

APPENDIX E

ZOE LOFGREN, CALIFORNIA
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G. K. BUTTERFIELD, NORTH CAROLINA
KATHY CASTOR, FLORIDA
PETER WELCH, VERMONT
DANIEL J. TAYLOR,
COUNSEL TO THE CHAIR
R. BLAKE CHISAM,
CHIEF COUNSEL AND STAFF DIRECTOR

JO BONNER, ALABAMA
RANKING REPUBLICAN MEMBER
K. MICHAEL CONAWAY, TEXAS
CHARLES W. DENT, PENNSYLVANIA
GREGG HARPER, MISSISSIPPI
MICHAEL T. McCAUL, TEXAS
KELLE A. STRICKLAND,
COUNSEL TO THE RANKING
REPUBLICAN MEMBER
SUITE HT-2, THE CAPITOL
(202) 225-7103

ONE HUNDRED ELEVENTH CONGRESS
U.S. House of Representatives

COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT

Washington, DC 20515-6328

July 22, 2010

CONFIDENTIAL

Representative Charles B. Rangel
2354 Rayburn House Office Building
Washington, DC 20515

Re: Investigation of Representative Charles B. Rangel

Dear Colleague:

On July 22, 2010, the Investigative Subcommittee transmitted a Statement of Alleged Violation to the Chair and Ranking Republican Member of the Committee on Standards of Official Conduct (Standards Committee). You failed to submit an answer that complied with Standards Committee rules. Pursuant to Standards Committee Rule 22(a)(1), your failure to file an answer shall be considered by the Committee as denial of each count.

Pursuant to Standards Committee Rule 23(a), I have designated the following Members to serve on the Adjudicatory Subcommittee:

Representative Zoe Lofgren, Chair
Representative Michael T. McCaul, Ranking Republican Member
Representative G.K. Butterfield
Representative K. Michael Conaway
Representative Kathy Castor
Representative Charles W. Dent
Representative Peter Welch
Representative Gregg Harper

Pursuant to Standards Committee Rule 23(a), you have 10 days after today to object to the participation of any subcommittee member. Any objection must be in writing and shall be on the grounds that the Member cannot render an impartial and unbiased decision. The Member against whom the objection is made shall be the sole judge of any disqualification.

Representative Charles B. Rangel
July 22, 2010
Page 2 of 2

The first public meeting of the Adjudicatory Subcommittee will be held on Thursday, July 29, 2010 at 1:00 p.m. in Room 1310, Longworth House Office Building.

Sincerely,



Joe Longren
Chair

cc: Leslie Kiernan, Esq.



1800 M STREET, NW SUITE 1000
WASHINGTON, DC 20036-5807
202.778.1800 202.822.8106 fax www.zuckerman.com

Leslie B. Kiernan
(202) 778-1848
lbkiernan@zuckerman.com

July 22, 2010

BY ELECTRONIC MAIL

Honorable Zoe Lofgren, Chair
Committee on Standards of Official Conduct
U.S. House of Representatives
The Capitol, Suite HT-2
Washington, D.C. 20515

Re: In the Matter of Representative Charles B. Rangel

Dear Representative Lofgren:

I am writing in response to your letter of July 22, 2010 to Congressman Rangel. In that letter, you indicate that the Answer submitted by Congressman Rangel does not comply with the Committee's Rules. We do not understand the basis for the Committee's conclusion. Congressman Rangel's Answer was signed under penalty of perjury and was filed with the Investigative Subcommittee in compliance with the Committee's Rules. Given the length of this investigation and the seriousness of this matter, we request that the Committee afford Congressman Rangel an opportunity to cure any defect, agree to accept his amended Answer and Defenses and transmit it to the Adjudicatory Subcommittee so that the Subcommittee will have before it Congressman Rangel's full response and defenses. Further, given that Congressman Rangel has been informed that the Committee intends to release a press statement at 4:00 p.m., we ask that the Committee expedite its response to Congressman Rangel's request and delay the release of its press statement to provide Congressman Rangel with the opportunity to cure any defect. To do otherwise, would leave the press with the misimpression that Congressman Rangel did not file an Answer, which is simply not true.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Leslie B. Kiernan', written in a cursive style.

Leslie B. Kiernan

ZOE LOFGREN, CALIFORNIA
CHAIR
BEN CHANDLER, KENTUCKY
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ONE HUNDRED ELEVENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT

Washington, DC 20515-6328

July 26, 2010

JO BONNER, ALABAMA
RANKING REPUBLICAN MEMBER

K. MICHAEL CONAWAY, TEXAS
CHARLES W. DENT, PENNSYLVANIA
GREGG HARPER, MISSISSIPPI
MICHAEL T. McCAUL, TEXAS

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SUITE HT-2, THE CAPITOL
(202) 226-7103

CONFIDENTIAL

Representative Charles B. Rangel
2354 Rayburn House Office Building
Washington, DC 20515

Re: In the Matter of Representative Charles B. Rangel

Dear Colleague:

This letter is in response to counsel's letter to the Committee on Standards of Official Conduct (Committee) dated July 22, 2010. As you are aware your answer to the Investigative Subcommittee's Statement of Alleged Violation was found not to have conformed with the requirements of Committee Rule 22(a).

Committee Rule 22(a)(1) permits a respondent "[w]ithin 30 days from the date of transmittal of a Statement of Alleged Violation" to "file with the investigative subcommittee an answer[.]" Under Committee Rule 22(e), the Chair of an investigative subcommittee may shorten or enlarge the time for filing an answer or other motions relating to an Statement of Alleged Violation. Committee Rule 22(a)(1) requires that a respondent's answer to a Statement of Alleged Violation be made "in writing and under oath, signed by respondent and respondent's counsel." Under that same rule, "failure to file an answer within the time prescribed shall be considered by the Committee as a denial of each count" alleged in the Statement of Alleged Violation.

On June 17, 2010, the Investigative Subcommittee adopted a Statement of Alleged Violation alleging that, with respect to each of the 13 counts contained in the Statement of Alleged Violation, the Investigative Subcommittee found a "substantial reason to believe that a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities by a Member . . . has occurred." The Investigative Subcommittee transmitted the Statement of Alleged Violation to you on June 17, 2010. By order of the Investigative Subcommittee, your answer to the Statement of Alleged Violation was due on July 19, 2010. The Investigative Subcommittee, at your request, extended the time in which to file your answer until July 21, 2010.

On July 21, 2010, your counsel submitted an eight-page document styled as "Respondent's Answer and Defenses to Statement of Alleged Violation," in which you denied all counts alleged in the Statement of Alleged Violation and asserted numerous defenses. While signed by both you and your counsel, your July 21, 2010, submission was not signed under oath.

As a result, the Investigative Subcommittee determined that your July 21, 2010, submission did not constitute an "answer" under Committee Rule 22(a)(1). Notwithstanding the deficiency in your July 21, 2010, submission, the Investigative Subcommittee provided you with an opportunity to cure the defect in your submission. Your counsel was notified, in writing, of the defect in your submission on July 21, 2010, and you were given until 12:00 p.m. on July 22, 2010, to sign your July 21, 2010, submission under oath.

On July 22, 2010, your counsel sent, at 12:37 p.m., a new 35-page submission, which your counsel later described as an amended answer. This submission also failed to contain a proper oath.

The Investigative Subcommittee determined that your July 21, 2010, submission, which was never signed under oath, was not in the proper form, not timely, and, therefore, not in compliance with the requirements of Committee Rule 22(a).

By letter dated July 22, 2010, you were notified of this determination and provided notice that the Committee considered your failure to file an answer in conformance with the requirements of Rule 22(a) as a denial of each count alleged in the SAV.

Pursuant to Committee Rule 23, an Adjudicatory Subcommittee was empanelled on July 22, 2010, for the purpose of holding a hearing "to determine whether any counts in the Statement of Alleged Violation have been proved by clear and convincing evidence," and to make findings of fact in this matter. As you are aware, the Adjudicatory Subcommittee will hold an organizational meeting on Thursday, July 29, 2010 at 1:00 p.m. in Room 1310, Longworth House Office Building. This meeting will be open to the public.

Although Committee rules do not require either your presence or that of your counsel at the meeting, you and your counsel are welcome to attend the Adjudicatory Subcommittee's meeting. If you or your counsel plan to attend the meeting, please notify counsel to the Committee so that seating may be reserved for you and your counsel.

In addition, you may, if you choose, submit a written statement in response to the Statement of Alleged Violation to the Adjudicatory Subcommittee for its consideration at its meeting on Thursday, July 29, 2010. Your submission may be released to the public by the Committee at such time as the Statement of Alleged Violation is required to be released under Committee Rule 7(f). If you choose to provide a statement in response to the Statement of Alleged Violation, please submit it to counsel to the Adjudicatory Subcommittee by 5 p.m. on Wednesday, July 28, 2010.

Representative Charles B. Rangel
July 26, 2010
Page 3 of 3

If you have any questions, please have your counsel contact the Committee's Staff Director and Chief Counsel, R. Blake Chisam, at (202) 225-7103.

Sincerely,

A handwritten signature in black ink, appearing to read "Zoe Lofgren", with a long horizontal line extending to the right.

Zoe Lofgren
Chair

cc: Representative Michael T. McCaul, Ranking Republican Member
Leslie B. Kiernan, Esq.

ZOE LOFGREN, CALIFORNIA
CHAIR
BEN CHANDLER, KENTUCKY
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ONE HUNDRED ELEVENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT

Washington, DC 20515-6328

October 12, 2010

CONFIDENTIAL

Representative Charles B. Rangel
2354 Rayburn House Office Building
Washington, DC 20515

Re: In the Matter of Representative Charles B. Rangel

Dear Colleague:

As you are aware, an adjudicatory subcommittee of the Committee on Standards of Official Conduct (Committee) has been appointed in the above-referenced matter. The purpose of this letter is to inform you of the procedures applicable to proceedings before the adjudicatory subcommittee and to notify you of the expected schedule for those proceedings. In this regard, please find enclosed copies of:

1. The Committee's rules for the 111th Congress;
2. The Rules of the House of Representatives for the 111th Congress; and
3. The Statement of Alleged Violation in the above-referenced matter.

The purpose of an adjudicatory subcommittee is to "hold a hearing to determine whether any counts in the Statement of Alleged Violation have been proved by clear and convincing evidence and [to] make findings of fact, except where such violations have been admitted by respondent."¹ The hearing before the adjudicatory subcommittee is required to be open to the public and may only be closed, in whole or in part, by an affirmative vote of a majority of the adjudicatory subcommittee's members.² Any vote to close the hearing must be made in open session.³

The quorum required for the adjudicatory subcommittee to conduct "any business" is a majority plus one.⁴ Therefore, the required quorum to conduct any business in this matter will consist of six members.

