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ONE HUNDRED NINTH CONGRESS

# Congress of the United States

## House of Representatives

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October 16, 2006

Ken Mehlman  
Chairman  
Republican National Committee  
310 First Street, SE  
Washington, DC 20003

Dear Mr. Mehlman:

The House Government Reform Committee recently released a bipartisan report regarding the lobbying relationship Jack Abramoff had with the White House. From the e-mails the Committee obtained, it appears you may have played a central role in intervening in federal decisions to the benefit of Mr. Abramoff and his clients. These documents raise a series of important questions about your role that require further investigation.

Today, I am writing about just one facet of your relationship with Mr. Abramoff: whether you accepted tickets to attend a U2 concert in Mr. Abramoff's suite at the MCI Center on June 15, 2001, and, if so, why you did not disclose this on your 2001 financial disclosure form. These are not difficult questions, but they have legal and ethical ramifications. To date, you have evaded providing a direct answer.

### **The U2 Tickets**

Mr. Abramoff apparently regularly used tickets to sporting events and concerts to win favor with federal officials. Susan Ralston, a special assistant to President Bush, appears to have accepted numerous free tickets from Mr. Abramoff and, as a result, resigned from the White House on October 6, 2006. An Interior Department official, Roger Stillwell, pled guilty in August for failing to report tickets he received from Mr. Abramoff for a Simon & Garfunkel concert and a Redskins game.

The documents released by the Government Reform Committee include several e-mails that link you to a June 15, 2001, U2 concert at the MCI Center. On June 5, 2001, Abramoff lobbyist Kevin Ring e-mailed Mr. Abramoff: "Please tell me we can fit 2 more in for Friday night. Ken Mehlman of the White House apparently wants to go." Mr. Abramoff replied: "We

must.”<sup>1</sup> Later that day, Mr. Abramoff’s assistant sent an e-mail with “the most current list” for U2 concert tickets. The list contained your name for two tickets, along with several other individuals, including:

- Pete Rowan, who was a special assistant to the deputy director for legislative affairs at the White House (two tickets);
- Lori Sharpe Day, who was a top aide to Attorney General John Ashcroft (two tickets);
- Don Trigg, who was the director of policy at the Commerce Department (two tickets);
- Doug Mescar, who was the chief of staff in the Office of Elementary and Secondary Education at the Department of Education (two tickets);
- Carrie Crane, the daughter of Congressman Philip Crane (three tickets).<sup>2</sup>

In addition, a congressional office is listed for three tickets, and Abramoff lobbyists Kevin Ring, Pat Wilson, and Duane Gibson are listed for two tickets each.<sup>3</sup>

On June 14, a day before the concert, Mr. Ring e-mailed Mr. Abramoff that he would “talk to Mehlman at the concert tomorrow night.”<sup>4</sup>

The tickets appear to have been for seats in Mr. Abramoff’s suite. According to the Office of Government Ethics, they would be valued at the price of the most expensive tickets sold to the public for the event, which was \$133 for this concert.<sup>5</sup> If parking or food was provided with the tickets, they would also be added to the value of the tickets under OGE guidance.<sup>6</sup>

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<sup>1</sup> E-mail exchange between Kevin Ring, Jack Abramoff and Julie Plocki (June 5, 2001) (GTG-R006277).

<sup>2</sup> E-mail from Julie Plocki to Rodney Lane (June 5, 2001) (GTG-R006740).

<sup>3</sup> E-mail from Julie Plocki to Rodney Lane (June 5, 2001) (GTG-R006740). At the time of the concert, Mr. Gibson may have been an employee of the House.

<sup>4</sup> E-mail from Kevin Ring to Jack Abramoff (June 14, 2001) (GTG-R006369).

<sup>5</sup> Telephone conversation between Government Reform Committee Minority Staff and Representative of the Office of Government Ethics (Oct. 12, 2006); Telephone conversation between Government Reform Committee Minority Staff and Representative of Washington Sports and Entertainment (Oct. 6, 2006).

<sup>6</sup> Telephone conversation between Government Reform Committee Minority Staff and Representative of the Office of Government Ethics (Oct. 12, 2006).

