

111TH CONGRESS }  
*1st Session*

HOUSE OF REPRESENTATIVES

{ REVIEW NO.  
09-9099

**OFFICE OF CONGRESSIONAL ETHICS  
UNITED STATES HOUSE OF  
REPRESENTATIVES**

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**Report and Findings**

Transmitted to the  
Committee on Standards of Official Conduct  
on December 2, 2009  
and released publicly pursuant to H. Res. 895 of the  
110th Congress as amended



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CONGRESSIONAL ETHICS  
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## REPORT

Review No. 09-9099

The Board of the Office of Congressional Ethics (hereafter the "Board", by a vote of no less than four members, on November 20, 2009, adopted the following report and ordered it to be transmitted to the Committee on Standards of Official Conduct of the United States House of Representatives.

**SUBJECT:** Representative John Murtha

**NATURE OF THE ALLEGED VIOLATION:** In Fiscal Year 2009, Representative John Murtha authored several earmarks for clients of PMA Group, Inc. (hereafter "PMA"). During campaign cycles 2008 and 2010, Representative Murtha received contributions to his campaign committee and "Leadership PAC" from PMA's PAC, PMA employees, the PACs of PMA clients for whom he authored earmarks, and the employees of those clients.

If Representative Murtha solicited or accepted contributions or other items of value in exchange for or because of an official act, or solicited or accepted contributions or other items of value in a manner which gave the appearance that the contributions were linked to an official act, then Representative Murtha may have violated 18 U.S.C. § 201(b) (Bribery), 18 U.S.C. § 201(c) (Illegal Gratuities), 5 U.S.C. § 7353 (Gifts to Federal Employees), and House Rules and Standards of Conduct.

**RECOMMENDATION:** The Board of the Office of Congressional Ethics recommends that the Committee on Standards of Official Conduct dismiss the above allegations.

**VOTES IN THE AFFIRMATIVE:** 6

**VOTES IN THE NEGATIVE:** 0

**MEMBER OF THE BOARD OR STAFF DESIGNATED TO PRESENT THIS REPORT TO THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT:** Leo Wise, Staff Director & Chief Counsel.

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## FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 09–9099

On November 20, 2009, the Board of the Office of Congressional Ethics (hereafter the “Board”) adopted the following findings of fact and accompanying citations to law, regulations, rules and standards of conduct (in italics). The Board notes that these findings do not constitute a determination of whether or not a violation actually occurred.

### I. INTRODUCTION

#### A. SUMMARY OF ALLEGATIONS

1. There is not substantial reason to believe that Representative Murtha solicited or accepted contributions or other items of value in exchange for or because of an official act, or solicited or accepted contributions or other items of value in a manner which gave the appearance that the contributions were linked to an official act.

#### B. JURISDICTIONAL STATEMENT

2. The allegations that were the subject of this review concern Representative John Murtha, a Member of the United States House of Representatives from the 12th District of Pennsylvania. The Resolution the United States House of Representatives adopted creating the Office of Congressional Ethics (hereafter the “OCE”) directs that, “[n]o review shall be undertaken . . . by the board of any alleged violation that occurred before the date of adoption of this resolution.”<sup>1</sup> The House adopted this Resolution on March 11, 2008. Because the conduct under review occurred after March 11, 2008, review by the Board is in accordance with the Resolution.

#### C. PROCEDURAL HISTORY

3. The OCE received a written request for a preliminary review in this matter signed by at least two members of the Board on July 6, 2009. The preliminary review commenced on that date.<sup>2</sup> The preliminary review was scheduled to end on August 5, 2009.

4. At least three members of the Board voted to initiate a second phase review in this matter on August 5, 2009. The second phase

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<sup>1</sup>H. Res 895, 110th Cong. § 1(e) (2008) (as amended).

<sup>2</sup>A preliminary review is “requested” in writing by members of the Board of the OCE. The request for a preliminary review is received by the OCE on a date certain. According to H. Res. 895 of the 110th Congress (hereafter the “Resolution”), the timeframe for conducting a preliminary review is 30 days from the date of receipt of the Board’s request.

review commenced on August 6, 2009.<sup>3</sup> The second-phase review was scheduled to end on September 20, 2009.

5. The Board voted to extend the 45-day second phase review by an additional 14 days, as provided by the Resolution, on September 17, 2009. Following the extension, the second-phase review was scheduled to end on October 5, 2009.<sup>4</sup>

6. The Board voted to refer the matter to the Committee on Standards of Official Conduct for dismissal and adopted these findings on November 20, 2009.

7. This report and findings were transmitted to the Committee on Standards of Official Conduct on December 2, 2009.

#### D. SUMMARY OF INVESTIGATIVE ACTIVITY

8. Due to the nature of the allegations in this review, the OCE's investigation required the collection of information from a number of sources.

9. The OCE reviewed publically available records of campaign contributions to the campaign committees of Members of the House Appropriations Subcommittee on Defense (hereafter "Defense Subcommittee") from recipients of earmarks during the 2008 and 2010 campaign cycles. The review included campaign contributions to the leadership political action committees (hereafter "PACs"), if any, of these Members.

10. Specifically, the OCE reviewed campaign contributions to these Members from donors that were affiliated with the lobbying firm of Paul Magliocchetti and Associates Group, Inc. (hereafter "PMA"), *i.e.*, contributions from the PMA PAC, PMA employees, the PACs of corporate clients of PMA (hereafter "PMA clients") and employees of PMA clients.

11. The OCE also reviewed campaign contributions to Members of the Defense Subcommittee from PACs of non-PMA clients, and employees of non-PMA clients.

12. Beyond Members of the Defense Subcommittee, the investigation included a review of campaign contributions from PMA clients and non-PMA clients to Representatives who are not on the Defense Subcommittee, but authored defense earmarks for PMA clients and non-PMA clients.

13. The OCE requested information from forty PMA clients that received earmarks from Members of the Defense Subcommittee for fiscal years 2008 to 2010.

14. All of the PMA clients that the OCE contacted cooperated with the investigation, except for two.

15. Aeroflex and Kimball and Associates are the only PMA clients that refused to cooperate with the investigation.

16. Thirty-eight PMA clients and Representatives' offices produced documents totaling approximately 200,000 pages. These PMA clients also made witnesses available for interviews upon request of the OCE.

<sup>3</sup>According to the Resolution, the Board must vote on whether to conduct a second-phase review in a matter before the expiration of the 30-day preliminary review. If the Board votes for a second-phase, the second-phase begins when the preliminary review ends. The second-phase review does not begin on the date of the Board vote.

<sup>4</sup>*Id.* at § 1(c)(2)(A)(ii) (2008).



17. Based on the information discovered during the review of the produced documents, the OCE interviewed twenty-six individual PMA client witnesses.

18. In addition, the OCE interviewed six witnesses who were formerly employed as lobbyists with PMA during the 2008 and 2010 campaign cycles.

