred was cheap, never gave him back anything

In Vilnius did not want to drive back to
hotel as he is in his car (in middle of city)

Exchange the correspondence / my portfolio

Atlas: Taxi vs ride w Heshys

* May, fully went at briefing to buy me

UKraine
Factory is PC

Conversations w Marlene; Marlene & Fred

him buying me

Jan 05 - advised me to travel - do things away from Alan
had also returned state about my treatment

EXHIBIT 7

CONFIDENTIAL

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE: Former Chief of Staff
REVIEW No.: 11-6736
DATE: July 21, 2011
LOCATION: OCE Offices
425 3rd Street, SW
Washington, DC
TIME: 11:30 a.m. to 12:13 p.m. (approximate)
PARTICIPANTS: Kedric L. Payne
Paul Solis
Andrew Herman (counsel)

SUMMARY: The witness is a former Chief of Staff for Representative Hastings. The OCE requested an interview with the witness on July 21, 2011, and he consented to an interview. The witness made the following statements in response to OCE questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. He signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness is currently employed as a consultant with Resolute Consulting, located in Chicago, Illinois. He was worked in that capacity for about two and a half years. His previous employment was two years as Chief of Staff for Representative Alcee Hastings and Staff Director for the House Subcommittee on Legislative and Budget Process. Prior to that, he was on Representative Hastings' staff for five years in various roles including Legislative Assistant, and Legislative Director. He worked under Fred Turner, who was Chief of Staff, from 2001 to 2006.
3. The witness stated that his current relationship with Representative Hastings is as a personal friend.
4. The witness stated that he knows Winsome Packer in her capacity as a staff member at the Helsinki Commission; they had a professional relationship. He met her shortly before she was hired by the Commission, near the beginning of 2007. He knew that Ms. Packer was personal friends with a woman who used to work in Representative Hastings' office.

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5. The witness stated that there were maybe one or two trips where he travelled with Representative Hastings and Ms. Packer. The witness stated that he has only been to Vienna, Austria once in his life.
6. Representative Hastings told the witness that Ms. Packer was affirmative which he admires in staffers. According to Representative Hastings affirmative means someone who is not highly deferential, someone who forms their own opinion and shares that opinion. Representative Hastings also told the witness that he was considering her for a position in Vienna.
7. The witness took part in the interview of Ms. Packer. His impression of her was that her credentials were good and her goals were ambitious.
8. The witness did not recall any specific projects he worked on with Ms. Packer. Although Ms. Packer would work on speeches and talking points for Representative Hastings, the witness would work with her.
9. The witness stated that Ms. Packer was “hot and cold” to work with. Sometimes her work product was impressive but sometimes her attitude was not. She was challenging to work with at times.
10. The witness stated that in his travel with Representative Hastings and Ms. Packer he did not see Representative Hastings make any sexual advances or make sexually related comments towards Ms. Packer. The witness also stated that he did not experience Representative Hastings acting in that manner towards anyone else.
11. The witness stated that in his experience, Representative Hastings’ interactions with Ms. Packer were no different than with any other staffer, cordial and professional, sometimes laid back.
12. The witness stated that he heard from Fred Turner in 2008, before the trip to Vienna he took, that Ms. Packer approached Mr. Turner and the Commission Counsel alleging that Representative Hastings had made sexual comments to her, and that she felt uncomfortable. The witness stated that he did not discuss the validity of the allegations with Mr. Turner.
13. After he told the witness about Ms. Packer’s claims, Mr. Turner asked the witness to watch the interactions between the two and to ensure that Ms. Packer was comfortable.
14. The witness stated that to the best of his knowledge, he did not discuss the information he learned from Mr. Turner, with anyone.

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15. The witness stated that he purchased gifts (t-shirts, books, ties, liquor) for Representative Hastings throughout his employment. Representative Hastings never pressured him to buy gifts or asked him to. It was reciprocal between the two men.
16. The witness stated that Representative Hastings never asked him for his extra per diem money while travelling. He did not know if Representative Hastings ever asked other staffers for theirs.
17. The witness stated that Representative Hastings would usually pick up the check when they were out.
18. The witness stated that he could not recall if he ever saw a staffer had over money to Representative Hastings.
19. The witness stated that he could not recall if Mischa Thompson ever handed money to Representative Hastings at dinner in Vienna and whether he told her to stop. The only scenario which the witness could think of is if he maybe told a staffer to put their money away because he or Representative Hastings would pay for the meal.
20. The witness stated that he read Ms. Packer's complaint filed in federal court; he recalls having drinks and eating meals in Vienna, but did not recall any of the specific events alleged by Ms. Packer.
21. When asked if he had any reason to believe that what is in Ms. Packer's complaint is untrue, the witness stated that he only knows what he was there to witness.
22. The witness stated that at a dinner in Vienna, he recalled Ms. Packer being combative with Representative Hastings and that at one point she turned to him and asked "why doesn't he like me?" Later, Ms. Packer invited everyone staffed in Vienna, including Representative Hastings, to her flat for drinks, although Representative Hastings was among those who did not attend.
23. Concerning a referencing to Representative Hastings taking pictures in Ms. Packer's complaint, the witness stated that that is just how Representative Hastings takes pictures.
24. When asked specifically about incidents (Representative Hastings' alleged sexual comments) occurring at the Marriott hotel bar in Vienna, the witness stated that he did not recall the incident, that he may have been there, but did not recall the specific incidents alleged by Ms. Packer or whether they occurred in front of him.
25. When asked if any part of the alleged conduct towards Ms. Packer occurred, the witness stated that he could not recall. He could recall meals and drinks in large groups.

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26. The witness stated that if Ms. Packer felt uncomfortable around Representative Hastings, she had a weird way of showing it and that she was certainly not trying to disengage in the situation.

27. The witness stated he has spoken with House Employment Counsel in a phone interview.

This memorandum was prepared on July 26, 2011, based on the notes that the OCE staff prepared during the interview with the witness on July 21, 2011. I certify that this memorandum contains all pertinent matter discussed with the witness on July 21, 2011.

Paul Solis
Investigative Counsel

EXHIBIT 8

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

WINSOME PACKER,
[REDACTED]
[REDACTED]
Alexandria, VA 22304

Plaintiff,

v.

THE UNITED STATES
COMMISSION ON SECURITY
AND COOPERATION IN EUROPE
234 Ford House Office Building
Washington, DC 20515

and

ALCEE L. HASTINGS
[REDACTED]
Miramar, FL 33027

and

FRED TURNER
[REDACTED]
Potomac, MD 20854

Defendants.

Civil Action No. _____

COMPLAINT FOR DECLARATORY
AND MONETARY RELIEF AND JURY DEMAND

Preliminary Statement

1. This is a civil action against the United States Commission on Security and Cooperation in Europe (“the Commission”), U.S. Representative Alcee L. Hastings, and Fred Turner for declaratory and equitable relief and monetary damages for injuries plaintiff Winsome

Packer has sustained as a result of Mr. Hasting's sexual harassment of her and the subsequent retaliation against her for complaining about the unlawful harassment, in violation of the Section 201 and 207 of the Congressional Accountability Act, 2 U.S.C. §1311, *et seq.* and the First and Fifth Amendments of the Constitution of the United States.

2. For over two years, from January 2008 through February 19, 2010, Ms. Packer was forced to endure unwelcome sexual advances, crude sexual comments, and unwelcome touching by Mr. Hastings while serving as the Representative of the Commission to the United States Mission to the Organization for Security and Cooperation in Europe. Although Ms. Packer repeatedly rejected Mr. Hastings' sexual attention and repeatedly complained about the harassment to the Commission Staff Director, Fred Turner, Mr. Hastings refused to stop sexually harassing her. Rather, Mr. Hastings and Mr. Turner began to retaliate against Ms. Packer—including making threats of termination—because she continued to object to Mr. Hastings' conduct. Ms. Packer was particularly vulnerable to such threats because she was a Republican working for the Democratically-controlled Commission, a point that both Mr. Hastings and Mr. Turner used to threaten and intimidate her. Eventually, the emotional distress, anxiety, and humiliation caused by the sexual harassment and retaliation caused Ms. Packer to suffer severe health problems and forced her to leave her prestigious position.

Jurisdiction and Venue

3. This Court has jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. § 1331 and 2 U.S.C. § 1408.

4. Venue is proper in this district under 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to Ms. Packer's claims occurred in the District of Columbia. In the alternative, venue is proper in this district under 28 U.S.C. § 1391(b)(3)

because the Commission can be found in the District of Columbia and there is no other district in which the action may otherwise be brought.

Parties

5. Winsome Packer is a citizen of the Commonwealth of Virginia who resides at 203 Yoakum Parkway, Unit 817, Alexandria, Virginia, 22304. Ms. Packer became an employee of the Commission on Security and Cooperation in Europe on May 7, 2007. Ms. Packer is a “covered employee” under 2 U.S.C. §1301(3).

6. The United States Commission on the Security and Cooperation in Europe is plaintiff’s “employing office” under 2 U.S.C. § 1301(9)(B) and/or § 1301(9)(C).

7. Alcee L. Hastings is a citizen of the State of Florida who resides at 5010 SW 101st Terrace, Miramar, FL 33027. Mr. Hastings represents the 23rd Congressional District of Florida and served as the Chairman of the Commission during the 110th Congress, which was from January 3, 2007, through January 3, 2009. In the 111th Congress, Mr. Hastings served as the Co-Chairman of the Commission, which was from January 4, 2009, through January 3, 2011.

8. Fred Turner is a citizen of the State of Maryland who resides at 8816 Harness Trail, Potomac, Maryland, 20854. At all times relevant to this complaint and Ms. Packer’s claims, Mr. Turner served as the Staff Director of the Committee and was Ms. Packer’s direct supervisor.

Factual Allegations

9. Ms. Packer is a highly educated and experienced professional, who has dedicated her career to policy work. Ms. Packer holds a Bachelor of Arts in International Affairs and a Master of Public Administration. She has extensive experience as a professional staff member—first for the Committee on Veterans’ Affairs for the U.S. House of Representatives and later for

the Committee on Homeland Security for the U.S. House of Representatives. Among her many other professional accomplishments, she was appointed as a United States Delegate to the United Nations Commission on the Status of Women and has worked for various policy think tanks.

10. From 2003 through December 2006, Ms. Packer served as a Republican Professional Staff Member for the Committee on Homeland Security. During this time, the Republican Party controlled the U.S. House of Representatives. In the 2006 national election, however, the Democrats won a majority of seats in the House of Representatives, allowing them to gain control of that chamber of Congress. Pursuant to the change in leadership, Ms. Packer's position was eliminated and she became unemployed starting in January 2007.

11. In March 2007, while walking down C Street SW in Washington, D.C., Ms. Packer encountered Representative Alcee L. Hastings. Ms. Packer and Mr. Hastings were acquainted with each other through a friend of Ms. Packer who had served as a staff member in Mr. Hastings' office for many years. During their conversation, Mr. Hastings learned that Ms. Packer was unemployed. In response to this news, Mr. Hastings informed her that, as the new Chair of the U.S. Commission on Security and Cooperation in Europe, he was in a position to appoint her to the Commission staff. He then recommended that she schedule an appointment to speak with him about applying for a position.

12. Although very interested in the work of the Commission, Ms. Packer initially chose not to contact Mr. Hastings about the position because he was a Democrat and she was a Republican. However, by April 2007, Ms. Packer still had no firm employment leads, so she scheduled a meeting with Mr. Hastings to speak further about a potential position. Prior to meeting with Mr. Hastings, Ms. Packer provided him with a copy of her resume, which clearly indicated her political affiliation with the Republican Party.

13. At the interview, Mr. Hastings did not discuss or question Ms. Packer about her qualifications for a position with the Commission or her political affiliation. Instead, he simply explained that, as the new Chair of the Commission, he wanted to make significant staffing changes. Despite her political affiliation, Mr. Hastings offered Ms. Packer a position during that April 2007 meeting.

14. Ms. Packer began working at the Commission on May 7, 2007, as a Policy Advisor. Fred Turner, the Staff Director, was, and continued to be, her supervisor at the Commission until February 14, 2010. Prior to Mr. Hastings appointing him as Staff Director, Mr. Turner had served on Mr. Hastings' staff for over ten years. On a number of occasions, during her first few months at the Commission, Mr. Turner indirectly questioned Ms. Packer's loyalty to Mr. Hastings because she was a Republican. For example, Mr. Turner accused Ms. Packer of writing a better speech for a Republican member of the Commission in comparison to the speech she had written for Mr. Hastings. On another occasion, he chastised her for including positive comments about U.S. Representative Christopher Smith, a Republican Member of Congress, in a letter of recommendation from Mr. Hastings to the President of the Organization for Security and Cooperation in Europe Parliamentary Assembly and requested that she remove those comments. In addition to verbally assuring Mr. Turner of her loyalty, Ms. Packer worked extremely hard to produce quality work in order to demonstrate that she was dedicated to her position and loyal to Mr. Hastings. Mr. Turner's conduct, however, made clear to Ms. Packer that, as a Republican, she was more vulnerable in her position than other staff members of the Commission.

