

SUMMARY OF CREW'S ETHICS COMPLAINT AGAINST REP. POMBO

Count 1: Bribery

Rep. Pombo took a series of legislative actions and held various committee hearings on issues of interest to Indian tribes whose contributions to Rep. Pombo coincided with these actions. Since becoming Chairman of the House Resources Committee in 2003, 61 tribes have donated over \$370,000 to Rep. Pombo's campaign and leadership PAC. Rep. Pombo also accepted contributions from mining industry lobbyist Duane Gibson and at least one of Gibson's clients in apparent exchange for an industry-friendly legislative amendment.

Count 2: Misuse of Campaign Funds for Personal Use

Rep. Pombo's payment of 25% of his campaign committee and PAC money to his wife and brother -- \$325,325 over a 4-year period -- appears to violate federal law prohibiting the use of campaign funds for "personal use." Federal Election Commission interpretations of the law make it very likely that these payments constitute "personal use."

Count 3: Violation of Tax Laws

Rep. Pombo took two foreign trips -- to New Zealand with his wife and to Japan with a staffer -- paid for by a private foundation, but he has neither reimbursed the foundation nor paid taxes on the cost of the trip. This appears to be an act of "self-dealing" under tax laws that prohibit the use of private funds for international travel in this manner.

CREW also filed a complaint with the IRS regarding this matter.

Count 4: Conversion of Federal Property

Federal criminal law prohibits the use of federal property for personal use. Even the private use of a government copy machine has been prosecuted under this law. Rep. Pombo likely violated this law by using Resources Committee funds to rent an RV and take his family on a tour of several national parks, a trip Rep. Pombo's website called a "family vacation."

Count 5: Violation of One-Year Limit on Detailees

Federal law allows congressional committees to borrow staff from government agencies under so-called "detailing agreements," but only for a 12-month period. House rules clearly require prior authorization for all detailing agreements. Rep. Pombo retained two Interior Department detailees for a period of over 2 years without getting prior authorization from the required House committee chair.

Count 6: Violation of Franking Laws

Rep. Pombo violated federal law and various House rules regarding franking by sending out 175,000 leaflets to swing-state voters within 90 days of the 2004 election. The leaflets lauded the Bush Administration and the Resources Committee for working to overturn Clinton Administration snowmobiling bans, one of which the leaflet called "infamous."

Count 7: Violating Federal Regulations by Taking Official Actions for Personal Gain

In violation of federal regulations, Rep. Pombo opposed environmental rules that would have hurt his family's business interests and supported legislation that would have increased the value of his family's land holdings.

Count 8: Violating House Rules by Trading Official Actions for Financial Benefit

Rep. Pombo's apparent quid pro quo relationship with several Indian tribes and mining interests, discussed in Count One in relation to possible violations of federal bribery statutes also run afoul of House Rule XXIII, Clause 3 which prohibits Members from asking for anything of value from anyone doing business with or seeking official action from the House.

Count Nine: Actions that Do Not Reflect Creditably on the House

Among Rep. Pombo's acts that do not reflect creditably on the House: a) reaping financial benefits for himself and his family while using his chairmanship of the Resources Committee to push for environmental rules that would have hurt the family business; b) using the power of his office to subpoena records from a federal banking investigation into Pombo campaign contributor Charles Hurwitz, then publicizing the documents over the government's objection and effectively ruining the government's case; and c) facilitating (at the very least) an arrangement by which Steven Ding served as both Rep. Pombo's personal chief of staff in Stockton, California -- at a salary of \$100 per month -- and chief of staff to the Resources Committee in Washington, D.C. -- at a salary of \$150,000 per year -- an arrangement that allowed Mr. Ding to continue lucrative outside consulting work in California and receive taxpayer-funded reimbursements for commuting to Washington to the tune of \$87,000 in less than three years.

Count Ten: Violation of Conflict-of-Interest Rules

Rep. Pombo's efforts to block environmental regulations that would have hurt his family's business interests and support for highway construction beneficial to family land value violate House conflict-of-interest rules prohibiting Members from accepting "benefits under circumstances which might be construed by reasonable persons as influencing the performance" of the Member's official duties.

Count Eleven: Misuse of Federal Funds for Campaign Expenses

Rep. Pombo reimbursed his employees for time they spent working on political campaigns during the 2004 election and for campaign-related travel. These reimbursements violate the Ethics Committee's "basic principle that government funds should not be spent for reelection," and may also violate federal criminal law.

Count Twelve: Dispensation of Special Favors

Rep. Pombo's interference in the federal banking investigation of Charles Hurwitz, discussed above in Count Nine, is a violation of House rules prohibiting "the dispensing of special favors or privileges on anyone, whether for remuneration or not."

Count Thirteen: Violation of House Staffing Rules

Rep. Pombo's nominal payment of \$100 per month to his personal chief of staff, Steven Ding, and reimbursement of Mr. Ding for \$87,000 worth of commuting expenses for Mr. Ding's travel to Washington, D.C. to fulfill his duties as chief of staff to the Resources Committee, violate as many as four distinct House staffing rules. Those rules require that a "shared" staff member who serves in more than one post in the House be paid at least minimum wage and that their duties be "commensurate with the[ir] compensation." House rules further state that reimbursement is not allowed for travel and meal expenses incurred while commuting from home to and from a staffer's "primary duty station." Finally, Rep. Pombo reimbursed Mr. Ding for his California-to-D.C. commute from his Member's Representational Allowance (MRA), which House Members are clearly prohibited from using for committee expenses.