

House Calendar No. 153

113TH CONGRESS }
2d Session

HOUSE OF REPRESENTATIVES

{ REPORT
113-665

IN THE MATTER OF ALLEGATIONS
RELATING TO REPRESENTATIVE JUDY CHU

R E P O R T

OF THE

COMMITTEE ON ETHICS



DECEMBER 11, 2014.—Referred to the House Calendar and ordered to be
printed

U.S. GOVERNMENT PRINTING OFFICE

49-006

WASHINGTON : 2014

COMMITTEE ON ETHICS

K. MICHAEL CONAWAY, Texas <i>Chairman</i>	LINDA T. SÁNCHEZ, California <i>Ranking Member</i>
CHARLES W. DENT, Pennsylvania	PEDRO R. PIERLUISI, Puerto Rico
PATRICK MEEHAN, Pennsylvania	MICHAEL E. CAPUANO, Massachusetts
TREY GOWDY, South Carolina	YVETTE D. CLARKE, New York
SUSAN W. BROOKS, Indiana	TED DEUTCH, Florida

REPORT STAFF

THOMAS A. RUST, *Chief Counsel/Staff Director*
DEBORAH SUE MAYER, *Director of Investigations*
JACKIE M. BARBER, *Counsel to the Chairman*
DANIEL J. TAYLOR, *Counsel to the Ranking Member*

PATRICK McMULLEN, *Senior Counsel*
BRITTANY M. BOHREN, *Investigator*
C. TUCKER CARR, *Investigative Clerk*

LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ETHICS,
Washington, DC, December 11, 2014.

Hon. KAREN L. HAAS,
Clerk, House of Representatives,
Washington, DC.

DEAR MS. HAAS: Pursuant to clauses 3(a)(2) and 3(b) of rule XI of the Rules of the House of Representatives, we herewith transmit the attached Report, "In the Matter of Allegations Relating to Representative Judy Chu."

Sincerely,

K. MICHAEL CONAWAY,
Chairman.
LINDA T. SÁNCHEZ,
Ranking Member.

CONTENTS

	Page
I. INTRODUCTION	1
II. HOUSE RULES, LAWS, REGULATIONS, AND OTHER STANDARDS OF CONDUCT	2
III. BACKGROUND	2
IV. FINDINGS	3
A. USE OF HOUSE RESOURCES FOR CAMPAIGN PURPOSES ..	3
1. PREPARATION OF CAMPAIGN-RELATED MEMORANDA ..	3
2. REVIEW OF CAMPAIGN-RELATED COMMUNICATIONS ...	5
3. PREPARATION FOR AND DOCUMENTATION OF CAM- PAIGN EVENTS	5
4. VIOLATIONS OF LAW AND HOUSE REGULATIONS	5
B. INTERFERENCE WITH THE COMMITTEE'S INVESTIGA- TION	7
V. CONCLUSION	11
VI. STATEMENT UNDER HOUSE RULE XIII, CLAUSE 3(C)	11
APPENDIX A: LETTER OF REPROVAL	13

House Calendar No. 153

113TH CONGRESS } 2d Session }	HOUSE OF REPRESENTATIVES {	REPORT 113-665
----------------------------------	----------------------------	-------------------

IN THE MATTER OF ALLEGATIONS RELATING TO REPRESENTATIVE JUDY CHU

DECEMBER 11, 2014.—Referred to the House Calendar and ordered to be printed

Mr. CONAWAY, from the Committee on Ethics,
submitted the following

R E P O R T

In accordance with House rule XI, clauses 3(a)(2) and 3(b), the Committee on Ethics (Committee) hereby submits the following Report to the House of Representatives:

I. INTRODUCTION

In June 2011, the Committee received information that Representative Chu's Chief of Staff and Legislative Director had required other staff to perform campaign-related work in the House office, during regular working hours. Pursuant to Committee Rule 18(a), the Committee investigated these allegations. This investigation uncovered evidence that Representative Chu's Chief of Staff and Legislative Director directed members of Representative Chu's staff to perform campaign-related work using official resources on a sporadic and limited basis, but did not reveal any evidence that Representative Chu was aware of any improper use of official resources for campaign purposes. However, the Committee did find that Representative Chu took actions that interfered with the Committee's investigation of this matter.

