

September 4, 2007

The Honorable Stephanie Tubbs Jones, Chairwoman
The Honorable Doc Hastings, Ranking Minority Member
Committee on Standards of Official Conduct
HT-2, The Capitol
Washington, D.C. 20515

BY FAX: 202-225-7392

Re: Request for Investigation into Conduct of Rep. Doug Lamborn (R-CO)

Dear Chairwoman Tubbs Jones and Ranking Member Hastings:

Citizens for Responsibility and Ethics in Washington (CREW) respectfully requests that the Committee on Standards of Official Conduct commence an immediate investigation into whether Rep. Doug Lamborn (R-CO) violated House rules by improperly threatening two constituents who revealed publicly that Rep. Lamborn had accepted campaign contributions from the gaming industry.

On August 24, 2007, a community newspaper in Colorado printed a letter from Jonathan and Anna Bartha that raised concerns about Rep. Lamborn's receipt of campaign contributions in the amount of \$1,000 from International Game Technology ("IGT") PAC and \$500 from Marc Murphy, an executive of Bronco Billy's Casino in Cripple Creek, Colorado. IGT makes gambling equipment. Erin Emery, Lamborn Message Has Couple in Dismay, *The Denver Post*, September 2, 2007 (attached as Exhibit A). Reports filed with the Federal Election Commission confirm that Rep. Lamborn's campaign committee received the contributions. Id.

In apparent response to the letter, Rep. Lamborn placed two separate calls to the Bartha's home telephone number and in each case left a voice message when no one answered the phone. Emery, *The Denver Post*, Sept. 2, 2007. In his first message, Rep. Lamborn alleged that the couple's letter contained "something that is blatantly false," urged them to call him "at your earliest convenience" and stated "there are consequences to this kind of thing." Doug Lamborn's Voice Messages to Jonathan and Ana Bartha, *The Denver Post*, September 1, 2007 (attached as Exhibit B). In his follow-up message, Rep. Lamborn stated, "I'd rather resolve this on a Scriptural level but if you are unwilling to do that I will be forced to take other steps . . ." Id.

In response to the voice messages Ms. Bartha stated, "We felt threatened and intimidated, and quite frankly, scared . . . It was just not anything we would ever anticipate an elected official would pursue or a way that an elected official would conduct himself." Emery, *The Denver*

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Post, Sept. 2, 2007. Although Rep. Lamborn has claimed he returned both contributions, federal records do not corroborate his claim. Id.

Rule 23 of the House Ethics Manual requires all members of the House to conduct themselves “at all times in a manner that reflects creditably on the House.”¹ This ethics standard is considered to be “the most comprehensive provision of the code.”² When this section was first adopted, the Select Committee on Standards of Official Conduct of the 90th Congress noted that it was included within the Code to deal with “flagrant” violations of the law that reflect on “Congress as a whole,” and that might otherwise go unpunished.³

Conduct need not be criminal to implicate Rule 23. Most recently, the Committee found that had former Rep. Mark Foley (R-FL) not resigned, he would “almost certainly” have been subjected to disciplinary proceedings for engaging in unwelcome communications with teenage former House pages.⁴ Rule 23 allows the Committee to “retain the ability to deal with any given act or accumulation of acts which, in the judgment of the committee, are severe enough to reflect discredit on the Congress.”⁵ The provision serves “as a safeguard for the House as a whole.”⁶

¹ Rule 23, clause 1.

² House Comm. on Standards of Official Conduct, House Ethics Manual.

³ House Comm. on Standards of Official Conduct, Report Under the Authority of H. Res. 418, H. Rep. No. 1176, 90th Cong., 2d Sess. 17 (1968).

⁴ House Comm. on Standards of Official Conduct, Investigation of Allegations Related to Improper Conduct Involving Members and Current or Former House Pages, 109th Cong., 2nd Sess. 73 (Dec. 8, 2006).

⁵ Id. at 79 (*citations omitted*).

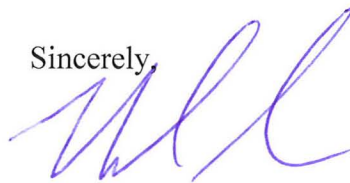
⁶ Id.

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By leaving threatening voice messages on the home voice mail of two constituents in response to the publication of their truthful letter criticizing him for accepting contributions from the gaming industry, Rep. Lamborn appears to have engaged in conduct that does not reflect creditably on the House of Representatives. As a result, the Committee should investigate Rep. Lamborn's conduct and take appropriate action.

Thank you for your attention to this matter.

Sincerely,



Melanie Sloan
Executive Director

Encls.

EXHIBIT A

denverpost.com

THE DENVER POST

Lamborn message has couple in dismay

By Erin Emery
Denver Post Staff Writer

Article Last Updated: 09/02/2007 12:02:04 AM MDT

Colorado Springs - Rep. Doug Lamborn left two voice mails at the home of a couple who questioned his acceptance of campaign contributions from the gambling industry, saying there would be "consequences" if the couple did not respond.

Jonathan and Anna Bartha wrote a letter printed in the Aug. 24 Woodmen Edition, a community newspaper.

The couple raised concerns about Lamborn's receipt of \$1,000 from International Game Technology PAC and a \$500 contribution last summer from Marc Murphy, an executive of Bronco Billy's Casino in Cripple Creek. IGT makes gambling equipment.

