

REP. JOHN T. DOOLITTLE

Rep. John T. Doolittle (R-CA) is an ninth-term member of Congress representing California's 4th congressional district. Rep. Doolittle's ethics issues stem from his wife's relationship to his campaign and political action committees, as well as campaign contributions and personal financial benefits he accepted from those who sought his legislative assistance. Rep. Doolittle is currently the subject of a Department of Justice investigation and was included in CREW's 2006 report on congressional corruption.

Julie Doolittle

Rep. John Doolittle's wife, Julie, is the owner and president of Sierra Dominion Financial Solutions, a fundraising company retained by Rep. Doolittle's campaign committee and his Superior California Leadership PAC.¹ The company was launched by Ms. Doolittle in March 2001, two months after Rep. Doolittle was appointed to the House Committee on Appropriations.² Rep. Doolittle has confirmed that Ms. Doolittle's company receives a 15% commission on what she raises for his campaign, even when Rep. Doolittle is making the actual solicitation calls.³ In fact, since at least 2003, Ms. Doolittle has collected fees of 15% on all contributions to Rep. Doolittle's leadership PAC, and additional commissions on contributions to his campaign committee.⁴ From 2001 to April 2006, Ms. Doolittle received at least \$215,000 from Rep. Doolittle's campaign committees.⁵ During the 2006 election cycle Ms. Doolittle collected nearly \$224,000 in commissions.⁶

Notably, the Association of Fundraising Professionals sent a letter to Rep. Doolittle stating that its long-standing ethics code "explicitly prohibits percentage-based compensation" and urged the campaign to cease this practice with Sierra Dominion Financial Solutions.⁷

¹ Dean Calbreath, Congressman Doolittle, Wife Profited From Cunningham-Linked Contractor, *San Diego Union-Tribune*, March 19, 2006 (Exhibit 1).

² Id.

³ David Whitney, Fundraising Group Assails The Doolittles, *The Sacramento Bee*, April 20, 2006 (Exhibit 2).

⁴ Jonathan Weisman and Jeffrey H. Birnbaum, Lawmaker Criticized For PAC Fees Paid To Wife, *The Washington Post*, July 11, 2006 (Exhibit 3).

⁵ Editorial, The Doolittles' Rich Deal: How One Congressional Couple Collected Campaign Checks – And Put \$215,000 In Their Pocket, *The Washington Post*, April 21, 2006 (Exhibit 4).

⁶ David Whitney, Doolittle Campaign Says It Owes \$137,000 To His Wife, *The Sacramento Bee*, February 2, 2007 (Exhibit 5).

⁷ Whitney, *The Sacramento Bee*, Apr. 20, 2006.

In addition, between August 2002 and February 2005, Sierra Dominion received \$67,000 in payments from Greenberg Traurig and convicted lobbyist Jack Abramoff.⁸ Ms. Doolittle received a monthly retainer fee of \$5,000 from Greenberg Traurig, the “lion’s share” of which she received after a cancelled charity event that was the main justification for the retainer fee.⁹ According to Rep. Doolittle, Sierra Dominion was retained by Greenberg Traurig in connection with a charity event for Mr. Abramoff’s Capital Athletic Foundation.¹⁰ The event was cancelled and never re-scheduled, after only a few thousand dollars were raised.¹¹ At the time the retainer fee payments were stopped in January 2003, Ms. Doolittle had received about \$27,000. In July 2003, Greenberg Traurig resumed payment of Sierra Dominion’s \$5,000 monthly retainer fee.¹² From July 2003 through February 2004, Mr. Abramoff’s law firm paid Mrs. Doolittle’s company a total of \$40,000.¹³

Conversion of Campaign Fund to Personal Use

In July 2001, the Federal Election Commission (“FEC”) issued an Advisory Opinion regarding payments by campaign committees to family members.¹⁴ Rep. Jesse Jackson, Jr. (D-IL) sought an opinion as to whether his principal campaign committee could hire his wife as a consultant to provide fundraising and administrative support.¹⁵ Ms. Jackson had previously served as chief of staff for a congressman, press secretary for another congressman, and she had worked for national presidential campaigns in 1988 and 1996.¹⁶

The FEC noted that the Federal Election Campaign Act prohibits the conversion of campaign funds to personal use.¹⁷ Generally, personal use is “any use of funds in a campaign account of a present or former candidate to fulfill a commitment, obligation or expense of any person that would exist irrespective of the candidate’s campaign or duties as a Federal

⁸ Paul Kane, Doolittle Fees Raise Questions, *Roll Call*, July 3, 2006 (Exhibit 6).

