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January 17, 2014

Congressman K. Michael Conaway
Chairman
Congresswoman Linda T. Sanchez
Ranking Member
House Committee on Ethics
1015 Longworth House Office Building
Washington, DC 20515-6328

RE: OCE REQUEST FOR INFORMATION (Review No. 13-0906)

Dear Chairman Conaway and Ranking Member Sanchez:

On behalf of Congresswoman Cathy McMorris Rodgers, I appreciate the opportunity to submit this written statement to the Committee on Ethics (Committee) regarding the Office of Congressional Ethics (OCE) Review No. 13-0906 (OCE Report). We look forward to discussing this matter with you and fully cooperating with any review undertaken by the Committee.

This statement reflects our initial reaction to the OCE Report and the best recollections of the Congresswoman and her current staff. We reserve the right to supplement this statement with further information, and any lack of comment to anything contained in the OCE Report should not be viewed as any admission by Congresswoman McMorris Rodgers. In the interest of clarity, we have repeated the OCE Report conclusions below along with our comments. We raise no objection to the public release of this statement by the Committee.

I. Introduction

Congresswoman Cathy McMorris Rodgers is serving her fifth term in the U.S. House of Representatives representing the people of Washington's Fifth Congressional District. She was elected Chairman of the House Republican Conference by her colleagues in November 2012. As we emphasized throughout the OCE's inquiry, Congresswoman McMorris Rodgers and her staff maintain a strong commitment to complying with federal law and House Rules and Standards of Conduct, including those governing campaign activity by official staff.

The Congresswoman and her staff cooperated fully with the OCE's inquiry by complying with all requested interviews and the production of over a 1,000 pages of documents. The OCE

interviewed the Congresswoman and current House Republican Conference staff members Jeremy Deutsch (Chief of Staff), Shaughnessy Murphy (Director of Member Services), and Riva Litman (Press Secretary). As those interviews and documents demonstrated, the Congresswoman makes certain that all staff, both within her congressional office and the House Republican Conference, complete annual training with the Committee. *See* CMROCE-03320. In addition, and while not required, she also mandates that all staff certify compliance with an internal office handbook that makes clear that employees may only engage voluntarily in campaign work on their own free time and that official House property, equipment and resources may not be used for campaign activities (except as permitted for scheduling and any other permissible purposes detailed in the *House Ethics Manual*). At *no* time has any employee ever been coerced into doing any campaign work.

All payments from her congressional office, the House Republican Conference, her congressional campaign committee, and her leadership PAC were for bona fide permissible services. Payments from her congressional campaign committee or her leadership PAC were either for political or for office holder-related expenditures (the latter in accordance with the *House Ethics Manual* and the Federal Election Campaign Act, and the regulations promulgated thereunder). When she ran for House Republican Conference Chairman, her staff consulted with both the Committee and the House Committee on Administration to ensure that official resources were being properly utilized, and ultimately decided out of the abundance of caution that a packet and video prepared to augment her leadership race should be paid for by her congressional campaign committee. We therefore reject all conclusions reached by the OCE in its Report.

II. Allegation that Representative McMorris Rodgers May Have Used Official Resources for Campaign Activity

A. Allegation that Official Resources Used for Campaign Debates

The OCE draws the following conclusion in its Report:

> Based on the information before the OCE, there is substantial reason to believe that congressional office space, travel expenses, and staff time were used for campaign debates in October 2012.

OCE Report at 16.

Congresswoman McMorris Rodgers engaged in debate preparations during the 2012 campaign on her own time and with congressional staff as volunteers on their own time as is allowed by federal law and House Rules and Standards of Conduct. During the course of the OCE's inquiry, the Committee interviewed current House Republican Conference employees Messrs. Deutsch and Murphy and Ms. Litman, all of whom confirmed that they participated in debate preparation on a voluntary basis and on their own time. Deutsch MOI at 5; Murphy MOI at 4; Litman MOI at 2). On one occasion, a conversation that included debate preparation

occurred in her congressional office. That conversation occurred outside of the work week on Sunday, October 7, 2012, and was the only such conversation held in her congressional office. The Congresswoman told the OCE that the conversation was held in her office in Washington, DC because she knew her home was noisy with her young children. CMR MOI at 7. While her upcoming debate was discussed, it was by no means the only item during the meeting: Mr. Murphy recalls that calendar and policy issues were also discussed during the broader staff meeting (Murphy MOI at 5), as did Brett O'Donnell, a consultant who was also in attendance (O'Donnell MOI at 3). Nevertheless, Congresswoman McMorris Rodgers regrets that the conversation occurred at that location, conveyed that regret to the OCE during its inquiry, and extends that regret to the Committee. While other debate preparations appeared on her calendar with references to the location being her congressional office, those preparations did not occur and it was not her intention that they take place in an official office. CMR MOI at 7. The statements made by Mr. Winer regarding other debate preparations are therefore simply inaccurate, as they did not take place in any official building. Winer MOI at 9.

That being said, *no* travel expenses or staff time were ever used for campaign debates in October 2012, or at any other time. As the *House Ethics Manual* states:

> The determination of the primary purpose of a trip must be made in a reasonable manner, and one relevant factor in making that determination is the number of dates devoted to each purpose. That is, often the primary purpose of a trip is the one to which the greater or greatest number of days is devoted.

House Ethics Manual at 116.

As the OCE correctly stated, Messrs. Deutsch, Winer, Murphy and then employee Patrick Bell traveled to the district from October 8 to October 12, 2012. The total cost of the travel expenses for the congressional staff was approximately $4,794. OCE Report Exhibit 10. The primary purpose for the travel was to conduct official business. All employees worked full days and conducted official business during that period. That they also engaged in campaign activity on behalf of the Congresswoman on their own time during the period does not negate that fact.

Mr. Deutsch's schedule was as follows, with only the bolded entries constituting campaign activity:

October 8, 2012
--Fly: DCA to GEG
--Debate prep (evening)

October 9, 2012
--KSPS Debate (prior to work)
--Santorum Event (briefly attended; non-campaign event)
--Met with State Rep. Susan Fagan
--Met with Former City Council Member Diana Wilhite

--Call with Mike Poulson regarding Farm Bill and office issues
--Met with Patrick Bell re: concerns with Todd Winer
--Todd Winer (meeting to discuss performance review)
--Conference Call with Jeff Bjornstad re: Avista

October 10, 2012
--Met with business roundtable leaders
--Meeting with Dick Leland
--Larry Larison Lunch
--Dr. Schweitzer Call (public policy/political)
--Debate Prep
--Worked out of district office
--Leadership election calls
--Dinner with Rod Schneidmiller (public policy EPA/campaign related)

October 11, 2012
--Attended debate (during lunch)
--Met with Mark Benson
--Met with County Commissioners
--Coffee with Mayor David Condon
--Fly: GEG to DCA

Mr. Murphy's schedule was as follows, with only the bolded entries constituting campaign activity:

October 8, 2012
Fly: DCA to GEG

October 9, 2012
--Attended Debate at KSPS
--Worked out of District office
--Traveled to Caterpillar
--Tour/Visit Caterpillar
--Drove to Wear-Tek
--Tour/Visit Wear-Tek
--Worked out of District office re: Washington State Military Alliance report

October 10, 2012
--Worked out of District office re: Washington State Military Alliance report
--Met with Rick Desimond and Seniors Roundtable & Retire Safe Award
--Met with Shelia Stalph, Deputy District Director re: personnel issue
--Homebuilders Meeting
--Worked out of district office – scheduling constituent visits for later in the month
--Met w/ Superintendent of Spokane Public Schools

October 11, 2012
--Worked out of District office – editing constituent mail
--Editorial Board Prep
--Spokesman Editorial Board
--Worked out of District office – scheduling constituent visits for later in the month
--Debate Prep

October 12
--Attend Debate at Red Lion
--District Office Staff Meeting
--Fly: GEG to DCA

The congressional office does not believe it has access to the calendars of former staffers Messrs. Winer and Bell, but there is no reason to believe their travel constituted any misuse of resources.

The general terms, conditions, and specific duties of House employees traditionally have been within the discretion of the employing Member or committee. *House Ethics Manual* at 267. Congresswoman McMorris Rodgers told the OCE that, in her discretion, her office has flexibility with hours (but that campaign work must of course be done outside of the office and without the use of congressional equipment). CMR MOI at 1. While the congressional staff did indeed engage in campaign activity during this period, they did so strictly as volunteers on their own time. As the Committee is acutely aware, a Congressional work day typically extends beyond eight hours. As stated in the *House Ethics Manual*:

> [D]ue to the irregular time frames in which the Congress operates, it is unrealistic to impose conventional work hours and rules on congressional employees. At some times, these employees may work more than double the usual work week — at others, some less. Thus employees are expected to fulfill the clerical work the Member requires during the hours he requires and generally are free at other periods. If, during the periods he is free, he voluntarily engages in campaign activity, there is no bar to this.

House Ethics Manual at 136 (citing House Comm. on Standards of Official Conduct, Advisory Opinion No. 2 (July 11, 1973)).

A review of the itemized breakdown of costs for the travel affirms that all such costs supported the primary official purpose of the travel. *See* OCE Report Exhibit 10. Therefore, even if the travel served a mixed purpose, the Committee only requires *additional* costs to be borne by a source associated with the secondary purpose. *House Ethics Manual* at 116 (emphasis added). Here, even if there were such a secondary purpose, there were *no* additional costs.

In addition, while the Committee in the *House Ethics Manual* recommends that employees should record their time when engaging in campaign work, it does not make such action mandatory: "Employees who do campaign work while remaining on House payroll *should* keep careful records of the time they spend on official activities, and separately, on campaign activities..." *House Ethics Manual* at 137 (emphasis added). The absence of such records would therefore not constitute a violation of any House Rule or Standard of Conduct.

