ADOPTED BY THE COMMITTEE ON ETHICS ON JULY 31, 2012

112TH CONGRESS, 2nd SESSION
U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON ETHICS

IN THE MATTER OF ALLEGATIONS RELATING TO REPRESENTATIVE LAURA RICHARDSON

AUGUST 1, 2012

Mr. BONNER from the Committee on Ethics submitted the following

REPORT

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ONE HUNDRED TWELFTH CONGRESS

U.S. House of Representatives

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August 1, 2012

The Honorable Karen L. Haas
Clerk, U.S. House of Representatives
Washington, DC 20515

Dear Ms. Haas:

Pursuant to clauses 3(a)(2) and 3(b) of Rule XI of the Rules of the House of Representatives, we herewith transmit the attached Report, "In the Matter of Allegations Relating to Representative Laura Richardson."

Sincerely,

Jo Bonner
Chairman

Linda T. Sánchez
Ranking Member

CONTENTS

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REPORT[1]

I. INTRODUCTION

The Committee on Ethics (Committee) submits this privileged Report pursuant to House Rule XI, clause 3(a)(2) and House Rule XIII, clause 5(a)(5), which authorize the Committee to investigate any alleged violation by a Member, officer, or employee of the House of Representatives, of the Code of Official Conduct or any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee and to submit to the House a privileged report recommending action by the House as a result of such investigation.

This Report: (1) summarizes the Committee's investigation of Representative Laura Richardson relating to Representative Richardson's violations of House Rules, the Code of Ethics for Government Service, federal law and other applicable standards related to her compelling members of her official staff to work on her re-election campaign, her use of official resources for campaign purposes, her use of official resources for personal purposes, and her obstruction of this Committee's investigation; (2) addresses the concerns and arguments raised by Representative Richardson in her July 25, 2012, views submitted and attached hereto; (3) adopts the attached report of the Investigative Subcommittee in the Matter of Representative Richardson, which a) includes evidence supporting the Committee's findings, b) explains the

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[1] Before any decisions were made in the 112th Congress regarding the Rule 18(a) review regarding Representative Richardson that was initiated in the 111th Congress, Ranking Member Sánchez voluntarily recused herself from consideration of the matter, to avoid even the appearance of a conflict of interest, and designated Representative John Yarmuth to act as Acting Ranking Member for the purposes of this matter. *See* Public Statement of the Chairman and Ranking Member, dated November 4, 2011. At that time, in light of uncertainties in California's redistricting process, there was a possibility that Representatives Sánchez and Richardson could have been primary opponents. Representatives Sánchez and Richardson were not, in fact, opponents in the primary election on June 5, 2012. Moreover, with the primary elections over, they cannot be opponents in the 2012 general election under California's unique election system. Accordingly, after consultation with the Committee's Staff Director and Chief Counsel, Representative Sánchez determined on June 7, 2012, that it was appropriate to end her voluntary recusal regarding the matter of Representative Richardson.

Committee's reasons for its recommendation to the House that, pursuant to Article I, Section 5, Clause 2 of the United States Constitution, House Rule XI, clause 3(a)(2), and Committee Rule 24(e), Representative Richardson be reprimanded, c) summarizes the Committee's inquiry into the role of Representative Richardson's Chief of Staff Shirley Cooks in this matter, and d) summarizes the Committee's inquiry into the role of Representative Richardson's Deputy District Director Daysha Austin in this matter; and (4) recommends that the House of Representatives adopt this Report and, by doing so, reprimand Representative Laura Richardson.

II. PROCEDURAL HISTORY

During the first week of October 2010, the Committee received complaints from several members of Representative Laura Richardson's staff in both the Washington, DC, and Long Beach, CA, offices indicating Representative Richardson required her staff to perform campaign work. Based on these complaints, the Chair and Ranking Republican Member of the Committee for the 111th Congress authorized Committee staff to conduct an inquiry into these allegations pursuant to Committee Rule 18(a). On October 15, 2010, Committee counsel notified Representative Richardson in writing of the inquiry and requested she make her staff and documents and records available to the Committee. Committee staff interviewed 17 witnesses, including members of Representative Richardson's staff from her offices in Washington, DC (also known as the "Capitol Hill office"), and Long Beach, CA (also known as the "district office"), as well as a shared employee, during that phase of the inquiry.