¹ Committee Rule 23(c).

² House Rule XI, cl. 3(c)(2); Committee Rule 23(e).

³ House Rule XI, cl. 3(c)(2).

⁴ Committee Rules 23(b) and 9(b).

Committee Rule 26(b) permits you to seek to waive your right to an adjudicatory proceeding. Any such request must be made in writing and be signed by you.⁵ A request to waive your right to an adjudicatory hearing, or any part of such proceeding, would be subject to the acceptance of the adjudicatory subcommittee.⁶

The conduct of an adjudicatory hearing is governed generally by Committee Rule 23. In the absence of a waiver of a hearing, the adjudicatory subcommittee will proceed with a hearing pursuant to Committee Rule 23(c). The adjudicatory hearing will convene on **Monday, November 15, 2010 at 9:00 a.m.**

“At an adjudicatory hearing, the burden of proof rests on Committee counsel to establish the facts alleged in the Statement of Alleged Violation by clear and convincing evidence.”⁷ Committee counsel may, subject to subcommittee approval, enter into stipulations with you or your counsel as to facts that are not in dispute.⁸ Committee counsel need not present any evidence regarding any fact stipulated or count that you admit.⁹ Since subcommittee approval is required for any stipulations, you and your counsel and Committee counsel must jointly submit any proposed stipulations to the adjudicatory subcommittee in writing by **October 29, 2010**.

At any adjudicatory hearing, the adjudicatory subcommittee “may require, by subpoena or otherwise, the attendance and testimony of such witnesses and production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary.”¹⁰ The adjudicatory subcommittee may accept “[d]epositions, interrogatories, and sworn statements taken under any investigative subcommittee direction” into the record of the adjudicatory proceedings.¹¹

More generally, Committee Rule 23(i)(1) provides that “[a]ny relevant evidence shall be admissible,” unless it is privileged.¹² The Chair of the subcommittee is responsible for ruling on any question of admissibility or relevance of evidence, motion, procedure, or any other matter at an adjudicatory hearing.¹³ A witness, witness counsel, or Member of the subcommittee may appeal any ruling to the Members present at that proceeding.¹⁴ A majority vote of the Members present at such proceeding on such an appeal shall govern the question of admissibility and no appeal shall lie to the Committee.¹⁵

⁵ Committee Rule 26(b).

⁶ *Id.*

⁷ Committee Rule 23(n).

⁸ Committee Rule 23(i)(4).

⁹ Committee Rule 23(n).

¹⁰ Committee Rule 23(d).

¹¹ *Id.*

¹² Committee Rule 23(i)(1). As provided in Committee Rule 23, the procedures set forth in House Rule XI, clause 2(g) and (k) apply to an adjudicatory hearing.

¹³ Committee Rule 23(i)(2).

¹⁴ *Id.*

¹⁵ *Id.*

You and your counsel have the right to review the evidence that Committee counsel intends to present at the adjudicatory hearing.¹⁶ Counsel will provide you a copy of these materials no later than **October 19, 2010**.

Pursuant to Committee Rule 23(i)(1), the parties¹⁷ may object to the admissibility of evidence only on the grounds of relevance or privilege under the precedents of the House.¹⁸ Any objections you may have to this evidence, including both exhibits and anticipated witness testimony, must be submitted in writing to the Chair of the adjudicatory subcommittee by **10:00 a.m. on October 26, 2010**. You should state the basis for any such objection as fully as possible. Objections not raised at that time will be waived.

Counsel for the Committee and counsel for the Respondent may prepare a joint exhibit list for those exhibits to which each party determines it has no objection.

If you intend to call witnesses as part of your case during the adjudicatory hearing, you must provide the adjudicatory subcommittee with a list of the witnesses you intend to call and summaries of those witnesses' expected testimony.¹⁹ You must also provide copies of any documents or other evidence you will seek to introduce at the adjudicatory hearing. The list of witnesses, summaries of expected testimony, and copies of documents or other evidence you will seek to use during the hearing must be received by counsel no later than **10:00 a.m. on October 26, 2010**. Any objections Committee counsel may have to this evidence, including both exhibits and anticipated witness testimony, must be submitted in writing to the Chair of the adjudicatory subcommittee by **November 1, 2010**.

The admissibility of testimony by any witness is subject to the requirements of Committee Rule 23(i)(1), which provides that any relevant evidence "shall be admissible unless the evidence is privileged under the precedents of the House of Representatives." The Chair will make her initial determination regarding the admissibility of testimony by any witness you may seek to call based on the summaries of their expected testimony and any material you provide pursuant to Committee Rule 23(g). You should, therefore, be as detailed, specific, and thorough as possible in any summaries you provide of your witnesses' expected testimony and related materials.

Pursuant to Committee Rule 23(h), you may apply to the adjudicatory subcommittee to issue subpoenas "for the appearance of witnesses or the production of evidence." Any application for a subpoena "shall be granted upon a showing by the respondent that the proposed testimony or evidence is relevant and not otherwise available to respondent." If you choose to apply to the adjudicatory subcommittee for the issuance of a subpoena or subpoenas, your

¹⁶ Committee Rule 23(f)(1).

¹⁷ The term "parties" refers to the respondent and Committee counsel.

¹⁸ The only privileges applicable to adjudicatory proceedings are those recognized under the precedents of the House. Please note that the applicable privileges do not include the Speech or Debate Privilege under Article I, section 6, clause 1 of the United States Constitution. The Speech or Debate Clause states that Senators and Representatives of the House "for any speech or debate in either House, they shall not be questioned in any other place." This privilege can only be asserted during inquiries conducted by an entity other than the legislative branch.

¹⁹ Committee Rule 23(g).

application should include a detailed, specific, and thorough summary of the expected testimony of any witnesses and the content and nature of any materials you seek to subpoena. The application for subpoenas “may be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.”²⁰ Any application by you for subpoenas must be submitted to the adjudicatory subcommittee by **12:00 p.m. on October 29, 2010**. A subpoena to a witness to appear at a hearing must be served sufficiently in advance of that witness’ scheduled appearance to allow the witness a reasonable time, as determined by the Chair, to prepare for the hearing and employ counsel.²¹ Any witnesses subpoenaed to testify must be served no later than **November 9, 2010**.

Prior to the start of the adjudicatory hearing, the adjudicatory subcommittee will meet with counsel for the Committee and counsel for the Respondent to address pre-hearing objections to evidence, stipulations proposed by the parties, and any other outstanding procedural issues. A pre-hearing conference, if necessary, will be held at **10:00 a.m. on November 4, 2010**.

Following the pre-hearing conference, each party will be required to provide the Members of the adjudicatory subcommittee with a copy of the party’s exhibits that will be admitted into the record. Each party must provide copy of its exhibits to each Member of the adjudicatory subcommittee no later than **5:00 p.m. on November 5, 2010**.

The conduct of the adjudicatory hearing will proceed as set forth in Committee Rule 23(j). The Chair of the adjudicatory subcommittee will open the hearing.²² The Chair will then recognize Committee counsel and your counsel, in turn, for the purposes of allowing each party to make an opening statement.²³ Opening statements will be limited to 1 hour for each side.

Pursuant to Committee Rule 23(j)(3), “whenever possible,” witness testimony and other pertinent evidence shall be presented by Committee counsel first, followed by presentation of testimony and other evidence by the respondent. The Chair may allow rebuttal witnesses.²⁴ Any witness called at the adjudicatory hearing will be examined first by the party calling the witness, followed by cross-examination by the opposing party.²⁵ The Chair has the discretion to allow redirect examination and recross examination.²⁶ Members of the adjudicatory subcommittee may then question the witness under the five-minute rule, unless otherwise directed by the Chair.²⁷

The Chair may, in her discretion, allow counsel for either side to describe or summarize evidence admitted in their case, other than the testimony of witnesses testifying in person at the hearing, and to respond to questioning from the members of the adjudicatory subcommittee regarding such evidence.

²⁰ Committee Rule 23(h).

²¹ Committee Rule 26(k).

²² Committee Rule 23(j)(1).

²³ Committee Rule 23(j)(2).

²⁴ Committee Rule 23(j)(3)(iii).

²⁵ Committee Rule 23(j)(4).

²⁶ *Id.*

²⁷ *Id.*

At the conclusion of the presentation of evidence, both sides will be allowed 1 hour for closing arguments.²⁸ Committee counsel will be permitted to reserve time for rebuttal argument.²⁹

Committee counsel and your counsel will each be allowed 10 hours to present their respective cases, inclusive of the time allotted for opening and closing arguments. The 10 hour limitation on presentation of each side's case is subject to reconsideration based upon a reasonable request for additional time. Any objections regarding the procedure for the adjudicatory hearing must be submitted to the adjudicatory subcommittee in writing by **October 15, 2010**.

As soon as practicable after the parties' closing arguments, the adjudicatory subcommittee will meet to "consider each count contained in the Statement of Alleged Violation and shall determine by a majority vote of its members whether each count has been proved."³⁰ A count determined not to have been proved "shall be considered as dismissed by the subcommittee."³¹ The adjudicatory subcommittee must report its findings to the Committee.³²

The adjudicatory hearing will be conducted subject to the Rules of Decorum of the House.³³ Further, the Chair may require all participants to observe strictly and promptly all evidentiary, procedural or other rulings of the Chair and of the adjudicatory subcommittee. The adjudicatory subcommittee expects that any ruling it makes regarding the relevance of proffered evidence, or any line of questioning or argument will be promptly and strictly observed. Any breach of decorum by any of the participants is punishable by the Chair "by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt."³⁴

If you have any questions, please have your counsel contact the Committee's Staff Director and Chief Counsel, R. Blake Chisam, at (202) 225-7103.

Sincerely,



Zoe Lofgren
Chair

²⁸ Committee Rule 23(j)(5).

²⁹ *Id.*

³⁰ Committee Rules 23(o) and 10(a)(4).

³¹ *Id.*

³² *Id.*

³³ See House Rule XVII and related commentary.

³⁴ House Rule XI, clause 2(k)(4); Committee Rule 26(m).