⁹ Id.

¹⁰ Id.

¹¹ Kane, *Roll Call*, July 3, 2006.

¹² Id.

¹³ Id.

¹⁴ FEC, AO 2001-20, July 17, 2001.

¹⁵ Id.

¹⁶ Id.

¹⁷ 2 U.S.C. § 439a; 11 C.F.R. § 113.2(d).

officeholder.”¹⁸ Certain uses of campaign funds will be considered per se personal use, including salary payments to family members, unless “they are fair market value payments for bona fide, campaign related services.”¹⁹ If a family member is providing bona fide services to the campaign, any salary payment in excess of the fair market value of the services provided is personal use.²⁰

In applying these provisions to Rep. Jackson’s request for an opinion, the FEC stated that the campaign committee could hire Ms. Jackson as long as she was paid no more than the fair market value of bona fide services, the contract contained terms customarily found in agreements entered into between paid campaign consultants and candidate committees, and the agreement conformed to the standard industry practice for this type of contract.²¹

House rules echo this prohibition. Clause 6(b) of Rule XXIII provides that a member “may not convert campaign funds to personal use in excess of an amount representing reimbursement for legitimate and verifiable campaign expenditures.” According to the Campaign Booklet published by the House Committee on Standards of Official Conduct, the Committee has taken the position that members “must observe these provisions strictly.”²² With respect to the purchase of campaign services from a relative of the member, the Campaign Booklet provides specifically:

Such a transaction is permissible under the House Rules only if (1) there is a bona fide campaign need for the goods, services or space, and (2) the campaign does not pay more than fair market value in the transaction . . . If a Member’s campaign does enter into such a transaction with the Member or a member of his or her family, the campaign’s records must include information that establishes both the campaign’s need for and actual use of the particular goods, services or space, and the efforts made to establish fair market value for the transaction.²³

Here, Ms. Doolittle does not appear to have previous relevant experience and the only political committee for which she has worked is that of her husband. Moreover, the payment by Rep. Doolittle’s campaign committee and leadership PAC of at least \$215,000 since 2001 in percentage-based commissions to his wife does not conform to the Code of Ethical Principles

¹⁸ 11 C.F.R. § 113.1(g).

¹⁹ 11 C.F.R. § 113.1(g)(1)(I).

²⁰ 11 C.F.R. § 113.1(g)(1)(i)(H).

²¹ FEC, AO 2001-10.

²² House Comm. on Standards of Official Conduct, Campaign Booklet at 39.

²³ Id. at 44.

and Standards of Professional Practice adopted by the American Association of Fundraising Professionals, which prohibits fundraising on a percentage basis. Nor does Ms. Doolittle's financial arrangement with Rep. Doolittle's leadership PAC, whereby since at least 2003 she has collected 15% on **all** contributions to the PAC (whether or not she performed any service that led to those contributions), conform to the Code of Ethical Principles and Standards. In addition, as discussed below, Ms. Doolittle received commissions on contributions of nearly \$50,000 even though the contributions flowed from a dinner, hosted by Brent Wilkes, that Ms. Doolittle did not plan, and were not the result of any solicitation on her part. Taken together, these facts suggest Rep. Doolittle is converting campaign funds to personal use in violation of the Federal Election Campaign Act and House Rule XXIII, clause 6.

Honest Services Fraud

Federal law prohibits a member of Congress from depriving his constituents, the House of Representatives, and the United States of the right of honest service, including conscientious, loyal, faithful, disinterested, unbiased service, performed free of deceit, undue influence, conflict of interest, self-enrichment, self-dealing, concealment, bribery, fraud and corruption.²⁴ By using his position as a member of Congress to financially benefit his wife, Rep. Doolittle may be depriving his constituents, the House of Representatives, and the United States of his honest services in violation of 18 U.S.C. § 1341.