Based on the results of the 18(a) investigation, staff recommended in the 112th Congress that the Committee empanel an ISC to further investigate the allegations. On November 3, 2011, following an initial inquiry under Committee Rule 18(a), the Committee empanelled an Investigative Subcommittee to investigate allegations that Representative Richardson, as well as two members of her official staff, had (1) engaged in improper use of House resources for campaign, personal, and nonofficial purposes; and (2) improperly required or compelled official staff to perform campaign work.[2]

At the completion of its investigation, the Investigative Subcommittee unanimously concluded that there was substantial reason to believe that Representative Laura Richardson violated the Purpose Law, 31 U.S.C. § 1301; House Rule XXIII clauses 1, 2, and 8; and clause 2 of the Code of Ethics for Government Service, and other standards of conduct, by improperly using House resources for campaign, personal, and nonofficial purposes; by requiring or compelling her official staff to perform campaign work; and by obstructing the investigation of the Committee and the Investigative Subcommittee through the alteration or destruction of evidence, the deliberate failure to produce documents responsive to requests for information and a subpoena, and attempting to influence the testimony of witnesses.

[2] The Committee notes that throughout the ISC's Report and contained in the exhibits are references to a variety of campaign or political events. There is no allegation that there was anything improper with any of these events other than Representative Richardson's compulsion of her staff's attendance or her use of official resources in connection with such events. Furthermore, mere attendance at these events by other Members is not rendered improper in any way by Representative Richardson's misconduct.

On July 18, 2012, after negotiating a resolution to this matter with Representative Richardson, the Investigative Subcommittee unanimously voted to adopt a Statement of Alleged Violation (SAV) against Representative Richardson. As part of the negotiated resolution, Representative Richardson agreed to admit to all seven counts in the SAV and waive all further procedural rights in this matter provided to her by House or Committee Rule.

On July 26, 2012, the Investigative Subcommittee submitted a Report to the full Committee unanimously recommending that the full Committee submit a public report to the House, and that the adoption of that report by the House serve as a reprimand of Representative Richardson for her misconduct. Additionally, the Investigative Subcommittee recommended that the Committee issue a fine to Representative Richardson in the amount of $10,000, to be paid no later than December 1, 2012. The Investigative Subcommittee further strongly discouraged Representative Richardson from permitting any of her official staff to perform work on her campaign (either on a paid or volunteer basis), but recommended to the Committee that, to the extent any of her official staff do perform work on her campaign, that said staff be required to sign a waiver asserting that such work will be provided voluntarily and is not being compelled by Representative Richardson. As part of the resolution Representative Richardson negotiated with the Investigative Subcommittee, Representative Richardson agreed to admit to all seven counts in the SAV, pay a $10,000 fine by December 1, 2012, and accept all other terms of the Investigative Subcommittee's recommendation.

In addition, as a part of its investigation, the Investigative Subcommittee inquired as to the role of Representative Richardson's Chief of Staff Shirley Cooks and Deputy District Director Daysha Austin in this matter. Following its investigation, Ms. Cooks and Ms. Austin agreed to waive all further procedural rights in this matter provided to them by House or Committee Rule. The Investigative Subcommittee recommended that the Committee issue public letters of reproval to Ms. Cooks and Ms. Austin for their conduct. On August 1, 2012, the Committee issued public letters of reproval to Ms. Cooks and Ms. Austin.

III. COMMITTEE ON ETHICS' RESPONSE TO REPRESENTATIVE RICHARDSON'S VIEWS

The Investigative Subcommittee, as a part of its negotiated resolution of this matter, provided to all respondents (Representative Richardson, Ms. Cooks, and Ms. Austin) the opportunity to review a draft of the Investigative Subcommittee's Report and to submit views on that Report for the Committee's consideration and publication.[3] Representative Richardson chose to submit 22 pages of her views on the Investigative Subcommittee's Report and the Committee's investigation,[4] while Ms. Cooks and Ms. Austin declined to respond to the Investigative Subcommittee's Report. In this section the Committee will address some of Representative Richardson's concerns.

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[3] Respondents agreed to a five-day period in which to review and respond to the Investigative Subcommittee's Report (ISC Report). As discussed more fully below, this timeline was not only a part of the negotiated resolution (from which Representative Richardson herself benefited significantly), but also an objectively reasonable amount of time to appropriately and fully respond.

[4] *See* Views of Representative Richardson (July 25, 2012).

As a threshold matter, Representative Richardson's submission attempts to object to a variety of factual, procedural, and legal conclusions underpinning the result we reach today. Even if her objections had merit – and they do not – the time for lodging those objections has passed, because the conclusion of this matter is one reached through negotiation with Representative Richardson herself. Representative Richardson admitted to wrongdoing. Representative Richardson waived her procedural rights. Representative Richardson agreed to accept a reprimand and fine for her misconduct. If Representative Richardson did not wish to agree to this process and these conclusions, she could have availed herself of the adjudicatory process provided by House and Committee rules. Instead, she affirmatively sought out a resolution with the Investigative Subcommittee, and gained specific and significant personal benefit from the resolution.