In your public statements, you have not answered whether you attended the U2 concert. In an interview with the *Los Angeles Times*, you said: “I’ve been to several U2 concerts, but I don’t remember whether I went to that one.”<sup>7</sup>

According to the *Los Angeles Times*, there is confirmation that you in fact attended the concert. The paper reported yesterday that “[a] former Abramoff associate remembers Mehlman attending the concert.”<sup>8</sup>

### Legal and Ethical Considerations

Federal law prohibits White House officials from soliciting gifts from persons “seeking official action from, doing business with, or ... conducting activities regulated by the individual’s employing entity” or from persons whose interests may be “substantially affected” by the performance of the officials’ duties.<sup>9</sup> It also prohibits White House officials from accepting any unsolicited gift worth more than \$20, with a \$50 annual limit on the total value of gifts that may be received.<sup>10</sup> An individual who violates these legal requirements can be subject to disciplinary action, including removal from office.<sup>11</sup> In addition, White House employees who earn above a salary threshold (which was \$95,652 in 2001) must report on their financial disclosure forms any gifts from a single source valued over an aggregate threshold (which was \$260 in 2001).<sup>12</sup> The falsification of these forms is subject to criminal penalties.<sup>13</sup>

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<sup>7</sup> *Displease a Lobbyist, Get Fired; E-mails Show Jack Abramoff’s Ability to Influence White House Staffing Decisions through His Highly Placed Friends*, *Los Angeles Times* (Oct. 15, 2006).

<sup>8</sup> *Displease a Lobbyist, Get Fired; E-mails Show Jack Abramoff’s Ability to Influence White House Staffing Decisions through His Highly Placed Friends*, *Los Angeles Times* (Oct. 15, 2006).

<sup>9</sup> 5 U.S.C. § 7353.

<sup>10</sup> 5 U.S.C. § 7353; 5 C.F.R. §§ 2635.202 (a), 2635.204 (a).

<sup>11</sup> 5 C.F.R. § 2635.106; Congressional Research Service, *Memorandum on Ethics Investigations and Enforcement of Standards of Conduct in the Executive Branch* (Jan. 14, 2004).

<sup>12</sup> 5 U.S.C. Appx. §§ 101-102; 5 C.F.R. § 2634.304; *Technical Updating Amendments to Executive Branch Financial Disclosure and Standards of Ethical Conduct Regulations*, 67 *Federal Register* 61761 (Oct. 2, 2002) (noting an increase in the aggregate threshold from over \$260 to over \$285).

<sup>13</sup> See Standard Form 278, Executive Branch Personnel Public Financial Disclosure Report, p. 11 (available online at [www.oge.gov](http://www.oge.gov)) (warning that “knowing and willful falsification

There are now serious questions about whether you complied with these legal requirements. According to the e-mails, you were offered two tickets in Mr. Abramoff's suite for the U2 concert. These tickets have a combined value of at least \$266. If you accepted these tickets and did not pay for them, this would be a clear violation on the prohibition on accepting gifts from lobbyists.

In addition, your 2001 financial disclosure form, a copy of which I have obtained, does not list any gifts received from Mr. Abramoff. If you accepted the tickets and did not pay for them, you would appear to be in the same situation as Mr. Stillwell, the Interior Department official who pled guilty in August 2006 to failing to report concert and sporting event tickets he received from Mr. Abramoff in 2003.

### Questions

It should not be difficult to determine with certainty whether you were at the U2 concert on June 15, 2001, and if so, whether you paid for the tickets. In your interview with the *Los Angeles Times*, you stated: "as political director I was always very careful to make sure everything I did was above board and consistent with the rules."<sup>14</sup> A careful official could reasonably be expected to keep good records when receiving offers for expensive concert tickets from lobbyists.

In addition, your calendar for the day may reflect whether you attended the concert. There are also multiple other people who were offered tickets by Mr. Abramoff to the concert, and you may remember whether you attended the concert with them. If you paid for the two tickets you were offered, you should have a record of the payment.

For these reasons, I request answers to the following three questions:

- (1) Did you attend the U2 concert on June 15, 2001?
- (2) If you did attend the concert, did you bring a guest and did you pay for the tickets you were offered by Mr. Abramoff?
- (3) If you attended the concert and did not pay for the tickets, why did you fail to disclose the tickets as a gift on your financial disclosure form?

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of information required to be filed by section 102 of the Act may also subject you to criminal prosecution").

<sup>14</sup> *Displease a Lobbyist, Get Fired; E-mails Show Jack Abramoff's Ability to Influence White House Staffing Decisions through His Highly Placed Friends*, *Los Angeles Times* (Oct. 15, 2006).

Ken Mehlman  
October 16, 2006  
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I would appreciate your prompt attention to these questions.

Sincerely,

A handwritten signature in black ink that reads "Henry A. Waxman". The signature is written in a cursive, slightly slanted style.

Henry A. Waxman  
Ranking Minority Member