The OCE also misstates the purpose of the cited provision in the Employee Handbook for the Office of Congresswoman McMorris Rodgers (Handbook) in its Report. *See* OCE Report at 16. As clarified by Mr. Deutsch during his interview with the OCE, that provision governs when an employee is taking leave to work on a campaign *other* than on behalf of Congresswoman McMorris Rodgers, not when they are engaging in campaign activity on their own time. Deutsch MOI at 4. A review of the Campaign Work Authorization Form included in the Handbook as Appendix G makes said purpose clear by requiring the employee to identify the Name of the Candidate; Public Office Campaigning for; the Location of the Campaign Office; and the employees Duties as Campaign Worker. Consequently, if an employee is engaging in campaign activity for the Congresswomen on his or her own time, there would be no need to take leave, no need to keep records and no need to complete a Campaign Work Authorization. *Id.* Even if the OCE were correct in its read of the Handbook, failure to comply with an internal policy would not justify the OCE's conclusion that there was a substantial reason to believe that congressional office space, travel expenses, and staff time were used for campaign debates in October 2012.

B. Allegation that Official Resources Used for Campaign Speeches and Press Releases

The OCE draws the following conclusion in its Report:

> Based on the information before the OCE, there is substantial reason to believe that Former Communications Director [Winer] performed campaign activity using official resources with the knowledge of Representative McMorris Rodgers. Her campaign committee did not have an employee responsible for drafting campaign speeches and press releases, instead apparently relying on congressional staff. Even if Representative McMorris Rodgers did not directly know the extent of official resources used, there is substantial reason to believe that she had sufficient knowledge about her meetings with Former Communications Director [Winer] in the congressional office and congressional staff preparing binders for her containing campaign materials during official hours.

OCE Report at 18.

It now appears incontrovertible that Mr. Winer engaged in campaign activity using official resources. He himself admitted to engaging in said improper conduct to the OCE. *See generally* Winer MOI. In addition, documents were discovered during the course of the OCE inquiry by Mr. Deutsch on Congresswoman McMorris Rodger's congressional office S:\drive.

These documents were produced to the OCE by Mr. Deutsch and appear to reflect campaign activity by Mr. Winer, including during the employee's prior employment with Senator Kay Bailey Hutchison. *See* OCE Report Exhibit 20. Prior to the discovery of the campaign documents, Mr. Deutsch, Congresswoman McMorris Rodgers, and all known employees of the House Republican Conference and her congressional office were unaware that they were located on the personal office drive. *See generally* CMR MOI; Deutsch MOI; Litman MOI. The placement of the documents on the congressional office drive was not consistent with the House Rules and Standards of Conduct and internal office policy. The Congresswoman and Mr. Deustch were consequently very disappointed and alarmed to discover them. As Mr. Winer remains a House employee, we trust that the Committee will review his conduct accordingly.

Mr. Winer grossly mischaracterized his interest in performing campaign activity throughout his interview. As the Congresswoman told the OCE, Mr. Winer wanted to be *more* involved in campaign work, especially during the leadership race and during the 2012 presidential election cycle. According to Mr. Deutsch, Mr. Winer was a political animal who was eager to volunteer for campaign activity. Mr. Winer was the one who initially brought up his interest in engaging in volunteer campaign activity during their initial interview, having done so for two Senatorial campaigns.

Mr. Winer often overstated his actual involvement with campaign activity. As example, he discusses writing his first press release in April 2010, when Mr. Deutsch actually wrote the release on his own time with Campaign Consultant Stan Shore, and erroneously references conversations in the Capitol and the congressional office with the Congresswoman and Mr. Deutsch when both were actually in Spokane, Washington. Winer MOI at 4-5. He told the OCE that he wrote the press release for the Congresswoman when she endorsed Mitt Romney for President, but Mr. Deutsch specifically recalls that Mr. Winer was not involved with the drafting of that document. He also referenced a conversation that he claims took place in the office in August 2010 with Mr. Deutsch and Kim Betz, another employee, which both deny and that could not have occurred since Ms. Betz was then out of the office on maternity leave. Winer MOI at 10.

We strongly reject, however, that Congresswoman McMorris Rodgers had *any* contemporaneous knowledge whatsoever of Mr. Winer's improper conduct. Mr. Winer's admitted improper conduct by no means creates some knowledge of his improper conduct by the Congresswoman or the rest of her staff. It was inconsistent with the manner in which all other employees conducted themselves. As Congresswoman McMorris Rodgers told the OCE, her campaign speeches were largely drafted not just by Mr. Winer, but also by Mr. Deutsch and Campaign Consultant Stan Shore. CMR MOI at 3. Mr. Deutsch told the OCE that his volunteer work for the Congresswoman's campaign, including the drafting and editing of campaign speeches, was always on his own time and without the use of official resources. Richard Leland, her former District Director, also told the OCE that his campaign activity was always voluntary, on his own time, and not coerced. *See* Letter from Omar S. Ashmawy to Elliot S. Berke, provided pursuant to OCE Rule 4(F), November 25, 2013. In addition, Ms. Litman told the OCE that she also volunteered to write campaign speeches, did so on her own time, and did so without

using official resources. Litman MOI at 2, 7. The fact that all other individuals who worked on campaign speeches for the Congresswoman did so in compliance with federal law, House Rules and Standards of Conduct stands in stark and conspicuous contrast to Mr. Winer's admitted improper conduct.

Congresswoman McMorris Rodgers told the OCE that hard copies of her campaign speeches were usually compiled in a binder of various items that her staff provided to her before she left the office for the day, but that the staff also delivered the binder to her home if she had already left the office. CMR MOI at 3. Congresswoman McMorris Rodgers also told the OCE that she had conversations about campaign speeches with Mr. Winer that sometimes occurred in the congressional office, but that also occurred at the National Republican Congressional Committee, or "wherever we might be." CMR MOI at 3. Those statements also do not support the conclusion that the Congresswoman had *any* – let alone sufficient – knowledge of Mr. Winer's improper conduct.

In terms of how speeches were placed in the Congresswoman's binder, other witnesses confirmed there was no singular protocol or procedure – again demonstrating that the Congresswoman would have no reason to believe that Mr. Winer was engaging in improper conduct. Ms. Litman told the OCE that the speeches she helped to draft that were placed in the nightly binder were official in nature. She also told the OCE that she would sometimes prepare speeches at home and return to work to place them in the nightly binder, and would also give them to her roommate, the Congresswoman's scheduler, who would sometimes drive them to the Congresswoman's home. Ms. Litman would also deliver some speeches and press releases via her personal email on her own time. Litman MOI at 3. So there is clearly no record demonstrating, as the OCE concludes, that a substantial reason to believe exists demonstrating that congressional staff *prepared* binders for the Congresswoman containing campaign materials during official hours.

Even if campaign material were *inserted* into the Congresswoman's binder on rare occasions within the office that would not necessarily mean the campaign material was *prepared* by official staff during official hours. If an employee, on his or her own time, prepared campaign material outside the office, brought it into the office, placed it into a binder that was then taken out of the office with the intention that the campaign material be viewed outside of the office, that in and of itself would not violate anything. Indeed, while the Committee has not spoken directly to this point, it has in the *House Ethics Manual* acknowledged the permissibility of incidental campaign activity for coordinating a Member's schedule (*House Ethics Manual* at 132); responding to incidental press inquiries (*Id.* at 133); referring matters to the campaign committee (*Id.*); responding to questionnaires on legislative issues (*Id.* at 135); making available nonpartisan voter registration materials (*Id.*); and even for receiving campaign contributions (*Id.* at 149). With respect to the latter, the Committee actually advises that it may be desirable for a congressional office to have a supply of campaign envelopes and stamps for use in forwarding both contributions and campaign related inquiries that are received in the office. *Id.* at 149-150. If the temporary residence of a campaign check in an official office is considered permissible, and the presence of campaign envelopes and stamps is allowable, then the temporary residence

of a campaign speech prepared outside the office to be promptly transferred outside of the office should raise even less of an ethical conundrum.

Similarly, the OCE concludes that meetings between the Congresswoman with Mr. Winer in her congressional office demonstrated a substantial reason to believe that she should have been aware of his improper conduct. While she did have conversations with Mr. Winer about campaign speeches, such conversations were generally not when she was in her congressional office or in an official building. The Congresswoman did tell the OCE that she sometimes had conversations with Mr. Winer about campaign speeches in her congressional office, but the primary purpose of those conversations was always official. Any conversations in which they discussed campaign speeches were rare and incidental to broader discussions of official business. The Congresswoman also recalls that she did not initiate conversation with Mr. Winer regarding campaign speeches while in the congressional office and that the topic was brought up by him.

The OCE also draws the conclusion that because her campaign committee did not have an employee responsible for drafting campaign speeches and press releases that absence amounted to a substantial reason to believe that the Congresswoman knew Mr. Winer was engaged in improper conduct. Such a conclusion is immaterial, irrelevant, and incorrect. It is common for campaign committees to not have regular employees and to rely on volunteer services. It is also common for campaign committees to rely on congressional staff – as volunteers – to provide services that include the drafting of press release and campaign speeches. Indeed, the Committee anticipates this scenario in the *House Ethics Manual* when it states: "Congressional staff members should not do research on behalf of the campaign or write campaign speeches or other materials while on official time or using official resources." *House Ethics Manual* at 134. There is thus no outright prohibition on congressional staff writing campaign speeches or press releases, only an outright prohibition on doing so *while on official time or using official resources. Id.* (emphasis added).

The fact that Congresswoman McMorris Rodgers, Messrs Deutsch and Shore, Ms. Litman, and all other employees respected this distinction – but somehow Mr. Winer did not – should not impute any knowledge or culpability on anyone but Mr. Winer. Indeed, the fact that Mr. Winer generally seems to deny understanding this distinction defies credulity. (Winer MOI at 3, stating "it was never made clear that campaign work was optional or was to be performed consistent with House Rules."). He had worked in other congressional offices before his tenure with Congresswoman McMorris Rodgers; he participated in the required House Ethics Committee training (which included instruction on the parameters of campaign activity) CMROCE-0326; and he signed the Handbook, which also included instruction on the parameters of campaign activity. CMROCE-0032-0040. He also told Ms. Litman, whom he supervised, that "she was not obligated to do anything that she did not want to do" with respect to campaign activity. Winer MOI at 5. Mr. Winer also never raised any concern about his campaign activity with Ms. Litman, with whom he worked the closest.