Representative Chu has expressed regret for her inappropriate communications with two of her staff members, during the Committee's investigation, regarding matters the Committee was investigating. The Committee finds, however, that Representative Chu's expression of regret, while commendable, does not overcome the need for a letter of reproof regarding her interference with the Committee's investigation. For her violations of House Rules, the Committee has issued a public letter of reproof to Representative Chu.

II. HOUSE RULES, LAWS, REGULATIONS, AND OTHER STANDARDS OF CONDUCT

The following House Rules, laws, regulations, and other standards of conduct are implicated in this matter.

First, 31 U.S.C. §1301(a) and implementing regulations of the Committee on House Administration prohibit the use of appropriated funds for purposes other than for which the appropriations were made.

Second, House rule XXIII, clause 1 provides that “[a] Member . . . of the House shall behave at all times in a manner that shall reflect creditably on the House.”

III. BACKGROUND

Based on information the Committee obtained regarding the improper use of official resources in Representative Chu’s office, the Chairman and Ranking Member of the Committee in the 112th Congress issued a Request for Information (RFI) to Representative Chu on March 6, 2012 (March 6, 2012 RFI). The March 6, 2012, RFI included several requests related to the use of official resources, including staff time, for campaign purposes. On April 3, 2012, Representative Chu provided information and documents in response to this RFI. Following the receipt of that response, Committee staff interviewed a member of Representative Chu’s staff (Staffer A). In August 2011, Staffer A drafted a memo at the direction of Representative Chu’s Legislative Director for a fundraising lunch that Representative Chu attended with owners of grocery stores that participated in the Women, Infants, and Children (WIC) program (WIC Event). Staffer A felt required to draft the “WIC Memo,” and did so during regular working hours, using a House computer and other official resources. During its investigation, the Committee obtained emails, from the August 2011 period, between Staffer A and Representative Chu’s Chief of Staff and Legislative Director related to the WIC Memo. Although these documents appeared to be responsive to the Committee’s March 6, 2012 RFI, Representative Chu did not provide them to the Committee in her April 3, 2012 response.

The Chairman and Ranking Member issued a second RFI to Representative Chu on August 23, 2012 (August 23, 2012 RFI). This RFI requested all documents related to the WIC Event, including emails from “personal, campaign, and official email accounts.”¹ In response, Representative Chu produced emails from and between her official and campaign staff related to the WIC Event, but did not produce any emails from her own personal email account.

On September 19, 2012, the Committee obtained an email, dated March 20, 2012, from Representative Chu to her Chief of Staff, discussing concerns Staffer A had expressed that the work on the WIC Memo was improper. In that email, Representative Chu directed the Chief of Staff to explain Representative Chu’s view of the work to Staffer A. Representative Chu did not produce this email exchange in response to either the March 6, 2012, or the August 23, 2012, RFI.

¹ Letter from former Chairman Bonner and Ranking Member Sánchez to Representative Chu, Aug. 23, 2012, at 1.

On February 6, 2013, the Chairman and Ranking Member of the Committee for the 113th Congress issued a third RFI (February 6, 2013 RFI) to Representative Chu, which included a number of requests specifically intended to capture Representative Chu's March 20, 2012, email to her Chief of Staff.² Representative Chu finally produced that document to the Committee on March 6, 2013.

In addition, pursuant to Committee rule 18(a), Committee staff conducted interviews of 13 persons, including Representative Chu, her Chief of Staff, and her Legislative Director.³

Before the Committee decided how to resolve this matter, Representative Chu was invited to address the full Committee, and did so. The Committee carefully considered all of Representative Chu's written submissions and oral remarks in resolving the matter.

IV. FINDINGS

Following the Committee's investigation, the Committee reached the following findings and conclusions.

A. USE OF HOUSE RESOURCES FOR CAMPAIGN PURPOSES

The Committee determined that Representative Chu's Chief of Staff and Legislative Director directed several other members of Representative Chu's official staff to engage in campaign-related activities, while on official time, including (1) preparing background memoranda for a campaign fundraising event; (2) reviewing campaign-related communications; and (3) preparing for and documenting campaign events. This work, while sporadic and limited, involved improper uses of official resources, including staff time. However, as discussed below, the Committee obtained no evidence that Representative Chu was aware that her staff was engaged in this improper campaign work.

