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House of Representatives

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MEMORANDUM

May 22, 2007

To: Members of the Committee on Oversight and Government Reform

Fr: Rep. Henry A. Waxman, Chairman

Re: Investigation of Jack Abramoff's Contacts with the White House

This memo provides a status report on the Committee's investigation of the lobbying relationship between former lobbyist Jack Abramoff and his associates and the White House.

On January 3, 2006, Mr. Abramoff pled guilty in federal district court to four counts of conspiracy, one count of mail fraud, and one count of tax evasion. Several of his associates also pled guilty to public corruption charges. As these events unfolded, then-Chairman Tom Davis and then-Ranking Member Henry A. Waxman launched an inquiry into Mr. Abramoff's lobbying of White House officials.

In September 2006, Chairman Davis and Ranking Member Waxman released a staff report summarizing what the Committee had learned from a review of billing records and e-mails provided to the Committee by Mr. Abramoff's former lobbying firm, Greenberg Traurig. According to these billing records and e-mails, Mr. Abramoff and his associates had 485 lobbying contacts with White House officials between January 2001 and March 2004. These lobbying contacts included over 150 meetings over meals or drinks that the Abramoff team billed to clients. The e-mails also described 19 events to which Mr. Abramoff or his associates offered tickets to White House officials, including Wizards and Capitals games and U2 and Bruce Springsteen concerts.

One subject considered in the September report was whether there was evidence that the lobbying contacts, meals, and tickets described in the billing records and e-mails influenced official White House action. The e-mails and billing records described some instances in which White House officials took actions sought by Mr. Abramoff, and they described other instances in which Mr. Abramoff did not obtain the results he was seeking.

The September report left important questions unanswered. Because the report relied solely on documents provided by Mr. Abramoff's firm, the documents told only one side of the story. The Committee could not determine whether the meals with White House officials identified in the billing records actually occurred. Assuming that the meals did occur and the tickets described in the e-mails were provided to White House officials, the Committee could not determine if White House officials paid for the meals and tickets, as required by federal ethics laws. It was also not clear whether White House officials actually took the actions reflected in the e-mails provided by Mr. Abramoff's former firm.

As a first step in answering the questions left unanswered by the September 2006 report, the Committee deposed Susan Ralston on May 10, 2007. Ms. Ralston served in the position of executive assistant to Senior Advisor to the President Karl Rove from 2001 to 2006, and she worked for Mr. Abramoff from 1998 to 2001. E-mails from Mr. Abramoff's former law firm indicated Ms. Ralston had multiple contacts with Mr. Abramoff and his associates while at the White House and had knowledge of a number of substantive requests Mr. Abramoff made of White House officials, as well as the process by which Mr. Abramoff provided officials with tickets, meals, and beverages. Shortly after the issuance of the September 2006 report, the White House announced the resignation of Susan Ralston.

While she appeared voluntarily and testified on a number of subjects unrelated to the Abramoff matter, Ms. Ralston declined to respond to questions regarding contacts between Mr. Abramoff and White House officials. She indicated that if she were subpoenaed to discuss these subjects, she would invoke the Fifth Amendment privilege against self-incrimination. Bradford Berenson, Ms. Ralston's attorney, stated at the outset of the deposition:

Susan is here this morning voluntarily. She wants to assist the committee in its investigation to the extent she is able to. She is not under subpoena. We understand that the purpose of this morning's deposition is really twofold: first, for her to provide the information that she can provide on a couple of subjects where she can testify without precondition ... and, secondly, to make a record for the committee of the subjects on which she does not feel she can testify without a grant of immunity based on concerns that the testimony may reasonably form some link in a chain of evidence that someone could regard as inculpatory of her.

The subjects this morning that she will be unable to testify to on those grounds are the subjects of the relationship between Jack Abramoff and his associates and White House officials, including Ms. Ralston, and the subject of the use by White House officials of political e-mail accounts at the RNC.

She has material, useful information about both of those subjects. She is more than willing to provide it to the committee. However, she will, as we have previously discussed, require a grant of immunity before she is comfortable going forward.

During the deposition, Ms. Ralston was asked whether she would invoke the Fifth Amendment if she were asked about contacts between Mr. Abramoff and Karl Rove and other

White House officials, but not about her own contacts with Mr. Abramoff. The following exchange ensued:

Majority Counsel: I want to go back to the testimony that Ms. Ralston provided about contacts between Jack Abramoff and the White House; and this is, again, a question that's probably better suited for you, Mr. Berenson.

She made clear she didn't want to discuss her own actions regarding Mr. Abramoff and his associates. Can you explain the legal basis for her declining to answer questions about the actions of Mr. Rove or other White House officials with respect to Jack Abramoff?

Mr. Berenson: Sure. We have previously discussed this off line. The issue here with respect to the relationship between Mr. Abramoff and his associates generally, and the White House and White House officials, implicates in many ways what may or may not already be obvious to the committee from its review of documents and e-mails, conduct and actions by not only those other officials but potentially also by Ms. Ralston herself. She was personal friends with a number of the individuals on Abramoff's staff, and as the committee's own report makes clear, was frequently the recipient of communications from them, even if the substantive matters under discussion related only to activities by other officials in the White House.

So the entire subject of the Abramoff team's relationship with the White House and other White House officials is one on which she will have to decline to respond to questions at this time.

Majority Counsel: Is she invoking her fifth amendment privilege with respect to questions on that subject?

Mr. Berenson: She is not formally invoking her fifth amendment privilege with respect to that subject or to any other subject for the simple reason that the fifth amendment can't even theoretically apply unless there is compelled testimony.

However, as I indicated at the outset of the deposition, she is here, making a record for the committee of her intent to decline to answer questions on that subject on the ground of her fifth amendment privilege if, in the future, she were to be compelled to testify on those subjects or with respect to those questions.

Providing immunity to a witness is a significant step with legal consequences for potential prosecutions. Before further considering the request of Ms. Ralston for immunity, the Committee should seek to obtain information about the relationship between Mr. Abramoff and the White House from other sources. As the next step in this investigation, the Committee will be seeking testimony from (1) individuals who worked as lobbyists with Mr. Abramoff and (2) former and current White House and Administration officials who may have knowledge about Mr. Abramoff's contacts with the White House. In addition, the Committee will request relevant documents from the White House and federal agencies.

Please contact me if you have any questions about the Committee's investigation.