15. In December 2007, Mr. Turner met with Ms. Packer to inform her that Mr. Hastings wanted to appoint Ms. Packer to be the Representative of the Commission to the U.S.

Mission to the Organization for Security and Cooperation in Europe. This position was posted in Vienna, Austria, and was considered by many to be the most prestigious staff position at the Commission. Mr. Turner explained that Mr. Hastings believed her to be the most qualified staff member for the position because of the quality of her work and her international work experience. Although flattered by the offer, Ms. Packer had reservations regarding the position and expressed them in the meeting. Mr. Turner, however, strongly recommended that Ms. Packer try the position for a year and promised that, if she wished to return to her position as Policy Advisor, she could return at the end of the year. With this guarantee, Ms. Packer agreed to take the position.

16. Ms. Packer was scheduled to assume her post in Vienna as the Representative of the Commission in February 2008. In January 2008, as Ms. Packer was preparing for departure, Mr. Hastings invited her and Mischa Thompson, a fellow staff member at the Commission, to dine with him alone. When making the invitation, Mr. Hastings expressly requested that they not inform Mr. Turner about the dinner. Ms. Packer found this request strange, but since the invitation also included Ms. Thompson, she accepted. After dinner, while Ms. Packer and Mr. Hastings walked from the restaurant, with Mischa Thompson a few paces behind, Mr. Hastings told Ms. Packer that once she had found and settled into her new apartment in Vienna, he would come to Vienna to stay with her for a week. This comment made Ms. Packer extremely uncomfortable because Mr. Hastings seemed to be inviting himself to visit her in a personal and romantic capacity, not as the Chairman of the Committee, since the Chair would never stay at a staff member's apartment in lieu of having lodging of his own. Wishing to avoid upsetting Mr. Hastings, Ms. Packer simply ignored the comment and said nothing.

17. The next day, however, Ms. Packer did inform her officemate, Shelly Han, about the incident and expressed her concern about Mr. Hastings' advances. Ms. Han advised her to speak with Mr. Turner about Mr. Hastings' conduct, but Ms. Packer hesitated to do so out of fear that, given her status as a Republican, such a complaint would further complicate her relationship with Mr. Hastings and Mr. Turner.

18. Within a week of the dinner detailed in Paragraph 16, Mr. Hastings called Ms. Packer at the Commission and inquired about the progress of her preparations for departure. After only a few minutes of discussing her departure, Mr. Hastings repeated that when she was settled in Vienna, he would come and stay with her for a week. Mr. Hastings' comment again made Ms. Packer uncomfortable because of the implication that he was pursuing a romantic relationship with her. Ms. Packer's suspicions were further confirmed when he asked where she was currently living. When Ms. Packer replied that she lived in Alexandria, Virginia, Mr. Hastings announced that he should come over to "check up on her." Since Ms. Packer was not interested in hosting Mr. Hastings alone in her house, especially given his earlier statements that indicated his romantic interest in her, she responded that she would be happy to have Mr. Hastings and Mr. Turner to dinner before she left for Vienna. Mr. Hastings responded, "That's all right," and immediately ended the phone call.

19. Ms. Packer moved to Vienna on February 15, 2008, and immediately began working. As a Policy Advisor, Ms. Packer's annual salary was \$80,000. In her new position, Ms. Packer received a *per diem* that raised her yearly income to \$165,000.

20. In February 2008, shortly after Ms. Packer arrived in Vienna, Mr. Hastings traveled to Vienna as a member of a congressional delegation. Ms. Packer was sitting with several colleagues in the delegation room when she first encountered Mr. Hastings during the

trip. Upon entering the room, Mr. Hastings immediately walked over to Ms. Packer on the other side of the room and handed her a small bag, which contained a music box that he had purchased for her in the Czech Republic. Mr. Hastings did not bring gifts to any other staff member. Ms. Packer was embarrassed by the special attention paid to her by the Chairman and was offended that he continued to pursue her romantically, since she had not responded to his earlier attempts to initiate a relationship. Ms. Packer later gave the music box to her co-worker, Mischa Thompson, and told her that she was very uncomfortable with the fact that Mr. Hastings had given the gift and that he had done so in public.

21. Approximately an hour after Mr. Hastings arrived, he asked Ms. Packer to fetch him some ice. He then followed her across the room and, once they had reached an area where they were out of earshot of others, he again told her that once she had an apartment he would come to stay with her for a week. His continued pursuit of a romantic relationship with her upset Ms. Packer, especially since he was now making advances in professional settings.

22. Fifteen minutes after Mr. Hastings made the comment referenced in Paragraph 21, Ms. Packer asked Mr. Turner, who had accompanied Mr. Hastings on the congressional delegation, to speak privately. Once they had walked to a private room, Ms. Packer detailed Mr. Hastings' recent conduct towards her. She explained that in the last month Mr. Hastings had invited himself three times to stay with her in Vienna for a week and that he also had invited himself to visit her at her home in Alexandria, Virginia. Mr. Turner's first response was to ask Ms. Packer if she had ever had a romantic relationship with Mr. Hastings. Ms. Packer responded that she had never had anything but a professional relationship with Mr. Hastings, that she did not welcome his advances, and did not want to engage in a romantic relationship with him. Mr. Turner initially looked surprised, but then assured Ms. Packer that he was glad she came to him

about the matter and that he would speak to Mr. Hastings and would ensure that he knew her feelings on the matter. Mr. Turner also instructed her to call him immediately if Mr. Hastings ever called to tell her that he was “getting on a plane to visit [her].”

23. From March through September 2008, even though Mr. Turner had promised Ms. Packer that he would speak to Mr. Hastings about the Congressman’s attentions towards her, Mr. Hastings began to call her approximately every other week under the pretense of work-related matters. However, within a minute or two of conversation, Mr. Hastings would deviate to personal matters or try to arrange a time for them to see each other. Prior to Mr. Hastings’ expressions of a romantic interest in Ms. Packer, the Congressman had never called on a regular basis about either personal or work-related matters. Upon information and belief, Mr. Hastings did not call other staff members in a similar fashion.

24. The first time Mr. Hastings called Ms. Packer was in March 2008. On the call, he informed her that he would be attending an OSCE Parliamentary Assembly Bureau meeting in Copenhagen and requested that she join him at the meeting. After his advances during his visit a few weeks before, Ms. Packer was not comfortable traveling with him to a non-mandatory meeting such as the one in Copenhagen, so she told him that she was still settling in and learning her new job responsibilities, which made her unsure if she would be able to travel to Copenhagen. After the call ended, Ms. Packer immediately called Mr. Turner and informed him of Mr. Hastings’ request that she join him in Copenhagen and expressed her concern about traveling with the Congressman. Mr. Turner counseled Ms. Packer to explain to Mr. Hastings that Mr. Turner had determined that she was not needed at the meeting because she was too busy in Vienna. Ms. Packer relayed this information to Mr. Hastings and she did not attend the Copenhagen meeting.

25. In May 2008, Mr. Hastings traveled to Vienna for another meeting. This was the first time that Ms. Packer had been around him since the meeting in February 2008, when Mr. Turner promised to speak to Mr. Hastings about ceasing any romantic advances towards her. When Ms. Packer saw Mr. Hastings at the meeting, he immediately approached her, hugged her with both arms, pressed his body against her body and pressed his face against her face. Prior to that instant, Mr. Hastings had never hugged her in such a manner. Ms. Packer was uncomfortable with this intimate touching and was particularly upset it was done in front of her colleagues and after Mr. Turner had allegedly counseled him against making any romantic advances.

26. On the same day in May 2008, as referred to in Paragraph 25, Mr. Hastings repeatedly made sexual comments to and around Ms. Packer. First, as they rode in a car alone together to a meeting in Vienna, Mr. Hastings complained to Ms. Packer that he was having trouble sleeping. Ms. Packer sympathized with Mr. Hastings and replied that, when she has had trouble sleeping in the past, she found exercise helpful. Mr. Hastings replied that while exercise worked for some people, "even after sex, I continue to be wide awake." His sexual remark made Ms. Packer uncomfortable, especially after his earlier intimate hug and his prior romantic advances.

27. At dinner that same evening, in a conversation initiated by Mr. Hastings, he commented to Ms. Packer that the only reason he was dating Patricia Williams, the Deputy District Director, was because she had been his counsel in his bribery and impeachment trials that resulted in his impeachment and removal from the federal bench. He also confided to her that he had been dating another staff member, Vanessa Griddine, but that she was "not worthy."

Ms. Packer refused to discuss Mr. Hastings' romantic involvement with other staff members and changed the topic of conversation.

28. Later that evening, however, while Mr. Hastings, Ms. Packer, and several Commission staff members, including the Chief of Staff for Mr. Hastings' congressional office, David Goldenberg, another Commission staff member, Alex Johnson, and Ms. Thompson, were at the bar of the Marriott Hotel, Mr. Hastings remarked to Ms. Packer in front of her colleagues that Janice Helwig, Ms. Packer's predecessor in Vienna, had told other people that Ms. Packer was Mr. Hastings' girlfriend. Mr. Hastings then put his arm around Ms. Packer's shoulder and said: "She flatters me." Ms. Packer was embarrassed by Mr. Hastings' comment and demeanor that falsely implied that a romantic relationship existed between them.

29. As the night progressed and Mr. Hastings consumed more alcohol, he began to make crude comments to Ms. Packer, Ms. Thompson, and Mr. Johnson. Specifically, Mr. Hastings remarked that he did not understand how female Members of Congress could wear the same underwear from the time the House of Representatives went into session in the morning until it recessed late at night. He then stated that for that reason he could never take a female Representative "home with him." He then looked directly at Ms. Packer and asked her, "What kind of underwear are you wearing?" Ms. Thompson and Mr. Johnson both clearly heard the question because they laughed in response. Ms. Packer, however, was angry and humiliated both by his question and by his offensive comments about female Members of Congress. That night, Ms. Packer called Mr. Turner and complained about Mr. Hastings' conduct that day, including about his vulgar questioning of her.

30. During this trip, Mr. Hastings reiterated his desire to visit Ms. Packer's apartment. Ms. Packer attempted to avoid such a visit by explaining to him that she did not have sufficient

furniture to host guests. Mr. Hastings, however, renewed his request the next day while they were in a van with other staff members. Ms. Packer responded that she would be happy to take everyone in the van to visit her apartment on their way to their destination. Mr. Hastings immediately declined her offer.

31. For the duration of Mr. Hastings' time in Vienna on that trip, Ms. Packer experienced very high levels of stress when in the presence of Mr. Hastings and attempted to avoid interacting with him because she feared he would make additional comments and sexual advances towards her.

32. For several months after Mr. Hastings May 2008 trip to Vienna, he continued to call Ms. Packer regularly. Ms. Packer would often not answer the phone in order to avoid his calls.

33. In July 2008, a congressional delegation including Mr. Hastings was scheduled to attend the annual meeting of the OSEC Parliamentary Assembly in Astana, Kazakhstan. Ms. Packer had scheduled her arrival to follow Mr. Hastings' arrival by several hours. Prior to the trip, however, Mr. Turner requested that Ms. Packer change her flight to arrive a day earlier than the other members of the delegation because Mr. Hastings had decided to travel independent of the other Members of Congress and, instead, would be arriving a day before the delegation. Since he was traveling independently, Mr. Hastings needed a staff member to facilitate his trip, especially one to coordinate travel and administrative matters with the U.S. Embassy or the Kazakhstani government.

34. This request caused Ms. Packer significant stress and anxiety because she was fearful that Mr. Hastings would take advantage of their being in the country alone and again make sexual advances towards her. She was also upset that Mr. Turner assigned her to staff Mr.

Hastings alone after her multiple complaints about his conduct towards her, especially because six other Commission staff members were scheduled to staff Mr. Hastings on that trip and Mr. Turner could easily have assigned anyone of them to staff Mr. Hastings and avoided forcing Ms. Packer to spend a day alone with Mr. Hastings. Nevertheless, Ms. Packer complied with Mr. Turner's request.

35. Ms. Packer arrived to Astana, Kazakhstan at 4:00 a.m. and on the way to the hotel, the mobile phone of her escort from the U.S. Embassy rang. After he answered it, he informed her that the call was from Mr. Hastings and he had requested that she meet him immediately upon arriving. As soon as she arrived at the hotel, Ms. Packer met the Congressman, who was alone in the delegation hospitality room. Mr. Hastings immediately again embraced her closely with both arms, pressing his body against her body, and pressing his face against hers. This unwelcome touching was very unpleasant for Ms. Packer and made her very uncomfortable. Mr. Hastings then commented: "You look really good." He followed this comment by telling her that he had always liked her and wanted to "look out for [her] career." Mr. Hastings intention was crystal clear: he was sexually attracted to Ms. Packer, wanted a sexual relationship with her, and would help progress her career if she acquiesced to his sexual advances. Ms. Packer responded that while she was grateful that he wanted to help her, she wanted to be taken seriously as a professional and did not think it was appropriate for her to have a personal relationship with him. Mr. Hastings argued that no one would treat her less than professionally because they had a personal relationship and that she would continue to be taken seriously. Ms. Packer continued to insist that she was uninterested in a personal relationship with him. At no point in the conversation did Mr. Hastings discuss a single work-related matter

with her. The sole purpose of the meeting was for him to reinitiate his sexual overtures, even though she had repeatedly denied his advances.