19. In sum, the OCE requested and received documentary, and in some cases testimonial, information from the following sources:

- (1) 21st Century Systems, Inc.;
- (2) AAR Composites;
- (3) Advanced Acoustic Concepts;
- (4) Advanced Concepts & Technologies Intl.;
- (5) Aircraft Interior Products;
- (6) Applied Global Technologies;
- (7) Argon ST;
- (8) Boeing Corporation;
- (9) Carnegie Mellon University;
- (10) Coda Octopus Group;
- (11) Concurrent Technologies Corporation;
- (12) Conemaugh Health Systems;
- (13) Cryptek;
- (14) DDL OMNI Engineering;
- (15) DRS Technologies;
- (16) EM Solutions;
- (17) General Atomics;
- (18) General Dynamics;
- (19) Goodrich Corporation;
- (20) Innovative Concepts, Inc.;
- (21) ITT Corporation;
- (22) Lockheed Martin Corporation;
- (23) MobilVox;
- (24) NuVant Systems, Inc.;
- (25) Optimal Solutions & Technologies;
- (26) Parametric Technology Corporation;
- (27) Planning Systems Inc.;
- (28) Profile Systems;
- (29) Prologic, Inc.;
- (30) QTL Biosystems;
- (31) RaySat Antenna Systems;
- (32) Rockwell Collins;
- (33) Samueli Institute;
- (34) Sierra Nevada Corporation;
- (35) Teledyne Continental Motors, Inc.;
- (36) Teledyne Controls;
- (37) Windber Research Institute;
- (38) Xunlight Corporation;
- (39) Vice President, 21st Century Systems, Inc.;
- (40) Chief Administrative Officer, 21st Century Systems, Inc.;
- (41) Vice President for Communications, 21st Century Systems, Inc.;
- (42) PAC Treasurer, 21st Century Systems, Inc.;
- (43) General Manager, AAR Composites;
- (44) Chief Operating Officer, AAR Composites;

- (45) Chief Executive Officer, Applied Global Technologies;
- (46) Vice President, Applied Global Technologies;
- (47) PAC Treasurer, DRS Technologies;
- (48) President, DRS Technologies;
- (49) Chief Operating Officers, Optimal Solutions & Technologies;
- (50) Chief Executive Officer, Optimal Solutions & Technologies;
- (51) Director, Optimal Solutions & Technologies;
- (52) CEO, Samueli Institute;
- (53) Vice President, Sierra Nevada Corporation;
- (54) Congressional Affairs Director, Sierra Nevada Corporation;
- (55) Assistant to Business Development Director, Teledyne Continental Motors, Inc.;
- (56) Business Development Director, Teledyne Continental Motors, Inc.;
- (57) PAC Treasurer, Teledyne Controls;
- (58) General Manager, Teledyne Controls;
- (59) Vice President, Teledyne Controls;
- (60) Director of Contracts, Teledyne Controls;
- (61) Contract Administrator, Teledyne Controls;
- (62) Legislative Affairs Director, Teledyne Controls;
- (63) Associate General Counsel, Teledyne Controls;
- (64) President, Teledyne Controls;
- (65) PMA Lobbyist 1;
- (66) PMA Lobbyist 2;
- (67) PMA Lobbyist 3;
- (68) PMA Lobbyist 4;
- (69) PMA Lobbyist 5;
- (70) PMA Lobbyist 6;
- (71) Representative Murtha's Chief of Staff;
- (72) Representative Murtha's District Director;
- (73) Representative Murtha's Campaign Coordinator;
- (74) Representative Murtha's PAC Coordinator;
- (75) Representative Murtha's Staffer; and
- (76) Representative Murtha.

## II. THE OCE UNCOVERED NO EVIDENCE THAT REPRESENTATIVE MURTHA REQUESTED EARMARKS FOR PMA CLIENTS IN CONNECTION WITH CAMPAIGN CONTRIBUTIONS HE RECEIVED

### A. RELEVANT LAW, REGULATIONS, RULES OR STANDARDS OF CONDUCT

- 20. 18 U.S.C. § 201(b)—*Bribery of public officials and witnesses*  
 “(b) Whoever—  
 (2) being a public official or person selected to be a public official, directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity, in return for:  
 (A) being influenced in the performance of any official act.”
- 21. 18 U.S.C. § 201(c)—*Illegal Gratuities*  
 “(c) Whoever—

(1) otherwise than as provided by law for the proper discharge of official duty—

(B) being a public official, former public official, or person selected to be a public official, otherwise than as provided by law for the proper discharge of official duty, directly or indirectly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally for or because of any official act performed or to be performed by such official or person. . . .”

22. “An illegal gratuity . . . may constitute merely a reward for some future act that the public official will take (and may have already determined to take), or for a past act that he has already taken.”<sup>5</sup>

23. *House Rules and Standards of Conduct*

“[T]he scope of the House standards of conduct in this area is broader than that of the criminal bribery statute . . . the House standards of conduct generally preclude any link between the solicitation or receipt of a contribution and a specific official action.”<sup>6</sup>

“Put another way, there are fundraising activities that do not violate any criminal statute but well may violate House standards of conduct.”<sup>7</sup>

“[T]here are certain proffered campaign contributions that must be declined, and certain fundraising opportunities that must be forgone, solely because they create an appearance of improper conduct.”<sup>8</sup>

“[N]o solicitation of a campaign or political contribution may be linked to an action taken or to be taken by a Member or employee in his or her official capacity.”<sup>9</sup> In addition, a Member may not accept any contribution that is linked with any specific official action taken or to be taken by that Member.”<sup>10</sup>

“It is probably not wrong for the campaign managers of a legislator . . . to request contributions from those for whom the legislator has done appreciable favors, but this should never be presented as a payment for the services rendered. Moreover, the possibility of such a contribution should never be suggested by the legislator or his staff as the time the favor is done. Furthermore, a decent interval of time should be allowed to lapse so that neither party will feel that there is a close connection between the two acts. The Standards Committee has long advised Members and staff that they should always exercise caution to avoid even the appearance that solicitations of campaign contributions are connected in any way with an action taken or to be taken in their official capacity.”<sup>11</sup>

<sup>5</sup>House Ethics Manual (2008) at 79. See also *United States v. Sun-Diamond Growers*, 526 U.S. 398, 404 (1999).

<sup>6</sup>Memorandum of the Chairman and Ranking Minority Member, Recommendations for disposition of the complaint filed against Representative DeLay. Accessed online on June 24, 2009 at <http://ethics.house.gov/Investigations/Default.aspx?Section=18>.

<sup>7</sup>*Id.*

<sup>8</sup>*Id.*

<sup>9</sup>House Ethics Manual (2008) at 147.