In the end, Representative Richardson's views seem to leave enough of the SAV un-challenged, and seem to use enough language of acceptance, however qualified it is, so that her views do not amount to a withdrawal from the negotiated resolution. Still, the concerns raised do warrant a response so that the House of Representatives and the public are not left with the misimpression that Representative Richardson's views amount to an accurate recitation of the facts, rules, or law in this matter. The Committee gave serious consideration to Representative Richardson's concerns, and ultimately found that they are without merit.

Even if she had not rendered her own arguments moot by entering into a negotiated resolution, the Committee would not find them persuasive. Representative Richardson constructs three straw men in her submission, towards which she deflects responsibility in different, and ultimately baseless, respects. First, Representative Richardson impugns the hard work of the Committee, Committee staff, and the Investigative Subcommittee, by accusing them of a variety of procedural errors and purported violations.[5] Her arguments in this regard significantly exaggerate some of her rights, and fabricate other rights, which simply do not exist. Indeed, rather than the Committee preventing Representative Richardson from providing a true and full account of the facts in context, as she has suggested,[6] it has been Representative Richardson who failed to take advantage of the fulsome opportunities provided through the Investigative Subcommittee.

These multiple missed opportunities began, at the latest, in November, 2011, when the Investigative Subcommittee sent Representative Richardson a request for documents.[7] For months that request went unanswered, until the Investigative Subcommittee threatened to serve Representative Richardson with a subpoena. From that point, documents began to trickle in at a pace so slow that the Investigative Subcommittee was ultimately forced to follow through on its threat and compel the production of documents by subpoena.[8] As noted in the Investigative Subcommittee's Report, even the subpoena did not cause Representative Richardson to make a complete production of responsive documents.[9] Then, after the Investigative Subcommittee

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[5] *See* Views of Representative Richardson at 1-8 (July 25, 2012).
[6] *See* Views of Representative Richardson at 1-2 (July 25, 2012).
[7] *See* Letter from Representative Charles Dent and Representative John Yarmuth to Representative Laura Richardson on November 17, 2011.
[8] *See* Subpoena *duces tecum* issued by the Committee on Ethics to Representative Richardson on June 7, 2012.
[9] *See* ISC Report at 46.

delayed its interview of Representative Richardson for over a month to accommodate her request for more time because of her primary election schedule, the Investigative Subcommittee finally held its interview with Representative Richardson on June 20, 2012. Moreover, during her interview, Representative Richardson repeatedly made complaints about its length and ultimately demanded that it end so she could participate in an annual Congressional softball game.[10] When the Investigative Subcommittee Chairman expressed the Subcommittee's willingness to continue into the evening or reconvene at a later date, Representative Richardson declined the offers, stating her preference to finish her interview in the short time available that day.[11]

Even if Representative Richardson had not acted with utter disdain for the Committee's process, her arguments demanding greater or different process are both misleading and baseless. For example, Representative Richardson argues that at the end of the 111th Congress, in the phase of the investigation conducted pursuant to Committee Rule 18(a) (18(a) investigation), Committee staff made inappropriate remarks to witnesses in her matter that showed prejudice.[12] In reality, Committee staff provided information to witnesses about the next steps in the investigation and repeatedly informed witnesses that it was up to the Committee to decide what, if anything, would happen in this matter. In what became an obvious pattern in her submission, Representative Richardson omitted significant qualifying statements of staff that made clear that they were not making any definitive predictions as to what the Committee would do. The statements that were made are typical statements made to witnesses in the course of an investigation in order to inform the witness of their likely role in the investigation. These statements violate no rights even in a criminal process. This process, of course, is by no means a criminal process. As such, these rights have never been applied to this context in any form. Even more importantly, any staff recommendation to the Committee is purely advisory: it was the Committee that, after an independent review of evidence, unanimously chose to empanel an Investigative Subcommittee,[13] and it was the Investigative Subcommittee that, after a further investigation and independent review of all evidence, unanimously chose to adopt a Statement of Alleged Violation.[14] Representative Richardson has provided no evidence tending to show that the outcome of this matter would have differed in any respect if staff had stayed silent.

Representative Richardson also restates a complaint she initially raised in a letter to the Committee on November 30, 2010, that, in interviews conducted during the 18(a) investigation at the end of the 111th Congress, Committee staff improperly requested that witnesses not speak to Representative Richardson's counsel.[15] However, as the committee has repeatedly informed her through counsel, Representative Richardson's complaint omits stark clarifications made in many of those interviews. In fact Committee counsel informed witnesses repeatedly that the general confidentiality requests were limited to the content of the interview itself, and not to the general facts of the case, and that the final decision of whether to speak to Representative Richardson's counsel or not was up to the witnesses, who would suffer no consequences if they