36. Later that same morning, Mr. Hastings required Ms. Packer to shop with him in the shopping arcades in Astana. While they shopped, Mr. Hastings repeatedly complained that Mr. Turner was cheap and only once had purchased a gift for him, which was an inexpensive tie. He contrasted Mr. Turner with Mr. Goldenberg and Mr. Johnson who he explained had given him many expensive gifts. Mr. Hastings repeated statements made clear to Ms. Packer that he had brought her shopping so that she would purchase him a gift. Upset and anxious about the effect that her rejection of Mr. Hastings would have on her career, Ms. Packer felt no other choice but to purchase him a shirt and tie.

37. For the remainder of their trip in Kazakhstan, Ms. Packer suffered from severe stress and anxiety because she feared Mr. Hastings' further advances if they were alone. During this trip, Ms. Packer's blood pressure rose so precipitously that she was forced to see a military doctor. She explained to the doctor that her stress was caused by Mr. Hastings' unwelcome sexual advances. He offered her vitamin B complex and a sleeping aid to help her combat the symptoms of her stress.

38. As stated in paragraph 32, throughout the summer of 2008, Mr. Hastings was regularly calling Ms. Packer when he was not around her. After Mr. Hastings' repeated sexual advances in May and July and his continued telephone calls, Ms. Packer informed Mr. Turner that she was unhappy in her position and wished to return to Washington, D.C. By this point, however, Ms. Packer had become fearful of retaliation, because in Kazakhstan Mr. Hastings directly linked her career progress with her having a personal relationship with him and because she had repeatedly complained to Mr. Turner about Mr. Hastings' conduct yet Mr. Turner had

refused to take any action to protect her. Ms. Packer, therefore, told Mr. Turner that she wished to return to Washington, D.C., because she felt that the other U.S. Mission representatives, particularly the State Department officials, marginalized her and prevented her from being able to fully perform her duties. Although the issue of marginalization had been a reoccurring problem during her first year in Vienna and had contributed to some of Ms. Packer's dissatisfaction with her position during the first few months of her tenure in the position, the real reason she requested the transfer back to Washington, D.C., was to remove Mr. Hastings' apparent sense of entitlement for sexual favors from Ms. Packer because he had given her the Vienna posting. Ms. Packer hoped that returning to the Commission's office in Washington, D.C., would minimize Mr. Hastings' unwelcome advances. Mr. Turner responded that he would talk with Mr. Hastings about a possible reassignment for her at a later time.

39. Throughout the fall of 2008, Ms. Packer traveled back to Washington, D.C., for consultations every three months and sometimes encountered Mr. Hastings at meetings and hearings. During these visits, upon first seeing Ms. Packer, Mr. Hastings would insist on hugging her with both arms, pressing his body against her body and his face against her face. Mr. Hastings did not hug others in the same manner. Given Mr. Hastings' overt sexual advances, Ms. Packer was made uncomfortable by this unwelcome touching.

40. In January 2009, with the opening of the 111th Congress, Senator Benjamin Cardin was appointed Chairman of the Committee and Mr. Hastings was appointed the Co-Chair. This shift in leadership meant that Mr. Cardin now led the Commission and was the ultimate decision maker in regards to personnel issues.

41. In February 2009, Ms. Packer had completed a full year in her position in Vienna, the time period she had originally agreed to "try out" the position. Since Mr. Hastings'

unwelcome sexual attention had continued, Ms. Packer still wanted to return to Washington, D.C. Ms. Packer again asked Mr. Turner to allow her to return to her old position in Washington, D.C., as he had originally promised. Since she continued to be concerned about retaliation, Ms. Packer again explained that her desire to return was caused by her dislike of being marginalized by the State Department officials of the U.S. Mission. Mr. Turner, however, flatly denied her request without providing any explanation. Since on several occasions Mr. Hastings complained to Ms. Packer that none of his staff had ever contributed to his campaign or given anything back to him, feeling extremely pressured, Ms. Packer contributed \$1,000 to his campaign fund.

42. In April 2009, Ms. Packer attended a Parliamentary Assembly Bureau meeting in Lisbon, Portugal, with Mr. Hastings and Mr. Turner. In the afternoon of the first day of the meeting, Mr. Hastings traveled to Sintra, a city north of Lisbon, accompanied by Mr. Turner and Ms. Packer. He went into a bar upon their arrival and Mr. Turner and Ms. Packer separated to look around the town. After sightseeing, Ms. Packer found Mr. Hastings in the bar alone. When she arrived, he was clearly inebriated. Mr. Hastings again told her that he had liked her ever since they had first met and that she did not appreciate the help that he had given to her career. Ms. Packer was very upset that he continued to pursue a sexual relationship with her and explicitly told him that she did not want an intimate relationship with him. Mr. Turner then arrived and the conversation ended.

43. Later that same night after a Commission-related dinner, when Ms. Packer arrived at the hotel, Mr. Hastings was sitting in the hotel lobby facing the door, apparently awaiting her arrival. Because Mr. Hastings had left the dinner upset, Ms. Packer immediately walked over to him and inquired if he was alright. Mr. Hastings responded by launching into a 40 minute,

profanity-laced rant, in which he told Ms. Packer that she was not “a sport” because she knew that he “liked” her and that he had helped her professionally. He then explained to her that he had “come to [her] as a man does to a woman” and that he was very upset that she had informed Mr. Turner about his advances.

44. He then scolded her: “How dare you complain about me! You had better forget about being a Republican.” Ms. Packer had kept her head down during his tirade, but at this last statement she looked up at him. In response, he snidely said: “Don’t worry. Your job is not in any danger.” Scared that she would lose her job because she rejected his advances and complained about his conduct, Ms. Packer apologized for not living up to his expectations. In response he asked her: “Would you like to accompany me to my room?” Ms. Packer immediately responded: “no.” He then asked whether she would like him to accompany her to her own room. She again said: “no.” Clearly exasperated by her continued rejections of his advances, he exclaimed: “Well, what is your room number?” The emotional distress and humiliation caused by this exchange had made Ms. Packer nauseous and she felt physically weak, but she managed to respond: “Excuse me sir. I have to call my son.” She then rose and walked away in tears.

45. The next morning, Ms. Packer found Mr. Turner and detailed to him the events of the prior day, both the fact that Mr. Hastings continued to make sexual advances towards her and that he had implicitly threatened her job. Mr. Turner responded that, while he was sorry that she had to endure this treatment, there was nothing he could do about it. Ms. Packer was devastated by the fact that Mr. Turner would not do anything to protect her from Mr. Hastings’ sexual harassment.

46. Ms. Packer next saw Mr. Hastings in May 2009 at a Commission meeting in Washington, D.C. At the meeting, Mr. Hastings rose from where he was sitting with the other Members of Congress, crossed the room, approached her, and asked her to go outside in the hallway to speak with him. Ms. Packer felt she had no other choice but to accompany him. Once in the hallway, Mr. Hastings opened his arms wide and told her to give him a hug. Ms. Packer felt humiliated by the demand, but Mr. Hastings had already implicitly threatened her job, so she acquiesced and hugged him. As usual, Mr. Hastings pressed the front of his body against hers and pressed his face against hers. Ms. Hastings' unwelcome touching caused Ms. Packer to feel physically ill and experience significant emotional distress. Mr. Hastings ended the conversation by telling Ms. Packer to come by his office to see him. Ms. Packer was so upset that she could not respond and instead just walked away. She did not, however, visit him in his office as he requested.

47. In July 2009, both Ms. Packer and Mr. Hastings attended a Parliamentary Assembly annual meeting in Vilnius, Lithuania. The first day of the meeting, Ms. Packer entered the meeting hall with a colleague from the Parliamentary Assembly. Mr. Hastings was standing with the Secretary General of the Parliamentary Assembly. Ms. Packer acknowledged both officials by saying "Hello" and waving. Mr. Hastings replied, "What do you mean 'hello?' Come over here and give me a hug." Ms. Packer felt that refusing would have caused an embarrassing situation, so she walked over and allowed him to hug her. He again embraced her with both arms, pressed his body against her body, and pressed his face against her face. This unwelcome touching again caused Ms. Packer serious emotional distress. Later, during another meeting, Mr. Johnson approached her and informed her that Mr. Hastings wanted her to accompany him back to his hotel in his car. Ms. Packer explained to Mr. Johnson that she was

needed in the meeting because she was the lead staff member on the issues addressed in the meeting. Ms. Packer was so distressed by Mr. Hastings' continued sexual harassment that she declined the opportunity to dine with the other Committee staff and Mr. Hastings.

48. After Mr. Hastings' conduct in Lithuania, which demonstrated that Mr. Turner was not willing to protect her from Mr. Hastings, Ms. Packer reported Mr. Hastings' sexual harassment of her to Edward Joseph, who was the Deputy Staff Director of the Commission at the time and had been appointed to that position by Senator Cardin. Ms. Packer hoped that, if Senator Cardin learned about the harassment she was being subjected to, he would act to protect her. Mr. Joseph responded that he was shocked and sorry that she had to go through such an experience. He asked if he could raise the matter with Senator Cardin's staff and Ms. Packer granted him permission. Within a week, Mr. Joseph emailed Ms. Packer directing her to file a complaint with the Office of Compliance.

49. The stress of Mr. Hastings' continued sexual advances and attention, and her fear that he would begin retaliating against her once he realized that she would not succumb to his advances, became so severe that she began to suffer from high blood pressure and evidenced symptoms of early coronary artery disease. By August 2009, her health had degraded to a point that she began to be treated by a cardiologist in Vienna, who prescribed her medications to counter the high blood pressure and address the coronary artery disease. She had severe side effects from one of these medications, which made her ill for weeks after she began taking it. Since Ms. Packer's health insurance did not cover international medical care, she incurred substantial medical costs because of these health problems.

50. By the fall of 2009, Ms. Packer's fears of retaliation were confirmed. Mr. Turner began to assign work from her portfolio to other colleagues, and began to withhold from her

important information necessary for her to perform her job. For example, as the Commission's Representative at the U.S. Mission in Vienna, one of her duties was to inform her State Department colleagues of the Commission's activities. On a number of occasions, however, Mr. Turner would plan certain meetings or travel plans for the Commission's members, but would not inform Ms. Packer about the plans. Ms. Packer, instead, learned the information from other sources and sometimes through colleagues from the State Department, which negatively affected her professional reputation and prevented her from adequately performing her responsibilities. Another example of Mr. Turner not informing her of important information was when the CSCE Commission was planning to hold a hearing involving the U.S. State and Defense Departments. Mr. Turner assigned the hearing preparations to another Policy Advisor, who personally contacted the Department of Defense about the hearing even though Ms. Packer was responsible for military security issues and, as such, should have served as the liaison. Ms. Packer only learned about the hearing because a Defense Department colleague mentioned it to her. When Ms. Packer asked Mr. Turner why he had kept this information from her, he refused to explain and instead responded by blaming her for the problems between the Commission's Representative and the other U.S. Mission delegation, even though he had previously acknowledged that it had been the U.S. Mission delegation that had marginalized her.

51. After several months of enduring Mr. Turner's retaliatory conduct, Ms. Packer reported Mr. Hastings' sexual harassment and Mr. Turner's retaliatory harassment to Marlene Kaufmann, the Commission's counsel. Ms. Kaufmann responded to Ms. Packer's complaint by explaining to her that "maybe [Mr. Turner] couldn't do anything about [Mr. Hastings' conduct] because he had his own job to worry about." Ms. Kaufmann did not offer Ms. Packer any assistance or even suggest that she would investigate the issue.

52. Seeing no end in sight to the harassment and retaliation, Ms. Packer renewed her request to Mr. Turner to allow her to return to Washington, D.C., since she was already approaching two years in her position in Vienna and had only committed to one year. Mr. Turner responded to the request by informing her that Mr. Hastings would be coming to Vienna in February 2010 and would speak to her at that time about her future. By informing Ms. Packer that the Congressman would be determining her future at the Commission, even though Senator Cardin served as the Chair and, as such, should have made such personnel decisions, Mr. Turner was implicitly threatening Ms. Packer's job.

53. The stress of Mr. Hastings' harassment, Mr. Turner's retaliation, Ms. Kaufmann's refusal to help, and the implicit threats to her job exacerbated Ms. Packer's high blood pressure problems. At the end of December 2009, while visiting her family in Virginia, Ms. Packer collapsed and was rushed to an emergency room. While Ms. Packer recovered enough to be released from the hospital that day, the stress was becoming more than her body could handle.