1. Preparation of campaign-related memoranda

The Committee obtained evidence that established at least one instance of use of House staff and other official resources to research and draft background materials for Representative Chu's use at a campaign fundraising event.⁴ Through interviews and review of email documents, the Committee determined that on Monday, August 22, 2011, Representative Chu's campaign consultant sent an email to her Legislative Director stating: "Did you get the info from [Representative Chu's Scheduler] for Judy's fundraising lunch with the WIC people on Thursday? If not, Judy is supposed to talk about WIC issues. It will be an informal lunch." The next morning, Tuesday, August 23 at 9:11 AM, the Legislative Director forwarded this email to the Chief of Staff and Staffer A, and added: "This is an 'informal' talk on the calendar. I am assuming that she would just need background, since she has expressed to me that at

²Letter from Chairman Conaway and Ranking Member Sánchez to Representative Chu, Feb. 6, 2013, at 1 ("Please provide any previously unproduced emails, with attachments, from any of your personal or campaign-related email accounts, that are (1) responsive to any of the Committee's requests of March 6, 2012, or August 23, 2012; (2) related to any event concerning the Women, Infant, and Children (WIC) program which you attended on or around August 25, 2011 (the WIC event); or (3) related to [Staffer A]").

³The Chairman and Ranking Member participated in the interview of Representative Chu.

⁴Representative Chu provided the Committee with talking points and background memos for multiple campaign events, which her staff emailed to her from personal email accounts, during regular working hours. The Committee had substantial questions about these documents, but could not determine whether they were drafted in House offices, during official time.

these types of things she can't really work off a written speech. But what do you think?" The Committee is not aware of any response by the Chief of Staff.

Staffer A stated that on the morning of the Legislative Director's email, the Legislative Director came to Staffer A's desk and told Staffer A to prepare background materials for a fundraising lunch for Representative Chu, where the other attendees would be owners of grocery stores that participated in the WIC program. Staffer A had never done any campaign-related work for Representative Chu previously, and had never attended any of her campaign events. Staffer A was asked to work on the WIC Memo because Staffer A's legislative portfolio included the WIC program. Staffer A did not feel free to decline the request, as the Legislative Director was Staffer A's supervisor.

Staffer A began working on the WIC Memo shortly after discussing it with the Legislative Director, and created an initial draft from Representative Chu's House office, during regular working hours. The work was interrupted by an earthquake, which struck Washington, DC, just before 2 PM. The House office buildings were then closed, and Staffer A went home, logged into an official computer remotely, and finished the WIC Memo. At 6:14 PM, Staffer A emailed the Legislative Director: "Sorry, I had trouble logging into my work computer from home (maybe because everyone is trying to do that right now). I think this is the kind of thing you needed—let me know what you think." Staffer A attached two documents to this email—a memorandum with background information on the WIC program, and a copy of Representative Chu's remarks on the House floor regarding the program. The Legislative Director replied "this looks great! I will make some small changes tomorrow and send to J.C." The Legislative Director forwarded Staffer A's email and documents to the Chief of Staff that night, then sent the materials to Representative Chu on Wednesday, August 24, at 1:24 PM. The Legislative Director wrote, in relevant part: "Judy—In preparation for the Thursday luncheon with WIC store owners [Staffer A] and I have prepared a background memo, with overall talking points, on cuts to WIC and your record on WIC." The Committee is not aware of any email response from Representative Chu.

Representative Chu confirmed for the Committee that the WIC Event was a fundraising event, and that she always knew that was the case. She also confirmed that the event had no official component or purpose. However, Representative Chu stated that she "never asked for a memo" from her staff, and explained that she did not expect any background materials from staff because "I thought this would be more casual, and also I know the subject pretty well."⁵ She stated that she read the WIC Memo when the Legislative Director sent it to her, and though she was "puzzled at the time," she did not tell the Legislative Director that she did not need the memo.⁶ Representative Chu stated that she had no idea, at the time she received the WIC Memo, how, where, or when it was created.

⁵ 18(a) Interview of Representative Chu.

⁶ *Id.*

2. Review of campaign-related communications

The Committee determined that a member of Representative Chu's staff (Staffer B) was told by both the Chief of Staff and Legislative Director to access Representative Chu's campaign email account, chuforcongress@gmail.com, in order to review, sort, and "tag" responses to an email sent from that account regarding Representative Chu's efforts to reduce hazing in the U.S. military. Staffer B did this work in Representative Chu's House office, using a House computer, during regular working hours. The work was done on three or four occasions, and totaled several hours.