<sup>10</sup>Memorandum of the Chairman and Ranking Minority Member, Recommendations for disposition of the complaint filed against Representative DeLay. Accessed online on June 24, 2009 at <http://ethics.house.gov/Investigations/Default.aspx?Section=18>.

<sup>11</sup>House Ethics Manual (2008) at 147.

*“[A] Member should not sponsor or participate in any solicitation that offers donors any special access to the Member in the Member’s official capacity.”*<sup>12</sup>

*“[G]overnment officials should ‘never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not.’”*<sup>13</sup>

*“[P]ublic office is a public trust,’ and the public has a right to expect House Members and staff to exercise impartial judgment in performing their duties.”*<sup>14</sup>

24. 5 U.S.C. § 7353—Gifts to Federal Employees

*“(a) Except as permitted by subsection (b), no Member of Congress . . . shall solicit or accept anything of value from a person—*

*(1) seeking official action from, doing business with . . . the individual’s employing entity; or*

*(2) whose interests may be substantially affected by the performance or nonperformance of the individual’s official duties.*

*(b)(1) Each supervising ethics office is authorized to issue rules or regulations implementing the provisions of this section and providing reasonable exceptions as may be appropriate.*

*(2)(A) Subject to subparagraph (B), a Member, officer, or employee may accept a gift pursuant to rules and regulations established by such individual’s supervising ethics office pursuant to paragraph (1)*

*(B) No gift may be accepted pursuant to subparagraph (A) in return for being influenced in the performance of an official act.”*

25. House Ethics Manual—Soliciting Campaign and Political Contributions

*While the federal gift statute (5 U.S.C. § 7353) broadly restricts the ability of House Members and staff to solicit things of value from virtually anyone, even when no personal benefit to the solicitor is involved, legislative materials concerning the statute state that it does not apply to the solicitation of political contributions. Consistent with those materials, the Standards Committee has long taken the position that the restrictions on solicitation set forth in that statute do not apply to political solicitations. However, in soliciting campaign or political contributions, Members and staff are subject to a number of other restrictions, as follows.*

*A Contribution linked to an Official Action May Not Be Accepted*

*. . . no solicitation of a campaign or political contribution may be linked to any action taken or to be taken by a Member or employee in his or her official capacity.*

*In a similar vein, a Member or employee may not accept any contribution that the donor links to any official action that the Member or employee has taken, or is being asked to take. In this respect, a campaign or political contribution is treated like any other gift, and acceptance of a contribution in these circumstances may implicate a provision of the federal gift statute*

<sup>12</sup>*Id.*

<sup>13</sup>*Id.* at 151 (citing Code of Ethics for Government Service, ¶5).

<sup>14</sup>*Id.* at 151 (citing Code of Ethics for Government Service, ¶10).

(5 U.S.C. § 7353) or the criminal statutes on bribery and illegal gratuities.

26. Based on the facts collected by the OCE, the Board concludes there is not substantial reason to believe the allegations that are the subject of this review.<sup>15</sup>

#### B. EARMARK PROCESS

27. Representative John Murtha represents the 12th Congressional District of Pennsylvania.

28. The process for handling Representative Murtha's requests for earmarks for the House Defense Appropriations Subcommittee is managed by his Congressional office staff.<sup>16</sup> Originally two individuals were directly responsible for the process, Mr. Charles Horner and Representative Murtha's Staffer. However, Mr. Horner recently retired and Representative Murtha's Staffer is currently responsible for managing the process.<sup>17</sup>

29. The initial evaluation of the earmark requests are done by Representative Murtha's Staffer. The requests are evaluated based on certain criteria and the overall merit of the request.<sup>18</sup>

30. Representative Murtha's Staffer reviews the nature of the project, the recipient and the impact the project will have on the Congressman's district.<sup>19</sup> Aside from the project's merit, the primary criteria for evaluating earmark requests is whether the project contributes to economic development and jobs in the Member's district.<sup>20</sup>

31. Representative Murtha's Staffer explained that the process for evaluating earmark requests does not include the consideration of campaign contributions from the entities requesting the earmark.<sup>21</sup> Representative Murtha's Staffer does not know who contributes to Representative Murtha's campaign. He has never asked for that information and that information has never been provided to him, nor has he ever been instructed to consider campaign contributions when vetting the earmark requests.<sup>22</sup> While Representative Murtha's Staffer has attended Representative Murtha's fundraisers in the past, he has no role in the fundraising process.<sup>23</sup>

32. Representative Murtha's office receives hundreds of earmark requests annually. Entities typically begin making earmark requests in January.<sup>24</sup> Those requests either go directly to Representative Murtha's Staffer or the district office. If a request goes to the district office, it is sent to the Washington, DC, office for further review.<sup>25</sup>

<sup>15</sup>Rule 9 of the OFFICE OF CONGRESSIONAL ETHICS, RULES FOR THE CONDUCT OF INVESTIGATIONS 11 (2009) provides that "[t]he Board shall refer a matter to the Standards Committee for further review if it determines there is a substantial reason to believe the allegation based on all the information then known to the Board."

<sup>16</sup>Memorandum of Interview of Rep. Murtha (Exhibit 1 at 09-9099\_6).

<sup>17</sup>Memorandum of Interview of Representative Murtha's Staffer (Exhibit 2 at 09-9099\_6).

<sup>18</sup>*Id.* at 09-9099\_7.

<sup>19</sup>*Id.*

<sup>20</sup>*Id.*

<sup>21</sup>*Id.* at 09-9099\_8.

<sup>22</sup>*Id.* at 09-9099\_7.

<sup>23</sup>*Id.*

<sup>24</sup>*Id.*

<sup>25</sup>Memorandum of Interview of Representative Murtha's Chief of Staff (Exhibit 3 at 09-9099\_10).

33. Other than providing general guidelines to his staff on how to evaluate the projects, Representative Murtha does not participate in the vetting process.<sup>26</sup> Instead, his staff evaluates the earmark requests and prepares a final list of 25–30 individual requests for the Congressman.<sup>27</sup>

34. The list is provided to the Congressman for his review, but it is approved by the Member without any changes.<sup>28</sup>

35. Representative Murtha explained to the OCE that his earmark process is completely staff driven.<sup>29</sup> His guidance to staff is to focus primarily on the merit of the project and the positive impact it will have on the economic development of his district. According to the Congressman, the process for evaluating earmark requests does not include any consideration of campaign contributions from the requesting entities.<sup>30</sup>

#### C. CAMPAIGN FUNDRAISING

36. During campaign cycles 2008 and 2010, Representative Murtha accepted approximately \$390,180 in campaign contributions from PMA's PAC and employees and from the PAC and employees of PMA clients.<sup>31</sup>

37. Representative Murtha spends approximately \$50,000 per month to run a full time campaign office. He explained to the OCE that one of the reasons he does this is to ensure a full separation between his legislative activities and his campaign activities.<sup>32</sup>