54. In November 2009, Ms. Packer signed up to serve as an election observer for the Ukrainian Presidential Election, which was to be held in January. In December 2009, however, Ms. Packer learned that Mr. Hastings had decided to observe the election as well. Upon learning this information, Ms. Packer contacted the person charged with assigning staff to specific in-country sites and requested that she be placed in a different location than Mr. Hastings. Ms. Packer was assigned to Odessa and Mr. Hastings was placed in Kiev.

55. In January 2010, when Ms. Packer arrived in Kiev, Ukraine, en route to Odessa, Ukraine, Mr. Johnson informed her that Mr. Hastings was insisting that all Commission staff, except one person, remain in Kiev, allegedly for safety reasons. Mr. Johnson then informed her that he had canceled her hotel reservation in Odessa. Ms. Packer became very upset about the

prospect of having to be around Mr. Hastings and eventually broke down to Orest Deychakiwsky, a Commission staff member. She informed him that Mr. Hastings had been sexually harassing her for almost two years and that Mr. Turner was now retaliating against her because she rejected Mr. Hastings and complained about his conduct. Once she calmed down, Ms. Packer emailed Mr. Turner to discuss how to handle the situation. Mr. Turner advised her to go to Odessa despite Mr. Hastings' directive and to not tell either Mr. Hastings or Mr. Johnson that she was leaving Kiev. Ms. Packer followed Mr. Turner's direction, but experienced further stress stemming from her concern that she would be punished for disobeying Mr. Hastings' directive.

56. Ms. Packer's stress level was so high that she experienced chest pain that first night in Odessa. The next day, Ms. Packer emailed Mr. Turner asking if she could call him to speak about her concerns and illness, but he did not reply. When she returned to Vienna, Ms. Packer continued to experience chest pains and emailed Mr. Turner and Ms. Kaufmann about her medical problem and asked to speak with Mr. Turner that day. Mr. Turner responded that he would call her the next day. The next morning, however, before Ms. Packer and Mr. Turner spoke, Ms. Packer fainted in the middle of a meeting. When she was resuscitated, the emergency personnel informed her that her blood pressure was in the range where she could have suffered a stroke or a heart attack. Extremely upset by the events of that day and the day before, Ms. Packer confided in Carol Fuller, the Charge de Affaires for the U.S. Mission to the OSCE, about Mr. Hastings' sexual harassment and her anxieties about the retaliation she had been enduring. Because of the episode, Ms. Packer was placed on additional medication.

57. That night, Mr. Turner called Ms. Packer and immediately put Mr. Hastings on the phone, even though Ms. Parker had just survived a very dangerous health episode that was

caused by Mr. Hastings' conduct towards her. Mr. Hastings explained that he had heard about her medical episode and wanted to assure her that her job was secure and that she should just let him know what she needed in order to address her health problems. The phone was passed to Mr. Turner at that point and Ms. Packer told him that she was going to consult with her doctors, but that she wanted to return to Washington, D.C., in July 2010. Mr. Turner agreed that she could return to Washington, D.C. by July 31, 2010. Mr. Turner also agreed to have a telephone conference with Ms. Packer and Ms. Kaufmann to discuss the harassment issues.

58. Over the next several days in January 2010, Ms. Packer, Mr. Turner, and Ms. Kaufmann had several conferences about the harassment and they agreed to take the matter seriously. They assured Ms. Packer that they had counseled Mr. Hastings to stop making unwelcome advances towards her and, in particular, to refrain from hugging her.

59. In January 2010, after the trip to Ukraine, Ms. Packer also called Christopher Lynch, the Chief of Staff for Senator Cardin's personal office, because she could not trust that Mr. Turner was actually communicating the harassment problem to the Senator. Ms. Packer detailed the harassment that she had suffered at the hands of Mr. Hastings. Mr. Lynch assured Ms. Packer that Senator Cardin was committed to the Committee maintaining a harassment-free environment and that Ms. Packer would not lose her job because she rejected Mr. Hastings' advances and complained about his harassing conduct. Mr. Lynch, however, did not indicate that the Senator would take any action to assist Ms. Packer.

60. Shortly after Ms. Packer spoke to Mr. Lynch, Ms. Kaufmann confronted her over the telephone. Ms. Kaufmann told her that Senate Legal Counsel had called her telling her that an employee in Vienna was asserting that she had been subjected to harassment and retaliation. Ms. Kaufman accused Ms. Packer of contacting the Senate Legal Counsel and then exclaimed

angrily to Ms. Packer: "No one is retaliating against you!" Ms. Packer explained that she did not call Senate Legal Counsel, but had contacted Mr. Lynch and informed him of the harassment and retaliation. Ms. Kaufmann kept arguing that no one was retaliating against her and that her job was secure. Ms. Kaufmann ended the conversation by insisting that they set up another telephone conference between Ms. Packer, Mr. Turner, and her to discuss the matter.

61. A few days later, a telephone conference took place between Ms. Packer, Mr. Turner, and Ms. Kaufmann. Mr. Turner and Ms. Kaufmann again assured Ms. Packer that they had spoken to Mr. Hastings and that she no longer had to worry about Mr. Hastings acting inappropriately towards her. In response, Ms. Packer again requested that she be permitted to return to Washington, D.C.

62. On or around February 4, 2010, during a meeting with Mr. Turner, Ms. Kaufman, and Ms. Packer, Mr. Turner informed Ms. Packer that he had Mr. Hastings' District Director, who was a longtime friend of Mr. Hastings, speak to Mr. Hastings about his conduct towards Ms. Packer. Mr. Turner then counseled her that it was not in her interest or Mr. Hastings' interest for her to go public with a complaint and that she should allow him to handle the situation. Mr. Turner's comment was clearly intended to be an implicit threat to Ms. Packer, which just further heightened her stress levels and further jeopardized her health.

63. On February 5, 2010, Ms. Kaufmann wrote to Ms. Packer informing her that Mr. Turner had spoken to Mr. Hastings about her harassment complaint and that Mr. Hastings had promised to be "sensitive to [her] concerns and [to] proceed accordingly." Ms. Kaufmann also informed Ms. Packer that both Mr. Turner and Mr. Hastings were "satisfied with [Ms. Packer's] job performance." She then confirmed that Ms. Packer would be allowed to return to Washington, D.C., before the end of the year, likely in July.

64. During the beginning of February 2010, while Ms. Packer was in Washington, D.C., for medical treatment, she had Mr. Joseph over for dinner because he was leaving the Commission. Mr. Joseph inquired about whether the sexual harassment and retaliation continued, to which Ms. Packer informed him that it did and updated him on Ms. Hastings' and Mr. Turner's misconduct since July 2009. Mr. Joseph then informed her that in July 2009, he had reported the sexual harassment and retaliation to Mr. Lynch, who had recommended that Ms. Packer contact the Office of Compliance. Mr. Joseph explained that Senator Cardin needed to get along with Mr. Hastings and that Mr. Turner was protected by Mr. Hastings.

65. On February 18, 2010, Mr. Hastings returned to Vienna for the winter meeting of the OSCE Commission. As soon as Mr. Hastings saw Ms. Packer, he approached her and again pressed his face against hers. This conduct confirmed for Ms. Packer that Mr. Hastings would not change his conduct towards her, even after being counseled by multiple people not to make sexual advances towards her and not to hug her.

66. Mr. Hastings upset Ms. Packer again the next day, February 19, 2010. In front of the entire congressional delegation in attendance for the meeting in Vienna, Mr. Hastings demanded that Ms. Packer have her photograph taken with him in "[their] favorite pose." In order to not make a scene, Ms. Packer agreed to take the photograph with him, even though it required her to place one of her arms around him and to allow him to do the same to her. Ms. Packer was particularly distressed by this conduct because she felt that Mr. Hastings was attempting to create an impression of intimacy between them amongst the members of the delegation. Additionally, Mr. Hastings had been counseled that she did not want to be touched by him, yet he still insisted on using his control over her to force her to pose in a way that

required they touch. After two years of unwelcome sexual advances and touching, this additional unwelcome touching caused her extreme emotional distress.

67. That evening, Ms. Packer complained in writing to Mr. Turner and Ms. Kaufmann about Mr. Hastings' conduct earlier that day and the day before. Ms. Packer informed them that if Mr. Hastings continued to touch her, she would pursue legal action against him. Mr. Turner responded that he would speak with her about the issue in the morning, but that Mr. Hastings would be leaving early the next morning, so she did not need to worry about encountering him again.

68. The following week, Ms. Packer contacted the Office of Representative Christopher Smith, the Ranking Republican Member of the Commission, to request Mr. Smith's assistance in addressing Mr. Hastings' sexual harassment. Ms. Packer explained in detail to Mr. Smith's Chief of Staff, Mary McDermott, that she had been suffering harassment at the hands of Mr. Hastings and now was suffering retaliation. Ms. McDermott advised her to contact the Office of Compliance about Mr. Hastings' and Mr. Turner's conduct.

69. Since it was clear to Ms. Packer that Mr. Turner and Ms. Kaufmann were unwilling or unable to stop Mr. Hastings from sexually harassing her, Ms. Packer contacted the Office of Compliance from Vienna. She explained to Jennifer McCuiston, the Office of Compliance Representative on the phone, that she was an employee with the Commission and was being sexually harassed by Mr. Hastings and retaliated against by her Staff Director. Ms. McCuiston informed her that she had 180 days to file a Request for Counseling based upon this sexual harassment and retaliation.

70. In March 2010, Mr. Turner again began to retaliate against Ms. Packer. Ms. Packer informed Mr. Turner that she intended to submit several travel requests for meetings. Mr.

Turner responded by informing her that she would have to work very hard to convince Senator Cardin that she should be able to travel since she had decided to return to Washington, D.C., in July, even though the Commission staff manual required that all staff travel as part of their fulfillment of their portfolio duties. Ms. Packer responded that Mr. Lynch had promised her that she would not face any adverse consequences if she chose to return to her position in Washington, D.C. Mr. Turner refused to respond and the conversation ended.

71. Because of this retaliatory conduct, on April 11, 2010, Ms. Packer complained in writing to Mr. Lynch about Mr. Turner's conduct, detailing both his attempt to prevent her from traveling and his earlier retaliation of excluding her from Commission correspondence. Mr. Lynch reiterated that Senator Cardin was committed to ensure she did not face retaliatory action because of her complaints. The next staff meeting after she complained to Mr. Lynch, Mr. Turner indicated that her travel requests had now been approved.

72. As Ms. Packer awaited her return to Washington, D.C. in July, she continued to have chest pains and on June 15, 2010, was treated at the hospital. Her physician informed her that the chest pains were caused by stress.

73. Ms. Packer returned to Washington, D.C., and resumed her position as a Policy Advisor for the Committee at the end of July 2010.

74. On August 9, 2010, Ms. Packer filed a complaint with the Office of Compliance asserting claims of sexual harassment and retaliation.

75. On September 8, 2010, Ms. Packer's counseling period ended.

76. On September 17, 2010, Ms. Packer requested mediation. On December 8, 2010, her mediation period ended.

COUNT ONE -- DISCRIMINATION ON THE BASIS OF SEX IN VIOLATION OF THE CONGRESSIONAL ACCOUNTABILITY ACT, 2 U.S.C. §1311 ET SEQ. AGAINST DEFENDANT THE UNITED STATES COMMISSION ON SECURITY AND COOPERATION IN EUROPE.

77. Plaintiff hereby incorporates as though restated each of the factual allegations set forth in paragraphs 1 through 76 above.

78. The Congressional Accountability Act (“CAA”) prohibits discrimination against an employee on the basis of sex in the enjoyment of all benefits, privileges, terms, and conditions of employment.

79. At all times relevant to this Complaint, Plaintiff, as an employee of the United States Commission on Security and Cooperation in Europe, was an “employee” within the meaning of the CAA.

80. Mr. Hastings regularly subjected Ms. Packer to unwelcome sexual advances, sexually explicit remarks, and unwelcome touching. Even though Ms. Packer repeatedly rejected his advances and complained to her direct supervisor about Mr. Hastings’ conduct, Mr. Hastings refused to stop making sexual advances towards her and touching her. Instead, Mr. Hastings and his Staff Director, Mr. Turner, repeatedly threatened her job. Mr. Hastings’ sexual conduct towards Ms. Packer and the later retaliatory threats by Mr. Turner and Mr. Hastings was so severe and pervasive that it altered the conditions of Ms. Packer’s employment and created a sexually hostile work environment, in violation of the CAA.

81. As a direct and proximate result of the unlawful sexual harassment, Ms. Packer experienced insomnia, anxiety, depression, high-blood pressure, and developed symptoms of coronary artery disease. Ms. Packer has been prescribed medication and is under the care of a physician because of the severity of her heart problems.

82. Defendant's actions have directly and proximately caused Ms. Packer substantial damage to her future career and professional reputation, humiliation, and pain and suffering. Defendant's actions were wanton, reckless, or in willful disregard of Ms. Packer's legal rights.