Mr. Winer also told the OCE that the Congresswoman "knew everything that was going on with the campaign and congressional office being blended" and that she did not take any action when he told her that Mr. Deutsch was pushing him "out based on campaign activity." Winer MOI at 10. We also reject that accusation outright. As discussed herein, Congresswoman McMorris Rodgers had no knowledge of Mr. Winer's conduct, and told the OCE that he *never* mentioned to her that he was uncomfortable doing campaign work. CMR MOI at 7. This is evidenced by the fact that in 15 pages of emails Mr. Winer sent to Congresswoman McMorris Rodgers after he learned his employment was ending, he never once raised this issue. *See* CMROCE-0569-0583. Those emails are included with this statement for your review. Please note that within those emails, Mr. Winer expresses interest in returning to his old job with the Congresswoman once it became clear to him that he would not be promoted as Communications Director for the House Republican Conference. *Id.*

Mr. Winer was *never* coerced by anyone into engaging in volunteer campaign activity, but Mr. Deutsch did recall telling him that he needed to cease promoting the Congresswoman as a vice presidential candidate. Deutsch MOI at 10. The Congresswoman told the OCE that Mr. Winer went rogue when he began promoting her as a potential vice presidential candidate, and after she expressed her disapproval to him, he became disappointed and disengaged. CMR MOI at 7. His disengagement appeared to make it harder for Mr. Winer to meet his official responsibilities, resulting in missed opportunities during the leadership race and on official media events CMR MOI at 6, 7.

Mr. Deutsch told the OCE that Mr. Winer had problems with management, engagement at work, and the quality of work production. Mr. Winer's behavior became "dark and twisted," once slamming a car door in Mr. Deutsch's face, and using profanity in a restaurant. Deutsch MOI at 10, 11. Ms. Litman told the OCE that working with Mr. Winer was difficult, that he was "late to a lot of things," and that he did not fully complete projects. Litman MOI at 6. Mr. Murphy told the OCE that Mr. Winer began to "have mood swings" and "began to become unreliable and his work was bad." He further told the OCE that "Ms. Litman and Mr. Deutsch said that Mr. Winer was acting strange and they were concerned for their safety." Murphy MOI at 6. It was those factors that led to his termination – and nothing at all to do with any campaign activity. Yet, notwithstanding these issues, the Congresswoman was willing to serve as a reference for him, believing that "he had strengths and weaknesses like everyone..." CMR MOI at 6. She was not aware that those weaknesses included the extent of the performance and behavioral issues that raised concerns with staff until after she agreed to serve as a reference. Apparently, those weaknesses also included Mr. Winer's improper conduct, which was greatly disappointing to the Congresswoman upon its revelation.

In reaching its conclusion, the OCE *referenced In the Matter of Representative E.G. "Bud" Shuster*, H. Rep. 106-979, 106th Cong., 2d Sess. at 63 (2000) (*Shuster*). That matter can be distinguished both factually and ethically from the allegations discussed herein. *Shuster* involved allegations that employees were expending time out of the congressional office during regular business hours. *Id.* Although the conduct alleged in *Shuster* was far more egregious than the conduct alleged here (namely, the preparation of FEC Reports), that matter dealt with

campaign work by employees during regular business hours and not on their own time (as is the case here).

C. Allegation that Official Resources Used for Campaign Events

The OCE draws the following conclusion in its Report:

> Press Secretary traveled from Washington, DC to Spokane during the week that Representative McMorris Rodgers announced her re-election campaign in the district. Press Secretary was listed as the media contact person for the campaign kick-off and she attended various media interviews with Representative McMorris Rodgers in the district that appear to have been scheduled in response to a campaign media advisory. During her interview with the OCE, Press Secretary indicated that she went to the district to do a mix of campaign and official media. Based on this information, there is substantial reason to believe that congressional funds were used for Press Secretary's travel to the district in April 2012 that was primarily for campaign related activities in violation of House rules, standards of conduct, and federal law.

OCE Report at 20.

Ms. Litman, as the Congresswoman's Press Secretary, traveled from Washington, DC to Spokane, Washington from April 2 to April 6, 2012. The primary purpose of that travel was to conduct official business and she worked full days in that capacity in accordance with the office policy. The trip was paid for by the congressional office. During that trip, Ms. Litman conducted official business during the entire time, with the exception of three political events – one before the work day began and two during her lunch hours. OCE Report Exhibit 23. Please note that the times reflected on the calendar, due to a technical issue, reflect EST not PST (which is the time zone in which the meetings actually took place).

During that time, Ms. Litman also engaged in campaign activity during the week, which was also the week the Congresswoman announced her re-election campaign in the district. She was listed as the media contact person for the campaign kick-off. As stated above, it is common for campaign committees to rely on congressional staff – as volunteers – to provide services that include the drafting of press release and campaign speeches. Indeed, the Committee anticipates this scenario in the *House Ethics Manual* when it states: "Congressional staff members should not do research on behalf of the campaign or write campaign speeches or other materials while on official time or using official resources." *House Ethics Manual* at 134. There is thus no outright prohibition on congressional staff writing campaign speeches or press releases, only an outright prohibition on doing so *while on official time or using official resources*. Ms. Litman did not engage in said campaign activity on official time or using official resources.

When asked about this period of time by the OCE, Ms. Litman's initial response was that she believed this travel was primarily campaign related, and that she had taken leave during this time. Her memory, however, was not entirely clear, as she could not recall how the trip was paid

for (but did recall submitting receipts for reimbursement to a congressional district office staffer). Litman MOI at 7. After her OCE interview, Ms. Litman reviewed her calendar and other records for the period. She then recalled that the primary purpose of the travel had actually been to conduct official business, and notified the OCE, through counsel, that her recollection had been refreshed:

> [P]lease find attached a travel calendar for April 2012...As you will to see it includes both official and political meetings and events. In April, Ms. Litman attended the Top of the Morning (before work), and the two political lunches (on her lunch time). The rest of the time she accompanied the Congresswoman at official functions, and therefore maintained a full official schedule.

OCE Report at Exhibit 24.

All travel and expenses were therefore paid out of the official account (MRA). The initials of her supervisor, Mr. Winer, appear on the official reimbursement form.

Ms. Litman's schedule was as follows, with only the bolded entries constituting campaign activity:

April 2, 2012:
--Flew to Spokane

April 3, 2012:
--KXLY Interview
--Tri-City Herald Interview
--KCVL Radio Interview
--*The Statesman-Examiner* Interview
--Campaign Kickoff Event (Lunch)
--Colville Business Roundtable

April 4, 2012:
--KUJ Radio Interview
--KTEL Radio Interview
--Cheney Free Press Interview
--Campaign Kickoff Event (Lunch)
--Walla Walla Business Roundtable

April 5, 2012:
--Campaign Kickoff Breakfast (Prior to Work)
--Pacific Northwest Inlander Interview
--The Spokesman-Review Interview
--KXLY TV Interview
--KXLY Radio Interview

April 6, 2012:
--Flew back to DC

We provided this calendar to the OCE upon its discovery by Ms. Litman. OCE Report Exhibit 23. She did not have the benefit of it during the course of her interview with the OCE. Notwithstanding this exculpatory evidence, the OCE concluded that the OCE "Board notes that representations by counsel do not supersede witness statements made during interviews." OCE Report at 19. It is a peculiar investigative procedure to disallow a witness to refresh her recollection, and to prevent that witness to present additional evidence to an investigative authority. We urge the Board of the OCE to reconsider this policy, and respect that the Committee will review this additional evidence as part of its review of this matter.

As to whether or not this travel had a mixed purpose, the Committee also anticipates such a scenario. The Committee in the *House Ethics Manual* advises:

> As to any such mixed purpose trip, the Member, officer, or employee must determine the primary purpose of the trip. The source associated with that primary purpose – for example, a political committee for campaign or political activity, the federal government for official business, or the traveler's own funds for personal business – must pay for the airfare (or other long-distance transportation expense), and all other travel expenses incurred in accomplishing that purpose. Any additional meal, lodging, or other travel expenses that the Member or staff person incurs in serving a secondary purpose must be paid by the source associated with that secondary purpose.
>
> The determination of the primary purpose of a trip must be made in a reasonable manner, and one relevant factor in making that determination is the number of days to be devoted to each purpose. That is, often the primary purpose of a trip is the one to which the greater or greatest number of days is devoted.

House Ethics Manual at 116.

Therefore, even if the trip had a mixed purpose, as Ms. Litman initially stated, her refreshed recollection as discussed herein revealed that the number of days and the amount of time for the primary purpose clearly demonstrated that it was to conduct official business.

The OCE draws the following conclusion in its Report:

> As a result of the nature of the congressional staff travel to the RNC where the campaign paid for travel expenses, campaign activity was conducted, and due to the absence of leave or vacation records for the congressional staff in attendance,

> there is substantial reason to believe that the staff attended the RNC on official time in violation of House rules, standards of conduct, and federal law.

OCE Report at 21.

From August 27 to August 30, 2012, Messrs. Deutsch, Murphy, Winer, and Ms. Litman attended the Republican National Convention (RNC) in Tampa, FL, along with former congressional staffer Patrick Bell. The Congresswoman served as the Host for the RNC, heightening the need for campaign volunteers. All employees attended the RNC as volunteers on their own time. All employees also took vacation leave for this time, and that was the Congresswoman's recollection as well. *See* Deutsch MOI at 6, 7; Murphy MOI at 5; Litman MOI at 5; CMR MOI at 5. Mr. Murphy specifically recalled that he took two weeks of vacation in August 2012, which covered his wedding and the time that he was in Tampa for the Convention. Murphy MOI at 5.

The OCE notes in its Report: "Despite their claim that they were on vacation during the RNC, Press Secretary, Chief of Staff, and Legislative Director did not provide the OCE with any vacation requests, leave request, or any other records substantiating their claim." OCE Report at 21. As previously noted, while the Committee in the *House Ethics Manual* recommends that employees should record their time when engaging in campaign work, it does not make such action mandatory: "Employees who do campaign work while remaining on House payroll *should* keep careful records of the time they spend on official activities, and separately, on campaign activities..." *House Ethics Manual* at 137 (emphasis added). The absence of such records would therefore not disprove a positive in this instance – specifically that all employees told the OCE they recalled taking leaving during this time, and did indeed take such leave.