38. The campaign typically hosts a large fundraising event in February. The reason for the timing of the event is because it corresponds to the month in which Representative Murtha was first elected to the House of Representatives in a special election.<sup>33</sup>

39. Representative Murtha has a professional fundraiser who manages his campaign's fundraising efforts. According to Representative Murtha, in his entire career he has never called an individual or entity and requested a campaign contribution.<sup>34</sup>

40. Representative Murtha has a full-time campaign coordinator. Representative Murtha's Campaign Coordinator's job duties include managing a database of contributors, Federal Election Commission compliance, and assisting with local fundraisers. Representative Murtha's Campaign Coordinator explained that to her knowledge, the defense firms in the Congressman's district have not sponsored any local fundraisers.<sup>35</sup>

41. Representative Murtha's Campaign Coordinator told the OCE that no one from the Washington, DC, Congressional office has ever asked her about individual contributors.<sup>36</sup> The only person who works in the Congressional office who may see a list of con-

<sup>26</sup> Memorandum of Interview of Rep. Murtha (Exhibit 1 at 09-9099\_3).

<sup>27</sup> Memorandum of Interview of Representative Murtha's Staffer (Exhibit 2 at 09-9099\_7).

<sup>28</sup> *Id.*

<sup>29</sup> Memorandum of Interview of Rep. Murtha (Exhibit 1 at 09-9099\_3).

<sup>30</sup> *Id.* at 09-9099\_3.

<sup>31</sup> Contribution amounts are derived from reports filed with the Federal Election Commission by Murtha for Congress and Majority PAC.

<sup>32</sup> *Id.* at 09-9099\_4.

<sup>33</sup> *Id.* at 09-9099\_4.

<sup>34</sup> *Id.* at 09-9099\_3.

<sup>35</sup> Memorandum of Interview of Representative Murtha's Campaign Coordinator (Exhibit 4 at 09-9099\_13).

<sup>36</sup> *Id.* at 09-9099\_14.

tributors is Representative Murtha's Chief of Staff.<sup>37</sup> However, according to both the Congressman and his Chief of Staff, Representative Murtha's Chief of Staff has no role in the appropriations process.<sup>38</sup>

42. Representative Murtha also has a full-time campaign coordinator for his political action committee, "Majority PAC." That individual has held the position since 2007.<sup>39</sup> Prior to that position, she was the Congressman's campaign coordinator for the previous 15 years. The campaign coordinator for the Congressman's PAC told the OCE that no legislative staffer from the Washington, DC, office has called her concerning individual contributors to the campaign or PAC. Similarly, no one from the Congressman's Washington, DC, staff has ever asked to add or delete a name from the list of individuals to solicit.<sup>40</sup>

43. Representative Murtha confirmed the statement by Representative Murtha's Campaign Coordinator and the campaign coordinator of his PAC. Representative Murtha told the OCE that he knew some companies thought that contributing to his campaign might increase the likelihood of receiving an earmark, but the reality is that he often did not even recognize the individuals who attend his fundraisers.<sup>41</sup> Representative Murtha candidly explained that he did not know who gave to his campaign and he has never seen a list of contributors.<sup>42</sup> His involvement in his campaign's fundraising activities is essentially limited to attending events.<sup>43</sup>

#### D. RELATIONSHIP WITH PMA

44. During the time period of the 2008 and 2010 campaign cycles, fifteen corporate clients of PMA were awarded earmarks requested by Representative Murtha.

45. The PMA clients that received earmarks during this period are:

- (a) Argon ST (Requested, \$16,000,000);
- (b) Advanced Acoustic Concepts (Requested, \$13,500,000);
- (c) DRS Technologies (Requested, \$12,000,000);
- (d) Windber Research Institute (Requested, \$12,000,000);
- (e) Conemaugh Health Systems (Requested, \$9,600,000);
- (f) Concurrent Technologies Corporation (Requested, \$8,000,000);
- (g) QTL Biosystems (Requested, \$6,500,000);
- (h) Parametric Technology Corporation (Requested, \$5,000,000);
- (i) Prologic, Inc. (Requested, \$2,400,000);
- (j) Planning Systems Inc. (Requested, \$2,300,000);
- (k) Goodrich Corporation (Requested, \$1,000,000);
- (l) Carnegie Mellon University (Requested, \$800,000);
- (m) Ardiem Medical, Inc. (Requested, \$1,600,000);

<sup>37</sup>*Id.* at 09-9099\_13.

<sup>38</sup>Memorandum of Interview of Rep. Murtha (Exhibit 1 at 09-9099\_4) and Memorandum of Interview of Representative Murtha's Chief of Staff (Exhibit 3 at 09-9099\_10).

<sup>39</sup>Memorandum of Interview of Representative Murtha's PAC Coordinator (Exhibit 5 at 09-9099\_16).

<sup>40</sup>*Id.* at 09-9099\_16.

<sup>41</sup>Memorandum of Interview of Rep. Murtha (Exhibit 1 at 09-9099\_3).

<sup>42</sup>*Id.*

<sup>43</sup>*Id.* at 09-9099\_4.

(n) Washington and Jefferson College (Requested, \$2,400,000); and

(o) MTS Technologies, Inc. (Requested, \$14,800,000).<sup>44</sup>

46. As previously addressed, Representative Murtha told the OCE that his earmark selection process is staff driven.<sup>45</sup> While these are earmarks authored by Representative Murtha, the evidence before the Board indicates the Congressman did not actually select them.

47. When asked about how PMA was different than other lobbying firms, Representative Murtha stated that PMA hired good people and their lobbyists were “as good as you could find.”<sup>46</sup> According to Representative Murtha, PMA hired individuals who had worked in government and the military and who knew the issues as well as or better than anyone.<sup>47</sup> Mr. Paul Magliocchetti, according to Representative Murtha, was smarter than the average lobbyist and understood what was important to Members. For instance, Mr. Magliocchetti knew that the economic development of Representative Murtha’s district was a high priority for the Congressman and therefore brought good projects that created jobs to the Congressman for his support.<sup>48</sup>

48. Representative Murtha knew Mr. Magliocchetti from the time Mr. Magliocchetti worked on the Appropriations Subcommittee on Defense. He has seen Mr. Magliocchetti at numerous fundraisers and has interacted with him professionally and socially over the years. He has not spoken with Mr. Magliocchetti since shortly after the FBI raided PMA’s offices.

49. Representative Murtha has a personal relationship with Mr. Dan Cunningham, a former PMA lobbyist. The Congressman has spent time with Mr. Cunningham since PMA went out of business, but Representative Murtha and Mr. Cunningham have not spoken about the FBI raid of PMA’s office. Mr. Cunningham has never addressed the subject with the Congressman and the Congressman has not inquired about what happened.