Representative Charles B. Rangel

October 12, 2010

Page 6 of 6

cc: Representative Michael T. McCaul, Ranking Republican Member
R. Blake Chisam, Chief Counsel, Committee on Standards of Official Conduct
Leslie B. Kiernan, Esq., Counsel for Respondent

CHARLES B. RANGEL
16TH CONGRESSIONAL DISTRICT
New York



GEORGE H. HENRY
CHIEF OF STAFF
JAMES E. CAPEL
DISTRICT DIRECTOR

COMMITTEE
WAYS AND MEANS
JOINT COMMITTEE
ON TAXATION

Congress of the United States
House of Representatives

October 15, 2010

The Honorable Zoe Lofgren
Chairwoman,
Committee on Standards of Official Conduct
HT2 Capitol
Washington, DC 20515

Dear Chair Lofgren:

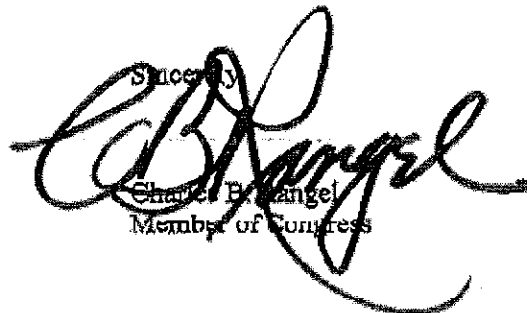
As you know, I am no longer represented by counsel in this matter, and am not in a position to address the substance of your letter (dated October 12, 2010) in a detailed manner at this time.

Under these circumstances, it would be impossible for me to meet the Committee's hearing schedule and deadlines.

Your letter requires that I object to the procedures by today, and this letter serves the purpose of preserving all my rights to object until I am able to prepare a defense. I am working diligently to see if I can secure new counsel and will not delay this effort.

Finally, the Committee's tight deadline schedule forces me to leave my re-election campaign in order to spend the last two weeks before the general election.

While I am very eager to have this matter heard, I need to have a fair opportunity to meet the Subcommittee's expectations and respond to the evidence that the Committee's counsel expects to introduce.

Sincerely,

Charles B. Rangel
Member of Congress

WASHINGTON OFFICE
2364 HAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20510-3218
TELEPHONE: (202) 225-4388
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PLEASE RESPOND TO OFFICE CHECKED

DISTRICT OFFICE
163 WEST 125TH STREET
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ZOE LOFGREN, CALIFORNIA
CHAIR
BEN CHANDLER, KENTUCKY
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COMMITTEE ON STANDARDS OF
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Washington, DC 20515-6328

October 22, 2010

CONFIDENTIAL

Representative Charles B. Rangel
U.S. House of Representatives
2354 Rayburn House Office Building
Washington, DC 20515

Re: In the Matter of Representative Charles B. Rangel

Dear Colleague:

As Chair of the Adjudicatory Subcommittee (ASC) in the Matter of Representative Charles B. Rangel, I am responding to your letter to me dated October 15, 2010. You stated in your letter that it would be “impossible for [you] to meet the Committee’s hearing schedule and deadlines.” You also said that by sending your letter, you intended to “preserv[e] all [your] rights to object until [you are] able to prepare a defense.” In addition, you stated that you are “working diligently to see if [you] can secure new counsel and will not delay this effort.”

Legal standard

Under Committee Rule 23(i)(2), the Chair “shall rule upon any question of admissibility or relevance of evidence, motion, procedure, or any other matter.” By this letter, I am responding to the objection to the adjudicatory hearing schedule in your October 15 letter. Such rulings may be appealed by a “witness, witness counsel, or a member of the subcommittee.”¹ In the event that a ruling of the Chair under this provision is appealed, a majority vote of the members present at the proceeding at which the ruling is appealed shall govern the question of admissibility, and no appeal shall lie to the Committee.² The Ranking Member of the ASC, Representative Michael McCaul, and the Committee Chief Counsel, R. Blake Chisam, will also be served copies of this letter.

ASC schedule

Under Committee Rule 5(e), a “subcommittee shall meet at the discretion of its Chair.” Pursuant to Rule 5(e) and Rule 23(e) of the Committee and Clause 2(g)(3) of House Rule XI, the Chair of an ASC is required to make a public announcement in advance of an adjudicatory hearing.

¹ Committee Rule 23(i)(2).

² *Id.*

On October 7, 2010, as Chair of the ASC in this matter, I issued a public statement announcing that the adjudicatory hearing in this matter will begin on November 15, 2010, at 9:00 a.m. At that time, I also noted that substantial actions must be taken before a public hearing can begin. Accordingly, I publicly stated that I would notify you and Committee counsel of the schedule and other procedural issues. On October 12, 2010, consistent with Committee precedent, I sent a letter to the parties scheduling various pre-hearing procedural deadlines.³

Throughout this matter, which has been ongoing for more than two years, you have been aware of your right to counsel, and have in fact been represented by counsel. You have also long had access to most of the evidentiary record developed during the ISC's investigation.

Since the ASC was designated in this matter, you have made numerous public statements calling on the Committee to expedite its resolution of this matter. Similarly, in your October 15 letter, you also state that you are "very eager to have this matter heard."

The adjudicatory subcommittee process is not complete upon the conclusion of an adjudicatory hearing. After the hearing, the members of the ASC must conduct deliberations, vote on each count alleged in the SAV, and send a report of findings to the full Committee. If the adjudicatory hearing in this matter were to be postponed or rescheduled, it would be unlikely that the Committee would be able to bring this matter to a resolution during this Congress.

Accordingly, in light of these factors, pursuant to Committee Rule 23(i)(2) I am hereby overruling your objection to the hearing schedule. The adjudicatory hearing in this matter will proceed on November 15, 2010, at 9:00 a.m. as previously scheduled and announced.

Adjustments to deadlines

As has been previously noted, you must be allowed the opportunity to adequately defend yourself against the evidence presented by Committee counsel. You have indicated that you are interested in retaining new counsel and that you are actively working to identify possible counsel. In addition, the previously scheduled deadline for Committee counsel to provide you with certain materials was stayed. Accordingly, although the adjudicatory hearing will proceed on November 15, I am hereby modifying certain deadlines established by the October 12 scheduling letter. Unless otherwise specified in this letter, all deadlines announced in the October 12 scheduling letter are unchanged and remain in effect for both parties.

As you have been previously advised, pursuant to Committee Rule 23(f)(1), Committee counsel are required to provide you with access to the evidence they intend to use as evidence against you at the adjudicatory hearing, the names of witnesses Committee counsel intend to call, and a summary of their expected testimony no less than 15 calendar days prior to the hearing. The October 12 scheduling letter established a deadline of October 19, 2010, for Committee counsel to provide those materials to you.

³ As you were still represented by your former counsel at that time, the letter was sent both to you and to your former counsel.

However, on October 19, 2010, I stayed the October 19 deadline, and directed Committee counsel to provide you with notice of that fact. I understand that Committee counsel were prepared to meet the deadline, but did not provide you with the materials per the stay of the deadline. By this letter, I am notifying both parties that the deadline for Committee counsel to provide you with copies of the evidence, their intended witness list, and a summary of the witnesses' expected testimony is rescheduled for today, **October 22, 2010**. It is my understanding that since Committee counsel were prepared to meet the October 19 deadline before I stayed that deadline, Committee counsel will be able to meet the rescheduled deadline.

Under the terms of the October 12 scheduling letter, you were required to submit any objections you may have pursuant to Committee Rule 23(i)(1) to the evidence provided to you by Committee counsel, including both exhibits and anticipated witness testimony, in writing to the Chair of the ASC by 10:00 a.m. on October 26, 2010. Per this letter, that deadline will be rescheduled to **12:00 p.m. on October 29, 2010**.

Under the terms of the October 12 scheduling letter, you were also required to submit copies of documents or other evidence you will seek to use during the hearing, a list of the witnesses you expect to call, and summaries of the witnesses' expected testimony to Committee counsel by 10:00 a.m. on October 26, 2010. Per this letter, that deadline will also be rescheduled to **12:00 p.m. on October 29, 2010**.

Under the terms of the October 12 scheduling letter, you were also required to submit any application by you for subpoenas, should you choose to request subpoenas, in writing to the ASC by 12:00 p.m. on October 29, 2010. Per this letter, that deadline will remain **12:00 p.m. on October 29, 2010**.

Under the terms of the October 12 scheduling letter, Committee counsel were required to submit any objections they may have pursuant to Committee Rule 23(i)(1) to the evidence provided to Committee counsel by you, including both exhibits and anticipated witness testimony, in writing to the Chair of the ASC by November 1, 2010. Per this letter, that deadline will be rescheduled to **November 2, 2010**.

Under the terms of the October 12 scheduling letter, since subcommittee approval is required for any stipulations, you and Committee counsel were required to jointly submit any proposed stipulations to the ASC in writing by October 29, 2010. Per this letter, that deadline will be rescheduled to **12:00 p.m. on November 3, 2010**.

Counsel

Committee counsel has informed me and the Ranking Republican Member of the ASC that since sending your October 15 letter to me, in a telephone conversation with the Committee's Chief Counsel you advised Committee counsel that you have had substantial discussions with at least one attorney about representing you in this matter. However, an agreement between you and prospective counsel had not yet been reached. Please provide the

ASC with written notice of whether you will be represented by counsel at the adjudicatory hearing or if you will appear *pro se* by **12:00 p.m. on October 29, 2010**.

Consistent with prior Committee precedent, you are advised that if you elect to proceed *pro se* at the adjudicatory hearing, any statements, questions, or arguments you make will not be considered as evidence in this matter, except to the extent that a statement made by you is under oath or affirmation and subject to the rules applicable to all witness testimony, including the requirement that you submit to cross-examination by Committee counsel.

Other procedures

Finally, given the relative infrequency with which aspects of the Committee's rules relating to the ASC process have been employed, it is possible – if not likely – that the parties may have questions about the ASC process and procedure. The consideration that such questions may not have been anticipated or resolved to date, in addition to other remaining pre-hearing procedural steps, was taken into account in setting the adjudicatory hearing schedule.

The parties are strongly encouraged to raise any questions that may arise from perceived ambiguities or other issues relating to ASC procedures with one another. To the extent that the parties may reach agreement between themselves about how to resolve a procedural question, the parties could submit a joint filing to the Chair for consideration. If either party wishes to raise a question regarding ASC procedure other than in a joint filing, that party should submit an appropriate motion to the Chair and serve the other party.


With that in mind, I would like to take this opportunity to address several specific aspects of hearing procedure. First, given the adversarial nature of the ASC process and its current posture, both parties should treat any pre-hearing filings as adversarial filings that should be both filed with the Chair and served on the opposing party.