Representative Chu has asserted that the initial "military hazing" email was not a campaign communication because it did not advocate for Representative Chu's reelection or solicit campaign contributions, and the email was not sent exclusively to campaign donors. However, the initial email was drafted by a campaign consultant, and sent from Representative Chu's campaign email account. Thus, Representative Chu's Chief of Staff and Legislative Director should not have directed other staff to do work related to the email in the House office during regular working hours. There is no evidence, however, that Representative Chu directed any of her staff to do anything with the campaign email account, or was aware that staff members were accessing or working with the account improperly.

3. Preparation for and documentation of campaign events

The Committee obtained information that several members of Representative Chu's staff prepared for and participated in campaign events while on official House time and/or directed other staff to do so. Some of this conduct involved or was observed by multiple members of Representative Chu's staff. Specifically, it appears that Representative Chu's Chief of Staff asked staff to place candy in envelopes to be given to attendees at a Chinese New Year fundraising event, and that staff did so on House grounds (either in the House office or in the House parking garage). The evidence also showed that the Chief of Staff asked a staff member to photograph a campaign event, and the staff member used a camera purchased with funds from the MRA. The Chief of Staff also asked the staff member to transmit the campaign event photos to one of Representative Chu's campaign consultants—who was not a House employee—and the staff member did so during regular House working hours, using a House email address and computer.⁷ However, it does not appear that the staff member was required to attend the campaign event or take or transmit photos; the staff member was asked to volunteer their time, and willingly agreed to do so. Further, to the extent any staff were required to assist in preparations for campaign events, or to attend such events, the Committee found no evidence that Representative Chu directed, or was aware of, such conduct.

4. Violations of law and House regulations

As discussed in Section II, the use of official resources for non-official purposes, including campaign-related purposes, can be a

⁷ The Chief of Staff stated that she assumed the staff member would transmit the photographs from home.

violation of federal law.⁸ Regulations of the Committee on House Administration also provide that House funds and resources may not be used for any campaign or political purposes.⁹ Regarding these laws and regulations, the *Ethics Manual* states:

The misuse of the funds and other resources that the House of Representatives entrusts to Members for the conduct of official House business is a very serious matter. Depending on the circumstances, such conduct may result in not only disciplinary action by the House, but also criminal prosecution.¹⁰

Thus, it is clear that to the extent Representative Chu's Chief of Staff or Legislative Director directed other staff to do campaign-related work during regular office hours, in the House office and using House email accounts and equipment,¹¹ those directions were improper.¹²

It bears emphasis that the Committee found no evidence that Representative Chu was aware that members of her staff were using official resources for campaign-related purposes, or were directing other staff to do so. Instead, it appears that the Chief of Staff and Legislative Director, who acted as supervisors of other staff, directed the improper use of official resources. However, as the *Ethics Manual* explains, "each Member should be aware that he or she may be held responsible for any improper use of House resources that occurs in the Member's office."¹³ Consistent with this caution, in some instances the Committee has held Members responsible for their staff's improper use of official resources, even when the Members were not aware of their staff's actions.¹⁴ In

⁸ See 18 U.S.C. § 641; 2 U.S.C. § 1301(a).

⁹ See *Ethics Manual* at 125 ("The *Members' Handbook* provides that '[o]nly expenses the primary purpose of which [is] official and representational' are reimbursable from the MRA, and that the MRA may not pay for campaign expenses or political expenses.") (emphasis in original).

¹⁰ *Id.* at 124.

¹¹ *Id.* at 126 (while "the *Members' Handbook* permits the incidental personal use of House equipment and supplies 'when such use is negligible in nature, frequency, time consumed, and expense,' . . . this policy applies only to incidental **personal** use of those resources, and **not** to their use for campaign or political purposes.") (emphasis in original).

¹² The *Ethics Manual* states that staff may engage in only limited and expressly defined campaign-related tasks while in House offices, during regular working hours. Staff may (1) "coordinate with those in the campaign office who schedule the Member's campaign appearances;" (2) "refer to the campaign office letters and other communications and inquiries that it receives concerning the campaign;" and (3) "provide a campaign office with a copy of any materials that the congressional office has issued publicly, such as press releases, speeches, and newsletters." *Id.* at 132–33. The *Ethics Manual* also states that "[t]he press secretary in the congressional office may answer occasional questions on political matters, and may also respond to such questions that are merely incidental to an interview focused on the Member's official activities. However, while in the congressional office, the press secretary should not give an interview that is substantially devoted to the campaign, or initiate any call that is campaign-related." *Id.* at 133. None of the campaign-related work at issue here falls into these categories.