5 CFR § 2635.702(a)

Another "fundamental rule of ethics" for members of the House is that they are prohibited from "taking any official actions for the prospect of personal gain for themselves or anyone else."²⁵ House members are directed to adhere to 5 C.F.R. § 2635.702(a), issued by the U.S. Office of Government Ethics for the Executive Branch, which provides:

An employee shall not use or permit use of his Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person . . . to provide any benefit, financial or otherwise, to himself or to friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity.

Rep. Doolittle has provided a financial benefit to his wife and family through the percentage-based compensation his campaign committee and PAC pay her, including payments based on fundraising performed directly by Rep. Doolittle. In this way, Rep. Doolittle has run

²⁴ 18 U.S.C. § 1341.

²⁵ House Comm. on Standards of Official Conduct, "Memorandum For All Members, Officers and Employees," Prohibition Against Linking Official Actions to Partisan or Political Considerations, or Personal Gain, May 11, 1999.

afoul of 5 C.F.R. § 2635.702(a).

In a 1999 memorandum, the House Committee on Standards of Official Conduct quoted approvingly the Code of Ethics for Government Service, which provides that government officials should “[n]ever discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not.”²⁶ The Committee stated specifically that the provisions of the Code of Ethics for Government Service apply to House members, and that formal charges may be brought against a member for violating that code.²⁷

The Committee on Standards of Official Conduct should investigate whether Ms. Doolittle secured contracts with Greenberg Traurig because of her relationship with Rep. Doolittle and as part of an effort by Mr. Abramoff to reward Rep. Doolittle for his legislative assistance on behalf of Mr. Abramoff and his clients. By using the powers of his office to funnel funds to his wife’s fundraising company, Rep. Doolittle may have dispensed special favors in violation of House rules.

Conduct Not Reflecting Creditably on the House

Rule XXIII of the House Ethics Manual requires all members of the House to conduct themselves “at all times in a manner that reflects creditably on the House.”²⁸ This ethics standard is considered to be “the most comprehensive provision of the code.”²⁹ When this section was first adopted, the Select Committee on Standards of Official Conduct of the 90th Congress noted that it was included within the Code to deal with “flagrant” violations of the law that reflect on “Congress as a whole,” and that might otherwise go unpunished.³⁰ This rule has been relied on by the Ethics Committee in numerous prior cases in which the committee found unethical conduct including: the failure to report campaign contributions,³¹ making false

²⁶ House Comm. on Standards of Official Conduct, “Memorandum For All Members, Officers and Employees,” Prohibition Against Linking Official Actions to Partisan or Political Considerations, or Personal Gain, May 11, 1999.

²⁷ Id.

²⁸ Rule XXIII, cl. 1.

²⁹ House Comm. on Standards of Official Conduct, House Ethics Manual.

³⁰ House Comm. on Standards of Official Conduct, Report Under the Authority of H. Res. 418, H. Rep. No. 1176, 90th Cong., 2d Sess. 17 (1968).

³¹ House Comm. on Standards of Official Conduct, *In the Matter of Representative John J. McFall*, H. Rep. No. 95-1742, 95th Cong., 2d Sess. 2-3 (1978) (Count 1); *In the Matter of Representative Edward R. Roybal*, H. Rep. No. 95-1743, 95th Cong., 2d Sess. 2-3 (1978).

statements to the Committee,³² criminal convictions for bribery,³³ or accepting illegal gratuities,³⁴ and accepting gifts from persons with interest in legislation in violation of the gift rule.³⁵

The arrangement between a company owned by Rep. Doolittle's wife and his campaign committee and leadership PAC, whereby his wife receives a flat percentage of each campaign contribution raised for Rep. Doolittle, is contrary to the ethical standards of the fundraising profession and does not reflect creditably on the House. This is particularly the case given that the income Ms. Doolittle earns in this matter inures directly to the benefit of Rep. Doolittle and his family.

Ties to Brent Wilkes

Rep. Doolittle has acknowledged that he assisted the California company, PerfectWave Technologies LLC, to secure \$37 million in federal earmarks.³⁶ Brent Wilkes is the director of PerfectWave and was identified as "co-conspirator No. 1" in the federal investigation of former Congressman Randy "Duke" Cunningham.³⁷ Between 2002 and 2005, Mr. Wilkes and his associates gave \$118,000 to Rep. Doolittle's campaign committees, more than they gave to any

³² House Comm. on Standards of Official Conduct, *In the Matter of Representative Charles H. Wilson (of California)*, H. Rep. No. 95-1741, 95th Cong., 2d Sess. 4-5 (1978); H. Rep. No. 95-1743 (Counts 3-4).