Second, the parties will not be expected to file written responses to the opposing party's pre-hearing filings. To the extent that a party may wish to file such a written response and it is possible to do within the deadlines established by the October 12 scheduling letter, the modifications to the schedule announced in this letter, and any subsequent modifications or additions to the schedule, the parties may file such responses with the Chair. As noted above, such responses should be filed with the Chair, and also served on the opposing party.

Third, as noted in the October 12 scheduling letter, you and Committee counsel will each be allowed ten hours to present your respective cases, exclusive of the time allotted for opening and closing arguments. Time used by a party for raising or responding to objections or cross-examining witnesses will count against that party's overall allotted time of ten hours. Although your objection to the hearing schedule is overruled, the ten hour limitation on presentation of each side's case will remain subject to reconsideration based upon a reasonable request for additional time.

Representative Charles B. Rangel
October 22, 2010
Page 5 of 5

Sincerely,



Zoe Lofgren
Chair

cc: Representative Michael T. McCaul, Ranking Republican Member
R. Blake Chisam, Chief Counsel, Committee on Standards of Official Conduct

CHARLES B. RANGEL
15TH CONGRESSIONAL DISTRICT
NEW YORK

COMMITTEE:
WAYS AND MEANS
JOINT COMMITTEE
ON TAXATION



GEORGE H. HENRY
CHIEF OF STAFF

JAMES E. CAPEL
DISTRICT DIRECTOR

Congress of the United States House of Representatives

October 25, 2010

The Honorable Zoe Lofgren
Chairwomen
Committee on Standards of Official Conduct
U.S. House of Representatives
Room HT-2, The Capitol
Washington, DC 20515

Dear Chairwomen Lofgren:

On October 14, 2010, you were sent a letter from my then-counsel, the law firm of Zuckerman Spaeder, indicating they had withdrawn from my representation. On October 15, 2010, I wrote to you indicating that their departure put me at an enormous disadvantage. The Committee wanted to begin a process in which my counsel and Committee counsel exchanged documents, designated exhibits, worked out evidentiary stipulations, agreed on witnesses, and worked towards a hearing process. These are steps in the hearing process which, if a Member is to be given his rights to a fair defense, require experienced counsel. The problem is that I am without any.

Over the past 2 years, I have had to respond to a series of allegations that have generated their own issues in the media and in my re-election campaign. I spent nearly every dollar I could raise on this effort, as legal fees alone have been over \$2 million. As you know, a campaign is never inexpensive. Now that the Committee wants to go ahead on its schedule, I do not have sufficient funds to proceed when there is so much left to do. That leaves me with few choices:

I can proceed without counsel at this most critical stage. This would make any proceeding against me so one-sided as to call into question the fairness of the process and any result that would occur. This is not what I hope will happen and would send a terrible message about a Member's rights now and an equally bad precedent for the future.

As an alternative, I could seek counsel who would be able to represent me on a *pro bono* or reduced fee basis, and hope someone or some firm will agree to this arrangement (and be given reasonable time to prepare). Even then, the Committee has taken the position in the past that such representation itself amounted to a gift that could violate House rules. What a vicious cycle this then

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creates with the Committee getting the advantage of having counsel and staff while denying a Member the same ability.

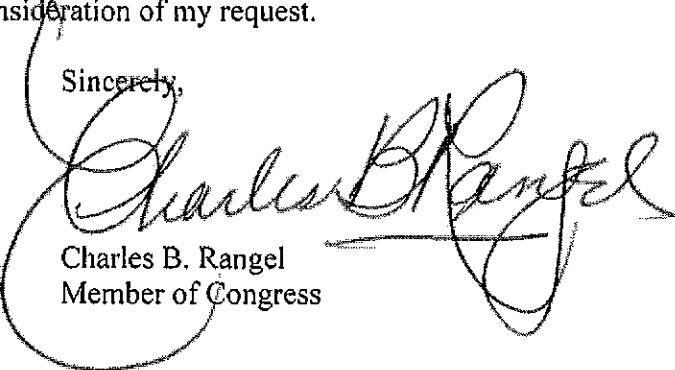
So, by this letter, I am asking the Committee to approve my seeking such counsel without me or the counsel being accused of seeking, receiving or providing gift representation. In the alternative, the Committee can arrange for the House to pay for my counsel. The House often hired outside counsel to help in its legal proceedings. Right now, the Committee is relying on its own counsel and staff and is spending funds for that purpose. So, it would be fair for the Committee to make sure I can be properly and adequately represented. In an analogous situation, where charges are filed against any person in this country, an attorney would be appointed for someone who needs such representation and has no funds to pay for it.

I have not delayed seeking new counsel. Those with whom I have met or spoken realize that the record at this point involves over 20,000 pages of transcripts, thousands of documents, a witness list of over 15 people, and a great deal of work that still needs to be done. Competent and experienced counsel is, justifiably, reluctant to become involved and do the work that will be needed without any fees and without enough time to provide me the representation I seek.

I do not want to end up without counsel and be unable to defend myself against the charges that have been filed; I do not want to have to seek any additional help or time from the Committee; and I do not want to delay what has been the most difficult time I have had in almost 40 years in Congress. However, this is the reality.

In the name of basic fairness and due process, to give me the chance to defend myself, and to insure whatever proceedings occur are seen to be seeking justice and not just a steamroller result, I ask for the consideration of my request.

Sincerely,



Charles B. Rangel
Member of Congress

cc: The Honorable Michael T. McCaul, Ranking Republican Member
R. Blake Chisam, Chief Counsel, Committee on Standards of Official Conduct

CHARLES B. RANGEL
15TH CONGRESSIONAL DISTRICT
NEW YORK

COMMITTEE:
WAYS AND MEANS
JOINT COMMITTEE
ON TAXATION



GEORGE H. HENRY
CHIEF OF STAFF

JAMES E. CAPEL
DISTRICT DIRECTOR

Congress of the United States House of Representatives

October 28, 2010

The Honorable Zoe Lofgren
Chairwoman,
Committee on Standards of Official Conduct
HT2 Capitol
Washington, DC 20515

RECEIVED
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COMMITTEE ON STANDARDS

Dear Chairwoman Lofgren:

I am writing in response to your October 22, 2010 letter. I appreciate the intent and spirit of your letter -- to vacate or change dates for various procedures and deadlines -- because I presently do not have counsel. Yet in recognizing this fact, you have not provided any real relief or a viable alternative. I am no more able to respond and deal with the issues for a hearing on October 29, 2010, than I was on October 12, 2010.

In that vein, I wrote you on October 25, 2010, to ask for advice concerning my ability to obtain pro bono counsel or to have counsel paid for by the Committee. If the Committee does not think those are viable alternatives, then what would be? In circumstances like these in the law, people accused are given counsel. It is unfair for you and the Committee to insist that I proceed without adequate representation on a hearing schedule that is impossible for me to meet.

I understand, in the course of this prolonged investigation, that the Committee has accumulated a voluminous amount of documents, which consist of over 20,000 pages of transcripts and exhibits. There is no way for me to review them on my own in accordance with the schedule you have set. Moreover there are 17 people on the Committee's witness list but not all of them have been deposed. I, too, should have the right to interview them before the hearing, as I am sure your counsel and staff have done.

You refer to statements I have made in the past that I wanted an expeditious proceeding in the Committee. I assumed that I would be represented by legal counsel. However, under the current circumstance, it is impossible for me to proceed as scheduled.

A hearing on the merits with all the evidence that your staff has accumulated, is unfair and undermines my due process rights, and should not occur on November 15, 2010, without me having adequate legal representation. Allowing me the opportunity to obtain adequate legal representation to defend myself at the hearing is not only fair, but

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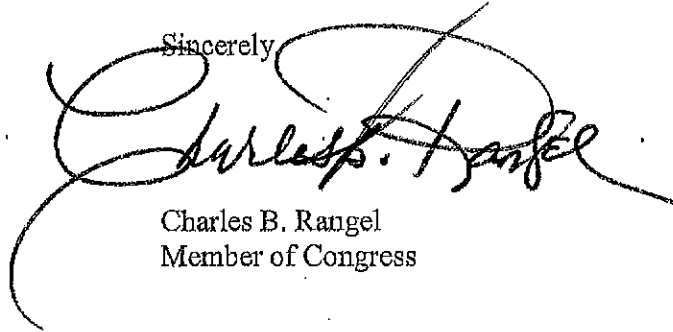
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also not prejudicial to the Committee. I am convinced that the Committee wants me to exercise all of the due process and equal protections rights that I am entitled to show the American public that our system of justice works.

So, again, I ask that the Committee provide me with the ability to obtain counsel and give me and counsel the time I need to prepare an adequate defense.

Sincerely

A handwritten signature in cursive script, appearing to read "Charles B. Rangel". The signature is written in black ink and is positioned above the printed name and title.

Charles B. Rangel
Member of Congress

cc: The Honorable Michael T. McCaul, Ranking Republican Member
R. Blake Chisam, Chief Counsel, Committee on Standards of Official Conduct

ZOE LOFGREN, CALIFORNIA
CHAIR

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KATHY CASTOR, FLORIDA
PETER WELCH, VERMONT

DANIEL J. TAYLOR,
COUNSEL TO THE CHAIR

R. BLAKE CHISAM,
CHIEF COUNSEL AND STAFF DIRECTOR

ONE HUNDRED ELEVENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT

Washington, DC 20515-6328

October 28, 2010

JO BONNER, ALABAMA
RANKING REPUBLICAN MEMBER

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CHARLES W. DENT, PENNSYLVANIA
GREGG HARPER, MISSISSIPPI
MICHAEL T. McCAUL, TEXAS

KELLE A. STRICKLAND,
COUNSEL TO THE RANKING
REPUBLICAN MEMBER

SUITE HT-2, THE CAPITOL
(202) 225-7103

CONFIDENTIAL

Representative Charles B. Rangel
U.S. House of Representatives
2354 Rayburn House Office Building
Washington, DC 20515

Re: In the Matter of Representative Charles B. Rangel

Dear Colleague:

As Chair of the Adjudicatory Subcommittee (ASC) in the Matter of Representative Charles B. Rangel, I am responding to your letters to me dated October 25 and 28, 2010. In your October 25 letter you stated "I am asking the Committee to approve my seeking . . . counsel [on a *pro bono* or reduced fee basis] without me or the counsel being accused of seeking, receiving or providing gift representation." You also stated, "In the alternative, the Committee can arrange for the House to pay for my counsel."