¹³ *Id.*

¹⁴ See Comm. on Standards of Official Conduct, *In the Matter of Rep. E.G. "Bud" Shuster*, H. Rpt. 106–979, 106th Cong. 2d Sess. 64 (2000) (holding Member accountable for improper use of official resources even though the Committee found "no direct evidence that [the Member] was aware that this activity was taking place."); see also Comm. on Standards of Official Conduct, *Investigation Into Officially Connected Travel of House Members to Attend the Carib News Foundation Multi-National Business Conferences in 2007 and 2008*, H. Rpt. 111–422, 111th Cong. 2d Sess. 192–93 (2010) ("[B]ased upon the Standards Committee's longstanding precedent . . . the Subcommittee finds that it would not well serve the House as an institution to allow its Members to escape responsibility by delegating authority to their staff to take actions and hide behind their lack of knowledge of the facts surrounding those actions. . . . In this case, Representative Rangel acted . . . through [his Chief of Staff's] actions of completing and signing the forms necessary for the approval to attend the conference. Representative Rangel authorized his Chief of Staff . . . to complete and sign the traveler forms on his behalf. Representative Rangel, therefore, can and should be held responsible for the knowledge [his staff] had regarding the corporate sponsors.")

doing so, the Committee has distinguished between cases where a Member knew, or had reason to know, of improper conduct and instances where a Member reasonably believed that staff was acting properly.¹⁵

In this case, Representative Chu has stated that she did not know of any misuse of official resources for campaign-related purposes, and there is no evidence to the contrary. Further, Representative Chu has said that she took steps to ensure that staff understood the prohibition on using official resources for campaign-related purposes, including requiring staff to certify that they had read the office manual, which explained the relevant rules, and having her Chief of Staff reiterate the rules in conversations with other staff.¹⁶ In light of the evidence, the Committee did not find that Representative Chu failed to properly supervise her staff, or that she is otherwise responsible for any of her staff's violations of laws, rules, or other standards of conduct. However, the Committee emphasizes the responsibility of staff in supervisory positions to both ensure that other staff members are using official resources appropriately and to inform their employing Members of any improper or questionable uses of such resources.

B. INTERFERENCE WITH THE COMMITTEE'S INVESTIGATION

As previously discussed, the Chairman and Ranking Member issued a total of three RFIs to Representative Chu. The first RFI, sent on March 6, 2012, stated that "the Committee has authorized investigation into allegations that members of your staff have performed campaign work while on official House time and/or used official House resources for campaign-related purposes."¹⁷ The RFI further stated that the "Committee also requests that you inform your congressional staff that they are to fully and honestly cooperate with the Committee's requests for information," and explained that "[o]ther than [this] notification . . . we request that you not discuss this matter with anyone other than your own legal counsel."¹⁸

Shortly after Representative Chu received this RFI, her Chief of Staff held a meeting to inform other staff of the Committee's investigation and its focus. Following this meeting, Staffer A approached the Chief of Staff and expressed concern that the work Staffer A had done to prepare the WIC Memo involved an improper use of official resources. The Chief of Staff stated that she relayed this concern to Representative Chu, and described Representative Chu's response:

A. I actually did talk to the Congresswoman a little bit about [Staffer A's concern], too.

Q. And what was that discussion?

¹⁵ See Comm. on Ethics, *In the Matter of Allegations Relating to Representative Laura Richardson*, H. Rpt. 112-642, 112th Cong. 2d Sess. 97 (hereinafter *Richardson*) ("The ISC recognizes that misconduct in a Member office can range on a spectrum between subordinates following orders despite their wrongfulness, and 'rogue' agents acting outside the authority granted to them by a Member.")

¹⁶ After the Committee commenced its investigation, Representative Chu revised her office policies to ensure that campaign-related events are clearly indicated on official schedules and make certain that any staff members who participate in campaign-related work or events do so voluntarily and on personal time.

¹⁷ Mar. 6, 2012, RFI at 1.

¹⁸ *Id.* at 3.

A. It was just that, you know, this was [Staffer A's] concern. [Staffer A] was really worried and, you know, and just letting her know and giving her an update. Pretty much it.

Q. What did she say?

A. She just said, you know, well that's unfortunate and you know, **nothing's happened, nothing wrong has gone on** so you know, to the extent that you can make [Staffer A] feel better about the situation, you know, that was kind of it, yeah.¹⁹

It appears that, following this exchange, Representative Chu re-reviewed Staffer A's memo for the WIC Event and emailed additional comments to the Chief of Staff. In a March 20, 2012, email to her Chief of Staff, Representative Chu wrote:

Here is [Staffer A's] background memo for the event of August 25, 2011.