³³ House Comm. on Standards of Official Conduct, *In the Matter of Representative Michael J. Myers*, H. Rep. No. 96-1387, 96th Cong., 2d Sess. 2, 5 (1980); see 126 Cong. Rec. 28953-78 (Oct. 2, 1980) (debate and vote of expulsion); *In the Matter of Representative John W. Jenrette, Jr.*, H. Rep. No. 96-1537, 96th Cong., 2d Sess. 4 (1980) (Member resigned); *In the Matter of Representative Raymond F. Lederer*, H. Rep. No. 97-110, 97th Cong., 1st Sess. 4, 16-17 (1981) (Member resigned after Committee recommended expulsion). In another case, the Committee issued a Statement of Alleged Violation concerning bribery and perjury, but took no further action when the Member resigned (*In the Matter of Representative Daniel J. Flood*, H. Rep. No. 96-856, 96th Cong., 2d Sess. 4-16, 125-126 (1980)).

³⁴ House Comm. on Standards of Official Conduct, *In the Matter of Representative Mario Biaggi*, H. Rep. No. 100-506, 100th Cong., 2d Sess. 7, 9 (1988) (Member resigned while expulsion resolution was pending).

³⁵ House Comm. on Standards of Official Conduct, *In the Matter of Representative Charles H. Wilson (of California)*, H. Rep. No. 96-930, 96th Cong. 2d Sess. 4-5 (1980); see 126 Cong. Rec. 13801-20 (June 10, 1980) (debate and vote of censure).

³⁶ Jonathan Weisman and Charles R. Babcock, K Street's New Ways Spawn More Pork: As Barriers With Lawmakers Fall, 'Earmarks' Grow, *The Washington Post*, January 27, 2006 (Exhibit 7).

³⁷ Id.

other politician including Rep. Cunningham.³⁸ Calculations based on federal and state records show that Ms. Doolittle received \$14,400 of that money in commissions.³⁹ Mr. Wilkes hosted a fundraising dinner in November of 2003, attended by 15 guests who were his employees and partners.⁴⁰ Over the next four months the attendees gave a total of \$50,000 to Rep. Doolittle's PAC.⁴¹ Ms. Doolittle claimed commissions on most of those contributions, although there is no evidence she planned the dinner or encouraged the donations.⁴²

Rep. Doolittle's last known meeting with Mr. Wilkes was in Las Vegas during a fundraiser for the Congressman's political action committee.⁴³ Ms. Doolittle took a 15% commission for donations made during the Las Vegas event.⁴⁴ Rep. Doolittle has refused to return or donate the contributions from Mr. Wilkes, claiming they were legal.⁴⁵

Ties to Jack Abramoff

The Commonwealth of Northern Mariana Islands (CNMI)

In 1999, Rep. Doolittle assisted Jack Abramoff in securing a lucrative lobbying contract with the Commonwealth of the Northern Mariana Islands, and directing federal funding to CNMI.⁴⁶ Mr. Abramoff had lost his contract with the Mariana Islands the previous year and, in his strategy to win it back, he supported the candidacy of former garment industry executive, Benigne Fitial, for the CNMI Legislature.⁴⁷ The garment industry in CNMI has been criticized for human rights abuses, and Mr. Abramoff had lobbied to stop Congress from passing a law enforcing immigration and wage laws in CNMI, a stance supported by Rep. Doolittle.⁴⁸

³⁸ Calbreath, *San Diego Union-Tribune*, Mar. 19, 2006.

³⁹ Id.

⁴⁰ Id.

⁴¹ Id.

⁴² Calbreath, *San Diego Union-Tribune*, Mar. 19, 2006.

⁴³ Id.

⁴⁴ Id.

⁴⁵ Id.

⁴⁶ David Whitney, Lobbyist Donated Cash To Doolittle; Congressman Received \$14,000, Helped Abramoff Win Contract, *The Sacramento Bee*, August 5, 2006 (Exhibit 8).

⁴⁷ Id.

⁴⁸ Id.