However, each employee who met with the OCE told it that he or she specifically recalled taking leave. This is not a "claim" by each of the employees, it is the representation by each of the employees. Each one also remembered filling out a Leave Authorization Form. As an administrative procedure, leave was also tracked via email to ensure employees were strictly adhering to their allocated allotment. *See e.g.,* CMROCE-0234. As Mr. Deutsch told the OCE, it was his policy that "'he was really good about the forms,' but that some of the documentation may be hard to find or in different locations due to Representative McMorris Rodgers moving offices." Deutsch MOI at 7. Since the RNC, the Congresswoman and her staff have moved office materials three times. During such moves, some documents have unfortunately been misplaced or lost. While we cannot say with certainty that such Leave Authorization Forms were among those documents, we cannot deny such possibility. Given this possibility, the Congresswoman and her staff have implemented a new document retention policy that will maintain both hard and digital copies of all Leave Authorization Forms.

The OCE draws the following conclusion in its Report:

> Based on the information before the OCE, there is substantial reason to believe that Press Secretary traveled to the district from November 5 to November 7, 2012 primarily for campaign related activities.

OCE Report at 24.

Ms. Litman, as the Congresswoman's Press Secretary, traveled from Washington, DC to Spokane, Washington from November 5 to November 7, 2012. During that trip, Ms. Litman conducted official business and engaged in campaign activity only on her own time. OCE Report Exhibit 27. The primary purpose of her trip was therefore to conduct official business and it was paid for by the congressional office.

The trip overlapped with Election Day. As stated above, it is common for campaign committees to rely on congressional staff – as volunteers – to provide services that include the drafting of press release and campaign speeches. Again, the Committee anticipates this scenario in the *House Ethics Manual* when it states: "Congressional staff members should not do research on behalf of the campaign or write campaign speeches or other materials while on official time or using official resources." *House Ethics Manual* at 134. There is thus no outright prohibition on congressional staff writing campaign speeches or press releases, only an outright prohibition on doing so *while on official time or using official resources*. Ms. Litman did not engage in any campaign activity on official time or using official resources.

During the OCE interview, Ms. Litman's initial recollection was that she believed this travel was primarily campaign related, and that she had taken leave during this time. Even the OCE conceded during the interview that the records made it unclear as to whether entries were official or campaign-related: "Other media appearances during this period are not specifically described as campaign media in her calendar, and therefore it is not clear whether they were campaign or official appearances." OCE Report at 23. After her OCE interview, Ms. Litman reviewed her calendar and other records for the period. She recalled that the primary purpose of the travel had actually been to conduct official business, and notified the OCE, through counsel, that her recollection had been refreshed:

> [P]lease find attached a travel calendar for ... November 2012. As you will to see it includes both official and political meetings and events... In November, she worked a full official schedule in the district office, and then volunteered on political matters during her free time. Based on this refreshed recollection, she no longer believes that she took leave for this time.

OCE Report at Exhibit 24.

All travel and expenses were therefore paid out of the official account (MRA). The primary purpose of the travel was official, so there was no need for her take leave. The initials of her

supervisor, Mr. Winer, do not appear on the official reimbursement form, but it was nevertheless properly submitted.

Ms. Litman's schedule was as follows, with only the bolded entries constituting campaign activity:

November 5, 2012:
--Fly to Spokane
--Rick Rydell Show
--CWA Interview
--KXLY Radio Interview
--Davenport Times Interview

November 6, 2012:
--Huckabee Interview
--TVW Interview
--Campaign Victory Event & Media (Evening)

November 7, 2012:
--KXLY TV Interview
--KXLY Radio Interview
--KHQ Interview
--KREM Interview
--Flew to DC

We provided this calendar to the OCE on behalf of Ms. Litman. OCE Report Exhibit 23. She did not have the benefit of it during the course of her interview with the OCE. Again, notwithstanding this exculpatory evidence, the OCE concluded that the OCE "Board notes that representations by counsel do not supersede witness statements made during interviews." OCE Report at 19. We refer the Committee to our discussion herein about the oddity of the disregard for this exculpatory evidence, and to the discussion of mixed purpose travel. Accordingly, even if the trip had a mixed purpose, as Ms. Litman initially stated, her refreshed recollection as discussed herein revealed that the number of days and the amount of time for the primary purpose clearly demonstrated that it was to conduct official business.

III. Allegation that Representative McMorris Rodgers May Have Used Campaign Funds for Official Activities

The OCE draws the following conclusion in its Report:

> Based on evidence before the OCE, there is substantial reason to believe that Mr. O'Donnell performed services for Representative McMorris Rodgers'

> congressional office, but was improperly paid with political funds in April, May, June, July, August, September, and December 2012.

OCE Report at 28.

Brett O'Donnell is self-employed with O'Donnell & Associates. He has been the President and Chief Executive Officer of the company for eight years. He and his company provide communications consulting, specifically for media appearances, messaging, public speaking, presentation skills, and debate preparation. O'Donnell MOI at 1.

Around March 2012, Mr. Winer contacted Mr. O'Donnell and asked him if he would be interesting in developing Congresswoman McMorris Rodgers' communications skills and strategy. O'Donnell MOI at 1. As Mr. Winer described to the Congresswoman prior to Mr. O'Donnell's engagement, Mr. O'Donnell was identified among the "best candidates for speech coaches/media trainers" and not as a de facto or replacement staff member. *See* Memorandum from Todd Winer to CMR, dated March 16, 2013 (enclosed) .

Mr. O'Donnell understood that he would be providing services to Congresswoman McMorris Rodgers across a wide variety of platforms. The Consulting Agreement was between CMR PAC, the Congresswoman's leadership PAC, and O'Donnell & Associates. CMROCE-0341. The Consulting Agreement dated March 26, 2012, which was unsigned by either party, erroneously repeated the scope of work from another client. CMROCE-0341. Although not stated in the written agreement, the focus at the time of Mr. O'Donnell's hiring was to assist the Congresswoman with her public speaking and to conduct media training, not to perform any official duties. Essentially, he served as a speech coach for her. That is not a service typically performed by official staff. Reporters often do not distinguish between campaign and official issues, and that was not necessarily a distinction that should matter to Mr. O'Donnell given the nature of his work. CMR MOI at 6. During the course of his relationship with the Congresswoman, his scope of work has changed to meet the needs and circumstances as they have arisen.

April, May, June, July, August and September 2012

Mr. O'Donnell described his scope of work during this period to the OCE as being "non-campaign" related. During this time, Mr. O'Donnell's work was non-campaign related, meaning it was not in furtherance of her congressional campaign. It was, however, more holistic in nature and was designed to help bolster her leadership profile. He would coordinate with the official staff – mostly Mr. Winer and Ms. Litman – on their communications duties. O'Donnell MOI at 2. The payments made by CMR PAC for his services were lawful under the Federal Election Campaign Act and the regulations promulgated thereunder. 2 U.S.C. §434(i)(8)(B).

December 2012

In December 2012, Mr. O'Donnell's scope of work changed. While the scope may have changed during this time, his focus always remained on helping her with her public speaking. He assisted the Congresswoman with her transition to House Republican Conference Chairman by helping to improve her communications skills. O'Donnell MOI at 4. He also helped schedule media appearances and sat in on interviews of new staff. *Id.* at 5. He never became the de facto press secretary, as Mr. Winer alleges. Winer MOI at 11. He never directed Ms. Litman in her official capacity as Mr. Winer also alleges (which Mr. Winer strangely roots in meetings that he did not attend). Winer MOI at 11.

Beginning the month prior, Mr. O'Donnell began being paid by Cathy for Congress, the Congresswoman's congressional campaign committee, to reflect this change in scope of work. The payments made by Cathy for Congress for his services in connection to her office holder duties and in connection to her political agenda were lawful under the Federal Election Campaign Act and the regulations promulgated thereunder. 2 U.S.C. §439a(a)(6); 11 CFR 113.2(e).

IV. Allegation that Representative McMorris Rodgers May Have Improperly Combined Official and Campaign Resources for Her Leadership Race

The OCE draws the following conclusion in its Report:

> Based on the information before the OCE, there is substantial reason to believe that official and campaign resources were combined improperly to produce and send the video and packet for Representative McMorris Rodgers' leadership race in violation of House standards of conduct.

In November 2012, Congresswoman McMorris Rodgers, then Vice Chairman of the House Republican Conference, ran for its Chairman. The position is a member of the House Republican leadership and fourth in seniority. It is selected by majority vote by the members of the House Republican Conference in their official capacities.

Federal law and House rules permit the use of campaign funds in certain circumstances for some House purposes, which are detailed in the *House Ethics Manual*. *See House Ethics Manual* at 173-77. Activities and events associated with a leadership race can be either official or political, depending on the specific circumstances. Sometimes those circumstances are simply discretionary by the Member and sometimes they point the Member in the direction of official or political. As stated in the *House Ethics Manual*:

> While...Members are restricted in using campaign funds to pay official House expenses, there are a number of activities that may be either official or political at the Member's option. The major examples are events sponsored by a Member on

> legislative or other governmental topics, such as town hall meetings and conferences; statements or releases issued by a Member on a legislative or other governmental issue; *and activities relating to a race for a House leadership office.*

House Ethics Manual at 178.

Notwithstanding any decision to use official or campaign funds for activities and events associated with a leadership office, a race for a leadership remains an official event. Candidate forums and the leadership elections are almost always held in official buildings by both the House Republican Conference and the Democratic Caucus and are held in official buildings. The House Republican Conference and Democratic Caucus not only elect the Speaker, Leaders, Whips, Chairmen, Vice Chairmen, and Secretaries, they elect the Chairmen of the National Republican Congressional Committee and the Democratic Congressional Campaign Committee. So to some degree, official and campaign resources are always inherently combined for activities relating to a race for a House leadership office. And while the Committee often uses the words political and campaign interchangeably, it should be noted that the leadership race occurs after the election is over – suggesting that the use of campaign funds may have a political or other permissible purpose but not necessarily a campaign purpose per se. It is thus necessary to evaluate each activity associated with a leadership race – and not the event itself – as distinct in order for the Committee's guidance to reflect the practical realities of a race for a leadership office.