In the schedule, the event is referred to as a luncheon of WIC owners, and is not referred to as a fundraiser.

I wish [Staffer A] hadn't referred to the event [in the background memo]. [Staffer A] didn't need to in order to produce the memo, which was on what I've done on WIC since I've been in Congress.

You might point that out to [Staffer A]. No where [sic] in the memo nor in the calendar does it refer to a fundraiser.

The Chief of Staff responded by email: "Okay, good to know. I will let [Staffer A] know tomorrow." The Chief of Staff stated that after receiving this email, she spoke to Staffer A again, and explained that the WIC Memo was for an event with both official and fundraising components, and that the memo related to the official component.²⁰

This sequence of events is troubling in several respects. First, Representative Chu's oral and written comments to the Chief of Staff could be viewed as an attempt to shape Staffer A's testimony to the Committee. Representative Chu stated that she believed Staffer A went to the Chief of Staff because the Committee had requested an interview, and Staffer A was anxious about potential questions regarding the work on the WIC Memo.²¹ In these circumstances, Representative Chu should have recognized that it was inappropriate to communicate with a potential material witness in a manner suggestive of an interpretation of events that the Committee was investigating.

Second, to the extent Representative Chu communicated to Staffer A, through the Chief of Staff, that the WIC Event had any official component or purpose, that suggestion was incorrect. In her interview with the Chairman and Ranking Member, Representative Chu stated unequivocally that "from the time that the [WIC] event was planned," she understood "that this was to be a fundraising

¹⁹ 18(a) Interview of Chief of Staff (emphasis added).

²⁰ The Chief of Staff stated: "Well, yeah, I did talk to [Staffer A, after discussing Staffer A's concerns with Representative Chu] and just [said] that there was this two-part that we hadn't realized that there was just to clarify for [Staffer A]. But that was pretty much that. You know. Just [so] that [Staffer A] wasn't so stressed out about it." 18(a) Interview of Chief of Staff.

²¹ In fact, the Committee had not contacted Staffer A regarding an interview at this time. But Staffer A was interviewed in June 2012.

event, with no official component to it.”²² Further, on the day of the WIC Event, Representative Chu received several thousands of dollars in campaign contributions from individuals who attended the event. Thus, it is clear that Representative Chu knew that the WIC event was a campaign fundraiser—with no separate official component—when she wrote her March 20, 2012, email, even if her official calendar did not describe it as such.

In an interview with the Chairman and Ranking Member, Representative Chu was asked about her actions in response to Staffer A’s initial meeting with the Chief of Staff. Representative Chu first explained that her intention was to “relieve [Staffer A’s] anxiety,” because Staffer A “was very, very concerned about the whole interview, about being interviewed at all.”²³ Representative Chu was asked whether, in directing her Chief of Staff to speak with Staffer A again, she had “any intention to influence what Staffer A would tell the Committee on Ethics about the memo?” She explained: “I thought this [March 20, 2012, email to the Chief of Staff] might clarify things, but, of course, it—it didn’t. And it was based on a mistaken assumption. And I shouldn’t have had any communication with [Staffer A] at all.”²⁴ Representative Chu continued:

Well, I shouldn’t have written the [email] at all. I truly regret it. I shouldn’t have had any communication at all with [Staffer A]. And it would have been better if I knew exactly how this [WIC] memo was produced. But I wrote this [email] impulsively, and so I didn’t know at the time what the true circumstances were, that [Staffer A had] actually done [the WIC memo] on [Staffer A’s] own volunteer time.²⁵

The Committee has noted in the past that the support of the Members, officers and employees of the House for its work is crucial to its continuing effectiveness.²⁶ *In the Matter of Allegations Relating to Representative Laura Richardson*, the Committee stated:

Representative Richardson also violated clauses 1 and 2 of House Rule XXIII by engaging in a pattern of behavior intended to obstruct this investigation. This is among the most troubling aspects of the case, and the easiest to see the manner in which it would bring discredit to the House: if a Member has such little respect for the internal discipline of the House that she would attempt to evade its questioning, rather than submitting to the fact gathering process in good faith, it raises the question of why the American people should believe that the House does a sufficient job policing itself. For the House to have the trust

²² 18(a) Interview of Representative Chu.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.* To the extent Representative Chu believed, when she spoke to and emailed her Chief of Staff about the WIC Memo, that Staffer A drafted the memo on Staffer A’s “own volunteer time,” without using any official resources, that belief is incorrect. Staffer A stated, and contemporaneous emails indicate, that Staffer A started working on the WIC Memo in Representative Chu’s House office, during regular working hours, then went home after the House office buildings were closed due to earthquake, logged onto an office computer remotely, again during regular working hours, and completed the memo.