Under rules of the Committee on Standards of Official Conduct (Committee), your request should be construed by the Committee as a request for an advisory opinion from the Committee's Office of Advice and Education.¹ Advisory opinion requests may be resolved by the Chair and Ranking Member of the full Committee.² The Committee is considering your October 25 letter as a request for an advisory opinion and will respond accordingly.

In the meantime, no further changes will be made to the adjudicatory hearing schedule at this time. On October 7, 2010, as Chair of the ASC in this matter, I issued a public statement announcing that the adjudicatory hearing in this matter will begin on November 15, 2010, at 9:00 a.m. On October 12, 2010, consistent with Committee precedent, I sent a letter to the parties scheduling various pre-hearing procedural deadlines.³

As you know, by letter on October 22, 2010, your objections to the schedule were overruled. However, in light of the withdrawal of your previous counsel in this matter, the schedule for several pre-hearing deadlines was modified to provide you with additional time to respond, including rescheduling several deadlines that apply to you as the respondent until tomorrow, October 29, 2010.

¹ See House Rule 11, cl. 3(a)(4); Committee Rule 3(b), 3(m).

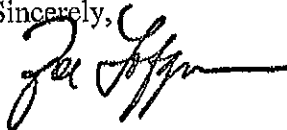
² Committee Rule 3(i).

³ As you were still represented by your former counsel at that time, the letter was sent both to you and to your former counsel.

Representative Charles B. Rangel
October 28, 2010
Page 2 of 2

The schedule as announced in the letter of October 12, 2010, and modified in the October 22 letter remains unchanged. The adjudicatory hearing in this matter will proceed on November 15, 2010, at 9:00 a.m. as previously scheduled and announced.

Sincerely,

A handwritten signature in black ink, appearing to read "Zoe Lofgren", with a horizontal line extending to the right.

Zoe Lofgren
Chair

cc: Representative Michael T. McCaul, Ranking Republican Member
R. Blake Chisam, Chief Counsel, Committee on Standards of Official Conduct

CHARLES B. RANGEL
15TH CONGRESSIONAL DISTRICT
NEW YORK

COMMITTEE
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JOINT COMMITTEE
ON TAXATION



GEORGE H. HENRY
CHIEF OF STAFF

JAMES E. CAPEL
DISTRICT DIRECTOR

Congress of the United States
House of Representatives
November 1, 2010

The Honorable Zoe Lofgren
Chairwoman
Committee on Standards of Official Conduct
U.S. House of Representatives
Room HT-2, The Capitol
Washington, DC 20515

Dear Chairwoman Zofgren:

Thank you for your October 29, 2010 letter setting forth the ways in which I might secure counsel to advise me with respect to the scheduled proceedings.

I am grateful that the Committee has agreed that under the Rules (Rule 26(a)) and precedents that "a respondent in disciplinary proceedings before the Committee [has] the right to be represented by counsel." The question is how is it possible, under the present circumstances, for me to obtain counsel who could provide me with effective and meaningful assistance.

Today I am initiating the process of establishing a Legal Expense Fund, in accordance with your October 29, 2010, Advisory Opinion, on establishing a Fund consistent with the Committee's Regulations. I will seek a trustee or trustees who can carry out that function without conflict and establish a separate bank account to do so. We then will seek an in-kind or reduced fee contribution of legal services along with other solicitations. Under the best of circumstances, this process will require the expenditure of precious time.

Based on the Committee's Advisory Opinion that setting up a Fund is the only way for me to seek and obtain counsel on a reduced fee or pro bono basis, it would be impossible for me to meet the hearing schedule until I secure adequate representation after the Fund is in place, approved and operating. While I may be able to obtain counsel, such counsel could not, among other things, be expected to: review the record, secure additional testimony, exchange documents, and designate exhibits. It is without question that any counsel I might be able to secure must be afforded adequate time to prepare for the disciplinary proceeding. To afford me less, would, in my view, deny me of my right to receive procedural due process.

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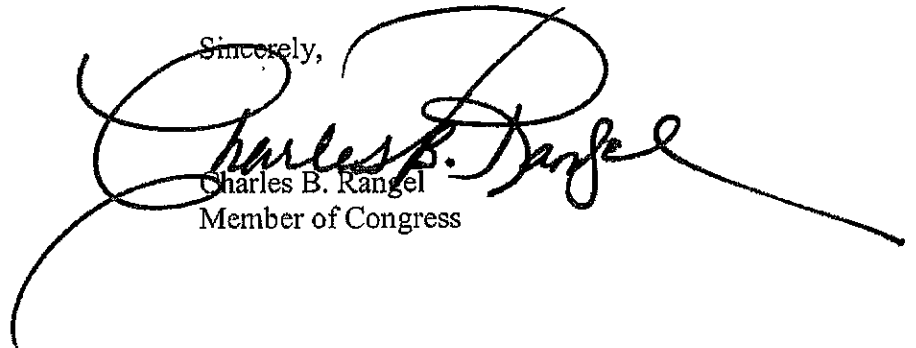
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My counsel, too, should have the right to interview the witnesses before the hearing and be afforded the opportunity to have the same level of understanding of the record as your counsel and staff. After two (2) years of this prolonged investigation, the Committee has interviewed close to 50 witnesses and accumulated a voluminous amount of documents, which consist of over 20,000 pages of transcripts and 547 exhibits. No one has a better understanding of the record than the Ethics Committee's counsel.

Therefore, in light of the Committee's letter acknowledging my right to obtain counsel and setting out the way for me to proceed, I am again asking the Committee to afford counsel the time to prepare a proper defense; otherwise, that right to counsel is not very meaningful.

I appreciate your continued attention to this matter.

Sincerely,

A large, stylized handwritten signature in black ink, reading "Charles B. Rangel". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Charles B. Rangel
Member of Congress

cc: The Honorable Michael T. McCaul, Ranking Republican Member
R. Blake Chisam, Chief Counsel, Committee on Standards of Official Conduct

ZOE LOFGREN, CALIFORNIA
CHAIR
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CHIEF COUNSEL AND STAFF DIRECTOR

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GREGG HARPER, MISSISSIPPI
MICHAEL T. McCAUL, TEXAS
KELLE A. STRICKLAND,
COUNSEL TO THE RANKING
REPUBLICAN MEMBER
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ONE HUNDRED ELEVENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT

Washington, DC 20515-6328

November 2, 2010

CONFIDENTIAL

Representative Charles B. Rangel
U.S. House of Representatives
2354 Rayburn House Office Building
Washington, DC 20515

Re: In the Matter of Representative Charles B. Rangel

Dear Colleague:

As Chair of the Adjudicatory Subcommittee (ASC) in the Matter of Representative Charles B. Rangel, I am responding to your letter to me dated November 1, 2010. In your letter you state that effective November 1, you are "initiating the process of establishing a Legal Expense Fund." You further state that "it would be impossible for me to meet the hearing schedule until [you] secure adequate representation after the Fund is in place, approved and operating." Accordingly, you request that "the Committee afford counsel the time to prepare a proper defense."

As you know, you have made other previous requests to delay the hearing schedule in light of the withdrawal of your previous counsel on October 14, 2010, each of which has been denied. Letters sent to you on October 22, 2010, and October 28, 2010, set forth a number of reasons for denying those requests.


For example, throughout this matter, which has been ongoing for more than two years, you have been aware of your right to counsel, and have in fact been represented by counsel. You have also long had access to most of the evidentiary record developed during the Investigative Subcommittee's investigation. Since the ASC was designated in this matter, you have made numerous public statements calling on the Committee to expedite its resolution of this matter. In addition, in consideration of the withdrawal of your previous counsel in this matter, the schedule for several pre-hearing deadlines was modified to provide you with additional time to respond, including rescheduling several deadlines that apply to you as the respondent.

In addition to your prior requests for a delay of the hearing, on October 25, 2010, you requested Committee guidance on seeking and accepting *pro bono* or reduced-fee legal representation in connection with the disciplinary proceedings currently pending against you before the Committee. The Committee responded by providing you with an advisory opinion on October 29, 2010. You previously sought and received formal Committee guidance regarding payment of legal fees associated with this matter in September 2008 and March 2009.

Representative Charles B. Rangel
November 2, 2010
Page 2 of 2

In view of the considerations addressed in our previous exchanges on this issue, no further changes will be made to the adjudicatory hearing schedule at this time. The schedule as announced in the letter of October 12, 2010, and modified in the October 22 letter remains unchanged. The adjudicatory hearing in this matter will proceed on November 15, 2010, at 9:00 a.m. as previously scheduled and announced.

Sincerely,



Zoe Lofgren
Chair

cc: Representative Michael T. McCaul, Ranking Republican Member
R. Blake Chisam, Chief Counsel, Committee on Standards of Official Conduct

CHARLES B. RANGEL
15TH CONGRESSIONAL DISTRICT
NEW YORK

COMMITTEE:
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JOINT COMMITTEE
ON TAXATION



GEORGE H. HENRY
CHIEF OF STAFF

JAMES E. CAPEL
DISTRICT DIRECTOR

Congress of the United States House of Representatives

November 3, 2010

The Honorable Zoe Lofgren
Chairwoman
Committee on Standards of Official Conduct
U.S. House of Representatives
Room HT-2, The Capitol
Washington, DC 20515

RECEIVED
2010 NOV -3 PM 5:57
COMMITTEE ON STANDARDS

Dear Chairwoman Zofgren:

I am writing this letter in response to your November 2, 2010, letter indicating several objections to my request to reschedule the hearing. Your letter states that I have had the benefit of counsel during this inquiry. That is obviously true but it begs the point. It would be like telling someone accused of a crime to be grateful that he had counsel during the grand jury stage of an investigation but would have to stand alone once an indictment had been issued and a trial was scheduled. The work produced by my former counsel has some usefulness to me now, but it neither suffices nor substitutes for my capacity to answer and defend the actual allegations with actual hearing testimony.

Moreover, to say as you do that I have had access to "most of the evidentiary record" is not a fair way of addressing my issues. The review and knowledge my former counsel had to any of the evidence is not helpful to me now. There are over 20,000 pages of transcripts, thousands of pages of exhibits, 15 - 17 people witnesses to be interviewed (including some who have no transcripts), and my need to understand who the Committee is not calling and why (and then to consider calling them as my witnesses). Under these circumstances, I have no ability to do this myself; and any half competent attorney, to do even a marginally competent job, would need more than a few days to prepare.