During the Congresswoman's leadership race, an information packet and video supporting her candidacy was prepared and sent out to other Members. Such a packet and video are typically prepared and distributed by candidates for leadership positions to other Members of Congress. Congressional staff pulled together the Congresswoman's official television, media appearances, and press hits, and congressional staff on their own time and without using official resources, along with other campaign staff, pulled together the political information. Deutsch MOI at 8. While the leadership race was a combined effort by official staff and the campaign team – as all leadership races are – Mr. Deutsch told the OCE that the acts of compiling and producing official versus political material were always kept separate. Deutsch MOI at 8. Designated official staff worked on official portions of the packet and video, and designated volunteers and campaign staff worked on political portions of the packet and video. Deutsch MOI at 8; *See also* JDOCE-0377 (demonstrating how these activities were kept separate). They viewed each endeavor as separate activity, and no official and campaign resources were combined improperly to produce the packet and the video. To suggest, as the OCE implies by its conclusion, that no contact could occur between the official and campaign team would again fly in the face of the existing manner in which all leadership races are conducted.

When it came time to determine how the packet and video should be distributed – another distinct activity – Mr. Deutsch consulted with the Committee and was referred to the Committee on House Administration. Mr. Deutsch consulted with Committee on House Administration staff members Phil Kiko (Staff Director); George Hadjiski (Director of Member Services); and

Jack Dail (Franking Commission) to ensure that they were in compliance with all House Rules and Standards of Conduct. Mildred Webber, then Executive Assistant, also consulted with the Committee, and was also directed to staff at the Committee on House Administration. *See* OCE Report Exhibit 43. While the Committee's guidance on the conduct of leadership races is referenced herein, the Committee has historically been deferential to the precedents set by the Committee on House Administration. The Committee on House Administration staff advised that materials be distributed with campaign funds. Deutsch MOI at 8. All activity associated with the Congresswoman's leadership race followed said precedents.

Accordingly, Mr. Deutsch as advised by the proper committees, made the decision to mail the packet and produce the video using campaign funds. He did not recall discussing that decision with the Congresswoman. Deustch MOI at 8, but that does not in any way suggest the decision was anything but the correct one. Indeed, such a scenario is anticipated by the Committee in the *House Ethics Manual*:

> A Member wishing to use any official House resource in furtherance of a campaign for a House leadership office – such as official stationery, the Inside Mail, or official staff time – should consult with the Committee on House Administration or the Franking Commission, as well as with the Standards Committee, on the extent to which those resources may be used for this purpose. However, when a particular activity related to a leadership race is supported with campaign resources, no official House resources may be devoted to that activity except to the extent noted above.
>
> > Example 15. A Member who is sending a mailing on a leadership race decides to pay the printing and mailing expenses with campaign funds. No official staff time or any other House resources may be used in furtherance of the mailing.

House Ethics Manual at 161.

Consistent with the above example, once the decision was made that the mailing should be paid for with campaign funds, no official staff time or any other House resources were used in furtherance of it. As the Committee states in the *House Ethics Manual*:

> > [O]nce the Member makes his determination [on whether an activity is to be official or political], he is bound by it. A single event cannot, for purposes of the House rules, be treated as both political and official.

House Ethics Manual at 178-9 (emphasis added).

Mr. Murphy took responsibility on his own time as a volunteer to distribute the packet. He volunteered to take the packets to FedEx Kinkos on his own time and addressed them to the Members' personal residences. Murphy MOI at 6. Therefore, no official resources were used to send the packet or video.

We hope this letter answers all the questions the Committee might have regarding this matter. We remain available to discuss it and the OCE Report with you at any time. Please do not hesitate to contact me at (202) 828-2814 should you have any additional questions.

Sincerely,

Elliot S. Berke

Enclosures

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CONFIDENTIAL

November 25, 2013

The Honorable Cathy McMorris Rodgers
203 Cannon HOB
Washington, DC 20515

Re: Review No. 13-0906

Dear Representative McMorris Rodgers:

Pursuant to Rule 4(F) of the Office of Congressional Ethics' ("OCE") Rules for the Conduct of Investigations, the OCE is providing you with information from the following witness interviews:

Richard Leland, Former Deputy District Director

- The witness stated that he attended three parades in the district on behalf of Representative McMorris Rodgers' campaign at the request of Mr. Deutsch. These parades were held in Davenport in June or July of 2012, Rockford around September 2012, and one other location. The witness' role in these parades was to represent the campaign and to hand out candy. When asked whether his attendance at the parades was voluntary, the witness replied "absolutely."
- The witness was shown an email from him to Mr. Deutsch and other recipients concerning "Pink Flamingo Thoughts," dated July 25, 2012 (SMOCE-0068). He told the OCE that the email was "absolutely" sent from his law office.
- He stated that he did not track the time that he spent doing campaign work. He said that he sent all of the emails related to the campaign from his law office. He did not have access to his law firm email account from anywhere but his law office. He did not send emails from home. He told the OCE that he went to his law office every day, but he did not do law work during the day or use district office resources.
- The witness recalled making suggestions related to a media production for the campaign. He believes that he sent the recommendations to Mr. Deutsch and

Dawn Sugusa. When asked who asked him for the suggestions, the witness stated that he believes his suggestions were unsolicited. He told the OCE that he was "absolutely" volunteering for the campaign and he felt no pressure to volunteer.

- He stated that he attended the "Pink Flamingo" event in August 2012, which was a fundraising event held at a farm in Spokane. The event was held on a weekday and began around 6:00 p.m. The witness stated that his role was to attend and socialize with the attendees. He stated that he also made unsolicited recommendations to Mr. Deutsch, Stan Shore, and Dawn Sugasa regarding the planning of the event, but the recommendations "did not go very far."
- The witness stated that he developed a strategy for the campaign related to the Walla Walla Union Bulletin. The witness said he was not asked by anyone to develop this strategy. He stated that he "asked himself" to create a strategy.

Brett O'Donnell, President of O'Donnell and Associates, Ltd.

- He told the OCE that he never had any conversations with Representative McMorris Rodgers concerning whether CMR PAC or her congressional campaign would pay for his services.

Stan Shore, President of Polis Political Services, Inc.

- He said that he did not speak with Representative McMorris Rodgers about his preparation of a packet and video for her race for Republican Conference Chair.

Todd Winer, Former Communications Director

- The witness told the OCE that Mr. Deutsch assigned him campaign press releases to draft. When the witness did not have time to work on the press releases, the witness assigned the tasks to Ms. Litman. He said that Ms. Litman never expressed any concern about doing campaign work. He said that he told Ms. Litman that she was not obligated to do anything that she did not want to do. He believes that he told her this around September 2010 when Ms. Sabestinas was coordinating a letter writing campaign to a newspaper editor. He said that he told her this because it was her first exposure to the busy campaign season that was approaching. He did not discuss with her how to record her time for campaign activity and official activity.

- The witness told the OCE that he does not recall ever telling Mr. Deutsch "no" in response to a request to do campaign work. The witness felt as though his job was safe because he was doing everything that Mr. Deutsch wanted him to do.

- The witness did not have any discussions with Representative McMorris Rodgers or Mr. Deutsch about the packet or video for her leadership race.

- The witness was shown an email from him to Ms. Litman, dated October 24, 2012 (RLOCE-0086). When asked about the email's reference to "free time", the witness said that he was trying to be consistent with responsibilities of congressional employees and what was voluntary. He said that, occasionally, Mr. Deutsch phrased his requests for help with campaign work similarly. The requests would mention free time or lunch. Such requests were given especially during the beginning of the time that the witness worked in the office. During 2011, the assignments of campaign work were framed more as requests.

- The witness was shown an email from him to Ms. Litman, dated October 3, 2012 (RLOCE-0068). He stated that Mr. Murphy received an email from the campaign and he forwarded the request to the witness who then forwarded it to Ms. Litman. He said that he asked whether Ms. Litman had time, which was consistent with request for a voluntary request that she could do on her own time.

Please note that information provided pursuant to OCE Rule 4 (E) does not include information that is already in your possession. If you have any questions regarding this information, please contact Kedric L. Payne, Deputy Chief Counsel at (202) 226-1535. Thank you for your assistance and cooperation.

Respectfully,

Omar S. Ashmawy
Staff Director and Chief Counsel

/O=U.S. HOUSE OF REPRESENTATIVES/OU=U.S. HOUSE/CN=RECIPIENTS/CN=MEMBERS/CN=

From: Todd Winer [[redacted]@hotmail.com]
Sent: Sunday, December 23, 2012 4:41 PM
To: McMorris Rodgers, Cathy
Subject: Daily Caller/thoughts on the passing scene

Good afternoon Congresswoman. Hope you had a good flight to Spokane and that you're (finally) getting a chance to enjoy the holiday season.

Just wanted to let you know - in case you're interested - that today is the one-year-anniversary of my email to the Daily Caller encouraging them to do a story about you as a rising star in national politics and a sleeper pick for VP (see email below). Needless to say, this was the beginning of my long and successful effort in 2012 to raise your national profile and cover your conservative flank through a combination of issues (the "Veepstakes," the "War on Women" and the IMF) that I believe was indispensable to your Conference Chair victory. For those who might doubt that, I would direct them to your Conference Chair packet, which is basically a celebration of the Comm Shop's work for you – work which was often done over the objection of your other senior advisers.

Congresswoman, I've given this issue a lot of thought lately, and I do believe that the two of us should meet and talk when we get back. When I first heard that I was being demoted, I was stunned into silence. I also wanted to be respectful of your decision because of my deep respect for you. However, as time passes, I've come to the conclusion that what has been done to me is a deep injustice – professionally-speaking (removing a loyal, successful member of your senior staff without just cause) and morally-speaking (doing all this without giving me an opportunity to "make my case" - something we give to the worst of society in a courtroom setting). Therefore, I feel that we need to reopen this issue, and we should do it by working together directly, because the leaders of your transition team have already proven they are not up to the task.

Consider:

*I am 100 percent certain that I can do the job and that I am the best choice for the job. I know this because I know what I've done and I know what I'm capable of. But furthermore, I've known (and worked) with three different Comm Directors at Conference over the past three years. I know every member of Boehner, Cantor, and McCarthy's press team. They share my "skill set." And vice versa. That's why I found the phrase "skill set" so troubling. Because it revealed that whoever was advising you on this issue quite simply didn't know what they were talking about. Or they were deliberately misleading you. Or both.