²⁶ See Comm. on Standards of Official Conduct, *Korean Influence Investigation*, H. Rpt. 95–1817, 95th Cong. 2d Sess. 122 (1978).

of the people, it must vigorously protect its ability to investigate wrongdoing.²⁷

One part of the “pattern” of obstructive behavior Representative Richardson engaged in involved discussing with her staff questions the Committee might ask them about campaign-related work, and providing self-serving answers that would vindicate Representative Richardson.²⁸ Representative Richardson was reprimanded by the House for her repeated improper use of official resources and obstruction of the Committee’s investigation of her.

The underlying conduct at issue in *Richardson*—compelled use of House staff for campaign work—was much more egregious than the limited, though still impermissible, use of official resources for campaign purposes here.²⁹ The Committee determined that Representative Richardson herself regularly compelled her official staff to perform campaign work, obstructed the Committee’s investigation by altering or destroying evidence, failed to produce documents responsive to requests for information and a subpoena, and repeatedly attempted to influence the testimony of witnesses. However, with respect to the charge of interference with the Committee’s investigation, Representative Chu’s actions here were nonetheless improper, and the Committee was troubled by them. Representative Chu interfered with the Committee’s investigation by incorrectly advising two material witnesses, Staffer A and the Chief of Staff, that the production of the WIC Memo did not involve improper use of official resources for campaign-related purposes—the very conduct the Committee was investigating. The fact that Representative Chu’s advice was incorrect—even if Representative Chu believed it to be true—only amplifies the concerns regarding it.

It is also concerning that Representative Chu failed to produce her March 20, 2012, email exchange with the Chief of Staff to the Committee, in response to the Committee’s August 23, 2012, RFI. That RFI specifically asked for documents related to the WIC Event, including emails from “personal, campaign, and official email accounts.”³⁰ Representative Chu stated that she read this request as referring to staff email accounts, not her own, but admitted that, in preparing a response to the August 23, 2012, RFI, she “searched for ‘WIC’” and “inputted the words ‘WIC’” in her personal email account.³¹ She did not explain how that search would not have produced her March 20, 2012, email to the Chief of Staff, which includes the word “WIC.” Indeed, Representative Chu told the Committee that in searching her personal email account in response to the August 23, 2012, RFI, she found the email from her Legislative Director transmitting the WIC Memo to her on August 24, 2011, but not the email Representative Chu sent to her Chief of Staff on March 20, 2012, regarding Staffer A’s concerns about the WIC Memo. However, it appears that any search which produced the August 24, 2011, email would have also produced the

²⁷ *Richardson* at 95.

²⁸ *Id.* at 14 (discussing a staff meeting where Representative Richardson “began a mock dialogue with herself, stating some of the questions she expected the Committee to ask, such as ‘did you feel that your campaign work was mandatory or you were compelled in some way?’ and then an answer—‘no.’”)

²⁹ This matter is also distinguishable in that, in *Richardson*, the Committee found that Representative Richardson herself was both aware of and personally directed the compelled use of official resources for campaign purposes. *Id.* at 5–14. That is not the case here.

³⁰ Aug. 23, 2012, RFI at 1.

³¹ 18(a) Interview of Representative Chu.

March 20, 2012, email. Representative Chu only produced the March 20, 2012, email in response to the Committee's third RFI, dated February 6, 2013, which specifically asked for previously unproduced documents concerning the WIC Memo and all documents, including all emails, concerning Representative Chu's responses to the Committee's investigation.

Representative Chu has stated that she responded to Staffer A's communication of concerns "impulsively," and explained that she intended only to ease Staffer A's anxiety regarding the Committee's investigation.³² She has further stated that she regrets her actions, and understands that she should not have communicated with Staffer A at all during the Committee's investigation. Regardless of Representative Chu's intentions, interference with a Committee investigation is a very serious matter, and Representative Chu's actions here were clearly improper and reflected very poor judgment on her part. Thus, the Committee found that Representative Chu violated clause 1 of House rule XXIII, by not acting in a manner that "reflect[ed] creditably on the House."