You again quote earlier statements I had made asking for expedition in the Committee's proceedings. What I said and wanted then is what I want now. However, that was when I had counsel. My circumstances have changed drastically now. The Committee continues to have its staff and counsel and subpoenas and preparation, while I have none.

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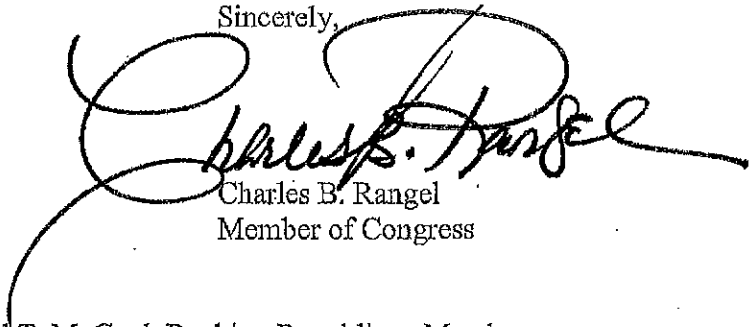
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163 WEST 125TH STREET
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FAX: (212) 663-4277

Page Two

Apparently, there is nothing I can say or do that will persuade you to give me the time I need (even to do as the Committee instructed with respect to setting up a fund or means to get new counsel). Nevertheless, I am following the Committee's advice in its October 29, 2010 letter on how to set up a defense fund so that I can retain and have the benefit of counsel. In accordance with the Committee's advisory opinion of October 29, 2010, I am submitting the attached Charles B. Rangel Legal Expense Fund Trust for your review and approval. As you know, I am restricted from soliciting legal representation for my disciplinary hearing until a legal expense fund has been established and approved by the Committee. Without your approval of the Fund, it is impossible for me to exercise my due process and equal protection rights for a fair hearing.

So, again, I ask that you to give me sufficient amount of time to prepare an adequate defense.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Charles B. Rangel". The signature is written in a cursive, flowing style with large loops and a long horizontal stroke at the end.

Charles B. Rangel
Member of Congress

cc: The Honorable Michael T. McCaul, Ranking Republican Member
R. Blake Chisam, Chief Counsel, Committee on Standards of Official Conduct

CHARLES B. RANGEL LEGAL EXPENSE TRUST AGREEMENT

Article 1: Creation of Trust

Section 1.1 Parties. This Trust Agreement is made by and between Charles B. Rangel ("Trustee") and David Dinkins ("Trustee"), establishes the Charles B. Rangel Legal Expense Trust. The Trustor hereby transfers and assigns to the Trustee certain property (the "trust estate"), in trust to be held, administered, and distributed as provided in this instrument. The beneficiary of this trust is the United States House Representative Charles B. Rangel. The Trustee certifies that he or she is independent from the beneficiary and does not have any family, business, or employment relationship with the beneficiary.

Section 1.2. Name of Trust. The trust created by this Agreement shall be known as the Charles B. Rangel Legal Expense Trust ("Trust").

Section 1.3 Purpose of Trust. The sole and exclusive purpose of the Trust is to provide a proper means for the acceptance of money, property and services, including, if necessary, pro bono legal services, to provide for all reasonable, necessary and appropriate legal fees or charges incurred by the Trustor in connection with his official duties and position in Congress, and matters bearing on his reputation or fitness for office. To such end, the Trust shall be available to pay all reasonable, necessary and appropriate expenses of the Trustor's counsel and such other and usual, customary expenses that have been or may be incurred in connection with the above stated purpose. The Trust may not be used to pay any legal expenses that arise in connection with a matter that is primarily personal in nature. Trust funds may be used for no purpose other than specifically provided herein.

Article 2: Trust Estate

Section 2.1 Definition of Trust Estate. The Trustor hereby transfers to the Trustee the sum of \$10. All property subject to this instrument from time to time is referred to as the "trust estate" and shall be held, administered and distributed as provided in this instrument. The Trustee shall hold, administer, and distribute the property subject to this Trust, the income and proceeds attributable to all such property, in accordance with the provisions of this Trust Agreement.

Section 2.2 Prohibited Contributions. The Trustee is admonished to not knowingly accept any gift or donation prohibited by or in excess of the limits established by any other laws, rules or regulations governing such contributions as interpreted by the Committee on Standards of Official Conduct. In particular:

- (a) The Trust shall not knowingly accept more than \$5,000 in a calendar year from any individual or organization.
- (b) The Trust shall not knowingly accept any contribution from a registered lobbyist or an agent of a foreign principal.
- (c) The Trust may accept in-kind donations of free or discounted legal services in connection to disciplinary proceedings before the Ethics Committee.

If any prohibited contributions are accepted, the trustee shall as soon as practical after becoming aware of the prohibited nature of the contribution, return it in its entirety to the donor (if from a prohibited source) or return the excess of \$5,000 to the donor (if prohibited because of the amount).

Article 3: Rights and Powers of the Trustor

Section 3.1 Irrevocability of Trust. This Trust is irrevocable. It may not be amended, revoked or terminated, in whole or in part, except as otherwise specified in this Agreement. Any amendment to the Agreement must be pre-approved in writing by the Committee on Standards of Official Conduct.

Article 4: Payments and Distributions

Section 4.1 Trust Estate. The Trustee shall hold the trust estate for the payment of the legal expenses including, but not limited to, legal fees and costs, court costs and fees, deposition costs and all litigation-related costs or fees, expert witness fees, and any settlement payments as a part thereof, arising in connection with any litigation, arbitration, or claims made or filed against the beneficiary hereof ("Legal Expenses"), related to the beneficiary's candidacy for or elect to federal office or the beneficiary's duties or position in Congress, matters bearing on the beneficiary's reputation or fitness for office or matters before the Committee on Standards of Official Conduct. Upon receipt of a written request made by the beneficiary, the trustee shall pay these Legal Expenses within five (5) days. The Trustee may pay the Legal Expenses requested directly to the party owed or may reimburse the beneficiary directly for Legal Expenses previously paid by the beneficiary, as the case may be. The Trustee shall also pay from the trust estate expenses incurred in soliciting for contributions and administering this Trust, including Trustee compensation and reimbursement of trustee expenses.

Section 4.2 Termination of Trust and Distribution of Excess Funds. This Trust shall terminate when (1) in the sole and absolute discretion of the Trustee, the purposes for which the Trust is created are fulfilled or no longer exist; or (2) after ten (10) years from the date this Trust is formed. The Trust period may be extended by obtaining approval from the Committee on Standards of Official Conduct. In the event the Trust has excess funds upon termination, such excess funds shall be returned to the contributors to the Trust. Under no circumstances shall trust funds be converted to any other purpose than as set out herein and as allowed by the applicable rules and regulations as promulgated by the Committee on Standards of Official Conduct or the United States House of Representatives.

Article 5: Trustee

Section 5. Definition of "Trustee". Reference in this Agreement to the "Trustee" shall be deemed a reference to the acting Trustee, and shall include alternate or successor trustees, unless the context requires otherwise.

Section 5.2 Successor Trustee. If the office of trustee becomes vacant for any reason, then the beneficiary shall within thirty (30) days name a successor trustee and request approval in writing of the successor trustee from the Committee on Standards of Official Conduct.

Section 5.3 Qualifications of the Trustee. The Trustee hereunder, or any successor Trustee appointed in accordance with this Agreement, if an individual, shall be at least 25 years of age. The Trustee shall not have any family, business, or employment relationship with the Trustor and shall not be a related or subordinate party, as to the Trustor, within the meaning of Section 672(c) of the Internal Revenue Code of 1986, as amended. The Trustee herein named, and any successor Trustee, warrants and represents to the Trustor that he or she will at all times faithfully comply with the Legal Expense Fund Regulations issued by the House Committee on Standards of Official Conduct, with all applicable statutes of the United States and the State of California, and with the Rules of the House of Representatives. The Trustee herein named, and any successor, further warrants, represents, and recognizes that he or she will be acting in a fiduciary capacity and will be bound by the laws of the State of California regulating the conduct of such fiduciaries and by the strict terms of this instrument. It is understood that the powers, duties and rights of the Trustee are controlled by said laws and the terms of this instrument which are not inconsistent therewith.

Section 5.4 Liability of the Trustee and Bond Requirement. Neither the Trustee nor any successor trustee shall be required to give bond for the faithful and proper performance of the trustee duties as specified in this Agreement. The Trustee or successor trustee, may, however, in his or her absolute discretion, purchase a bond in such amount as the trustee or any successor trustee deems proper and pay the premium(s) from the Trust funds.

Section 5.5 Compensation of Trustee. The Trustee shall be compensated for services performed under this Agreement at the Trustee's usual and customary rate. The Trustee may be paid from either the principal or income of the Trust.

Section 5.6 General Powers of Trustee. To carry out the purposes of the trust created under this Agreement, and subject to the limitations stated elsewhere in this Agreement, the Trustee shall have all of the powers as set out now or hereafter conferred on trustees by law. The Trustee shall have the powers, which shall be exercised in a fiduciary capacity, to pay all the above reasonable, necessary, and appropriate expenses only in strict compliance with the rules set forth in this Agreement, including, but not limited to all fees and expenses reasonably related to any legal proceedings and all incurred costs of administering the Trust. The Trustee, without diminution or restriction of the powers vested in by law, or elsewhere in this instruction and subject to all other provisions of this Agreement, without the necessity of procuring any judicial authorization therefore, or approval thereof, shall be vested with, and in the application of his or her best judgment and discretion on behalf of the Trustor, shall be authorized to exercise, the powers specifically enumerated as follows:

- a. During the Trustee's administration of the Trust and subject to all the other provisions of this Agreement, to receive all the assets of the Trust, and to have exclusive possession and control thereof; all such assets shall be maintained in an account or accounts, established for the exclusive purpose of administering the Trust, and segregated from the personal, political, or official funds of the Trustor;
- b. To enter into contracts binding upon the Trust (but not upon the Trustee in his individual capacity) which are reasonably incident to the administration of the Trust, and which the Trustee in the exercise of his best judgment believes to be for the best interests of the Trust;
- c. To settle, by compromise, or otherwise, claims or demands against the Trust, or held on behalf of the Trust;
- d. To invest liquid assets of the Trust, and from time to time exchange or liquidate such assets, pending distribution thereof, if and when such investments, in the judgment of the Trustee will not impede or delay distribution thereof, pursuant to the provisions of this Agreement, or as otherwise required by law, and in the judgment of the Trustee are advisable and for the best interests of the Trust;
- e. To pay federal, state, and local taxes, should any be deemed to exist which are incurred as a result of the creation, operation, or administration of the Trust.
- f. To retain investments which initially come into the hands of the Trustee among the assets of the Trust, without liability for loss or depreciation or diminution in value resulting from such retention, so long as in the judgment of the Trustee it is

- n. To exercise any and all powers to manage, maintain, improve, and preserve the Trust, paying reasonable, necessary and appropriate expenses incurred in soliciting, seeking or arranging for the acquisition of additional Trust property in accordance with the provisions of this Agreement. Such reasonable, necessary, and appropriate expenses may include expenses incurred by the Trustor, members of the Trustor's immediate family, and agents of the Trustor rendering services to the Trust or to the Trustee in furtherance of the Trustee's exercise of this power; provided, however, that no such expenses incurred by the Trustor, by any member of the immediate family of the Trustor, or by any agent of the Trustor may be paid by the Trustee unless the Trustee has authorized the expenses in advance and has received documentation of the expenses incurred in a manner or in a form which he deems appropriate and consistent with the purposes, terms and conditions of the Trust.