On October 3, 1999, Rep. Doolittle received a \$1,000 contribution from Mr. Abramoff.⁴⁹ Three weeks later he wrote a letter in support of Mr. Fitial, which ran in the *Saipan Tribune* on November 2, 1999, days before the election.⁵⁰ After Mr. Fitial won his election, Mr. Abramoff dispatched former Rep. DeLay aides Ed Buckham and Michael Scanlon to persuade two legislators from Tinian and Rota Islands to switch their votes for speaker of the house to Mr. Fitial, in exchange for steering federal money to the islands.⁵¹ Mr. Fitial was elected speaker of the house and the government of the Mariana Islands hired Mr. Abramoff's firm on July 27, 2000.⁵² On October 30, 2000, Mr. Abramoff contributed \$10,000 to Rep. Doolittle's now-defunct Superior California State Leadership Fund.⁵³

In 2001, Mr. Abramoff hired one of Rep. Doolittle's former aides, Kevin Ring, to manage the CNMI account.⁵⁴ Over the next ten months, Mr. Ring met with or contacted Rep. Doolittle's office 19 times regarding CNMI.⁵⁵ According to billing records, on March 12, 2001, Mr. Ring worked with Rep. Doolittle's office regarding a letter on a new Occupational Health and Safety Administration report.⁵⁶ Ten days later, the *Saipan Tribune* reported on a letter Rep. Doolittle had written to House colleagues regarding the report, in which Rep. Doolittle concluded that there had been improvements in the garment industry in CNMI.⁵⁷ The letter also detailed port projects funded through the U.S. Army Corps of Engineers for the Rota and Tinian Islands for which Rep. Doolittle said he would continue to seek funding.⁵⁸

On May 17, 2001, Rep. Doolittle's re-election committee contributed \$1,000 to Mr. Fitial, and six days later Mr. Abramoff donated \$1,000 to Rep. Doolittle's campaign.⁵⁹ In total Rep. Doolittle received \$14,000 in campaign contributions directly from Mr. Abramoff.⁶⁰

⁴⁹ Whitney, *The Sacramento Bee*, Aug. 5, 2006.

⁵⁰ Id.

⁵¹ Id.

⁵² Id.

⁵³ Whitney, *The Sacramento Bee*, Aug. 5, 2006.

⁵⁴ Id.

⁵⁵ Id.

⁵⁶ Id.

⁵⁷ Whitney, *The Sacramento Bee*, Aug. 5, 2006.

⁵⁸ Id.

⁵⁹ Whitney, *The Sacramento Bee*, Aug. 5, 2006.

⁶⁰ Id.

Mr. Abramoff's Tribal Clients

In June 2003, Mr. Ring visited Rep. Doolittle's office on behalf of one of Mr. Abramoff's tribal clients, the Sac & Fox tribe of Iowa.⁶¹ A few days later, Rep. Doolittle wrote a letter to then-Secretary of the Interior Gale Norton in support of the Sac & Fox tribe, asking Secretary Norton to allow the tribe to re-open a casino that had been shut down by the Bureau of Indian Affairs.⁶² Three weeks after Rep. Doolittle wrote the letter, in July 2003, Greenberg Traurig resumed paying Ms. Doolittle's company the \$5,000 retainer fee that the firm had begun paying in August 2002, but had stopped in January 2003.⁶³ Rep. Doolittle wrote a second letter to Secretary Norton on October 7, 2003, asking her to speed up the federal recognition process for another of Mr. Abramoff's clients, the Mashpee Wampanoag tribe of Massachusetts, which would have allowed the tribe to open its casino more quickly.⁶⁴ Even though Rep. Doolittle is an avowed anti-gambling Mormon,⁶⁵ he has received \$130,000 from Indian tribal casinos and other clients and associates of Mr. Abramoff's.⁶⁶

Acceptance of a Bribe

Federal law prohibits public officials from directly or indirectly demanding, seeking, receiving, accepting, or agreeing to receive or accept anything of value in return for being influenced in the performance of an official act.⁶⁷ It is well-settled that accepting a contribution to a political campaign can constitute a bribe if a *quid pro quo* can be demonstrated.⁶⁸

If, as it appears, Rep. Doolittle accepted campaign donations in direct exchange for earmarking federal funds to Perfect Wave Technologies, he may have violated the bribery statute.