*I am 99 percent certain that one individual on your transition team has worked to undermine me and poison me in your mind (even before the Leadership election) for reasons that are unclear to me, but whatever they are, they have no basis in reality. What is reality, though, is that by removing me from this organization, he will have even more control of it – at a time when he already has too much control (please keep this email between us).

Congresswoman, Lincoln once said "I'm big enough to change my mind." With Christmas nearing, it is my sincere hope that a Lincolnesque resolution to the situation before us might still be possible. I know that is the best outcome for you and me. At the very least, I know I have earned the right to "make my case" to you directly, even if you simply consider it a favor to me after three years of loyal, excellent service (as the email below demonstrates). I know your time is valuable, but honestly, I couldn't think of a better use of your time – in terms of making sure your tenure as Conference Chair is a successful one.

We still have a chance to make things right.

Hope you have a good Christmas,

Todd

From: Winer, Todd
Sent: Friday, December 23, 2011 12:32 PM

To: [redacted]@dailycaller.com'
Subject: Susana Martinez/other VP contenders

Hi Will. I just read your insightful article about Susana Martinez and her chances to be the GOP Vice Presidential nominee. On background, one name I haven't seen mentioned in the VP discussion - but will likely become part of that discussion soon - is Rep. Cathy McMorris Rodgers (R-WA), the highest-ranking Republican woman in Congress and, at age 42, one of the rising stars in the party.

As in 2008, there will likely be a need for a "game changing" VP pick with "woman" and "fresh face" being the most desirable qualities, but what Rep. McMorris Rodgers brings to the table in a unique way is that – unlike say, Gov. Martinez or Sarah Palin in 2008 – McMorris Rodgers has national political experience as a 4-term member of Congress and a 2-term member of the House Republican Leadership team.

This is the first email I've sent about her VP prospects, so, come early next year, if you want to talk more about Rep. McMorris Rodgers' future, that would be an exclusive.

To learn more about the Congresswoman, see her bio page here:
http://mcmorris.house.gov/index.cfm?sectionid=440&sectiontree=2,440

Best,
Todd Winer

/O=U.S. HOUSE OF REPRESENTATIVES/OU=U.S. HOUSE/CN=RECIPIENTS/CN=MEMBERS/CN=

From: Todd Winer [[redacted]@hotmail.com]
Sent: Wednesday, January 09, 2013 9:38 AM
To: McMorris Rodgers, Cathy
Subject: thank you

HI Congresswoman. I just wanted to thank you again for meeting with me yesterday. It reinforced my belief that you are a fair and thoughtful leader, while also giving me new hope that a positive outcome in this situation can still be achieved.

If it's helpful, I wanted to provide some more information about what I thought was the most important part of our conversation – and potentially a real breakthrough - when you said that back in November, Jeremy told you that *I* told *him* that if I didn't get the Comm Director job at Conference, I was going to leave, something that – as I stated yesterday – is 100 percent not true and definitely never happened. The best evidence of that, ironically, is that I never even had a meeting with Jeremy in which I could have said such a thing.

Consider this brief chronology:

1) On November 19, Jeremy, Mildred, and I met for almost an hour. I requested the meeting with Jeremy for 3 straight days in polite emails to say essentially, "Do you have time to discuss how I can be helpful with the transition?" I even said it could be a "5-10 minute" meeting. Needless to say, even in a situation in which I wasn't getting the Comm Director job, I figured there were ways I could be helpful, but no one was reaching out to me, which I found perplexing. On the third day, I guess Jeremy figured it was time to meet with me and get me out of his hair. What followed was a 59-minute tongue-lashing by Jeremy that caught me totally off-guard and left me practically speechless. This conversation convinced me that the little things Jeremy had been doing to undermine me over the previous 7 weeks weren't just inadvertent misunderstandings, but an expression of deep personal hostility toward me – the source of which I don't understand to this very day. But here's the relevant point: At no point during the conversation did the issue of the Comm Director job at Conference come up. Not once. He didn't bring it up. And I didn't bring it up. There was no time for that because every minute was used for telling me what a bad person I am and all the things I had (supposedly) done wrong.

2) On November 27, Jeremy, Mildred, and I met again, but this meeting was briefer – about 15 minutes. Very early on in the conversation, I was told 3 things in rapid-fire succession (probably to prevent me from interrupting) that were straightforward and left no room for misunderstanding:

- 1) "We're going to do an external search for the Communications Director job at Conference"
- 2) "We're going to hire someone from the District to do all the press stuff for the personal office"
- 3) "The Congresswoman would be happy to write you a letter of recommendation and be helpful with your job search"

Boom, boom, boom. Very quick. Very straightforward. No room for misunderstanding. Once again, I was speechless. I was essentially being fired (although an exact termination date wasn't given to me). After a few seconds to absorb things, I did ask one specific, straightforward question:

"This is what the Congresswoman wants?"

For the first time, Jeremy seemed a little unsure of himself. After mysteriously pausing for a few seconds, he let out a muffled "yes." And that was all.

And with that, I said, "Well, in that case, yes, I would definitely like to get a recommendation letter and any help with jobs I can get."

So, as you see Congresswoman, there was never even a time I could have told Jeremy that "I must have this job or I'm leaving." We never had a true conversation about jobs in which I could have said something like that. What I experienced was a one-hour attack on November 19 (in which I never attacked back, although I *did* defend myself) and then a short meeting on November 27 in which my firing was presented as a fait accompli – no discussion, no flexibility.

Congresswoman – If Jeremy said that I told him "I must have this job or I'm leaving," that would be a threat on my part. And as you know, being threatening is not who I am. If there was ever a time in my life for me to turn into a threatening person, it would have been in the last six weeks after I was fired, and yet, despite these circumstances, I've never said or done anything threatening, as you know.

What I learned yesterday, Congresswoman, is that you were told by Jeremy that I quit. And I'm here to tell you, in no uncertain terms, that I never, ever quit. Never. With or without your consent, I was fired by Jeremy Deutsch on November 27. And to this day, I have no idea why.

Now you may ask, what about the November 28 meeting (the 10-minute meeting between you and me) in which you said, "I don't want you to go?"

If you recall, I never really addressed your statement (although in retrospect, I definitely should have) because I figured – in light of what Jeremy told me the previous day – that's not really what you wanted; that it was an empty gesture probably made in a moment of feeling sorry for me. And I didn't want any pity.

The final meeting I had with Jeremy was on December 10. He said you wanted me out of the office no later than mid-January, even if I didn't have a new job. What could I say in that situation? "Fine," I said.

I apologize for the long email Congresswoman, but since my livelihood is at stake here in a very real sense – and we know for a fact now, after yesterday's meeting, that serious and damaging miscommunications have taken place because Jeremy has insisted on doing all of the communicating between us (instead of allowing us to communicate directly), I hope you'll give me a fresh opportunity to talk with you again so I can truly hear – without it being garbled by someone else – what you truly want – in terms of me, my job, and my role within the office. I would also welcome the opportunity – although it's probably less necessary – to sit down with you and Jeremy to learn more about why this "miscommunication" took place, especially because I have good reason to believe there were a lot of other miscommunications going on during the last few months – ones that also turned out to be damaging.

More than anything else, Congresswoman, I really need you to know – I never, ever quit on you. I never said I wanted to leave the office. And I never stopped believing in you.

Thank you again, Congresswoman, for your time and consideration.

-Todd

McMorris Rodgers, Cathy

From: Todd Winer [[redacted]@hotmail.com]
Sent: Thursday, March 28, 2013 3:39 PM
To: McMorris Rodgers, Cathy
Subject: FW: Hi Congresswoman
Attachments: T.Winer.LoR.pdf

Hi Congresswoman. Hope you're having a good week.

Just wanted to confirm that you received my email from last Thursday about the job openings in Reps. Cole and Burgess' office.

If you can reply to my email today, just to confirm that you received it and that there's a plan in place to move forward on it, that would be great.

Thanks in advance,
Todd

From: [redacted]@hotmail.com
To: [redacted]@mail.house.gov
Subject: RE: Hi Congresswoman
Date: Thu, 21 Mar 2013 18:38:11 -0400

Hi Congresswoman. Hope you're having a good week.

Just wanted to let you know that Reps. Cole and Burgess are looking to hire a Communications Director. I've sent my resume to both offices, and was hoping you could give them a call (or talk to them in-person) about my qualifications. If it's helpful, I've attached your letter of recommendation for some key points.

Two other quick things:

1) Today, the Daily Caller published my op-ed, "Baseball and the GOP: To Rebrand the Party, Think Like a Sports Fan." Feel free to share with others if you think it adds value: http://dailycaller.com/2013/03/21/baseball-and-the-gop-to-rebrand-the-party-think-like-a-sports-fan/

2) Was there any new information about my request for severance?

Thanks in advance for your help,

Todd

From: [redacted]@mail.house.gov
To: [redacted]@hotmail.com
Subject: Re: Hi Congresswoman
Date: Wed, 6 Mar 2013 13:54:52 +0000

Hi Todd, I haven't forgotten about this e-mail. I need to discuss with Jeremy before getting back with you. Let me know how I can be helpful in your job search. Cathy

From: Todd Winer [mailto:[redacted]@hotmail.com]
Sent: Thursday, February 28, 2013 01:01 PM
To: McMorris Rodgers, Cathy

Subject: Hi Congresswoman

Hi Congresswoman. Hope things are well. Just thought I'd give you a quick update on my job search (plus share an idea I had about it):

Since I was asked to leave the office on January 11, I've had interviews with three PR firms that had job openings; I've also had about a dozen informational interviews with an assortment of organizations, from Senate offices to media outlets to other PR firms. While as of today I remain unemployed, it's done my heart good that so many people I've worked with are eager to help me get back on my feet.

As you probably know, my last day on the House payroll was February 15. Which means that, as of today, I have no source of income. Needless to say, this is not a situation I ever expected to be in. While I still don't know why I was fired, I have worked diligently to orient myself toward the future in a positive and constructive way.

During our last meeting on January 8, we both agreed that there were mutual benefits to having me leave your office in a way I could feel OK about. Three days later, I was told by Jeremy that I needed to leave the office immediately with only one month of severance.

I'm sure you would agree that one month of severance for an employee of my loyalty and contributions is not a fair amount.