Jonathan Bartha, 34, is employed by Focus on the Family. His wife, a board member of Falcon School District 49, worked for two months as a scheduler for candidate Jeff Crank during a bitter, six-way Republican primary race for the 5th Congressional District seat.

In his messages, Lamborn said he wanted to appeal

to the couple as "brothers and sisters in Christ" and implored them to call him back to discuss their "blatantly false" letter.

Extras

- Read Jonathan and Ann Bartha's letter to the editor of The Woodmen Edition.
- Read Doug Lamborn's letter to Greg Garcia, chairman of the El Paso County Republican Party.
- Read the text of two voice messages that Doug Lamborn left on the home telephone of Jonathan and Anna Bartha.

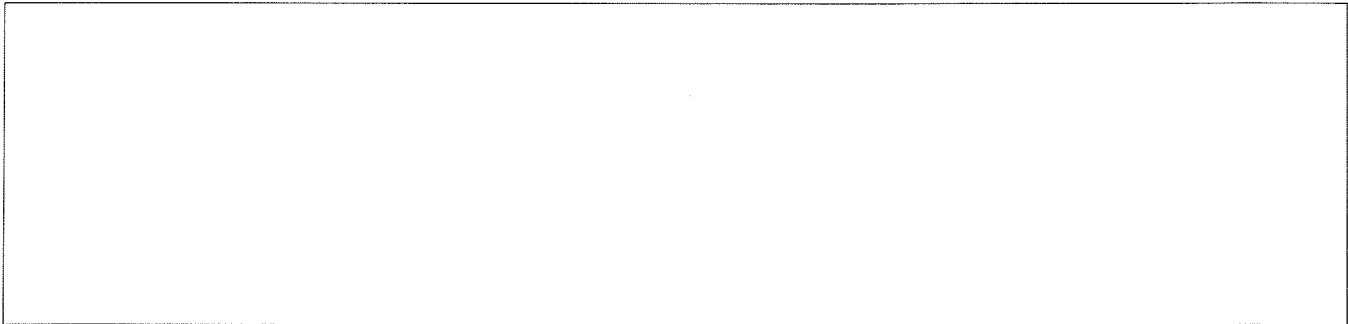
"We felt very threatened and intimidated, and quite frankly, scared," Anna Bartha said. "It was just not anything we would ever anticipate an elected official would pursue or a way that an elected official would conduct himself."

When asked whether his messages were threatening, Lamborn said: "No, that is ridiculous. My hope, I failed, but I had hoped to meet with them privately and confidentially because lying is a serious matter. "

When asked what he meant when he said there would be "consequences," Lamborn said: "When someone tells a lie, it just has bad consequences."

Three days after leaving the messages on the

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




THE DENVER POST

Barthas' voice mail, Lam born wrote an open letter to Greg Garcia, chair of the El Paso County Republicans, asking him to investigate.

Staff writer Erin Emery can be reached at 719-522-1360 or eemery@denverpost.com .

In an open letter to the party on Aug. 8, Garcia said the local party would not tolerate false or misleading statements in campaigns.

"That's a lot of what I'm thinking of when I talk about 'there are consequences,' because Greg Garcia had said earlier that there is going to be a punishment if people tell lies in the course of a campaign," Lamborn said.

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As a private citizen, Bartha has the right to question an elected official's actions.

Federal records show that Lamborn received a \$1,000 check Jan. 30, 2007, from the IGT PAC. Records also show receipt of \$500 from Murphy last summer.

Lamborn said he has returned both contributions, but he could not say when that was done.

Nancy Brown, a spokeswoman for Jones Vargas, a law firm in Reno, Nev., that represents IGT, said the company's PAC sent a \$1,000 contribution to Lamborn in January. She said Lamborn returned the check, although she could not provide the date of the return.

Federal records do not show that the check was returned.

Murphy could not be reached for comment.

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EXHIBIT B

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THE DENVER POST

denver & the west

Doug Lamborn's voice messages to Jonathan and Anna Bartha

By The Denver Post

Article Last Updated: 09/01/2007 05:52:52 PM MDT






The following is a text of two voice messages that Rep. Doug Lamborn left on the home telephone of Jonathan and Anna Bartha.

FIRST MESSAGE: "Hello, this is Doug Lamborn calling for either Jonathan or Anna. Something very serious has happened. There was a letter to the editor that you both put in your names to the editor of the Woodmen Edition and there is something that is blatantly false in that letter.

"I would like to get together with you and show this to you and appeal to you as a brother and sister in Christ. You didn't give me that opportunity but I am happy to overlook that and deal with you on that level because I think that is the right thing to do and show you where you made a blatant, wrong statement.

"Now there are consequences to this kind of thing, but I would like to work with you in a way that is best for everyone here concerned. So please call me at your earliest convenience. It is now 2:40 (p.m.) on Saturday afternoon.

SECOND MESSAGE: "Hello, this is Doug Lamborn again, I'm finishing up my message from a moment ago. I got cut off. It is critical that you get back to me as soon as possible on this because I'll be going back to Washington here in a few days and I have to make sure that this is resolved one way or another. And like I said I'd rather resolve this on a Scriptural level but if you are unwilling to do that I will be forced to take other steps, which I would rather not have to do. So please call me. This is essential. Call me by tonight, Saturday night and we can get together sometime Sunday afternoon."

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