⁶¹ David Whitney, Doolittle Defends Helping Iowa Tribe, *The Sacramento Bee*, February 12, 2006 (Exhibit 9).

⁶² Kane, *Roll Call*, July 3, 2006.

⁶³ Id.

⁶⁴ Id.

⁶⁵ Id.

⁶⁶ David Whitney, Doolittle Declines To Return \$4,000 In Abramoff Contributions; Aide To Republican Says He Accepted Cash 'Legally And Ethically, *Modesto Bee*, January 6, 2006 (Exhibit 10).

⁶⁷ 18 U.S.C. § 201(b)(2)(A).

⁶⁸ McCormick v. U.S., 500 U.S. 257, 273 (1991); United States v. Biaggi, 909 F.2d 662, 605 (2d Cir. 1990), *cert. denied*, 499 U.S. 904 (1991).

If, as it appears, Rep. Doolittle assisted Mr. Abramoff in securing a lucrative lobbying contract with the Commonwealth of the Northern Mariana Islands in direct exchange for campaign contributions, he may have violated the bribery statute.

If, as it appears, Rep. Doolittle accepted campaign donations in direct exchange for writing letters to former Secretary Gale Norton urging her to take actions that would financially benefit Mr. Abramoff's tribal clients, he may have violated the bribery statute.

Honest Services Fraud

By using his position as a member of Congress to earmark funds for PerfectWave Technologies in exchange for campaign donations, Rep. Doolittle may have deprived his constituents, the House of Representatives, and the United States of his honest services in violation of 18 U.S.C. § 1341.

By using his position as a member of Congress to assist Mr. Abramoff in securing a lucrative lobbying contract in CNMI in exchange for campaign donations, Rep. Doolittle may have deprived his constituents, the House of Representatives, and the United States of his honest services in violation of 18 U.S.C. § 1341.

By using his position as a member of Congress to attempt to influence Secretary Norton to take actions that would benefit Mr. Abramoff's tribal clients in exchange for campaign donations, Rep. Doolittle may have deprived his constituents, the House of Representatives, and the United States of his honest services in violation of 18 U.S.C. § 1341.

Illegal Gratuity

The illegal gratuity statute prohibits a public official from directly or indirectly demanding, seeking, receiving, accepting, or agreeing to accept anything of value personally for or because of any official act performed or to be performed by such official.⁶⁹ In considering this statute, the Supreme Court has held that a link must be established between the gratuity and a specific action taken by or to be taken by the government official.⁷⁰

If a link is established between Rep. Doolittle's actions to earmark funds for PerfectWave Technologies and the campaign donations and donations to his PAC that Brent Wilkes and his associates made, Rep. Doolittle might have accepted an illegal gratuity.

If a link is established between Rep. Doolittle's assistance in helping Mr. Abramoff secure a lobbying contract in the Mariana Islands and campaign donations Rep. Doolittle received from Mr. Abramoff, Rep. Doolittle might have accepted an illegal gratuity.

⁶⁹ 18 U.S.C. § 201(c)(1)(B).

⁷⁰ United States v. Sun-Diamond Growers of Cal., 526 U.S. 398 (1999).

If a link is established between Rep. Doolittle's actions on behalf of Mr. Abramoff's tribal clients and the campaign donations he received from Mr. Abramoff and the tribes, Rep. Doolittle might have accepted an illegal gratuity.

5 U.S.C. § 7353 and House Rules

A provision of the Ethics Reform Act of 1989, 5 U.S.C. § 7353, prohibits members of the House, officers, and employees from asking for anything of value from a broad range of people, including "anyone who seeks official action from the House, does business with the House, or has interests which may be substantially affected by the performance of official duties."⁷¹ House Rule XXIII, clause 3, similarly provides:

A Member, Delegate, Resident Commissioner, or employee of the House may not receive compensation and may not permit compensation to accrue to his beneficial interest from any source, the receipt of which would occur by virtue of influence improperly exerted from his position in the Congress.

By accepting campaign contributions from Mr. Wilkes and his associates in apparent exchange for earmarking funds for his companies, Rep. Doolittle likely violated 5 U.S.C. § 7353 and House Rule XXIII.