**COUNT TWO -- RETALIATION IN VIOLATION OF THE
CONGRESSIONAL ACCOUNTABILITY ACT, 2 U.S.C. §
1311 ET SEQ. AGAINST DEFENDANT THE UNITED
STATES COMMISSION ON SECURITY AND
COOPERATION IN EUROPE.**

83. Plaintiff hereby incorporates as though restated each of the factual allegations set forth in paragraphs 1 through 82 above.

84. The CAA prohibits retaliation against any employee for engaging in opposition to what she reasonably in good faith believes constitutes unlawful discrimination under the CAA, including the rejection of sexual advances and other forms of sexual harassment.

85. Ms. Packer repeatedly engaged in protected activity by opposing treatment she reasonably believed constituted unlawful discrimination, including repeatedly rejecting Mr. Hastings' unwelcomed sexual advances and reporting Mr. Hastings' harassing behavior to Mr. Turner, the Commission Staff Director and her immediate supervisor; Mr. Joseph, the Commission Deputy Staff Director; Ms. Kaufmann, the Commission Legal Counsel; Mr. Lynch, the Chief of Staff for the then Chairman of the Commission Senator Cardin; and Ms. McDermott, the Chief of Staff for the then Ranking Member for the Commission Representative Smith.

86. Defendant took adverse retaliatory actions against Ms. Packer by repeatedly threatening her job at the Commission, by refusing to allow her to return to her position as Policy Advisor in Washington, D.C., and by intentionally marginalizing her from the rest of the U.S.

Mission to the OSCE. Defendant's retaliatory actions were so adverse that they would have dissuaded a reasonable employee from making or supporting a charge of discrimination.

87. Defendant's retaliatory actions were causally connected to Ms. Packer's protected activity.

88. As a direct and proximate result of the unlawful retaliation, Ms. Packer experienced insomnia, anxiety, depression, high-blood pressure, and developed symptoms of coronary artery disease, for which she has been prescribed medication. Ms. Packer remains under the care of a physician.

89. Defendant's actions have directly and proximately caused Ms. Packer substantial damage to her career and professional reputation, humiliation, and pain and suffering. Defendant's actions were wanton, reckless, or in willful indifference to Ms. Packer's legal rights.

**COUNT THREE -- SEXUAL HARASSMENT IN VIOLATION OF THE
FIFTH AMENDMENT OF THE CONSTITUTION OF
THE UNITED STATES AGAINST DEFENDANT
ALCEE L. HASTINGS.**

90. Plaintiff hereby incorporates as though restated each of the factual allegations set forth in paragraphs 1 through 89 above.

91. The guarantee to equal protection of the law embodied in the Fifth Amendment to the Constitution of the United States prohibits discrimination in employment based upon a person's sex, which includes sexual harassment and the creation of a sexually hostile work environment.

92. Mr. Hastings regularly subjected Ms. Packer to unwelcome sexual advances, sexually explicit remarks, and unwelcome touching. Even though Ms. Packer repeatedly rejected his advances and complained to her direct supervisor about Mr. Hastings' conduct, Mr. Hastings refused to stop making sexual advances towards her and touching her. Instead, Mr.

Hastings and his Staff Director, Mr. Turner, repeatedly threatened her job. Mr. Hastings' sexual conduct towards Ms. Packer and the later retaliatory threats by Mr. Turner and Mr. Hastings were so severe and pervasive that they altered the conditions of Ms. Packer's employment and created a sexually hostile work environment. Defendant did not subject male employees to the same work environment.

93. As a direct and proximate result of the unlawful sexual harassment, Ms. Packer experienced insomnia, anxiety, depression, high-blood pressure, and developed symptoms of coronary artery disease. Ms. Packer has been prescribed medication and is under the care of a physician because of the severity of her heart problems.

94. Defendant's actions have directly and proximately caused Ms. Packer substantial humiliation and pain and suffering. Defendant's actions were wanton, reckless, or in willful disregard of Ms. Packer's legal rights.

COUNT FOUR -- RETALIATION IN VIOLATION OF THE FIRST AND FIFTH AMENDMENTS OF THE CONSTITUTION OF THE UNITED STATES AGAINST DEFENDANTS ALCEE L. HASTINGS AND FRED TURNER.

95. Plaintiff hereby incorporates as though restated each of the factual allegations set forth in paragraphs 1 through 94 above.

96. The First Amendment of the Constitution of the United States prohibits the Federal Government from infringing on a person's speech unless for a compelling interest and provided that the restriction is both narrowly tailored to achieve that goal or interest and is the least restrictive means for achieving that interest. Likewise, the Fifth Amendment prohibits retaliation against an employee for reporting or otherwise opposing unlawful sexual harassment.

97. Ms. Packer repeatedly engaged in speech acts that opposed unlawful sexual harassment by repeatedly rejecting Mr. Hastings' unwelcomed sexual advances and reporting

Mr. Hastings' harassing behavior to Mr. Turner, the Commission Staff Director and her immediate supervisor; Mr. Joseph, the Commission Deputy Staff Director; Ms. Kaufmann, the Commission Legal Counsel; Mr. Lynch, the Chief of Staff for the then Chairman of the Commission Senator Cardin; and Ms. McDermott, the Chief of Staff for the then Ranking Member for the Commission Representative Smith.

98. Defendants took adverse retaliatory actions against Ms. Packer by creating a hostile work environment by repeatedly threatening her job at the Commission, by refusing to allow her to return to her position as Policy Advisor in Washington, D.C., and by intentionally marginalizing her from the rest of the U.S. Mission to the OSCE.

99. As a direct and proximate result of the unlawful retaliation, Ms. Packer experienced insomnia, anxiety, depression, high-blood pressure, and developed symptoms of coronary artery disease, for which she has been prescribed medication. Ms. Packer remains under the care of a physician.

100. Defendants' actions have directly and proximately caused Ms. Packer substantial humiliation, and pain and suffering. Defendants' actions were wanton, reckless, or in willful indifference to Ms. Packer's legal rights.

REQUESTED RELIEF

WHEREFORE, Plaintiff prays this Court for the following relief:

1. Enter a judgment in Plaintiff's favor and against the United States Commission on Security and Cooperation in Europe for discrimination on the basis of sex in violation of the Congressional Accountability Act, 2 U.S.C. § 1311 *et seq.*;

2. Enter a judgment in Plaintiff's favor and against the United States Commission on Security and Cooperation in Europe for retaliation in violation of the Congressional Accountability Act, 2 U.S.C. § 1311 *et seq.*;

3. Enter a judgment in Plaintiff's favor and against Defendant Alcee L. Hastings for discrimination on the basis of sex in violation of the Fifth Amendment of the Constitution of the United States;

4. Enter a judgment in Plaintiff's favor and against Defendant Alcee L. Hastings for retaliation in violation of the First and Fifth Amendments of the Constitution of the United States;

5. Enter judgment in Plaintiff's favor and against Defendant Fred Turner for retaliation in violation of the First and Fifth Amendments of the Constitution of the United States;

6. An award to Plaintiff of back pay in an amount to be proven at trial;

7. An award to Plaintiff of compensatory damages in an amount to be proven at trial;

8. An award to Plaintiff of punitive damages in an amount to be proven at trial;

9. An award of reasonable attorneys' fees and costs; and

10. All other relief the court deems just.


Dated: March 7, 2011

Respectfully submitted,

JUDICIAL WATCH, INC.



Paul J. Orfanedes (D.C. Bar No. 429716)



James F. Peterson (D.C. Bar No. 450171)
425 Third Street, S.W., Suite 800
Washington, D.C. 20024
(202) 646-[REDACTED]
(202) 646-5199 (fax)

Attorneys for Plaintiff Winsome A. Packer

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

WINSOME PACKER,
[REDACTED]
[REDACTED]
Alexandria, VA 22304

Plaintiff,

v.

THE UNITED STATES
COMMISSION ON SECURITY
AND COOPERATION IN EUROPE
234 Ford House Office Building
Washington, DC 20515

and

ALCEE L. HASTINGS
[REDACTED]
Miramar, FL 33027

and

FRED TURNER
[REDACTED]
Potomac, MD 20854

Defendants.

Civil Action No. _____

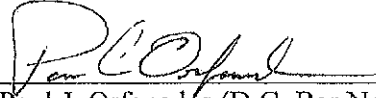
JURY DEMAND

Plaintiff demands a jury trial on all claims so triable.

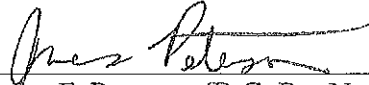
Dated: March 7, 2011

Respectfully submitted,

JUDICIAL WATCH, INC.



Paul J. Orfanedes (D.C. Bar No. 429716)



James F. Peterson (D.C. Bar No. 450171)
425 Third Street, S.W., Suite 800
Washington, D.C. 20024
(202) 646-[REDACTED]
(202) 646-5199 (fax)

Attorneys for Plaintiff Winsome A. Packer

EXHIBIT 9

Packer, Winsome

From: Packer, Winsome
Sent: Friday, January 15, 2010 7:47 AM
To: Turner, Fred
Subject: Re: Can I call you

Thanks

Sent from my BlackBerry Wireless Device

----- Original Message -----

From: Turner, Fred
To: Packer, Winsome
Sent: Fri Jan 15 07:46:22 2010
Subject: Re: Can I call you

Of course.

----- Original Message -----

From: Packer, Winsome
To: Turner, Fred
Sent: Fri Jan 15 07:45:49 2010
Subject: Re: Can I call you

Okay. Can you please say something to Alex so this is not aggravated? Thanks

Sent from my BlackBerry Wireless Device

----- Original Message -----

From: Turner, Fred
To: Packer, Winsome
Sent: Fri Jan 15 07:40:12 2010
Subject: Re: Can I call you

I can't chat at the moment. But for reasons previously discussed, I think you should still go to Odessa. I'm not on the ground with you and don't really understand what's going on, but that would still be my suggestion. I will help explain the issue to alhg if he is upset. But even if he is, it will go away quickly. That's his style. Ok?

----- Original Message -----

From: Packer, Winsome
To: Turner, Fred
Sent: Fri Jan 15 07:35:41 2010
Subject: Re: Can I call you

Fred,

I wanted to ask your advice on what to do because at this point I think if I went to Odessa Mr. Hastings will be upset. I need to tell the PA asap and also the embassy so they can cancel the flights and hotel. Please advise. Thanks.

Sent from my BlackBerry Wireless Device

----- Original Message -----

From: Packer, Winsome

To: Turner, Fred

Sent: Fri Jan 15 06:06:28 2010

Subject: Can I call you

Please let me know when I may call you. Thanks

Sent from my BlackBerry Wireless Device

EXHIBIT 10

Packer, Winsome

From: Turner, Fred
Sent: Thursday, March 05, 2009 8:19 PM
To: Packer, Winsome
Subject: RE: Talk with Mr. Hastings

Sorry I couldn't chat with you personally today, Winsome, but I'm thrilled your conversation with Mr. Hastings went so well. I'll look forward to hearing more about it from you tomorrow.

Yes, you should prepare a short memo on Lisbon to the Chairman, and I'm sure travel to Ukraine at some point in the future will be authorized.

See you in the morning.

FT

From: Packer, Winsome
Sent: Thursday, March 05, 2009 4:35 PM
To: Turner, Fred
Subject: Talk with Mr. Hastings

I just met with Mr. Hastings and feel 100 percent better than I began the week. He is truly amazing. We can catch up tomorrow, but he said he wanted to talk with you Fred.

He again advised me to keep busy with events outside the mission so I will be adding some activities in memos to you in the coming days. You previously said I could attend the bureau meeting in Lisbon and I would really like to do that. Do I need to prepare a memo for that? If the security hearing comes together, I plan to return to Washington for that as well. I also am looking for a time to visit Ukraine.

Thanks.

Winsome A. Packer
Policy Advisor
U.S. Commission on Security & Cooperation in Europe
Room 234, Ford House Office Building
Washington, DC 20515
Tel: 202-225-
Fax: 202-228-4199
Vienna Tel:

EXHIBIT 11

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE: Helsinki Commission Staff Member
REVIEW No.: 11-6736
DATE: June 10, 2011
LOCATION: OCE Offices
425 3rd Street, SW, Suite 1110
Washington, DC 20024
TIME: 12:00 noon to 12:45 p.m. (approximate)
PARTICIPANTS: Paul J. Solis
Scott Gast

SUMMARY: The witness is a Policy Advisor at the Commission for Security and Cooperation in Europe (“CSCE”). The OCE requested an interview with the witness on June 10, 2011, and he consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. He signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness is currently employed as a Policy Advisor with the CSCE. His responsibilities include following developments in certain Western Balkan countries, including Albania and the countries resulting from the break-up of Yugoslavia. He also serves as the Secretary for the U.S. delegation to the Organization for Security and Cooperation in Europe (“OSCE”) Parliamentary Assembly.
3. The witness began working full-time at the CSCE in August 1983 after graduating from college. He served as a paid intern at the CSCE on earlier occasions. He has held essentially the same position during his entire time as a Commission employee.
4. The witness has made numerous trips to Vienna, Austria, as a CSCE employee and as Secretary to the U.S. delegation to the OSCE Parliamentary Assembly. The witness recalled traveling to Vienna with the U.S. delegation for the winter meeting of the Parliamentary Assembly in February 2008.
5. According to the witness, approximately four to five staff members attended the 2008 winter meeting with the congressional delegation. The witness recalled that staff

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members Fred Turner, then CSCE chief of staff, and Erika Schlager, Counsel for International Law (Schlager is also Hand's spouse), attended the 2008 meeting.