The exercise by the Trustee of any discretion granted by law or by this Agreement in good faith shall be binding on all persons.

Section 5.7 Accountings, Filings and Disclosures. An annual accounting shall be kept and prepared by the Trustee and such accountings shall be prepared as are required by the regulations of the Committee on Standards of Official Conduct. The accounting shall show the manner in which the Trust property is invested and all receipts, disbursements, and other transactions involving the Trust property. All such records and book of account shall be the property of the Trustee during the duration of the Trust and they, together with the Trust property and all reasonable evidence thereof, plus any accounts, shall not be made available to the Trustor during the Trust term except as provided in this Agreement or as required by applicable law. In addition, the Trustee shall provide the beneficiary, in a timely manner, all information necessary to allow the beneficiary to report to the Committee on Standards of Official Conduct on a quarterly basis, all donations and contributions to the Trust and all expenditures from the Trust, as is required.

Section 5.8 Grant of Specific Powers Not to Limit Exercise of General Powers. The enumeration of specific powers under this Trust shall not limit the Trustee from exercising any other power with respect to any trusts created by the Trust Agreement that may be necessary or appropriate for the Trustee to have and exercise in order to carry out the purposes of the trust or to permit the Trustee to fulfill the Trustee's responsibilities and duties with respect to the Trust.

Section 5.9 Trust Distributions Shall Not Be Used For Payment of Personal Legal Expenses or Obligations. Notwithstanding any other provision of this Trust Agreement, no income or principal of the Trust shall be used to discharge, in whole or in part, any legal expenses or obligations arising in connection with a matter that is primarily personal in nature with respect to the beneficiary, as prohibited by the regulations of the Committee on Standards of Official Conduct or the United States House of Representatives.

Section 5.95 Trustee's Right to Request Instructions. If at any time during the trust term, the Trustee is uncertain as to the proper administration of this Trust or the proper disbursement of trust funds as relates to the administration of a Legal Expense Fund Trust, the Trustee may request written instruction from the Committee on Standards of Official Conduct and/or the Federal Election Commission, prior to taking any such action.

Article 6: Concluding Provisions

Section 6.1 Number and Gender. As used in this Agreement, references in the feminine gender shall be deemed to include the masculine, and vice versa, and references to the singular shall be deemed to include the plural, and vice versa, wherever the context so permits.

Section 6.3 Severability Clause. If any provision of this Agreement is invalid, that provision shall be disregarded and the remainder of this Agreement shall be construed as if the invalid provision had not been included.

Section 6.4 California Law to Apply. All questions concerning the validity, interpretation, and administration of this Agreement, including the Trust created under this Agreement, shall be governed by the laws of the State of California, regardless of the domicile of any trustee or beneficiary.

Article 7: Signature and Execution

Section 7.1 Execution. We certify that we have read the foregoing Trust Agreement and that it correctly states the terms and conditions under which the trust estate is to be held, administered, and distributed. The Trustor approves this Trust Agreement in all particulars. The Trustee approves and accepts the Trust provided for in this Trust Agreement.

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Section 7.2 Counterparts. This instrument may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which together shall constitute one and the same instrument.

TRUSTOR:

DATE:

CHARLES B. RANGEL

TRUSTEE:

DATE:

DAVID DINKINS

ZOE LOFGREN, CALIFORNIA
CHAIR
BEN CHANDLER, KENTUCKY
G. K. BUTTERFIELD, NORTH CAROLINA
KATHY CASTOR, FLORIDA
PETER WELCH, VERMONT
DANIEL J. TAYLOR,
COUNSEL TO THE CHAIR
R. BLAKE CHISAM,
CHIEF COUNSEL AND STAFF DIRECTOR

ONE HUNDRED ELEVENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT

Washington, DC 20515-6328

JO BONNER, ALABAMA
RANKING REPUBLICAN MEMBER
K. MICHAEL CONAWAY, TEXAS
CHARLES W. DENT, PENNSYLVANIA
GREGG HARPER, MISSISSIPPI
MICHAEL T. McCAUL, TEXAS

KELIE A. STRICKLAND,
COUNSEL TO THE RANKING
REPUBLICAN MEMBER

SUITE HT-2, THE CAPITOL
(202) 225-7103

November 11, 2010

CONFIDENTIAL

Representative Charles B. Rangel
U.S. House of Representatives
2354 Rayburn House Office Building
Washington, DC 20515

Mr. R. Blake Chisam
Chief Counsel
Committee on Standards of Official Conduct
Suite HT-2, The Capitol
Washington, DC 20515

Re: In the Matter of Representative Charles B. Rangel

Dear Representative Rangel and Mr. Chisam:

As Chair of the Adjudicatory Subcommittee (ASC) in the Matter of Representative Charles B. Rangel, I am writing with regard to the adjudicatory hearing in this matter.

As the parties are aware from the October 7, 2010, public statement and several subsequent letters, the adjudicatory hearing in this matter will begin on Monday, November 15, 2010, at 9 a.m. The purpose of this letter is to confirm that the hearing will be held in the Committee on House Administration Hearing Room, Room 1310 in the Longworth House Office Building. The parties are advised that the hearing will begin promptly at 9:00 a.m.

On November 8, 2010, Committee counsel filed a notice of motion in this matter. If Committee counsel wish to proceed with this motion when the hearing begins, the Adjudicatory Subcommittee will first hear arguments from the parties on the motion. The parties will be allotted 20 minutes per side for argument on the motion. Members will then be allowed the opportunity to ask questions of the parties under the five-minute rule.

Following arguments on the motion, if any, the hearing will proceed according to Committee rules and the October 12, 2010, scheduling letter. The parties are reminded that they will each be allowed 10 hours to present their respective cases, inclusive of the time allotted for opening and closing arguments. Opening statements and closing arguments will be limited to 1 hour per side.

Representative Charles B. Rangel and Mr. R. Blake Chisam
November 11, 2010
Page 2 of 2

Unless otherwise specified in this letter, all deadlines announced in the October 12 scheduling letter as modified are unchanged and remain in effect for both parties.

Sincerely,

A handwritten signature in black ink, appearing to read "Zoe Lofgren", with a horizontal line extending to the right.

Zoe Lofgren
Chair

cc: Representative Michael T. McCaul, Ranking Republican Member

ZOE LOFGREN, CALIFORNIA
CHAIR

BEN CHANDLER, KENTUCKY
G. K. BUTTERFIELD, NORTH CAROLINA
KATHY CASTOR, FLORIDA
PETER WELCH, VERMONT

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ONE HUNDRED ELEVENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT

Washington, DC 20515-6328

November 16, 2010

Representative Zoe Lofgren
U.S. House of Representatives
102 Cannon House Office Building
Washington, DC 20515

Representative Jo Bonner
U.S. House of Representatives
2236 Rayburn House Office Building
Washington, DC 20515

Re: In the Matter of Representative Charles B. Rangel

Dear Representatives Lofgren and Bonner:

As Chair and Ranking Republican Member of the Adjudicatory Subcommittee (ASC) in the Matter of Representative Charles B. Rangel, we are writing with regard to the findings of the ASC in this matter. Earlier today, the ASC concluded its deliberations regarding the Statement of Alleged Violation (SAV) in this matter and publicly announced an overview of its findings.

Pursuant to Rule 23(p) of the Committee on Standards of Official Conduct, we are transmitting a written report of the ASC's findings to the Chair and Ranking Republican Member of the Committee. As described in its findings, the ASC found that 11 of the 13 counts in the SAV were proven by clear and convincing evidence. Representative Rangel is copied on this letter and will also be provided a copy of the ASC's findings.

With the transmittal of these findings, the work of the ASC in this matter is complete.

Sincerely,



Zoe Lofgren
Chair



Michael McCaul
Ranking Republican Member

Enclosure

cc: Representative Charles B. Rangel

IN THE MATTER OF
REPRESENTATIVE CHARLES B. RANGEL

November 16, 2010: The Adjudicatory Subcommittee from the
Committee on Standards of Official Conduct submitted the following:

REPORT

The Adjudicatory Subcommittee of the Committee on Standards of Official Conduct submits this report to the full Committee pursuant to Committee Rule 23(p). The Report summarizes the Adjudicatory Subcommittee's findings in *In the Matter of Representative Charles B. Rangel*. The Adjudicatory Subcommittee is transmitting with this report all motions, transcripts of evidence, correspondence, and other relevant items generated or received by the Adjudicatory Subcommittee during these proceedings.

PROCEDURAL HISTORY

On July 22, 2010, after receiving the Statement of Alleged Violation and associated pleadings and responses from the Investigative Subcommittee in this matter, and acting pursuant to Committee Rule 23, the Chair designated an Adjudicatory Subcommittee and Representative Rangel was informed of the designation. On October 7, 2010, by public statement the Chair of the Adjudicatory Subcommittee set November 15, 2010, at 9 a.m., as the date and time for the Adjudicatory Subcommittee to convene its public hearing. By letter to the parties on October 12, 2010, the Adjudicatory Subcommittee gave Representative Rangel and Committee Counsel notice of the schedule and procedures for the adjudicatory hearing as set forth in Committee Rule 23.

On November 15, 2010, pursuant to Committee Rule 23 and consistent with the other Committee and House Rules governing these proceedings, the Adjudicatory Subcommittee commenced a hearing to determine whether any counts in the Statement of Alleged Violation have been proven by clear and convincing evidence. Committee Counsel made motions to introduce exhibits and witness affidavits into the record, both of which were granted. Committee Counsel then made motions that there were no issues of material fact as to any of the thirteen counts alleged in the Statement of Alleged Violation and seeking to commit the matter to the Adjudicatory Subcommittee for its deliberation and vote. By unanimous vote the Adjudicatory Subcommittee granted those motions.