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[10] *See* ISC Interview of Representative Laura Richardson.
[11] *See* ISC Interview of Representative Laura Richardson.
[12] *See* Views of Representative Richardson at 1-3 (July 25, 2012).
[13] *See* Statement of the Chairman and Ranking Member of the Committee on Ethics regarding Representative Laura Richardson (November 4, 2011) ("The Committee-initiated action follows a discretionary review of the allegations, pursuant to Committee Rule 18(a)...").
[14] *See* ISC Report at Exhibit 1.
[15] *See* Views of Representative Richardson at 4 (July 25, 2012).

did so. Also omitted are exceptions to the bar rules cited, as well as relevant distinctions in the case law cited. In the end, with the disclaimers that were employed by Committee staff at the time, and with the significant legal differences between these proceedings and criminal proceedings, there is no constitutional impediment to the resolution of this matter before the Committee and the House.

Further, the Committee notes the disturbing irony in Representative Richardson's submission when she alleges that this conduct by Committee staff intimidated and frightened her employees, given the horrendous picture so many of her own current and former staff described of their time in her employment, and her own attempts to intimidate them on a regular basis.[16] Given that Representative Richardson is accepting responsibility for obstructing the Committee's investigation and compelling her staff to engage in other improper conduct, the Committee's concerns for the integrity of the investigation and the interests of the witnesses were well born out.

Representative Richardson also argues that by providing her with a draft of the Investigative Subcommittee's Report on a Friday, the five-day review period fell on a weekend, "significantly reducing the ability to use the five agreed days."[17] Representative Richardson's complaint is contradicted by the facts uncovered during the Investigative Subcommittee's investigation which demonstrate overwhelmingly that Representative Richardson forced her staff to perform campaign work on weekends, demanding that her needs be placed over those of her staff, their families, their health, their faith, and their education.[18] Beyond the contradictory nature of the complaint, however, the Investigative Subcommittee and Committee staff made clear on the record of an Investigative Subcommittee meeting (for which Representative Richardson and her counsel were present by telephone) that their proposed timeline contemplated her receiving the draft on Friday and submitting the views the following Wednesday. Representative Richardson appears in her submission to insinuate that the Investigative Subcommittee is lying about the disclosure of the timeline, where she states that "the ISC then refused to make the transcript of the recital of the terms of the settlement agreement available to Rep. Richardson."[19] In fact, after receiving the written transcript of the meeting, the Investigative Subcommittee, through staff, confirmed to Representative Richardson's attorney that the transcript included the explicit recital of this information as Representative Richardson herself well knew since she was present on the call.

> ISC STAFF: Okay. So, Joe, we're on the record. Can you just state for the court reporter your name and who is there with you?
>
> MR. SANDLER: Yes. This is Joseph Sandler. I'm counsel for Congresswoman Richardson, and the Congresswoman is here with me in her office.

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[16] *See* ISC Report at 9-10, 21, 47-48.
[17] Views of Representative Richardson at 7 (July 25, 2012).
[18] *See* ISC Report at 8-9, 15-20; ISC Exhibit 3, 6, 10, 11, 33.
[19] Views of Representative Richardson at 7 (July 25, 2012).

ISC STAFF: And the purpose of this -- of conferencing you in is to review the terms that we've already reviewed with you on the telephone this morning but to do it on the record, okay?

MR. SANDLER: Yes, that's fine.

ISC STAFF: So, as we discussed earlier, Representative Richardson, as part of her resolution of this matter, has agreed to admit to the allegations in the SAV that was transmitted to you this morning, with the one change . . . . That's the first term.

The second is that Ms. Richardson agrees to accept a reprimand and a public report.

Number three, that Ms. Richardson agrees to waive all of her procedural rights under committee and House rules.

Number four, that although Ms. Richardson has waived all of her procedural rights under committee and House rules the subcommittee will give Ms. Richardson 5 days -- *5 calendar days to review their report and submit any views.* Her views cannot be contrary to the SAV. *The calendar days will start when the ISC report is transmitted. We expect that that will be on Friday, and so her response would be due the following Wednesday.*

Number five, that Ms. Richardson will pay a $10,000 fine by no later than December 1, 2012.

Number six, that the ISC strongly discourages Representative Richardson from allowing any of her official staff to volunteer on her 2012 campaign. However, to the degree that any of her staff wish to volunteer, they must sign a written statement acknowledging that their work is voluntary and not compelled by Representative Richardson.

And, seven, that the ISC will recommend to the full committee that the report shall serve as the reprimand or will include the reprimand language and that there will be no standalone resolution regarding the reprimand.

Those are the terms that we discussed on the telephone this morning and that you told us that you agreed to, and we just want to get your agreement on the record.