6. The U.S. delegation trip to the 2008 winter meeting began with a visit to Prague, Czech Republic, and Bratislava, Slovakia, before the delegation arrived in Vienna. The witness did not attend the early part of the trip, but met the delegation in Vienna.
7. According to the witness, in addition to the CSCE staff traveling with the delegation, there would have been an employee staffing the delegation in Vienna. The witness could not recall whether this person was Winsome Packer or her predecessor Janice Helwig. He explained that the transition from Helwig to Packer occurred during this period.
8. The witness did not recall Representative Alcee Hastings, a member of the U.S. delegation to the winter meeting of the Parliamentary Assembly, handing anything over to Ms. Packer during the February 2008 trip to Vienna.
9. The witness has never been given a gift by Representative Hastings, or by any other Member of the CSCE. He is not aware of gifts being given to other staff members by Hastings or other Members. He has never given a gift to a Member of the Commission.
10. Ms. Packer never discussed with the witness her interactions with Representative Hastings. The witness added that he was not particularly close to Ms. Packer and that, generally speaking, he did not discuss personal matters with other staff members.
11. The witness recalled one discussion of Ms. Packer's professional interactions with Representative Hastings. In 2009, at a meeting in Vilnius, Lithuania, Mr. Packer said that she was not sure she wanted to staff Mr. Hastings. The witness did not recall Ms. Packer giving a reason for this. He did not find Ms. Packer's statement unusual, as there have been occasions when staff and Members do not "click."
12. The witness never noticed any unusual interactions between Ms. Packer and Representative Hastings.
13. When asked if he had any problems working with Ms. Packer, the witness stated that he had only those problems typical of working in a small office. He recalled one occasion in which Ms. Packer "got mad at him" when she believed he was doing work in her area of responsibility. On another occasion, the witness believed that Ms. Packer was doing work in his area of responsibility. He said that while the one time when Ms. Packer got mad at him stands out, it was a "one and done" occasion; her anger did not persist.
14. When asked about Ms. Packer's interactions with other CSCE staff members, the witness stated that "some people had some problems working with her." The witness could not recall specific instances of problematic interactions, but said that when Ms. Packer has an

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idea, she “plows ahead” with it and, in doing so, can “step on toes.” According to the witness, when compared to other staff members, Ms. Packer could be “a little more difficult,” but “not bad.”

15. The witness believes that his wife’s interactions with Ms. Parker were similar to his, although his wife’s work likely overlapped less with Ms. Packer’s than his. He offered one example of their professional interactions: when Ms. Packer was working in Vienna, she had an idea for a hearing on inter-ethnic conflict. Ms. Packer relied on Mr. Hand and his wife, working in Washington, for witness ideas for such a hearing.
16. The witness stated that he had discussions with others about Ms. Packer’s interactions with Representative Hastings only in the context of Ms. Packer’s lawsuit and this investigation. He learned of this matter when someone brought to his attention a press statement issued by Representative Hastings’ office earlier this year. Any discussions he has had were limited and did not get into any details of the allegations.
17. The witness stated that he had no discussions of Ms. Packer’s allegations with the CSCE staff director, other than the staff director’s general admonition to the CSCE staff not to discuss this pending legal matter.
18. The witness stated that Ms. Packer’s allegations did not necessarily surprise him, because (1) he has seen similar kinds of allegations during his many years working for the House, and (2) this happened at the same time as the transition in power from Democratic control of the House to Republican control. He could not, however, say that Ms. Packer’s allegations were related to the transition.
19. The witness has not had any problematic interactions with Representative Hastings himself. He described his relationship with Hastings as professional, adding that Hastings has generally been pleasant and easy to work with. He said that Hastings has never been angry with him.
20. When asked if he has had discussions with other CSCE staff members about their interactions with Representative Hastings, the witness said that he has had typical discussions about working with various Members, i.e., what a particular Member’s “quirks” may be, or how a particular Member liked things to be done.

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This memorandum was prepared on June 13, 2011, based on the notes that the OCE staff prepared during the interview with the witness on June 10, 2011. I certify that this memorandum contains all pertinent matter discussed with the witness on June 10, 2011.

Scott Gast
Investigative Counsel

EXHIBIT 12

Kaufmann, Marlene [redacted]@mail.house.gov>
To: [redacted]@gmail.com
Cc: "Turner, Fred" <Fred.Turner@mail.house.gov>

Sun, Feb 7, 2010 at 2:14 PM

Winsome,

As I said before, understood.

Just want to clarify. Are you satisfied that we are handling the situation and comfortable with what Fred laid out in our conversation going forward?

Thanks,
Marlene

Sent from my BlackBerry Wireless Device

----- Original Message -----

From: Winsome Packer <[redacted]@gmail.com>
To: Kaufmann, Marlene
Sent: Fri Feb 05 16:39:21 2010
Subject: Re: following-up

Marlene,

Thanks for your follow up

Most of what you say below has my concurrence, but I completely disagree with the statement that Mr. Hastings "had a different assessment of the situation". What Fred said was that he had a different assessment of some of the issues, which Fred did not elaborate on. I completely stand by the fact that Mr. Hastings has sexually harassed me since December 2007, after I was offered the position in Vienna, and I have not intention of sugar-coating what has happened to me. Thanks.

Winsome

On Fri, Feb 5, 2010 at 2:18 PM, Kaufmann, Marlene <[redacted]@mail.house.gov> wrote:

> Hi Winsome,

>

>

>

> I hope you had a smooth flight back to Vienna.

>

>

>

> I just wanted to confirm with you the conversation we had with Fred
> yesterday afternoon and ensure that we're all on the same page going
> forward.

>

>

>

> Fred described his conversation with Mr. Hastings regarding the issues you
> had raised and indicated that, while Mr. Hastings said he had a different
> assessment of the situation, Mr. Hastings is sensitive to your concerns and
> will proceed accordingly. Fred also indicated that both he and Mr. Hastings

- > are satisfied with your job performance and support your decision to leave
 - > Vienna and resume your work full-time in Washington before the end of the
 - > year – most likely in July.
 - >
 - >
 - >
 - > It is our hope and expectation that if you have any further concerns
 - > regarding the matters we discussed, or any other issues, you will contact us
 - > immediately.
 - >
 - >
 - >
 - > Stay well and we'll see you soon in Vienna.
 - >
 - >
 - >
 - > Marlene
-

EXHIBIT 13

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Subject to the Nondisclosure Provisions of H. Res. 895 as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE: Representative Alcee Hastings' District Chief of Staff
REVIEW #(s): 11-6736
DATE: July 20, 2011
LOCATION: District Office, Representative Alcee Hastings
Fort Lauderdale, Florida
TIME: 11:00 AM to 11:45 AM (approximate)
PARTICIPANTS: Paul Solis
Scott Gast
Hedy Goldberg (office administrator)

SUMMARY: The witness is Representative Alcee Hastings' District Chief of Staff. OCE requested an interview with the witness and he consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness has been Representative Hastings' District Chief of Staff for approximately 8 to 10 years. The witness served as District Director beginning in 1992, until he was named District Chief of Staff in approximately 2004.
3. The witness' duties as district chief of staff include outreach to Representative Hastings' constituents and overseeing district office staff.
4. Before working for Representative Hastings, the witness was a school teacher; his current duties include building relationships with the schools in Representative Hastings' district.
5. The witness said that he has known Representative Hastings for approximately 65 years. He and Hastings grew up together in the same area, attended rival high schools, moved to Fort Lauderdale at about the same time, and married and divorced at about the same time. The children of the witness and of Representative Hastings grew up together. The witness said that he and Hastings are "like brothers."
6. The witness stated that he first became aware of Winsome Packer's allegations sometime after reports of her allegations of sexual harassment appeared in the news media. Later in the interview, the witness clarified that he believes he learned of the allegations from a conversation with Representative Hastings just before they appeared in the media.
7. The witness stated that Representative Hastings called around the time of the first media reports to tell him what to expect and what had actually happened. Representative Hastings told the

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witness that Ms. Packer was a staff member who traveled extensively, and that there was “no basis whatsoever” to the “romantic allegations.” According to the witness, Representative Hastings told him: “I assure you, as brother to brother, that none of this ever happened.” The witness could not recall the date of this telephone conversation. He said that neither he nor Representative Hastings use email to communicate to each other.

8. The witness and Representative Hastings may have had a second conversation about Ms. Packer’s allegations “when all the investigations started,” perhaps sometime within the two months prior to this interview.
9. Representative Hastings gave the witness a copy of Ms. Packer’s book to read. The witness noted that he handles the Representative’s mail while he is in Washington, DC.
10. When asked if Representative Hastings mentioned Ms. Packer’s lawsuit against him, the witness stated that he had read about the lawsuit after someone in Washington, DC sent him an article. The witness stated that he then got a copy of the lawsuit.
11. The witness said he had little interaction with the Helsinki Commission. He knew of Representative Hastings’ role at the Commission, and that it had been adjusted when control of the House of Representatives changed. He did not discuss Commission staff members with Representative Hastings, nor did Hastings raise issues about Commission staff with him.
12. The witness said he knows Fred Turner “very well,” as Mr. Turner was a staff member in Representative Hastings’ Washington office for many years.
13. The witness said he does not know Marlene Kaufman. He believes that she is an attorney, and that he has spoken with her at least once, maybe two times, about Ms. Packer’s allegations. These conversations would have occurred months ago, but the witness could not recall a specific month. He does not believe he has met Ms. Kaufman.
14. According to the witness, his conversation with Ms. Kaufman was about the allegations being made, and that the allegations were going to be in the media. They did not discuss the specific allegations or their validity.
15. The witness said he discussed Ms. Packer’s allegations with Fred Turner approximately several months prior to the interview. He said that they did not discuss the allegations in any detail; Mr. Turner may have called to tell him that Ms. Kaufman would be calling to “advise” him. The witness could not recall whether Ms. Kaufman subsequently gave him any advice or not.
16. The witness has never met Ms. Packer, nor has he spoken with her over the phone. He said that Representative Hastings spoke of her “just as a staffer, no more than any other staffer.”
17. The witness has not provided any advice to Representative Hastings with respect to Ms. Packer’s allegations. He has “just listened” when Representative Hastings, Fred Turner, and Marlene Kaufman contacted him about the allegations. The witness said he told Hastings that he (Hastings) does not have to explain himself, that the witness knows the allegations are not true.

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18. When asked if he reached out to Representative Hastings after his conversations with Mr. Turner or Ms. Kaufman, the witness said “absolutely not” – the only time Ms. Packer’s name came up was when Representative Hastings brought it up.
19. When asked if he ever advised Representative Hastings not to engage in the kind of behavior raised in Ms. Packer’s allegations, the witness said he did not, repeating that he just listened when others contacted him about Ms. Packer.
20. The witness stated that he does not believe he has spoken to anyone from the House General Counsel’s office, the Office of House Employment Counsel, or the House Committee on Ethics. He has not spoken to Representative Hastings’ attorneys.

This memorandum was prepared on July 29, 2011, after the interview was conducted on July 20, 2011. I certify that this memorandum contains all pertinent matter discussed with the witness on July 20, 2011.

Scott Gast
Investigative Counsel

EXHIBIT 14

Packer, Winsome

From: Packer, Winsome
Sent: Friday, February 19, 2010 7:17 PM
To: Turner, Fred; Kaufmann, Marlene
Cc: [REDACTED]@state.gov
Subject: RE: My personal safety and security

Okay, thanks.

From: Turner, Fred
Sent: Friday, February 19, 2010 7:11 PM
To: Packer, Winsome; Kaufmann, Marlene
Cc: [REDACTED]@state.gov
Subject: Re: My personal safety and security

Thank you for bringing this to my attention, Winsome. I hope we can chat about this situation first thing in the morning.

As you know, Mr. Hastings is not returning on the codal plane, so I doubt that you'll see him in the morning.

Again, I'll look forward to discussing this with you at once.

--Fred

Fred L. Turner
Chief of Staff
U.S. Commission on Security and Cooperation in Europe
Senator Benjamin L. Cardin, Chairman
Congressman Alcee L. Hastings, Co-Chairman
234 Ford Building
Washington, DC 20515

(202) 225-[REDACTED]
www.csce.gov

From: Packer, Winsome
To: Turner, Fred; Kaufmann, Marlene
Cc: Hartung, Robert A <[REDACTED]@state.gov>
Sent: Fri Feb 19 18:45:22 2010
Subject: My personal safety and security

Fred,

This has bothered me all evening and I want to bring it to your attention before I have to encounter Mr. Hastings tomorrow morning in the delegation room. After our discussions over the past month, it pains me to send you this message, but I feel I must in order for the ongoing concerns we discussed to be taken seriously by Mr. Hastings.