Based on my research and conversations I've had with people who have direct experience in this area, a typical severance for someone with my experience and length of service is usually 3-6 months.

Of course, it's worth noting that employee severance stops once the employee finds a job (so, for example, if an employee was given a 3-month severance, if he ended up finding a job after 3 weeks, his severance would end after 3 weeks).

Since I know your time is valuable, I'll get straight to the point: I'd like to put in a request for an additional 2-3 months of severance. I believe this would be an amount that I could feel OK about. It's worth repeating, of course, that were I to find a job tomorrow, the severance would end tomorrow. Which also means that any further help your office could provide on the job front would be mutually beneficial. If you can share with me any new job leads you've come across or direct me to some people I can do informational interviews with, that would be much appreciated.

Thank you for the consideration, Congresswoman. It was a privilege to work for you, and I wish to remain helpful to you in the future.

Best,
Todd

McMorris Rodgers, Cathy

From: Todd Winer [[redacted]@hotmail.com]
Sent: Thursday, February 28, 2013 1:02 PM
To: McMorris Rodgers, Cathy
Subject: Hi Congresswoman

Hi Congresswoman. Hope things are well. Just thought I'd give you a quick update on my job search (plus share an idea I had about it):

Since I was asked to leave the office on January 11, I've had interviews with three PR firms that had job openings; I've also had about a dozen informational interviews with an assortment of organizations, from Senate offices to media outlets to other PR firms. While as of today I remain unemployed, it's done my heart good that so many people I've worked with are eager to help me get back on my feet.

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During our last meeting on January 8, we both agreed that there were mutual benefits to having me leave your office in a way I could feel OK about. Three days later, I was told by Jeremy that I needed to leave the office immediately with only one month of severance.

I'm sure you would agree that one month of severance for an employee of my loyalty and contributions is not a fair amount.

Based on my research and conversations I've had with people who have direct experience in this area, a typical severance for someone with my experience and length of service is usually 3-6 months.

Of course, it's worth noting that employee severance stops once the employee finds a job (so, for example, if an employee was given a 3-month severance, if he ended up finding a job after 3 weeks, his severance would end after 3 weeks).

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Thank you for the consideration, Congresswoman. It was a privilege to work for you, and I wish to remain helpful to you in the future.

Best,
Todd

/O=U.S. HOUSE OF REPRESENTATIVES/OU=U.S. HOUSE/CN=RECIPIENTS/CN=MEMBERS/CN=

From: Todd Winer [[redacted]@hotmail.com]
Sent: Thursday, January 10, 2013 12:00 PM
To: McMorris Rodgers, Cathy
Subject: job status/useful fact that provides context

Hi Congresswoman. Sorry to send you another email about my current job status, but if it's OK with you, I wanted to share another fact that I feel provides some more context to Jeremy's firing of me on November 27.

When I met with Jeremy and Mildred on November 19 (our first meeting), near the start of the conversation, Mildred said to me, "I've run four Leadership elections and you're the first staffer I've come across who wanted their boss to lose." Considering this statement was so preposterous to me – so wrong, so unsubstantiated, so the opposite of the truth - I actually laughed when I heard it. I simply couldn't believe what I was hearing. As I mentioned, Jeremy and Mildred (but mostly Jeremy) spent almost one hour berating me, but at the end of that hour, only a few easily-rebutted charges were lodged against me:

- Never drafting a media plan for the Leadership election (100% false; I drafted one and sent it to Jeremy on October 11 along with a request for a meeting to discuss it [which Jeremy never responded to]

- Being late to the Oct. 12 debate prep session in Spokane (I take responsibility for that; I didn't hear the alarm clock that morning and overslept by 20 minutes, missing my ride to your house; I emailed an apology to Jeremy as soon as I was able to]

- Being late to the Nov. 11 CNN prep session at the office (again, I take responsibility for that – but my car literally died that day. It died. And that caused me to be late. If anyone were to doubt that, they should go to the Rayburn Garage because there's a new car in there, a car that I bought just last month). Even so, I did email Jeremy an apology as soon as it happened.

- Never "helping" with the Leadership election (100% false; I did a lot, even with so much else going on, and I did it well – especially on the media front. Furthermore, several times over the course of the fall I emailed or asked Jeremy in-person "Is there anything else you need from me" for the Leadership election? I even said at some point, "Even if it's just stuffing envelopes, whatever you need." My attitude was always "all-hands-on-deck.").

- Not responding promptly to Jeremy's email on Saturday, November 17 requesting that a press release on Israel go out that day which ended up going out on Sunday (Mildred said not responding to Jeremy's email on Saturday was "insubordination" [yes, that was her actual phrase] but I don't feel like I did anything wrong for reasons that would be too long to explain here, and I want to be respectful of your time).

So that's it – 5 things, all of them either completely false or blown way out of proportion.

And those 5 things, according to Mildred and Jeremy, equaled "wanting [you] to lose." If you're mystified by that, Congresswoman, so am I.

But from Jeremy's perspective, an irrational temper-tantrum makes perfect sense because it concludes a seven-week effort to undermine me to ensure that I would come out of the Leadership election in a vulnerable-enough position to kick

me out of the organization, which is pretty much what happened on November 27. I can provide more context as to what those things are, but I feel like I've already taken up enough of your time for now.

Even so, I do feel the need to repeat one thing, Congresswoman: If you are 100% certain that Jeremy told you "Todd wants to leave" in the same way I'm 100% certain I never said that, that is essentially a smoking gun that Jeremy botched things in an unacceptable way – and while it's natural that one's first instinct might be to conclude "it was all a big misunderstanding," my first-hand experience with Jeremy over the last three months leaves no doubt in my mind that it was not – that you and I were both deceived, that serious damage was done to me personally and professionally, and amazingly, he almost got away with it (were it not for a few words we shared with each other just days ago).

Will all this new information, I would very much welcome the opportunity to talk with you more about what options might still available in terms of keeping me in the office (should that still be your desire).

Thank you again, Congresswoman, for your time and consideration.

Sincerely,
Todd

McMorris Rodgers, Cathy

From: Todd Winer [[redacted]@hotmail.com]
Sent: Monday, December 17, 2012 10:12 AM
To: McMorris Rodgers, Cathy
Subject: Tim Scott
Attachments: T.Winer.LoR.pdf

Good morning Congresswoman. In case you missed it, it look like Tim Scott will be appointed to the US Senate today. If you feel comfortable doing so, would you mind sending him an email or text letting him know that I'm looking for work and would welcome the opportunity to apply to be his Comm Director or Deputy Chief of Staff. I'm a big fan of Tim Scott, and I think my experience in your office would translate nicely into his office. If it's helpful, I've attached your letter of recommendation. Thanks a lot. -Todd

http://thecaucus.blogs.nytimes.com/2012/12/17/tim-scott-to-be-named-for-empty-south-carolina-senate-seat-republicans-say/

/O=U.S. HOUSE OF REPRESENTATIVES/OU=U.S. HOUSE/CN=RECIPIENTS/CN=MEMBERS/CN=

From: Winer, Todd
Sent: Thursday, December 06, 2012 1:30 PM
To: McMorris Rodgers, Cathy
Subject: RE: Letter of Recommendation

Thank you so much, Congresswoman. It has been a real privilege serving you for the past three years. This is the best job I've ever had, and having the opportunity to work with you directly on so many key issues - and achieving so much success together - will always be one of the highlights of my career. Thank you again for the opportunity to serve you, your recommendation letter, and everything else.

Sincerely,
Todd

-----Original Message-----
From: McMorris Rodgers, Cathy
Sent: Thursday, December 06, 2012 1:16 PM
To: Winer, Todd
Subject: Letter of Recommendation

Dear Todd,

Thank you for drafting an excellent letter of recommendation. As usual, you used just the right words. It's my pleasure to sign it (attached). I also want you to know that you should feel free to give my name as a reference at any job you wish. There is no doubt in my mind that you have bright employment prospects ahead.

Thank you for all that you have done during the past three years.

Sincerely,
Cathy

P.S. I also appreciated the honest feedback on yesterday's CNN interview.

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From: Winer, Todd
Sent: Wednesday, December 05, 2012 5:24 PM
To: McMorris Rodgers, Cathy
Subject: CNN interview

Congresswoman: In keeping with my promise to keep doing my job with 100% commitment, I thought I owed you my candid opinion that of the 74 national TV interviews you've done since I started working here three years ago, this was the first TV interview that actually hurt you, and I can also say that it was a direct result of the new "prepping process" (in my opinion, the meetings are too long, the messaging is convoluted, the tone is too defensive, there's not enough substance, and perhaps most importantly, it doesn't involve you enough in the crafting of the message -- since ultimately, you are your best spokesperson). The other interviews this week were below-average, but the CNN hit was a real red flag to me that this transition to a new prepping style isn't working and should be reformed. I know that my moment to work with you on this stuff is probably over, but I do sincerely hope you will allow yourself the freedom to consider what works and doesn't work under the new regime, and not accept what you're given at face value. Because you deserve the best, wherever it comes from. -Todd

Todd Winer
Communications Director/Senior Advisor
Congresswoman Cathy McMorris Rodgers (WA-05)
2421 Rayburn House Office Building · Washington, DC 20515

E | [redacted]@mail.house.gov
T | 202.225.2006
M| 202.279.0418
W | www.mcmorrisrodgers.house.gov

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From: Todd Winer [[redacted]@hotmail.com]
Sent: Thursday, November 29, 2012 3:49 PM
To: McMorris Rodgers, Cathy
Subject: job openings

Hi Congresswoman. Regarding my job search, would you feel comfortable sending an email to the personal accounts of the Members-elect, recommending me for a Chief of Staff position in their office (assuming some of them are still open), along with a copy of my resume? I think that would actually be a very helpful, positive start to my job search. I can draft some text, which you can review, and then work with Amy to send it out either tomorrow or early next week. Thanks in advance. -Todd

CMROCE-0581

/O=U.S. HOUSE OF REPRESENTATIVES/OU=U.S. HOUSE/CN=RECIPIENTS/CN=MEMBERS/CN=

From: Todd Winer [redacted]@hotmail.com]
Sent: Wednesday, November 28, 2012 3:04 AM
To: McMorris Rodgers, Cathy
Subject: Conference Chair transition/Comm Director

Congresswoman: As you probably know, I met with Jeremy and Mildred tonight, and I was very sorry to hear about your decision. I won't try to talk you out of it, but I will say that I would have appreciated the opportunity to talk with you beforehand about my experience, my achievements, and my vision for the Conference so that you could have made the most informed decision possible about who should lead your Communications team going forward. At a minimum, that would have been a better process, and it might have led to a better result.