After the hearing was adjourned, the Adjudicatory Subcommittee began its deliberations in executive session. At the conclusion of several hours of deliberation, the Adjudicatory Subcommittee made the following findings with regard to the counts in the Statement of Alleged Violation, pursuant to the vote requirements of Committee Rule 23(o).

FINDINGS

Count I

The Adjudicatory Subcommittee found that Count I of the Statement of Alleged Violation was proven by clear and convincing evidence. The Adjudicatory Subcommittee found that between 2005 and 2008, Representative Rangel personally signed and sent form letters to over 100 foundations, including, *inter alia*, the Verizon Foundation, New York Life Foundation, The Starr Foundation, Ford Foundation, AT&T Foundation, Citi Foundation, JPMorgan Chase Foundation, Merrill Lynch & Co. Foundation, MetLife Foundation, Bristol-Meyers Squibb Foundation, Goldman Sachs Foundation, and Wachovia Foundation, soliciting donations to the

City College of New York (CCNY), an entity qualified under § 170(c) of the Internal Revenue Code, for the Charles B. Rangel Center for Public Service (Rangel Center). The Adjudicatory Subcommittee also found that Representative Rangel sent personal letters to David Rockefeller, Donald Trump, and Hank Greenberg seeking donations to CCNY for the Rangel Center. The Adjudicatory Subcommittee found that each of these entities and individuals had interests that could have been substantially affected by the performance or nonperformance of Representative Rangel's official duties as a Member of the United States House of Representatives and the Committee on Ways and Means in particular. These letters were written on congressional letterhead bearing the words "United States Congress" and "House of Representatives." Enclosed with many of the letters was a brochure that requested a gift of "\$30,000,000 or \$6,000,000/year for five years." Through this course of conduct, Representative Rangel violated the solicitation ban enumerated in 5 U.S.C. § 7353.

Count II

The Adjudicatory Subcommittee found that Count II of the Statement of Alleged Violation was proven by clear and convincing evidence. The Adjudicatory Subcommittee found that Representative Rangel solicited donations for the Rangel Center from individuals and entities with business before the House of Representatives and the Committee on Ways and Means and that many of these individuals and entities gave money to CCNY for the Rangel Center simply because Representative Rangel asked. The Adjudicatory Subcommittee also found that Representative Rangel solicited donations from individuals and entities during a period when Representative Rangel and his staff were also communicating with those persons' representatives about legislation that could impact their interests. The Adjudicatory Subcommittee found that these donations were a favor or benefit to Representative Rangel,

which may be construed by reasonable persons as influencing the performance of his official duties. Through this course of conduct, Representative Rangel violated the Code of Ethics for Government Service, clause 5.

Count III

A majority of the Adjudicatory Subcommittee was unable to find that Count III of the Statement of Alleged Violation was proven by clear and convincing evidence.

Count IV

The Adjudicatory Subcommittee found that Count IV of the Statement of Alleged Violation was proven by clear and convincing evidence. The Adjudicatory Subcommittee found that Representative Rangel used his Frank to send a letter and brochure to the New York Stock Exchange Foundation's Leon Panetta soliciting a donation to CCNY for the Rangel Center. The Adjudicatory Subcommittee also found evidence in the record that Representative Rangel used his Frank to send other mailings related to the Rangel Center based on his Chief of Staff George Dalley's uncontested testimony before the Investigative Subcommittee. The Adjudicatory Subcommittee found that Representative Rangel was a person entitled to use the Frank who permitted its use for the benefit or use of CCNY. Through this course of conduct, Representative Rangel violated Sections 3210 and 3215 of Title 39 of the United States Code, as well as the Franking regulations.

Count V

The conduct underlying Count V of the Statement of Alleged Violation is the same conduct underlying Count IV. The Adjudicatory Subcommittee is taking no action with regard

to Count V because the Adjudicatory Subcommittee believes the jurisdiction to charge and find a violation of this criminal statute more properly lies with the executive branch and judicial branch.

Count VI

The Adjudicatory Subcommittee found that Count VI of the Statement of Alleged Violation was proven by clear and convincing evidence. The Adjudicatory Subcommittee found that, between 2005 and 2008, Representative Rangel prepared more than 100 letters soliciting on behalf of CCNY for the Rangel Center from Representative Rangel's Washington, D.C., congressional office. Testimony provided by Representative Rangel's Chief of Staff indicates that these letters were stored in electronic form on computers owned by the House of Representatives and in hard copy in Representative Rangel's Washington, D.C., congressional office. Through this course of conduct, Representative Rangel violated the House Office Building Commission regulations.

Count VII

The Adjudicatory Subcommittee found that Count VII of the Statement of Alleged Violation was proven by clear and convincing evidence. Representative Rangel used official House resources to support fundraising efforts for the Rangel Center. Those resources included: staff time; House telephones, computers, printers, and fax machines; stationery and other office supplies; and franking expenses. Through this course of conduct, Representative Rangel violated the Purpose Law and Member's Handbook.

Count VIII

The Adjudicatory Subcommittee found that Count VIII of the Statement of Alleged Violation was proven by clear and convincing evidence. The Adjudicatory Subcommittee found that Representative Rangel wrote letters regarding the Rangel Center, including solicitations, using letterhead bearing the words “Congress of the United States” and “House of Representatives.” Representative Rangel used his official letterhead to send these letters on numerous occasions throughout 2005, 2006, and 2007. The Adjudicatory Subcommittee found that Representative Rangel’s conduct created the appearance that the Rangel Center was a project endorsed by the government. Through this course of conduct, Representative Rangel violated clause 11 of House Rule XXIII.

Count IX

The Adjudicatory Subcommittee found that Count IX of the Statement of Alleged Violation was proven by clear and convincing evidence. The Adjudicatory Subcommittee found that Representative Rangel’s Financial Disclosure Statements for the years 1998 through 2008 contained numerous errors and omissions. As a result, Representative Rangel’s filings did not “include a full and complete statement” as required by the Ethics in Government Act. Through this course of conduct, Representative Rangel violated § 102 of the Ethics in Government Act (5 U.S.C. app. 4 § 101 *et. seq.*) and House Rule XXVI.

Count X

The Adjudicatory Subcommittee found that Count X of the Statement of Alleged Violation was proven by clear and convincing evidence. The Adjudicatory Subcommittee found that the landlord’s tolerance of Representative Rangel’s use of an apartment as an office for his

campaign in violation of the terms of the lease and the New York City zoning regulations and building code was a favor or benefit to Representative Rangel, which may be construed by reasonable persons as influencing the performance of his official duties. Through this course of conduct, Representative Rangel violated the Code of Ethics for Government Service, clause 5.

Count XI

The Adjudicatory Subcommittee found that Count XI of the Statement of Alleged Violation was proven by clear and convincing evidence. The Adjudicatory Subcommittee found that Representative Rangel also violated tax laws by failing, for 17 years, to report, and pay tax on, rental income on a beach villa in Punta Cana, Dominican Republic. In addition, as discussed previously, Representative Rangel's conduct violated other laws and regulations including the solicitation ban (5 U.S.C. § 7353), postal service laws (39 U.S.C. § 3215), the Franking Commission regulations, the Purpose Law (31 U.S.C. § 1301), Member's Congressional Handbook, and the Ethics in Government Act (5 U.S.C. app. 4 § 101 *et. seq.*). Through this course of conduct, Representative Rangel violated the Code of Ethics for Government Service, clause 2.

Count XII

The Adjudicatory Subcommittee found that Count XII of the Statement of Alleged Violation was proven by clear and convincing evidence. The Adjudicatory Subcommittee found that Representative Rangel solicited donations for the Rangel Center from individuals and entities with business before the House of Representatives and the Committee on Ways and Means and that many of these individuals and entities gave money to CCNY for the Rangel Center simply because Representative Rangel asked.

Pursuant to House Rule XXIII, clause 4, a Member “may not accept gifts except as provided by clause 5 of rule XXV.” House Rule XXV, clause 5(a)(1)(A)(1), provides that a Member “may not knowingly accept a gift as provided” in the House Gift Rule. Under the House Gift Rule, a “gift” is defined as “a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or any other item having monetary value.” The House Gift Rule prohibits both direct gifts and indirect gifts. An indirect gift is one that is “given with the knowledge and acquiescence of the Member . . . and the Member . . . has reason to believe that the gift was given because of the Member’s position.”¹ Under the precedents of the House of Representatives, an indirect gift, when that gift has been made to a § 170(c) organization, has never been found where there was no direct financial benefit to the Member.

Although a majority of the Adjudicatory Subcommittee did not find that the House Gift Rule was violated by any contribution made to CCNY for the Rangel Center, the Adjudicatory Subcommittee is concerned that the contributions that resulted from the solicitations are suspect and they were given, in some instances, with the hope that the donation might influence Representative Rangel. Through this course of conduct, Representative Rangel failed to adhere to the spirit of the House Rules and the rules of duly constituted committees of the House in violation of clause 2 of the Code of Official Conduct (House Rule XXIII).

In addition, as set forth above, Representative Rangel violated applicable provisions of House Rule XXIII, clause 11; House Rule XXVI; the Franking Commission regulations; the House Office Building Commission regulations; and the Member’s Handbook. Through this course of conduct, Representative Rangel failed to adhere to the spirit and letter of the House

¹ House Rule XXV, clause 5(a)(2)(B)(i).

Rules and the rules of committees of the House in violation of clause 2 of the Code of Official Conduct (House Rule XXIII).

Count XIII

Considering the violations found, a majority of the Adjudicatory Subcommittee concluded that the totality of Representative Rangel's conduct represented an ongoing pattern of behavior, as opposed to isolated incidents. In addition, the Adjudicatory Subcommittee notes that Representative Rangel served at various times in highly visible and influential positions as both Chairman and Ranking Member of the Ways and Means Committee. Indeed, as Representative Rangel himself has observed, because of the substantial responsibilities of his position, it is appropriate to hold him to a higher standard. Consequently, the Adjudicatory Subcommittee found that Count XIII was proven by clear and convincing evidence because Representative Rangel's actions and the accumulation of his actions reflected poorly on the institution of the House and, thereby, brought discredit to the House, in violation of clause 1 of the Code of Official Conduct (House Rule XXIII).