First of all, even though I specifically asked you and Marlene to advise Mr. Hastings that I do not want him to hug me in greeting me or saying good bye, when he entered the control room with Christian Ludwig on Wednesday, he came over to where I was seated at the table and briefly placed his cheek against mine. Tammy Urban was sitting there with me and can attest to it. As I stressed to you and Marlene, I do not want Mr. Hastings to hug me because I am uncomfortable with it and I insist at this point that it is not repeated.

Secondly, this evening, Lt. McGruffie and I had just discussed tomorrow's itinerary and I was walking toward the control room to look it over when Alex called out that I was needed. I paused, and he said that Mr. Hastings wanted to take a photograph with me. Mr. Hastings walked over to where I was standing, stood extremely close to me, and held out both of his arms in a pose while I kept mine at my side. He looked at me and said, "We have to do our favorite pose," indicating that I too should hold out my arms. I did and Alex took the picture. The situation made me feel extremely uncomfortable and I am suspicious as to why I was placed in this awkward and ridiculous circumstance.

After all that we have discussed regarding my discomfort with Mr. Hastings behavior toward me, I was shocked that he chose to again force himself into my personal space and come into physical contact with me. It is apparent that he does not take the situation seriously or considers himself above regulations governing how employers should treat their employees. I want you to know that if anything of this sort happens again, I intend to file legal charges against Mr. Hastings because I will not allow myself to be subjected to any further abuse of this sort. I am sorry it has come down to this, but I have done everything I can so far to convey that I want to have no more than a professional relationship with Mr. Hastings and he has chosen to disregard my wishes and the law.

Winsome

EXHIBIT 15

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PRIVILEGED AND CONFIDENTIAL

February 15, 2011

BY FEDERAL EXPRESS

The Honorable Tony West, Assistant Attorney General
Civil Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

Re: *Winsome Packer v. The United States Commission on Security
and Cooperation in Europe, et al., No. ____ (D.D.C.)*

Dear Mr. West:

Pursuant to 28 C.F.R. §§ 50.15, 50.16, we write to request that the Department of Justice provide representation to, or authorize representation by private counsel for, the Honorable Alcee L. Hastings, U.S. Representative for the 23rd congressional district of Florida – and also Co-Chairman of the United States Commission on Security and Cooperation in Europe (“Helsinki Commission”) during the 111th Congress – and Fred L. Turner, Chief of Staff to the Helsinki Commission.¹

Congressman Hastings and Mr. Turner have been identified as putative individual-capacity defendants in two counts of a draft Complaint prepared by attorneys for Winsome Packer, a Policy Advisor to the Helsinki Commission. See Draft Complaint for Declaratory and Monetary Relief and Jury Demand (Jan. __, 2011) (Counts Three and Four), attached as Exhibit 1. Count Three alleges sexual harassment in violation of the Fifth Amendment as against Congressman Hastings, *id.* ¶¶ 90-94, and Count Four alleges

¹ The Helsinki Commission is an independent government entity, created by statute enacted in 1976, which consists of nine Members of the House of Representatives, nine Members of the Senate, and three representatives of the executive branch. See 22 U.S.C. § 3003(a), *et seq.* It is responsible for, among other things, monitoring the activities of the signatories to, and encouraging their compliance with, the Final Act of the Conference on Security and Cooperation in Europe, 22 U.S.C. § 3002, and reporting to Congress on matters covered by the statute. *Id.* § 3006.

Tony West, Assistant Attorney General
February 15, 2011
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retaliation in violation of the First and Fifth Amendments as against the Congressman and Mr. Turner. *Id.* ¶¶ 95-100. The draft Complaint purports to seek compensatory damages in an amount not less than \$300,000, and punitive damages in an amount not less than \$1,000,000. *Id.* at 33.

For the reasons set forth below, we believe Congressman Hastings and Mr. Turner were acting within the scope of their employment at all pertinent times and that the provision of representation is in the interest of the United States, within the meaning of 28 C.F.R. § 50.15(a)(1), (2). Accordingly, we recommend that representation be provided.

We understand that the Complaint, at present, is only in draft form, and that the Department cannot make a final determination until a complaint is actually filed with the district court. However, we expect that a complaint will in fact be filed within the next several weeks in substantially the form in which it now appears, and we will promptly advise you when that happens. Pending that occurrence, we urge the Department to begin the review process now so that a final determination as to representation can be made as quickly as possible.

PROCEDURAL BACKGROUND

The Congressional Accountability Act

In 1995, Congress enacted the Congressional Accountability Act, 2 U.S.C. §§ 1301, *et seq.* ("CAA"), a comprehensive remedial and procedural statute which makes Title VII and eleven other labor and employment laws applicable to the legislative branch. *Id.* § 1302(a); 42 U.S.C. § 2000ff-6(c). Under the CAA, a "covered employee" may – after exhausting specified counseling and mediation requirements – proceed against her "employing office" for violations of the applicable law(s), *either* in federal district court or in an administrative proceeding before the Office of Compliance. 2 U.S.C. § 1404. The Office of Compliance is an independent office within the legislative branch that performs a variety of functions under the CAA. *Id.* § 1381.

Cases initiated under the CAA proceed against the "employing office," not against an individual Member or legislative branch employee. *Id.* §§ 1301(9), 1405(a), 1408(b). The CAA created the concept of an "employing office" to mirror the fact that Congressional offices operate as separate employers in practice and for the purpose of shielding Members and legislative branch employees from personal monetary liability. *See* H.R. Rep. No. 103-650, pt. 2, at 8, 15, 24 (1994).

Office of Compliance Proceedings

In August 2010, pursuant to § 1402(a) of the CAA, Ms. Packer filed a request for counseling with the Office of Compliance, asserting claims of sexual harassment and retaliation against the Helsinki Commission. See Draft Complaint ¶ 74. The counseling period ends after 30 days, 2 U.S.C. § 1402(b), which, in this case, was on September 8, 2010. Draft Complaint ¶ 75. Ms. Packer then requested mediation pursuant to § 1403 of the CAA. The mediation period also ends after 30 days, 2 U.S.C. § 1403(c).² In this case, because the parties jointly requested several extensions, the mediation period ended on December 8, 2010. Draft Complaint ¶ 76. Ms. Packer has 90 days from the date on which she received notice of the end of the mediation period, or until approximately March 8, 2011,³ to elect to proceed against the Helsinki Commission, in federal district court or before the Office of Compliance, *id.* § 1404, if she wishes to assert a claim(s) under the CAA.⁴

THE DRAFT COMPLAINT

The Draft Complaint indicates that Ms. Packer *does* intend to assert CAA claims against the Helsinki Commission. See Draft Complaint ¶¶ 77-82 (Count One – discrimination on basis of sex in violation of CAA as against Commission), ¶¶ 73-89 (Count Two – retaliation in violation of CAA as against Commission). However, the question of whether the CAA even applies to Ms. Packer and/or the Helsinki Commission is unsettled. Compare 2 U.S.C. § 1301(3), (9) with 22 U.S.C. § 3008(d). Ms. Packer's

² Information regarding statements and representations made during Office of Compliance mediation sessions is provided solely for the purpose of providing the Department of Justice with necessary background information. The CAA mandates that all such information is "strictly confidential." 2 U.S.C. § 1416. Accordingly, this information is provided under the "common interest" privilege and its confidentiality must be maintained.

³ At present, we do not know the exact date Ms. Packer received the notice; accordingly the deadline for filing may be slightly earlier or later than March 8, 2011.

⁴ At the mediation, the Commission asserted that Ms. Packer was not a "covered employee" under 2 U.S.C. § 1301(3) and that the Commission was not an "employing office" under 2 U.S.C. § 1301(9). However, because the statute authorizing the Commission, 22 U.S.C. § 3008(d), creates some ambiguity regarding how the CAA definition of a "covered employee" applies in the context of a claim brought against the Commission, and because the mediation was an opportunity to assess Ms. Packer's allegations and ascertain whether a negotiated resolution was possible, the Commission voluntarily participated in the mediation.

attorneys were made aware of this uncertainty at the mediation sessions, and we suspect it is for that reason that they plan to assert constitutional tort claims against Congressman Hastings and Mr. Turner in Counts Three and Four.

According to the Draft Complaint, Congressman Hastings offered Ms. Packer a position at the Commission in April 2007, and she has worked as a Policy Advisor for the Commission since May 7, 2007. Draft Complaint ¶¶ 13, 14.⁵ Within a year of her hire, Ms. Packer was appointed to be the Commission's representative to the U.S. Mission to the Organization for Security and Cooperation in Europe ("OSCE") in Vienna, Austria. *Id.* ¶ 15. Ms. Packer moved to Vienna on February 15, 2008, *id.* ¶ 19, and remained there until July 31, 2010, when she returned to Washington, D.C. to resume her duties as a Policy Advisor to the Commission. *Id.* ¶ 73. As a Policy Advisor, Ms. Packer's annual salary was \$80,000. While serving in Vienna, Ms. Packer's annual income was \$165,000. *Id.* ¶ 19.

The following allegations in the Draft Complaint relate to, and appear intended to support, Ms. Packer's sexual harassment and retaliation claims against Congressman Hastings. We have divided these allegations between those that are alleged to have occurred in and around Washington, D.C., and those that are alleged to have occurred in Europe.

In and Around Washington, D.C. – Hastings

- Congressman Hastings allegedly invited himself to visit Ms. Packer in her apartment in Vienna. *Id.* ¶¶ 16, 18.
- Congressman Hastings allegedly said he would come to Ms. Packer's home in Alexandria, Virginia to "check up on her." *Id.* ¶ 18.
- Congressman Hastings allegedly called Ms. Packer in Vienna frequently. According to Ms. Packer, these calls were "under the auspices of work-related matters . . . Mr. Hastings would deviate to personal matters or try to arrange a time for them to see each other." *Id.* ¶ 23. *See also id.* ¶¶ 32, 38.
- The Congressman allegedly hugged Ms. Packer on occasion when greeting her. *Id.* ¶¶ 39, 46.

⁵ Notwithstanding the implication that Congressman Hastings hired Ms. Packer himself, the statute provides that all Commission hiring decisions are made by a majority vote of a four-person Personnel Committee consisting of the Chair, the Co-Chair and the ranking minority Members from the House and Senate. *See* 22 U.S.C. § 3008(a), (b). In 2007, Congressman Hastings was the Chairman of the Commission.

Europe – Hastings

- Congressman Hastings gave Ms. Packer a music box from the Czech Republic as a gift in front of work colleagues. *Id.* ¶ 20.
- Congressman Hastings allegedly invited himself to visit Ms. Packer in her apartment in Vienna. *Id.* ¶¶ 21, 30.
- Congressman Hastings allegedly frequently called Ms. Packer. According to Ms. Packer, these calls were “under the auspices of work-related matters . . . Mr. Hastings would deviate to personal matters or try to arrange a time for them to see each other.” *Id.* ¶ 23. *See also id.* ¶¶ 32, 38.
- The Congressman hugged Ms. Packer. *Id.* ¶ 25 (Vienna at a meeting), ¶ 28 (Vienna), ¶ 35 (Kazakhstan in delegation hospitality room), ¶ 47 (Vilnius, Lithuania), ¶¶ 65-66 (Vienna).
- Congressman Hastings allegedly made sexual comments to and around Ms. Packer. *Id.* ¶¶ 26-27, 29.
- Congressman Hastings allegedly linked Ms. Packer’s career progress to a personal relationship with him. *Id.* ¶¶ 35, 38, 42-44.
- Congressman Hastings allegedly complained to Ms. Packer that “she was not ‘a sport’ because she knew that he ‘liked’ her and that he had helped her professionally . . . [and] explained to her that he had ‘come to [her] as a man does to a woman.’” *Id.* ¶ 43.
- Congressman Hastings allegedly asked Ms. Packer if she would like to come to his hotel room when they were attending a Parliamentary Assembly Bureau meeting in Lisbon, Portugal. *Id.* ¶ 44.

The following allegations in the Draft Complaint relate to, and appear intended to support, Ms. Packer’s retaliation claim against Mr. Turner. Again, we have divided these allegations between those that are alleged to have occurred in and around Washington, D.C., and those that are alleged to have occurred in Europe.

In and Around Washington, D.C. – Turner

- Mr. Turner allegedly “refused to take any action to protect her.” *Id.* ¶ 38.
- Mr. Turner allegedly denied Ms. Packer’s request to return to Washington, D.C. after she had worked overseas for one year. *Id.* ¶ 41.
- Mr. Turner allegedly assigned work from Ms. Packer’s portfolio to her colleagues and withheld from her important information that was pertinent to the performance of her job duties. *Id.* ¶ 50.
- In response to Ms. Packer’s request to return to Washington, D.C., Mr. Turner allegedly informed her “that Mr. Hastings would be coming to Vienna in February 2010 and would speak to her at that time about her future.” *Id.* ¶ 52.
- When Ms. Packer submitted travel requests for meetings, Mr. Turner allegedly responded that “she would have to work very hard to convince Senator Cardin [then Commission Chairman] that she should be able to travel since she had decided to return to Washington, D.C. in July.” *Id.* ¶ 70.