#### E. PERCEPTION OF CORPORATE DONORS

50. There is evidence that some of the commercial entities seeking earmarks from Representative Murtha believe that a political donation to him has an impact on his decision to author an earmark for that donor.<sup>49</sup>

51. However, Representative Murtha credibly articulated a process that separates his legislative activities from campaign fundraising activities. Representative Murtha achieves this separation by eliminating his and his legislative staff’s exposure to information from the campaign’s fundraising operation. Similarly, since Representative Murtha has full-time campaign staff, his campaign staff is isolated from his legislative activities. As result, neither the campaign nor Representative Murtha’s legislative staff is aware of

<sup>44</sup>H.R. 3222, Pub. L. 110–116 (2008); H.R. 2638, Pub. L. 110–329 (2009); and H.R. 3326, 111 Cong. (2009).

<sup>45</sup>Memorandum of Interview of Rep. Murtha (Exhibit 1 at 09–9099\_3).

<sup>46</sup>*Id.* at 09–9099\_2.

<sup>47</sup>*Id.*

<sup>48</sup>*Id.* at 09–9099\_3

<sup>49</sup>Teledyne PAC Contribution Request (Exhibit 6 at 09–9099\_20).



what the other is doing. In each case, both legislative staff and campaign staff corroborated Representative Murtha's account.

52. Representative Murtha explained to the OCE that he operates his campaign and Congressional office in this manner to prevent even the appearance that their legislative acts are influenced by contributions to their campaign or PAC.<sup>50</sup>

53. The Board notes that one risk associated with this is the possibility of an appearance of a conflict of interest if, out of ignorance, the Member's campaign accepts a contribution near in time to a legislative act that has an impact on the individual or entity making the contribution. This potential for an appearance of a conflict may explain why companies requesting an earmark appear to think that a contribution to the respective campaign or PAC affects the ultimate receipt of an earmark. The House Ethics Manual is unclear as to what obligations, if any, are placed on a Member to discourage or disabuse an entity of that impression.

#### F. CONTRIBUTIONS LINKED TO OFFICIAL ACTS BY OUTSIDE ENTITIES

54. In several instances, the OCE uncovered evidence that commercial entities seeking earmarks from Members of Congress appear to have linked contributions to Representative Murtha's campaign and/or PAC to specific legislative acts. These documents were internal to the companies and there is no evidence they were shared with Representative Murtha or his staff.<sup>51</sup>

55. The federal gift statute, 5 U.S.C. § 7353, prohibits the solicitation or acceptance of anything of value from a person seeking official action from or doing business with the House, or from someone whose interests may be substantially affected by the performance or nonperformance of a Member's, Officer's or staff member's official duties. The statute also provides that the Committee on Standards of Official Conduct may enact reasonable exceptions to the prohibition. According to the Ethics Manual, the Standards Committee has long taken the position that the restrictions on solicitation set forth in the statute do not apply to political solicitations. However, Members and staff are subject to a number of other restrictions regarding the solicitation of campaign or political contributions under the rules of the House.

56. Under House rules, a Member or employee may not accept any contribution that the donor links to any official action that the Member or employee has taken, or is being asked to take. If a donor's contribution is linked to any official action, it is treated like any other gift and may be subject as such to the federal gift statute and the criminal statutes on bribery and illegal gratuities.

57. The Board notes that the examples provided in the Ethics Manual of instances where a Member may be in violation of the House's rule against accepting a contribution linked to an official action are all instances in which the Member has some degree of knowledge of the link. As a result, it stands to reason that it is unlikely a violation of the rule could occur unless and until a Member is aware of the link and does nothing to remedy the situation.

<sup>50</sup>Memorandum of Interview of Rep. Murtha (Exhibit 1 at 09-9099\_4).

<sup>51</sup>Email from Argon ST, dated February 22, 2008 (Exhibit 7 at 09-9099\_22) and Email from Argon ST, dated September 19, 2008 (Exhibit 8 at 09-9099\_24).

58. The Board finds nothing in the factual record to indicate the Representative Murtha was aware that the donor linked the contribution to an official act. As such, the Board concludes there is not a substantial reason to believe that a violation of either 5 U.S.C. § 7353 or the applicable House rules occurred. However once the Congressman becomes aware of the link, if the matter is not remedied by either by the Member or by formal advice from the Standards Committee declaring the contribution acceptable, then a violation may occur.

### III. CONCLUSION

59. For these reasons, the Board recommends that the Standards Committee dismiss the above described allegations concerning Representative Murtha.

### IV. INFORMATION THE OCE WAS UNABLE TO OBTAIN AND RECOMMENDATIONS FOR THE ISSUANCE OF SUBPOENAS

60. In every instance, the OCE asked the recipient of an OCE request for information to identify any information they withheld and the reason they were withholding it. However, absent the authority to subpoena the evidence in possession of the witness, it is impossible for the OCE to verify if information was withheld, but not documented.

61. In some instances documents were redacted or specific information was not provided. For instance, DRS Technologies provided evidence responsive to the OCE's Request for Information but indicated they would not provide any information regarding their "Legislative Strategy."

62. In at least one instance, the OCE had reason to believe a witness withheld information requested, but did not comply with the OCE's request that they identify what was being withheld. Specifically, Boeing Corporation represented that they had fully cooperated. However, the Boeing Corporation indicated that they had no electronic mail responsive to OCE's Request for Information. The OCE then received, from another source, electronic mail to and from Boeing Corporation that was in fact responsive to the OCE's request.

63. The Board also notes that while the OCE was able to interview six former employees of PMA that provided general information on PMA and its business practices, many remaining former employees either refused to consent to interviews or did not return calls from the OCE. In addition, the OCE was unable to obtain any evidence within PMA's possession.

64. The Board makes the recommendation contained in this referral based on the factual record before it. Given its recommendation to dismiss, the Board does not recommend the issuance of subpoenas, but recognizes that the Committee on Standards of Official Conduct may determine otherwise.

# **EXHIBIT 1**

## CONFIDENTIAL

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS  
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE: Representative John Murtha  
REVIEW #: 09-9099  
DATE: November 6, 2009  
LOCATION: United States Capitol  
H-140  
TIME: 10 a.m. – 11 a.m. (approximately)  
PARTICIPANTS: Omar Ashmawy  
Leo Wise  
Representative John Murtha

**SUMMARY:** Representative John Murtha represents the 12<sup>th</sup> Congressional District of Pennsylvania. The OCE requested an interview with Representative Murtha on July 20, 2009, and he consented to an interview. Representative Murtha made the following statements in response to our questioning:

1. Representative Murtha was given an 18 U.S.C. § 1001 warning and consented to an interview. He signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. Representative Murtha was first elected to Congress in a special election on February 5, 1974. Since he has held the office, he served 34 years on the Appropriations Committee and 25 years on the Appropriation Sub-committee for Defense.
3. When asked generally about earmarks, the Member said that small business gets left out of the appropriations process and that is what earmarks are for. The United States Constitution says that earmarks are appropriate for the country and appropriate to take care of the district.
4. When the news of the FBI's raid on Paul Magliocchetti's lobbying firm, PMA, became public and accusations of wrongdoing surfaced, staff on the committee thought the committee should take out the earmarks for PMA clients. Despite the fact that Representative Obey wanted to take them out as well, Representative Murtha would not.
5. The Congressman explained that the appropriations process can't work without a good lobbyist, and PMA had as good lobbyists as you can find. This is how PMA differed from other lobbying firms. PMA hired individuals who had worked in government and the military and who knew the issues as well as or better than anyone. Mr. Paul Magliocchetti was smarter than the average lobbyist and understood what was important

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to Members. For instance, Mr. Magliocchetti knew that the economic development of Representative Murtha's district was a high priority for the Congressman and therefore brought good projects that created jobs to the Congressman for his support.