While I can't say that I agree with the decision, I do respect it, and I do sincerely appreciate the opportunities you've given me over the last three years. There were more good days than bad days. And there were some really great days. While I guess it will always be a mystery to me what's transpired since the Leadership election, I don't really have any regrets - at least any big ones. And I still think you're a tremendous leader with a great future. Overall, it really has been an honor to serve you.

I was told tonight that you had offered to sign a recommendation letter for me as part of my job search, and I appreciate that. I will put a draft in your weekend binder, if that works for you.

Thank you again for the opportunity to serve you and America,

Todd

PS - If there's a way we can keep this email between us, that would be great.

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From: Todd Winer [redacted]@hotmail.com]
Sent: Sunday, November 25, 2012 9:15 PM
To: McMorris Rodgers, Cathy
Subject: Conference Chair transition

Hi Congresswoman. I apologize in advance for sending you this email. I want to be 100% respectful of what I've been told is our office policy of not bringing you into staff hiring decisions until those decisions have been pre-approved by others. But since this Conference Chair transition is a unique thing - and since I have good reason to believe that things are moving quickly in a bad direction - I hope you won't mind if I reach out to you directly, because at this point, I don't think I have any other options.

I had a conversation with Jeremy and Mildred about the transition recently, and based on that conversation, I am under the strong impression they would prefer to demote me from my current position as your senior communications aide, bringing in somebody else to fill that role. I also got the strong impression they wanted to demote Riva too, although her status - while inferred - was not addressed specifically. It's hard for me to describe how surprised I was by this conversation. I am humbled and grateful that you brought me into this organization, and I understand and respect completely the concept that I serve at your pleasure and can be demoted (or let go) at any time for any reason. But I was also under the impression that until very recently - until just a few days ago, in fact - that Jeremy shared what I've been told is the consensus among nearly all of the staff - that my body of work as your Communications Director for the last three years has been very good, and in some important cases, excellent; that my loyalty to you has always been rock-solid and unquestioned; that I have always put you first and the team second and never really cared much about myself - in terms of getting credit for things, etc; that I did everything that was asked of me, and a lot of things that weren't asked of me because I thought they were important, and I cared (and still care) very deeply about your success. I would never, ever claim that I'm perfect and I would be the first to acknowledge my mistakes, but I really do believe you, Riva, and I have been a "great team" over the last three years. We are so much alike in terms of goals, principles, and temperament. And the results of that teamwork - especially the countless positive media profiles of you in 2012 - would be considered by nearly everyone in politics to be a sign of success - a success worth continuing.

If you've already decided to go "in a different direction" when it comes to your communications team, I will respect that; I would be crushed emotionally and I would humbly state - in my opinion - that it would be a bad decision for many reasons (which I won't belabor here). But if you haven't discussed these things with Jeremy and Mildred yet - and if you think Riva and I have served you well and loyally - please make sure they know that when the time comes. As Jeremy always says, "It's your name on the door" and you have 100% power in terms of deciding who your team will be. Everyone will respect that - including him (and me).

It would be an honor to continue to serve you, Congresswoman. I thank you very sincerely for the opportunity you've given me thus far, and I am excited by the possibility of what we can achieve together over the next two years.

Oh, one last thing - please keep this email between us (not just the text of the email, but the fact that I emailed you). I know Mildred and Jeremy would take it badly,

Thank you again.

Sincerely,
Todd

MEMORANDUM

TO: CMR

FROM: TODD

CC: RIVA/JEREMY

DATE: FRIDAY, MARCH 16, 2012

RE: POTENTIAL SPEECH COACHES

After researching online, and asking around, I believe these are the 2 best candidates for speech coaches/media trainers.

- **Podium Master (Roy and Jeanette Henderson):**
- **O'Donnell and Associates Strategic Communications (Brett O'Donnell)**

Please see attached for their proposals, plus info from their websites.

A few quick points on each:

Podium Master

- Best known for working with Eric Cantor, Bill Frist, & Colin Powell
- Can't do anything earlier than April
- Prefers Apr. 13-15 (will be in DC anyway); next availabilities are June
- Recommend we commit a full day to it (although they can do 2 half-days, if necessary)

O'Donnell & Associates

- In 2012 campaign, worked with Bachmann first and then Romney (and then was fired by Romney campaign, apparently for boasting about how he had turned Romney around)
- Says he's available to help prepare you immediately before big media interviews

Summary:

When it comes to quality, I think they're close to even. Podium Master probably has the best reputation (and I get the impression they think so too). With them, there might also be some value in that you'll be working with a woman (Jeanette); she might have expertise in "how a woman should communicate" in a way that a man (such as Brett) cannot. However, I'm more impressed by Brett's clients (Romney and Bachmann – 2 above-average communicators) compared to Podium Master (it's hard to see how Eric Cantor got his money's worth). Podium Master seemed to "get" my point that your top priority is speech delivery (not speechwriting or media training), although Brett got it too (to a lesser extent). Brett, however, seemed a bit more organized, a bit more familiar with you, and a bit more eager to work to you (he offered to meet with you first before you make any decision; it might be worth taking him on that). Brett was also highly recommended by the NRCC.

So overall, it's probably a wash. I would recommend scanning through these documents and trust whatever gut instinct you have as to who you think is better. Of course, one model might be to hire BOTH – have Podium Master come in for their one-day training workshop, and then put Brett on a monthly retainer (see their proposals inside). I'm "all-in" on this stuff for 2012, so I would love to do that, but obviously money and other factors should merit consideration.

MEMORANDUM

TO: CMR

FROM: TODD

CC: RIVA

DATE: FRIDAY, MARCH 16, 2012

RE: PREPPING FOR OUR FIRST SPEECH PREP SESSION (BEFORE HIRING SPEECH COACH)

Congresswoman,

I would like you to review these questions, think about them, make some notes, and be ready to review them with Riva and me during our first "Speech Prep" session (hopefully later this week).

- **On a scale of 1-10, before today, what has been this office's commitment to effective speech delivery & media training? (1 being no commitment, 10 being maximum commitment) Why?**

- **On a scale of 1-10, between now and November, what should be this office's commitment to these things in order to maximize the likelihood of a positive result in November 2012? Why?**

- **What are some things we need to do internally to get us to this new number?**

- What impediments do you see to getting us to this new number?

- When you see or hear the phrase "public speaking," what words pop in your mind? What are your feelings?

- Walk us through the emotions you feel during the public speaking process – emotions you feel *before* the speech/interview, *during* it, and then afterwards?

- What do you think are the source of these feelings?

- Do you think these feelings are rational or irrational? Why or why not?

- Do you have any physiological reactions to public speaking (i.e, sweating, heart pounding, upset stomach, etc?

- Do you prefer speeches or outlines? Why? If "depends," why?

- On a scale of 1-10, how would you rate the quality of the speech drafts you are receiving? (1 being lowest quality; 10 being highest quality)

- What are things staff can be doing to improve the quality of your speech drafts?

- Do you feel like you are getting sufficient background info for interviews?

- If not, what types of information do you need in order to feel confident/be effective?

- What are things the staff can be doing to better prepare you?

- Do you think that in order to be a very good public speaker, one must somehow be "false" or "not their true self," etc?

- Do you think that a good public speaker is born that way, and that if you *aren't* born that way, it's extremely difficult to become one?

- Do you think that speech prep is something a good leader wouldn't need to do?

- How many hours per week do you think Boehner + Cantor spends on speech prep?

- In order to become a very good public speaker, how many hours per week are you willing to devote to training?

- Walk us through your normal speech preparation process:
- When do you first look at the speech?

- When do you first practice the practice?

- How often do you practice the speech?

- When's the last time you look at/practice the speech before delivering it?

- Do you make edits to the speech so it's more in the voice you're comfortable with?

- If so, how much time do you spend editing speeches?

- Do you ever feel "rushed" like you don't have enough time to say all you have to say?

- Do you ever fear getting interrupted?

- Do you ever fear getting a question you don't know the answer to?

- Do you ever fear "messing up" – saying something that would be damaging?

- When thinking about other's people's speeches – speeches that were great – what, in your opinion, made them great? Same for interviews: What made them great?

- When you thinking about public leaders who you consider to be great public speakers, what – in your opinion –makes them great?

- <u>What are your thoughts about changing the weekly schedule to the following…</u>
- Monday: Increase length of "Weekly Press Briefing" from 15 mins to 30 mins and change focus so it's exclusively devoted to prepping for the coming week's speeches

- Stakeout Days: Coming in at least 10 minutes early to practice stakeout remarks

- An Additional Weekday: A 15-min session to prepare for interviews & other things that are added to the calendar during the week

- Friday: One hour speech prep session

- What do you think about reforming the office structure so that time-sensitive interview requests (mostly TV) go directly to you, to minimize delay?

- What are some other things staff can be doing to maximize your effectiveness?

MEMORANDUM

TO: CMR

FROM: TODD

DATE: FRIDAY, MARCH 16, 2012

RE: POTENTIAL SPEECH COACHES

I have included

Notes on Speech Coach:

Podium Master, **Roy and Jeanette Henderson:**

http://www.huffingtonpost.com/2009/10/15/cantor-spends-another-600_n_323136.html

http://voices.washingtonpost.com/sleuth/2009/07/_further_fueling_speculation_t.html

http://www.podiummaster.com/

The Specialist:

http://thespecialistinc.com/speech-training-virginia/

[redacted]@thespecialistinc.com

Brett O'Donnell

http://gop12.thehill.com/2012/02/no-grudge-former-speech-coach-praises.html

http://odacommunications.com/Meet_Brett_O_Donnell.html

Positive Communications – Women-focused, but Dem?

http://poscom.com/political-communications/

* Cmr come in 15 mins early to practice stakeout

Frank Luntz

http://www.luntzglobal.com/