Europe – Turner

- Mr. Turner allegedly told Ms. Packer there was nothing he could do about Congressman Hastings’ alleged inappropriate conduct. *Id.* ¶ 45.⁶

THE FACTS AS HOUSE EMPLOYMENT COUNSEL UNDERSTANDS THEM

In preparing to participate in the Office of Compliance mediation process on behalf of the Helsinki Commission, the Office of House Employment Counsel (“OHEC”) investigated the substantive allegations Ms. Packer presented at that time.⁷ Among other things, OHEC interviewed Congressman Hastings, Mr. Turner and several other individuals. OHEC also reviewed relevant emails and other documents provided by the

⁶ There are a number of allegations in the Draft Complaint that run contrary to Ms. Packer’s claim that Congressman Hastings and Mr. Turner retaliated against her. *See, e.g.*, Draft Complaint ¶¶ 15, 22, 38, 44, 57, 58, 61-63.

⁷ As part of the mediation process, Ms. Packer, through her first attorney, submitted a narrative that detailed her factual allegations. OHEC’s investigation was based on this narrative. After the first mediation session, Ms. Packer retained new counsel and the Draft Complaint was prepared by this new counsel. The allegations in the Draft Complaint are substantially similar, although not identical, to the allegations in the initial narrative.

Commission. The information OHEC has reviewed to date supports the conclusion that Ms. Packer did not experience conduct that rises to the level of sexual harassment or retaliation under applicable federal law. Furthermore, a number of Ms. Packer's substantive allegations have been strongly refuted by some of the very individuals she identified as witnesses to the alleged harassment and/or retaliation. OHEC's interviews and document review have not yielded any indication of a personal relationship between Ms. Packer and Congressman Hastings, nor has OHEC's investigation resulted in the identification of any witness who corroborates Ms. Packer's substantive allegations that she experienced legally-actionable harassing or retaliatory conduct. In short, OHEC is not aware of any readily available information which indicates that the claims for sexual harassment or retaliation have merit, or that Congressman Hastings and/or Mr. Turner have been untruthful in their denial of the allegations.

It is important to note that many of the underlying allegations regarding events, trips, dinners, etc., are factually accurate and it does appear that Ms. Packer did make statements to others while in Vienna about what she claimed was inappropriate conduct on the part of Congressman Hastings. Ms. Packer also makes a number of assertions that are factually accurate, but are taken out of context. For instance, Congressman Hastings readily admits that he hugged Ms. Packer. Individuals OHEC interviewed confirmed this, but also that Congressman Hastings hugs most everyone. Similarly, Congressman Hastings did give a music box as a gift to Ms. Packer; however, Congressman Hastings and the witnesses OHEC spoke with stated that Congressman Hastings regularly bought gifts for his staff – male and female. OHEC's investigation shows that while some of Ms. Packer's allegations begin with a kernel of truth, when looked at in context, Ms. Packer grossly distorts the events and circumstances in order to support a fiction that she experienced unlawful sexual harassment and retaliation. Based on OHEC's review to date, we do not believe that Ms. Packer experienced sexual harassment. *See Harris v. Forklift Sys., Inc.*, 510 U.S. 17, 21 (1993) (in order to establish a prima facie case of a hostile work environment, a plaintiff must produce evidence that "the workplace is permeated with discriminatory intimidation, ridicule, and insult that is sufficiently severe or pervasive to alter conditions of the victim's employment and create an abusive working environment").

Rather, OHEC's interviews and review of documents indicate that Ms. Packer's view of reality is skewed. Indeed, there are communications over the course of Ms. Packer's employment with the Helsinki Commission that contradict a number of her allegations and clearly indicate that she has difficulty developing and maintaining productive and cooperative relationships with colleagues and superiors. Given the diplomatic element of the Commission's purpose and Ms. Packer's role in advancing that purpose, it is little wonder that her inability to foster cooperative relationships has been an ongoing issue.

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OHEC's view of the falsity of Ms. Packer's substantive allegations, as discussed above, is strongly influenced by OHEC's assessment of Ms. Packer's true motivation. Her self-serving and distorted interpretation of events and conversations during her tenure with the Commission can be best summed up in the title of her recently self-published novel: *A Personal Agenda*. Indeed, it appears that Ms. Packer began publicizing her book in June 2010, shortly before she initiated proceedings against the Commission under the CAA. Furthermore, in a press release she appears to have written at the time, Ms. Packer states that her book was "inspired by her own experiences" and "seeks to provoke its readers by examining . . . sexual harassment in Congress."⁸ Furthermore, in two recent television interviews available on the Internet, Ms. Packer acknowledges that she is working aggressively to seek publicity to promote her novel.⁹

OHEC also believes that Congressman Hastings and Mr. Turner are the subject of Ms. Packer's claims in large part because of their respective official positions as her superiors, *i.e.*, the Congressman as Chairman and Co-Chairman of the Commission (during the 110th and 111th Congresses, respectively), and Mr. Turner as Ms. Packer's immediate supervisor.

DISCUSSION

Scope of Employment

Because 28 C.F.R. § 50.15(a) does not define the elements of an employee's scope of employment, we look by analogy to the scope certification conducted under the Federal Tort Claims Act ("FTCA"), as amended by the Westfall Act, 28 U.S.C. §§ 2671 *et seq.* In the FTCA context, the question of whether a federal officer is acting within the scope of his employment is determined by the law of the state where the alleged tort occurred. 28 U.S.C. § 1346(b)(1); *Williams v. United States*, 350 U.S. 857, 857 (1955); *Haddon v. United States*, 68 F.3d 1420, 1423 (D.C. Cir. 1995). In this case, the alleged tortious conduct of Congressman Hastings and Mr. Turner occurred in Washington, D.C. and Europe. Since the FTCA does not apply to claims arising in a foreign country, 28 U.S.C. § 2680(k), we look to the law of the District of Columbia.¹⁰

⁸ A copy of this June 2010 press release can be found at <http://www.mmdnewswire.com/winsome-packer-8783.html>.

⁹ These interviews are available at <http://televisionjamaica.com/vd-1000-WINSOMEPACKER.aspx> and <http://televisionjamaica.com/vd-1303-PROFILE-WinsomeAPacker.aspx>.

¹⁰ For purposes of this letter of recommendation, we assume that actions of Congressman Hastings and Mr. Turner that allegedly occurred abroad may be considered for purposes of determining whether they acted within the scope of their employment.

According to District of Columbia law, an individual is acting within the scope of his employment if the conduct: (1) is of a kind he is employed to perform; (2) occurs substantially within authorized time and space limits; and (3) is actuated, at least in part, by a purpose to serve the master. *Haddon*, 68 F.3d at 1423-24 (*quoting* Restatement (Second) of Agency § 228). The District takes a very broad view of "the scope of employment." *See, e.g., Lyon v. Carey*, 533 F.2d 649, 654 (D.C. Cir. 1976); *Johnson v. Weinberg*, 434 A.2d 404, 408-09 (D.C. 1981).

A. Congressman Hastings

Nature of Activities. The official duties of Members of Congress include an extremely broad range of legislative and representational activities, and plainly include activities such as service on official governmental entities such as the Helsinki Commission. *See, e.g., U.S. v. Brewster*, 408 U.S. 501, 512 (1972); *U.S. v. Rostenkowski*, 59 F.3d 1291, 1309-12 (D.C. Cir. 1995). It is clear, under the statute, that Members of Congress are appointed to the Commission because they are Members of Congress, and that they serve in that capacity. *See* 22 U.S.C. § 3003.

Time/Place. The Draft Complaint suggests that all, or virtually all, of the activities in which Congressman Hastings is alleged to have engaged occurred at or during official Commission functions, meetings, hearings or travel while he was acting in his official capacity as Chair or Co-Chair of the Commission. Accordingly, the authorized time/space element described in *Haddon*, 68 F.3d at 1423-24, has been satisfied.

Purpose or Motivation. Leaving aside the many self-serving characterizations that populate the Draft Complaint, it is transparently clear that Congressman Hastings's many interactions with Ms. Packer, as described in the Complaint, were motivated at least in part by a desire to carry out his official and supervisory responsibilities as Chair or Co-Chair of the Commission. And so long as at least one purpose of Congressman Hastings's activities was official in nature, the courts – quite appropriately – have refused to try to determine whether there may have been other motivations or even a "predominant" motive. *See, e.g., Council on Am. Islamic Relations, Inc. v. Ballenger*, 366 F. Supp. 2d 31-32 (D.D.C. 2005), *aff'd*, 444 F.3d 659 (D.C. Cir. 2006); *Operation Rescue Nat'l v. U.S.*, 975 F. Supp 92, 107 (D. Mass 1997), *aff'd*, 147 F.3d 68 (1st Cir. 1998).

In the *Operation Rescue* case, for example, Senator Kennedy, in the course of speaking to the press after participating in an event to raise funds for an upcoming re-election campaign, stated that certain legislation was needed because "we have a national organization like Operation Rescue that has as a matter of national policy firebombing and even murder." 975 F. Supp. at 94-95. Senator Kennedy, who was then

sued for defamation by Operation Rescue, took the position that he was acting within the scope of his employment when he uttered those remarks. The district court held that, even if Senator Kennedy were motivated in part by a personal desire to advance his re-election prospects, it was not appropriate for the court, in making the scope of employment determination, to attempt to determine a "predominant" motive for an elected official's remarks. "In our electoral system . . . such public and personal motives are essentially inseparable because it is natural for public officials to believe that their own success . . . [is] inextricably linked to the public interest." *Id.* at 95. Rather, the court said, only when an official acts from "purely personal motives that were in no way connected to his official duties" would the official be held to have acted outside the scope of his employment. *Id.* See also W. Prosser & W. Keeton, *Torts* 506 (5th ed.1984) (only if an employee "acts from purely personal motives in no way connected with the employer's interests, [is he] considered in the ordinary case to have departed from his employment.").

Absence of Bad Faith. As described above, as a result of OHEC's factual investigation, we are not aware of any readily available information to indicate that the claims for sexual harassment or retaliation have merit, or that Congressman Hastings has not been truthful in his denial of the allegations.

Accordingly, we believe that, as a matter of D.C. law, Congressman Hastings was acting within the scope of his official responsibilities.

B. Fred Turner

Nature of Activities. Mr. Turner's responsibilities as Commission Chief of Staff include managing the day-to-day operations of the Commission, and directing and supervising a staff of approximately 18 employees in the areas of public policy, media affairs, correspondence, scheduling, and communications. The allegations in the Draft Complaint leave little doubt that Mr. Turner was acting in his official capacity as Commission Chief of Staff at the time of his various interactions with Ms. Packer.

Time/Place. The Draft Complaint suggests that most of the activities in which Mr. Turner is alleged to have engaged occurred while he was working in the Commission's offices in Washington, D.C. during normal business hours, and that the balance occurred during official Commission functions, meetings, hearings or travel while he was acting in his official capacity as Chief of Staff. Accordingly, the authorized time/space element described in *Haddon*, 68 F.3d at 1423-24, has been satisfied.

Purpose or Motivation. Once again leaving aside the many self-serving characterizations that populate the Draft Complaint, it is abundantly clear that Mr. Turner's interactions with Ms. Packer, as described in the Draft Complaint, were

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certainly motivated at least in part by a desire to carry out his official responsibilities as Chief of Staff. *See supra* at 8.

Absence of Bad Faith. As described above, as a result of OHEC's factual investigation, we are not aware of any readily available information to indicate that the claim for retaliation has any merit, or that Mr. Turner has not been truthful in his denial of the allegations.

Accordingly, we believe that, as a matter of D.C. law, Mr. Turner was acting within the scope of his official responsibilities.

The Interests of the United States

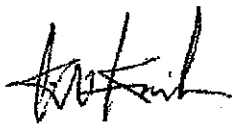
For the reasons described more fully above in the section entitled "The Facts as House Employment Counsel Understands Them," we believe it is in the interest of the United States that the Department provide representation to Congressman Hastings and Mr. Turner in their individual capacities in this matter.

CONCLUSION

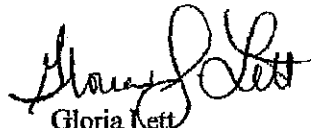
For all the foregoing reasons, we respectfully request that the Department determine that Congressman Hastings and Mr. Turner were acting within the scope of their employment at all relevant times, and that it is in the interest of the United States to provide representation to them in this action.

Thank you for your attention. We look forward to hearing from you, and please contact us if there is anything further we can do to assist in this matter.

Sincerely,



Kerry W. Kircher
General Counsel
202-225-██████ (phone)



Gloria Keft
House Employment Counsel
202-225-██████ (phone)

Attachment

cc: Timothy P. Garren, Director
Torts Branch, Civil Division
U.S. Department of Justice

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