6. Congressman Murtha knew Mr. Magliocchetti from the time Mr. Magliocchetti worked on the Appropriations Subcommittee on Defense. He has seen Mr. Magliocchetti at numerous fundraisers and has interacted with him professionally and socially over the years. He has not spoken with Mr. Magliocchetti since shortly after the FBI raided PMA's offices.
7. Representative Murtha has a personal relationship with Mr. Dan Cunningham who was a former PMA lobbyist. He has spent time with Mr. Cunningham since PMA went out of business, but Representative Murtha and Mr. Cunningham have not spoken about the FBI raid of PMA's office. Mr. Cunningham has never talked about the subject with the Congressman and the Congressman has not asked about what happened.
8. The Member explained that his earmark selection process is entirely staff driven. Everybody who submits a request gets considered and he seldom intercedes for a particular earmark. Instead, he delegates the selection process to his staff. In addition, the "big staff" of the committee also looks over the requests. The primary guidance he gives his staff when vetting earmark requests is to be fair and look for projects that produce 1) jobs for his district and 2) worthwhile projects. Congressman Murtha considers it his job to produce for his district. Contributions are not part of the criteria.
9. Representative Murtha highlighted earmarks that have saved the country money, and explained that the process has to be competitive under the new provision the committee has adopted.
10. When asked about the role of PMA in the earmark process, the Congressman told the OCE that PMA helped small business. As an example, he pointed to DRS Technologies. When DRS started they had 24 people. After they were given a number of projects, it has since grown into a large company and is now one of the fastest growing defense contractors.
11. On the topic of fundraising, Congressman Murtha "does not have a clue who donates" to him. He is less interested in contributions and more interested in investment in his district. Representative Murtha told the OCE that he knew some companies thought that contributing to his campaign might increase the likelihood of receiving an earmark, but in reality he often did not even recognize the individuals who attend his fundraisers.
12. He has never called a person or company and asked for a contribution. Instead, Ms. Susan O'Neil is his full-time fundraising consultant. She manages his fundraising efforts. Representative Murtha stated that he did not know who gave to his campaign and he has

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never seen a list of contributors. His involvement in his campaign's fundraising activities is essentially limited to attending events.

13. The Congressman spends approximately \$50,000 a month for a campaign office. He spends that much in order to keep his legislative activities and his campaign activities separate. He does not get nor has not even seen a report on his fundraising activities. The reason the Congressman has his large, annual fundraiser in February is because it is the anniversary of the special election that first brought him to Congress.
14. No one on the Appropriations Subcommittee has ever approached the Congressman and said they need an earmark for a project for a political ally or someone who contributed to their campaign.
15. Representative Murtha's Chief of Staff is his "unofficial campaign manager." He has nothing to do with the appropriations process and the Congressman proactively keeps him away from it.

The memorandum was prepared on November 19, 2009, based on the notes that the OCE staff prepared during the interview with Representative Murtha on November 6, 2009. I certify that this memorandum contains all pertinent matter discussed with Representative Murtha on November 6, 2009.

Omar Ashmawy  
Investigative Counsel

## **EXHIBIT 2**

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS  
UNITED STATES HOUSE OF REPRESENTATIVES**MEMORANDUM OF INTERVIEW**

IN RE: Representative Murtha's Staffer  
 REVIEW #: 09-9099  
 DATE: November 2, 2009  
 LOCATION: Office of OCE  
 1017 Longworth HOB  
 Washington, DC 20515  
 TIME: 10:50 a.m. – 11:50 a.m. (approximately)  
 PARTICIPANTS: Omar Ashmawy  
 Kedric L. Payne

**SUMMARY:** The associate staff for Representative John Murtha's office (hereafter the "witness") was interviewed pursuant to Review No. 09-9099. The OCE requested an interview with the witness and he consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. He signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness is staff for Representative Murtha's personal office. Originally two individuals were directly responsible for the process, Mr. Charles Horner and the witness. However, Mr. Horner recently retired. The witness is now responsible for all appropriations issues.
3. His defense appropriations duties involve writing memoranda on new issues; communicating with the committee; handling earmark requests; and attending hearings.
4. The witness has meetings concerning earmark requests from mid-January to the beginning of March. During this period, he may have up to ten meetings with entities requesting earmarks. He receives hundreds of earmark requests.
5. Evaluating the earmark request may be done by simply reviewing the submission, such as a letter of support from the Department of Defense.
6. He speaks with Mark Chris in the district office when seeking input from the district.
7. On other occasions, he may meet with the requesting entity to learn more about the project. He also may communicate with the district staff who may have visited the site.



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8. The final decision on earmarks has two stages. First, the witness and Charlie Horner will evaluate the requests and make decisions. A final list of about 25-30 earmark requests is created and then this list is presented to Representative Murtha. Representative Murtha routinely approves the list without making any changes.
9. The witness estimates that the office receives hundreds and hundreds of earmark requests annually. The requests typically begin coming in January. Of those requests, approximately less than 10% of the requests submitted to the office reach Representative Murtha.
10. Representative Murtha's guidance for evaluating earmarks is to select "good projects". The witness interprets this to mean that the following factors should be considered: the merits of the project; the location of the project in the district; the amount of jobs created; and the support of the Department of Defense.
11. The witness believes that "good projects" are those that help the district and help the Department of Defense.
12. During the earmark evaluation process, the witness had many meetings with lobbyists of PMA Group, Inc. (hereafter "PMA") and their clients.
13. Less than 25% of the meetings with lobbyists overall were with PMA lobbyists.
14. The reputation of the company requesting the earmark is more important to evaluating the request than the reputation of the lobbying firm representing the company.
15. He did not have a personal relationship with any of the PMA lobbyists.
16. The witness attended fundraisers for Representative Murtha where he interacted with PMA lobbyists.
17. Over a year ago, he attended a lunch at the Alpine with Representative Murtha and PMA lobbyists.
18. He attends fundraisers for Representative Murtha once every few months, but he has no formal role in the fundraising process. However, he does not know who does and does not contribute to Representative Murtha's campaign. He has never asked for that information and that information has never been given to him. He has never been instructed to consider campaign contributions when vetting the earmark requests.
19. Representative Murtha has a fundraiser annually in February that is the anniversary of his special election.