By accepting campaign contributions from Mr. Abramoff in apparent exchange for helping him secure a lucrative lobbying contract, Rep. Doolittle likely violated 5 U.S.C. § 7353 and House Rule XXIII.

By accepting campaign contributions from Mr. Abramoff and his tribal clients in apparent exchange for using his position to urge Secretary Norton to take action that would benefit the tribes, Rep. Doolittle likely violated 5 U.S.C. § 7353 and House Rule XXIII.

5 C.F.R. § 2635.702(a)

Members of the House are prohibited from "taking any official actions for the prospect of personal gain for themselves or anyone else."⁷² House members are directed to adhere to 5 C.F.R. § 2635.702(a), issued by the U.S. Office of Government Ethics for the Executive Branch, which provides:

⁷¹ See House Comm. on Standards of Official Conduct, "Memorandum For All Members, Officers and Employees," Rules Governing (1) Solicitation by Members, Officers and Employees in General, and (2) Political Fundraising Activity in House Offices, April 25, 1997.

⁷² House Comm. on Standards of Official Conduct, "Memorandum For All Members, Officers and Employees," Prohibition Against Linking Official Actions to Partisan or Political Considerations, or Personal Gain, May 11, 1999.

An employee shall not use or permit use of his Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person . . . to provide any benefit, financial or otherwise, to himself or to friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity.

The Code of Ethics also provides that government officials should “[n]ever discriminate unfairly by the dispensing of special favors or privileges to anyone whether for remuneration or not.”⁷³

If Rep. Doolittle accepted campaign contributions from Brent Wilkes, Mr. Abramoff and his tribal clients in return for legislative assistance by way of federal earmarks, using his position to urge former Secretary Norton to take actions that would benefit the financial interests of two of Mr. Abramoff’s tribal clients, and using his position to help Mr. Abramoff secure a lucrative lobbying contract in the Mariana Islands, Rep. Doolittle may have dispensed special favors and violated 5 C.F.R. § 2635.702(a).

Conduct Not Reflecting Creditably on the House

Rep. Doolittle appears to have accepted campaign contributions in return for legislative favors that financially benefitted Brent Wilkes, Jack Abramoff, and Mr. Abramoff’s tribal clients. Accepting anything of value in exchange for official actions does not reflect creditably on the House and therefore violates House Rule XXIII, clause 1.

2007 Update

Conversion of Campaign Funds to Personal Use

After a close race in the fall of 2006 and severe criticism, Rep. Doolittle announced that his wife would no longer serve as a paid fundraiser for his 2008 reelection campaign.⁷⁴ Still maintaining that the percentage-based fee his wife earned was fair, Rep. Doolittle has said that Ms. Doolittle will continue to raise money for his Superior California Leadership PAC, but will be paid a flat salary rather than a commission.⁷⁵ In the second quarter of 2007, Rep. Doolittle’s campaign committee made \$50,000 in payments to Sierra Dominion Financial Services for commissions stemming from funds raised in the 2006 election cycle.⁷⁶ Rep. Doolittle still owes

⁷³ Id.

⁷⁴ Whitney, *The Sacramento Bee*, Feb. 2, 2007.

⁷⁵ Id.

⁷⁶ John T. Doolittle for Congress, FEC Form 3, July Quarterly Report 2007, July 15, 2007, p.46 (Exhibit 11).

his wife's company \$76,471.20 for fundraising services rendered during the 2006 election cycle.⁷⁷

Ties to Jack Abramoff

In April 2007, FBI agents searched the Doolittles' Virginia home.⁷⁸ Investigators sought the business records of Ms. Doolittle's firm, Sierra Dominion Financial Services, as part of an ongoing investigation into ties between Jack Abramoff and the Doolittles.⁷⁹ The Justice Department previously had subpoenaed Ms. Doolittle's files.⁸⁰ Federal investigators are also probing whether contributions made to Rep. Doolittle by now indicted defense contractor Brent Wilkes and his associates are linked to any official actions Rep. Doolittle took to help Mr. Wilkes' company obtain millions of dollars in earmarks.⁸¹ Following the search of his home, Rep. Doolittle stepped down from his post on the Appropriations Committee for the duration of the investigation.⁸² In May, Rep. Doolittle called the search politically motivated, and alleged that the search and the government's leak about it were an effort to draw attention away from the embattled attorney general.⁸³

After the search of his home, Rep. Doolittle said that he was establishing a legal defense fund so that he could solicit contributions to pay his legal bills, and that him and his wife would set up separate trusts.⁸⁴ Rep. Doolittle said that the Justice Department had urged he and his wife to hire separate lawyers because of potential conflicts of interest between them.⁸⁵ Nevertheless,

⁷⁷ John T. Doolittle for Congress, FEC Form 3, July Quarterly Report 2007, July 15, 2007, p.63 (Exhibit 12).