V. CONCLUSION

For Representative Chu's violations of House Rules, the Committee has determined to publicly reprove her. The Committee recognizes and appreciates that Representative Chu has expressed regret for her inappropriate communications with two of her staff members, during the Committee's investigation, regarding matters the Committee was investigating. The Committee finds, however, that Representative Chu's expression of regret, while commendable, does not overcome the need for a letter of reproof regarding her interference with the Committee's investigation. Therefore, the Committee has issued a letter of reproof to Representative Chu for her conduct in this matter. Following the publication of this Report, the Committee will consider this matter closed.

VI. STATEMENT UNDER HOUSE RULE XIII, CLAUSE 3(C)

The Committee made no special oversight findings in this Report. No budget statement is submitted. No funding is authorized by any measure in this Report.

³² *Id.*

APPENDIX A

K. Michael Conaway, Texas
Chairman
Linda T. Sánchez, California
Ranking Member

Charles W. Dent, Pennsylvania
Patrick Meehan, Pennsylvania
Trey Gowdy, South Carolina
Susan W. Brooks, Indiana

Pedro R. Pierluisi, Puerto Rico
Michael E. Capuano, Massachusetts
Yvette D. Clarke, New York
Ted Deutch, Florida



ONE HUNDRED THIRTEENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON ETHICS

December 11, 2014

Thomas A. Rust
Staff Director and Chief Counsel

Joanne White
Administrative Staff Director

Jackie M. Barber
Counsel to the Chairman

Daniel J. Taylor
Counsel to the Ranking Member

1015 Longworth House Office Building
Washington, D.C. 20515-6328
Telephone: (202) 225-7103
Facsimile: (202) 225-7392

The Honorable Judy Chu
U.S. House of Representatives
1520 Longworth House Office Building
Washington, DC 20515

Dear Representative Chu:

On December 10, 2014, the Committee on Ethics (Committee) voted unanimously to issue you this letter of reproof as a result of your interference with the Committee's investigation of you. The Committee has also voted unanimously to adopt and publish the attached Report to the House of Representatives.

The conduct for which you are being reproved includes:

You interfered in the Committee's investigation of you by improperly communicating with two members of your staff regarding a staff member's concerns about possible improper use of official resources, in violation of House Rules.

With respect to the conduct described above, you violated House Rule XXIII, clause 1, which states that "[a] Member . . . shall behave at all times in a manner that shall reflect creditably on the House."

The Committee initiated an investigation of allegations that your House staff was required to perform campaign-related work in the House office, during regular working hours. The Committee determined that your staff did perform limited campaign-related work while in House offices and on official time, and that some of this work was not voluntary. However, the Committee did not conclude that you knew, or should have known, of this improper work. The Committee did find that you interfered with the Committee's investigation, and that your actions contributed to the length of this investigation.

The Committee found that you interfered with its investigation of this matter by communicating with a member of your staff who expressed concerns about improper campaign work. You have explained that your intention was to ease the staff member's anxiety about the Committee's investigation, and stated that you now regret your actions. Regardless of your intentions, the Committee takes any interference with its investigations very seriously. Indeed, the Committee cannot perform its essential functions, which are critical to upholding the public's

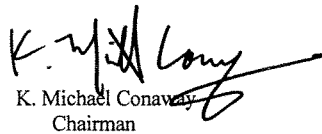
The Honorable Judy Chu
Page 2

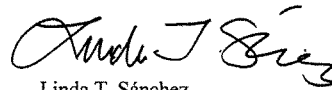
trust in the institution of the House, without the full cooperation of House Members and staff. In communicating your own version of the facts regarding a subject of the Committee's investigation to a material witness, you impeded the Committee's work and exhibited very poor judgment. Thus, the Committee found that you violated House Rule XXIII, clause 1.

The Committee recognizes and appreciates that you have expressed regret for your inappropriate communications with two of your staff members, during the Committee's investigation, regarding matters the Committee was investigating. The Committee finds, however, that your expression of regret, while commendable, does not overcome the need for a letter of reproof regarding your interference with the Committee's investigation.

Accordingly, based on your conduct in this matter, the Committee has determined that you should be publicly reproofed. Now that this letter has issued and the Committee has publicly noted its reproof of your conduct, the Committee has determined that this matter is closed.

Sincerely,


K. Michael Conaway
Chairman


Linda T. Sanchez
Ranking Member

Enclosure