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20. The witness does not discuss specifics of earmark requests with lobbyists at fundraisers. He also does not know the amount that attendees at the fundraisers contribute. He has not seen anything that appears to be "pay-to-play" at the fundraisers. The list of earmark requests is evaluated without any information about campaign contributions.
21. His meetings with lobbyists are usually in the office and last approximately thirty minutes. The conversation is typically with an employee of the company who attends and not the lobbyist. Anyone from the district can schedule a meeting with the office.
22. His meetings with PMA lobbyists are similar to meetings with any lobbyist. He did not know that the following were PMA clients: Argon, Goodrich, Lockheed, and CMU. He knew that the following were PMA clients: QTL, CTC, Conemaugh, and DRS.

This memorandum was prepared on November 19, 2009, based on the notes that the OCE staff prepared during the interview with the witness on November 2, 2009. This memorandum contains all pertinent matter discussed with the witness on November 2, 2009.

Kedric L. Payne  
Investigative Counsel

# **EXHIBIT 3**

## CONFIDENTIAL

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS  
UNITED STATES HOUSE OF REPRESENTATIVES

**MEMORANDUM OF INTERVIEW**

IN RE: Representative Murtha's Chief of Staff  
REVIEW #: 09-9099  
DATE: October 27, 2009  
LOCATION: District Office of Congressman Murtha  
Johnstown, PA  
TIME: 12:30 p.m. to 1:30 p.m. (approximate)  
PARTICIPANTS: Paul Solis  
Omar Ashmawy  
Representative Murtha's Chief of Staff

**SUMMARY:** Representative John Murtha's Chief of Staff (hereafter the "witness") was interviewed pursuant to Review No. 09-9099. The OCE requested an interview with the witness on July 20, 2009, and he consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness has worked on staff for the Representative Murtha for 22 years. He began as a District Director then moved to Chief of Staff in 2003. His work is based out of Johnstown, PA.
3. Concerning earmark requests, the witness receives the request after the District Director receives a request in the field. After review, the request is sent to the Washington DC office for further review and assessment. Anything dealing with appropriations is sent to DC. The witness stated that he wants the DC staff to discuss appropriations matters with the Congressman. He also stated that most requests go to DC after his review, except those that are patently insufficient or unclear. Anything dealing with defense appropriation requests goes straight to DC. Once there, the request is reviewed by a Legislative Assistant and an Appropriations Committee staffer. The witness stated that years ago, he and the Congressman agreed that the Chief of Staff would only handle district operations and assist in fundraising efforts.
4. The witness stated that the Congressman makes decisions on earmark requests based on discussions with other Members of the Defense Subcommittee.

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5. Concerning fundraising, defense contractors do not hold fundraisers for the Congressman but attend them, in Johnstown, PA.
6. The witness stated that he knows Paul Magliocchetti and his son, Mark Magliocchetti. When asked about a connection between Paul Magliocchetti, earmarks, and contributions, the witness stated that if a PMA client was worthy of receiving an earmark for the value of the project
7. The witness stated that Paul Magliocchetti never went to him directly to discuss a client-related issue, but instead went directly to the Congressman. When asked if it was easier for Paul Magliocchetti to get a meeting with the Congressman or his staff, the witness stated that, yes, it was easier because of personal relationships.
8. The witness stated that he has not heard from Paul Magliocchetti or Mark Magliocchetti since PMA disbanded.
9. The witness stated that the appropriations process will continue in Congress forever and that earmarking is what Congressmen do. He stated that if Congressman Murtha was doing something improper with his earmarks, the House floor votes on appropriations bills would not be starkly in favor of the bill.
10. When asked generally about the defense contractors specifically coming to Johnstown, PA, the witness stated that companies like Lockheed Martin are too big to care about pressure or benefits from Congressman Murtha.

This memorandum was prepared on November 5, 2009, based on the notes that the OCE staff prepared during the interview with the witness on October 27, 2009. I certify that this memorandum contains all pertinent matter discussed with the witness on October 27, 2009.

Paul Solis  
Investigative Counsel

# **EXHIBIT 4**

## CONFIDENTIAL

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS  
UNITED STATES HOUSE OF REPRESENTATIVES

**MEMORANDUM OF INTERVIEW**

IN RE: Representative Murtha's Campaign Coordinator  
REVIEW #: 09-9099  
DATE: October 27, 2009  
LOCATION: District Office of Congressman Murtha  
Johnstown, PA  
TIME: 1:30 p.m. to 2 p.m. (approximate)  
PARTICIPANTS: Paul Solis  
Omar Ashmawy  
Representative Murtha's Campaign Coordinator

**SUMMARY:** Representative Murtha's Campaign Coordinator (hereafter the "witness") was interviewed pursuant to Review No. 09-9099. The OCE requested an interview with the witness on July 20, 2009, and she consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. She signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness is the campaign coordinator for the Johnstown district office since May of 2007. Her job duties include managing a database of contributors and overseeing whether contribution checks and information comply with Federal Election Commission guidelines. She also helps to establish local fundraisers for the Congressman and is a campaign volunteer coordinator.
3. The witness recalled that during prior to the 2008 election, some employees of the former PMA lobbying firm came to the Johnstown office to volunteer with campaign work. She specifically recalled seeing the son of Paul Magliocchetti, Mark Magliocchetti, aiding campaign staff. Mark Magliocchetti would assist campaign staff with online searches of contributors.
4. When asked what defense firms make frequent appearances or contributions to fundraisers in the district, the witness recalled that Northrop Grumman makes frequent contributions from their Political Action Committee. She stated that to her knowledge no Johnstown area defense firm sponsors a local fundraiser.

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5. The witness stated that after an event in the Congressman's district took place, a list of attendees and contributors would be generated and sent to the Chief of Staff. The Chief of Staff would then add or delete names for future events upon his discretion.
6. The witness stated that she does not know the legislative schedule in the Washington, D.C. office.
7. Fundraising events in Washington, D.C are administered by Susan O'Neill.
8. The witness stated that of she receives a campaign check with a note thanking the Congressman for support; she does not notify the Congressman in any way.
9. When asked if she receives calls from the Washington, DC congressional office about individual contributors, the witness stated that she does not.

This memorandum was prepared on November 10, 2009, based upon the notes that the OCE staff prepared during the interview with the witness on October 27, 2009. I certify that this memorandum contains all pertinent matter discussed with the witness on October 27, 2009.