> MR. SANDLER: On point four you said, contrary to the SAV, but what we discussed on the phone was she would be able to address allegations -- specific factual assertions in that -- as distinct from the counts?
>
> ISC STAFF: That's correct. She will be able – it's not contrary to the allegations in the SAV, so she will be able to include in her views any factual recitation of her view of some of the background evidence. But, as we also discussed, if she has a recitation that's contrary to every single paragraph of the SAV, that's essentially eviscerating her admission to the SAV under number one of the terms.
>
> MR. SANDLER: Okay.
>
> ISC STAFF: Are those the terms as you understand them, Mr. Sandler?
>
> MR. SANDLER: Just one second. Okay. This will confirm that we accept the terms as you described them with the one caveat we discussed at the end.
>
> ISC STAFF: And when you say "we," Mr. Sandler, just for the record, you mean yourself and Ms. Richardson.
>
> MR. SANDLER: My client, Congresswoman Richardson, accepts them.[20]

Representative Richardson also contends that the Investigative Subcommittee should not have relied on attorney proffers from the other two respondents, Ms. Cooks and Ms. Austin, and complains that these proffers were not provided to her.[21] On the first point, the Committee notes that all respondents, including Representative Richardson herself, proffered information to the Investigative Subcommittee after they received a draft SAV and a copy of all of the evidence. These proffers were plainly intended to persuade the Investigative Subcommittee. Ms. Cooks and Ms. Austin, through their proffers, did indeed convince the Investigative Subcommittee of some additional facts, or corroborated other facts already in evidence. Both Ms. Cooks and Ms. Austin, by the terms of their negotiated resolutions with the Investigative Subcommittee, agreed to testify in any further proceedings. If Representative Richardson wanted to attack their credibility, she would have had her chance to do so at an adjudicatory hearing. Instead, she waived that right and agreed to accept the Report of the Investigative Subcommittee. Further, there is absolutely no basis in the rules, law, or Constitution upon which Representative Richardson would still have a right, at this stage, to those proffer statements in full.

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[20] Transcript of ISC Meeting of July 18, 2012 (emphasis added).
[21] *See* Views of Representative Richardson at 7-8 (July 25, 2012).

Having finished her complaints about the Committee, the Committee staff, and the Investigative Subcommittee, Representative Richardson pivots to her second line of attack: the credibility of her own staff. Representative Richardson takes umbrage at the idea that members of her staff spoke to each other about the fact that she was under investigation.[22] She appears to make the leap from this observation to a contention that these conversations influenced the testimony of staff to such an extent as to impede her rights and make the overwhelming evidence in this case unreliable.[23] Witnesses to an event speak to each other about the event all the time. They are human. Neither House Rules nor legal principles mandate a cessation of this unremarkable activity.

That being said, this type of conversation is exactly what the Committee staff was attempting to avoid when they requested that witnesses not speak to anyone else about the matter. Amazingly, Representative Richardson criticizes the Committee staff for trying to prevent exactly what she later complains about. In the end, just as Committee staff properly made clear to numerous witnesses that we cannot require them to refrain from discussing the case, so too, such discussions on their own do not amount to an automatic deprivation of Representative Richardson's rights.

Furthermore, as is common throughout her complaints, Representative Richardson omits starkly contradictory evidence in the same record she selectively quotes from. For example, in support of her claim, Representative Richardson notes that Jeremy Marcus testified that "amongst the staff...there has been, you know, some interested chatter about, you know, what's going on."[24] What Mr. Marcus actually said in his testimony is as follows:

> Q: Did anybody else talk to you about what you were going to say?
>
> A: I mean, of course amongst the staff, there's been - *but, actually, people have been very resolute about not discussing any details*. But of course--
>
> Q: That's really good.
>
> A: -- but of course there has been, you know, some interested chatter about, you know, what's going on.[25]

The removal of Mr. Marcus' clear statement that the staff was "resolute about not discussing any details," is a crucial part of his statement and directly contradicts Representative Richardson's claim of improper collusion.[26] Representative Richardson continues to attack the credibility of other current and former staff of hers with a similar pattern of omission and deception. The Committee finds these attempts to be as objectionable as they are meritless.

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[22] *See* Views of Representative Richardson at 8-9 (July 25, 2012).
[23] *See* Views of Representative Richardson at 8-9 (July 25, 2012).
[24] Views of Representative Richardson at 8 (July 25, 2012).
[25] 18(a) Interview of Jeremy Marcus (emphasis added).
[26] 18(a) Interview of Jeremy Marcus.

Representative Richardson spends the rest of her submission taking aim at her third and final target: the facts, as proven by the overwhelming weight of the evidence collected. Representative Richardson's views weave an elaborate fabrication out of threads of decontextualized evidence and outright prevarication, in an absurd attempt to rebut the majority of the tremendous evidence against her.[27] For example, Representative Richardson, when discussing a meeting where Ms. Cooks stated that if staff failed to volunteer they risked losing their jobs, stated that "[n]o staff testified, however, that Ms. Cooks indicated at the meeting that she was speaking for or at the direction of the Congresswoman."[28] This carefully worded point is highly misleading.