⁷⁸ Mike Soraghan and Susan Crabtree, FBI Raids Doolittle Home, *The Hill*, April 19, 2007 (Exhibit 13).

⁷⁹ Id.

⁸⁰ Id.

⁸¹ Id.

⁸² Susan Davis, Under Pressure, Doolittle Leaves Approps Panel, *Roll Call*, April 19, 2007 (Exhibit 14).

⁸³ David Whitney, Doolittle Blames Democrats For Leaks, *The Sacramento Bee*, May 18, 2007 (Exhibit 15).

⁸⁴ David Whitney, Congressman In Abramoff Probe Says He Won't Resign, *McClatchy Newspapers*, May 4, 2007 (Exhibit 16).

⁸⁵ Id.

according to the legal expense trust documents filed on June 28, 2007 with the House Legislative Resource Center, the fund established by Rep. Doolittle benefits both of them.⁸⁶

Rep. Doolittle's campaign committee spent in excess of \$100,000 in legal fees in 2006 and has paid \$13,516.05 in legal fees through April 2007.⁸⁷ In the second quarter of 2007, Rep. Doolittle paid an additional \$50,000 in legal fees: \$20,583 to Wiley and Rein for FEC-related work, and \$30,000 to Williams and Mullins, a criminal defense firm.⁸⁸

At least three former Doolittle aides have been contacted by the Justice Department as part of the investigation into links between Rep. Doolittle, Ms. Doolittle and Mr. Abramoff. Rep. Doolittle's former legislative director, Peter Evich agreed to meet voluntarily with federal investigators, but another former aide, David Lopez, declined to speak with officials on the advice of his attorney, though he has provided campaign finance records to investigators pursuant to subpoena.⁸⁹ Both men are believed to have knowledge of Rep. Doolittle's contacts with Mr. Abramoff.⁹⁰ A third former Doolittle staffer who later worked for Mr. Abramoff, Kevin Ring, has been cooperating with federal investigators.⁹¹ Rep. Doolittle has publicly supported the efforts of the Justice Department to contact his former aides, claiming it will hasten the clearing of his name.⁹²

On September 4, 2007 it was reported that two of Rep. Doolittle's top aides, Chief of Staff Ron Rogers and Deputy Chief of Staff Dan Blackenburg, were subpoenaed to testify before a federal grand jury investigating the ties between Rep. Doolittle and his wife to Mr. Abramoff.⁹³

⁸⁶ The John T. Doolittle Legal Expense Trust, June 28, 2007, Filed July 6, 2007 (Exhibit 17).

⁸⁷ John T. Doolittle for Congress, FEC Form 3, April Quarterly Report 2007, April 15, 2007, pp.52, 57, 60, 65 (Exhibit 18); Doolittle Pays Thousands To Attorneys, *The Associated Press*, December 11, 2006 (Exhibit 19).

⁸⁸ John T. Doolittle for Congress, FEC Form 3, July Quarterly Report 2007, July 15, 2007 p.46, 50, 54, 58 (Exhibit 20).

⁸⁹ David Whitney, Probers Contact Former Aides; Prosecutors Ask About Doolittle's Links To Abramoff, *The Sacramento Bee*, June 28, 2007 (Exhibit 21).

⁹⁰ Id.

⁹¹ Id.

⁹² David Whitney, Doolittle Supports Query Of Ex-Aides, *The Sacramento Bee*, June 29, 2007 (Exhibit 22).

⁹³ Erica Werner, Doolittle Aides Subpoenaed in Probe, *The Washington Post*, September 4, 2007 (Exhibit 23).

Mr. Rogers and Mr. Blackenburg said they would consult with House counsel before responding.⁹⁴

⁹⁴ Id.