Paul Solis  
Investigative Counsel



# **EXHIBIT 5**

## CONFIDENTIAL

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS  
UNITED STATES HOUSE OF REPRESENTATIVES

**MEMORANDUM OF INTERVIEW**

IN RE: Campaign Coordinator for Representative Murtha's Majority PAC  
REVIEW #: 09-9099  
DATE: October 27, 2009  
LOCATION: District Office of Congressman Murtha  
Johnstown, PA  
TIME: 2 p.m. to 2:30 p.m. (approximate)  
PARTICIPANTS: Paul Solis  
Omar Ashmawy  
Campaign Coordinator for Representative Murtha's Majority PAC

**SUMMARY:** The Campaign Coordinator for Congressman Murtha's Majority PAC (hereafter the "witness") was interviewed pursuant to Review No. 09-9099. The OCE requested an interview with the witness and she consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. She signed a written acknowledgement of the warning, which will be placed in the case file in this review.
2. The witness has been the Campaign Coordinator for Congressman Murtha's Majority PAC since 2007. Prior to that position, she was Congressman Murtha's campaign and district office coordinator for 15 years. Her job duties include checking daily obituaries for information on past contributors, scheduling local fundraisers, sending invitations, and administering the submission of contribution checks to the Majority PAC.
3. The witness stated that no legislative staffer from the Washington DC office calls her concerning any individual contributors or whether to add/delete names to lists. Those decisions are made by the Chief of Staff and Susan O'Neill.
4. The witness recalled Mark Magliocchetti assisting with Congressman Murtha's 2008 campaign.
5. The witness stated that has never received a telephone call from a PMA employee.
6. The witness stated that she knows nothing about the appropriations process or any requests that are sent to the Washington DC office.

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

This memorandum was prepared on November 10, 2009, based upon the notes of the OCE staff prepared during the interview with the witness on October 27, 2009. I certify that this memorandum contains all pertinent matter discussed with the witness on October 27, 2009.

Paul Solis  
Investigative Counsel

# **EXHIBIT 6**

### Request for TDY-PAC Contribution

Requestor: John Canton  
 Company: Teledyne Controls

For contributions from the TDY PAC, the following should be provided:

1. Candidate Name: Congressman John P. Murtha
  2. Political Party: Democrat
  3. Current Office Held: 12<sup>th</sup>/PA
  4. Candidate Address: C/O Susan O'Neill & Associates, 4701 Sangamore Road, Suite 212N, Bethesda MD 20816
  5. Purpose of Disbursement(\*): Murtha for Congress Committee
  6. Indicate if for Primary, General or Other (describe): General
  7. Indicate date of election: Nov 2008
  8. Date of Disbursement: 3/14/08
  9. Check Payable to: Murtha for Congress
  10. Amount of Disbursement: \$2,500
  11. Provide an ID or FEC # for the Candidate: C 00019075
  12. Telephone Number of Candidate: 301 320 8232
  13. Indicate who should receive the signed check and by what date:  
Mail to above address by 3/14/08
  14. Indicate if a late contribution report is necessary No  
If necessary, provide the appropriate form to report the contribution.
- Provide any and all literature or fund-raising request information from the candidate

**Request for TDY-PAC Contribution**

**Candidate Name: John P. Murtha**

**Indicate why supporting the candidate is consistent with the mission of TDY-PAC**

In what capacity does the candidate serve in their political role (as a committee member/appropriations function etc)?

**He is the Ranking Member of the House Appropriations Defense Sub-committee.**

How important is the candidates sponsorship any programs we are involved in?

**Very important.**

How big are the programs, if any, the candidate supports?

**He is a major supporter of many of the largest defense programs.**

Who is the competition for the programs?

**N/A**

What dollar revenue does the program bring to Teledyne Technologies?

**Approximately \$3-4 million.**

Is the candidate in a position to lawfully influence the funding or the ultimate awardee/recipient of the government?

**He has oversight for the House Majority for all appropriations in the annual Defense appropriations bill.**

Has TDY interacted with the candidate in the past?

**Yes.**

Any other information that is relevant.

# **EXHIBIT 7**

**From:** Grove, Jay  
**Sent:** Monday, September 22, 2008 04:02:06 AM  
**To:** Carruth, Gabrielle  
**Subject:** RE:

Gabrielle --

Sorry for delayed response, I am struggling with the death of a family member and getting from CA to FL to CA to OH to take care of her business.

I appreciate the timing and understand the need, but I can't personally help this time.

Jay

---

**From:** Carruth, Gabrielle  
**Sent:** Friday, September 19, 2008 3:59 PM  
**To:** Grove, Jay  
**Subject:**

Jay congrats on the 6.0 mil for OT-TES. As a company Congress helped us out with 29.6 million dollars of enhancements, most coming from Mr. Murtha. He has having one last fundraiser at the Army and Navy club Tuesday. I really could use your help with a contribution- Please let me know if you will help.

Thanks,  
Gabrielle



# **EXHIBIT 8**

**From:** Ianieri, Rick  
**Sent:** Friday, February 22, 2008 05:19:32 PM  
**To:** Carruth, Gabrielle  
**Subject:** Re: Chairman Murtha fundraising events

Hey,

I hope CA was Great!!

I assume for me, I attend and contribute as "Coherent!" to both events...

Assume we are still going to try to push both the Argon and "Coherent!" agenda(s), at least for this year??

Rick Ianieri  
VP, Business Development  
ArgonST  
215.534.██████  
NASDAQ: STST

-----Original Message-----

**From:** Carruth, Gabrielle  
**To:** Collins, Terry; Rowe, Kerry; Ianieri, Rick; Ross, Jim; Seller, Vic; Daniels, Aaron; Hettmann, Mike; Harmon, Keith; Carlin, Joe; Tamaru, Robert; Grove, Jay  
**Sent:** Fri Feb 22 12:06:47 2008  
**Subject:** Chairman Murtha fundraising events

Gentlemen,

Wed evening Congressman Murtha is holding a fundraiser dinner at the Ritz Carlton in Pentagon City. We have a table reserved and I am looking for at least 2 others to sit at our table. It will be an excellent chance to have a one on one with the Chairman and I would be honored to make personal introductions. We have maxed out our PAC contributions so I am also looking for personal contributions to his campaign and to this Leadership PAC. In regard to his Leadership PAC (which he uses to help other members of Congress in their re-election endeavors), we will max out to that as well with another \$1,000 contribution to that on Thursday morning. If you cannot make the dinner please consider coming to his Leadership PAC breakfast, same place, on Thursday morning. It starts at 0800 but I will be there (as well as everybody else) on Murtha time, so by 0630.

Please let me know if you can contribute and/or whether you can join me at the dinner or breakfast. Please forward this email or talk to your directors, or others who you may feel would like to contribute and/or participate in these important events. The Chairman has been very helpful to us over the years and we will again be asking for his support this year on a number of issues important our company and industry.

I look forward to your response.

Sincerely,  
Gabrielle Carruth