Kenneth Miller testified that Ms. Cooks invoked Representative Richardson directly: "If you know anything about [Representative Richardson], you probably will not have a job, you know, if you don't volunteer."[29] Eric Boyd testified that he took Ms. Cooks' statements "to be coming not from Shirley."[30] And Candace Yamagawa testified that "even prior to Shirley Cooks coming to the district office, I knew it was the highway or the byway, either adhere to what [Representative Richardson] wants or you are out."[31] And yet, perhaps hoping that the public would read her submission and not the Investigative Subcommittee's Report, Representative Richardson ignores the overwhelming evidence that it was her own actions, judgments and management, that created the undeniable message among her staff that if they considered campaign work to be voluntary, it was at their peril, and risked her wrath.

These sorts of misrepresentations continue throughout Representative Richardson's submission. On certain occasions, Representative Richardson repeats the strategy she employed with Mr. Marcus' testimony regarding conversations between witnesses: she simply cuts off a passage or section where it is most helpful for her. For example, Representative Richardson quotes Lucinda Woodward in a way that characterizes her testimony as exculpatory of Representative Richardson:

> Q: Were you ever threatened if you chose not to participate?
>
> A: No.[32]

But immediately after the quoted passage, Ms. Woodward continued:

> Q: You have volunteered?
>
> A: I never have…I feel like my hours in her office are so long that I barely have the time to spend with my family. I would not volunteer my time. . . . She gets really angry. I would describe her

[27] Views of Representative Richardson at 9-21 (July 25, 2012).
[28] Views of Representative Richardson at 9 (July 25, 2012).
[29] ISC Report at 4.
[30] ISC Report at 4-5
[31] ISC Report at 5.
[32] Views of Representative Richardson at 12 (July 25, 2012).

> as a vindictive person...It is not like you get fired for [standing up to her] necessarily, but it is a very uncomfortable environment for the person who does."[33]

Representative Richardson uses this technique again when attempting to discredit the testimony of her current Communications Director, Makeda Scott, by saying that Ms. Scott erroneously assumed that an event to which she was assigned was a campaign event, and that Ms. Scott based this assumption solely on the location of the event, outside Representative Richardson's district. This is incorrect. As Ms. Scott herself explains, she did not base her conclusion solely on the location of the event:

> And I said, are you Tim from the division [sic] office? And he said, no, the Congresswoman called me to come meet her here, and she had me take pictures on her camera. And he said, you know, she wanted to get some more inroads in, you know, the new district. And I said, in the where? And I said, where am I? And he said Wilmington. And I said, is this the 37th District? *And he said, no, and he said, you know, I help out on the campaign*.[34]

Moreover, Representative Richardson suggests that Ms. Scott's testimony regarding compulsory campaign work was limited to this one event. Contrary to this suggestion, Ms. Scott's testimony identifies interactions she had directly with Representative Richardson wherein Representative Richardson pressured her to perform campaign work after Representative Richardson was fully aware of this Committee's investigation:

> . . . And she [Representative Richardson] brought me in her office and she said, did you bring in your personal camera? I said no. I said, we have a camera here in the office. And then she said, I know that. I wanted you to bring your personal camera in because I wanted you to take pictures of me and a Member for the campaign. And I said, here in the building? And she said, yes. And I said, well, I don't -- she said, well, you can do that, and I said I don't feel -- I don't know. I said, that doesn't -- you know, I said I didn't want to do anything on the campaign. And then that is when she, you know, just went off and said, you can do these things. You should do these things. You haven't offered to volunteer on the campaign. And she said, I am not saying that you have to, she said, but you haven't offered, and that makes me feel uncomfortable working with you. And so I said, okay, well, you know, so that is what I mean. She was trying to, I feel, force me into working on her campaign.

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[33] 18(a) Interview of Lucinda Woodward.
[34] ISC staff interview of Makeda Scott (emphasis added).

Q: So I want to go back to one thing that you said, which is that you said -- you said that she objected to the fact that you haven't offered to volunteer?

A: Volunteer.

Q: And she said that that made her, Representative Richardson, uncomfortable with working with you.

A: Yes.

Q: What did you take that to mean?

A: *As a threat. If you don't volunteer on my campaign you are not going to continue working here. That is how I took it.*[35]

Even in those cases where Representative Richardson does not do violence to the complete record, she relies on a selective judgment of credibility which the Investigative Subcommittee did not share. For example, Representative Richardson attempts to rebut the testimony of no fewer than five witnesses with the testimony of a single district staffer, Henry Rogers, whose testimony was largely exculpatory for Representative Richardson. The Investigative Subcommittee reviewed Mr. Rogers' transcript. It also either reviewed the transcripts or actually heard the testimony of Kenneth Miller, Eric Boyd, Maria Angel Macias, Moises Romero, and Candace Yamagawa, which was largely inculpatory of Representative Richardson.[36] In the Investigative Subcommittee's judgment, Mr. Rogers' account simply did not outweigh the credibility of the accounts of the five other witnesses. If Representative Richardson wanted to attack five witnesses with her own single witness, she was free to do so at an adjudicatory hearing, but there is no reason to conclude from her submission that the Committee's judgment of credibility would have differed in any meaningful respect from that of the Investigative Subcommittee.

Likewise, Representative Richardson quotes three Washington, DC staffers – Jakki Dennis, Gregory Berry, and Jeremy Marcus – who stated that their attendance at her campaign fundraiser "Democratic Idol" was voluntary.[37] But even if the Investigative Subcommittee credited their testimony, it does not answer the ultimate question of whether anyone else was compelled to attend. Ms. Dennis, Mr. Berry, and Mr. Marcus could not volunteer on behalf of Ms. Woodward or Mr. Billington, both of whom stridently testified that their attendance was not voluntary.[38] In fact, the staff who had already decided to attend the event paid very little attention to Ms. Cooks' email, and for good reason – compulsion only affects those who would otherwise refuse.

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[35] ISC staff interview of Makeda Scott (emphasis added).
[36] *See* ISC Report at 4-24.
[37] Views of Representative Richardson at 16-17 (July 25, 2012).
[38] ISC Report at 28-29.

Finally, Representative Richardson ignores some of the most damning facts in the Investigative Subcommittee's Report. For example, in her testimony before the Investigative Subcommittee, Representative Richardson insisted that she never intended to require her staff to attend Democratic Idol and attempted to place blame on Ms. Cooks' email telling staff they were required to attend.[39] She attempts to insulate and exculpate herself by saying that because she was not included on the email, she was unaware until after the fact that staff had been told they were required to attend.[40] As discussed in the Investigative Subcommittee's Report, Ms. Cooks informed the Investigative Subcommittee that after speaking directly with Representative Richardson and at Representative Richardson's direction, she sent the email to the Washington, DC staff.[41] In addition to Ms. Cooks' information, Representative Richardson's own calendar, has the following entry:

September 29, 2010 Continued
Wednesday

4:00 PM - 5:00 PM	Members Only Meeting - Congresswoman Barbara Lee, Africa Subcommittee Chair Donald Payne and Special Counselor Cheryl Mills Members Update on Haiti -- 2255 RHOB
4:00 PM - 4:30 PM	Congresswoman Richardson meeting with Alameda Corridor Transportation Authority -- 1725 Longworth HOB ACTA's RRIF loan application pending at FRA June L. DeHart (T) 202.585[redacted] [redacted]@manatt.com STAFF: Jeremy
5:00 PM - 5:30 PM	Congressional Progressive Caucus -- HC-5
5:30 PM - 6:30 PM	DO Staff Meeting -- DO 2:30pm PST
6:00 PM - 8:00 PM	CLR DEMOCRATIC IDOL EVENT -- OLD JONES DAY BUILDING - ROOFTOP MEETING ROOM - 51 LOUISIANA AVENUE, NW Contact Person: Danielle 202-347-[redacted] STAFF: ALL STAFF REQUIRED TO ATTEND

[42]

The Investigative Subcommittee's investigation gathered overwhelming evidence that Representative Richardson checked her calendar often and it was not uncommon for her to chastise her staff for an improper entry. For example, in July 2010, Representative Richardson

[39] ISC Report at 28-30.
[40] Views of Representative Richardson at 1 (July 25, 2012).
[41] ISC Report at 28-30.
[42] ISC Report at Exhibit 51.

sent her Chief of Staff and District Director and email entitled "Schedules on the calendar," wherein she "stress[ed] how important it is everyday to review the schedule together and ensure there is proper coverage and info for staff contact." Representative Richardson went on in the email to (1) direct her staff to add certain events to the calendar, (2) point out that a certain event did not have a staffer assigned to cover it, (3) ask which day a particular staffer was going to be out for their birthday since that entry was listed on two days, and (4) noted that a staff appointment had been left off the calendar.[43] And on July 29, 2010, Representative Richardson emailed her scheduler and Chief of Staff saying "Before you leave EVERY evening you must completely update the calendar. For ie: my calendar is showing preside 4-6 not 2-4. Thx."[44] Therefore, the Investigative Subcommittee properly concluded that Representative Richardson did indeed intend to require her official staff to attend her campaign fundraiser and whether or not she received Ms. Cooks' email is of no consequence.

Representative Richardson's submission launches an attack on many members of her staff.[45] Based on the overwhelming evidence against Representative Richardson, the Committee wishes to make abundantly clear that, in the credibility dispute Representative Richardson presents between herself and those of her own current and former staff whom she continues to attack, the Committee sides with her staff.

In the same vein, Representative Richardson disputes that her actions with respect to changing Ms. Austin's status were intended to obstruct the Committee's investigation, and relies on Ms. Austin's testimony early in the investigation that she had discussions with Representative Richardson in September about moving to part-time status in October.[46] However, Ms. Austin has now corrected her testimony and made clear to the Investigative Subcommittee that these September conversations never occurred. In addition, Representative Richardson's own emails and her own plainly inconsistent accounts over time support the Investigative Subcommittee's rejection of her claims, and their finding that Representative Richardson's change to Ms. Austin's status was in fact intended to obstruct the Committee's investigation.[47]

Representative Richardson also stated that her meeting with staff, in which she suggested answers to the Committee, was not intended to obstruct, and that "[w]hen she referenced staff volunteering, she was referring to attendance at a local meeting of a political club."[48] She therefore admits that she did tell her staff that they were volunteering, but limits it to a single event. This is not credible. Because numerous staffers testified that Representative Richardson had a mock dialogue with herself, stating some of the questions she expected the Committee to ask, such as "did you feel that your campaign work was mandatory or you were compelled in some way?" and then an answer – "no."[49] Three staffers testified that they felt that

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[43] Email from Representative Richardson to Eric Boyd and Shirley Cooks (July 8, 2010, 4:05 PM)
[44] Email from Representative Richardson to Jakki Dennis and Shirley Cooks (July 29, 2010, 8:18 AM); *see also* ISC Report at Exhibit 6 (email entitled "Schedule today," wherein Representative Richardson points out an event listed on her calendar that does not have a staffer assigned to it, "I notice no staff is assigned @ lcdp dinner tonight.")
[45] *See* Views of Representative Richardson (July 25, 2012).
[46] Views of Representative Richardson at 17-19 (July 25, 2012).
[47] *See* ISC Report at 37-46.
[48] Views of Representative Richardson at 19 (July 25, 2012).
[49] ISC Report at 45.

Representative Richardson was asking them to answer a certain way that would minimize her culpability whether or not those answers were true.[50] Even if Representative Richardson's explanation was on all fours with the facts – and it is not – if she told staff how to testify regarding the voluntary nature of their campaign work, this would be obstruction, even if she limited such a statement to a single event.

In sum, Representative Richardson's submission continues the approach she has taken in this matter from the outset: an utter absence of true remorse for her misuse of official resources and, equally as significant, for what she has put her staff through, as well as a near total deflection of responsibility for this matter. It is not this Committee, it is not other Members, it is not either political party, and most certainly, it is not her staff that is responsible for the situation Representative Richardson finds herself in. It is Representative Richardson's own management, Representative Richardson's own decisions, and Representative Richardson's own actions that are responsible for the existence of this matter, the resources they have required, and the damage to the integrity of her office and this institution that they have caused. That Representative Richardson still does not seem willing to accept this simple fact is all the more reason why this Committee must refer the matter to the whole of the House of Representatives for their consideration and judgment.

IV. FINDINGS OF THE COMMITTEE ON ETHICS AND REASONS FOR RECOMMENDED SANCTION

The Committee on Ethics adopts as its findings in this matter the Report of the Investigative Subcommittee, as attached.

Prior Committee precedent supports a recommendation of reprimand for conduct involving compelling official staff members to perform campaign work, using official resources for campaign purposes, using official resources for personal purposes, and obstruction of this Committee's investigation. This is particularly true in the case of a negotiated settlement where a public hearing is waived, saving significant resources and allowing the Committee to continue working through the many other matters it must address in the interest of the institution and all Members.

In addition to public reprimand, the Committee recommends that the House, by adoption of this Report, impose a $10,000 fine on Representative Richardson for her misconduct and that the fine be payable to the U.S. Treasury no later than December 1, 2012. Towards that end, the Committee recommends that the House of Representatives adopt a resolution in the following form and that the adoption of this Report will serve as a reprimand of Representative Richardson and the imposition of a $10,000 fine under the conditions outlined herein:

HOUSE RESOLUTION ---

Resolved, (1)That the House adopt the report of the Committee on Ethics dated August 1, 2012, In the Matter of Representative Laura Richardson.

[50] ISC Report at 45.

V. STATEMENT UNDER RULE XIII, CLAUSE 3(c) OF THE RULES OF THE HOUSE OF REPRESENTATIVES

The Committee made no special oversight findings in this Report. No budget statement is submitted. No funding is authorized by any measure in this Report. No oversight findings are considered pertinent.