

November 21, 2013

Omar Ashmawy
Staff Director and Chief Counsel
Office of Congressional Ethics
1017 Longworth HOB
Washington, DC 20515

BY FAX: 202-226-0997

Re: Request for Investigation into Conduct of Rep. Henry J. Radel, III (R-FL)

Dear Mr. Ashmawy:

Citizens for Responsibility and Ethics in Washington (“CREW”) respectfully requests that you immediately investigate Rep. Henry J. (“Trey”) Radel, III (R-FL) for violating House rules by purchasing cocaine from an undercover police officer. CREW also asks that you investigate whether other members of Congress or congressional staff have purchased, facilitated the purchase of, and/or used cocaine with Rep. Radel.

As you know, on November 20, 2013, Rep. Radel pleaded guilty to unlawful possession of cocaine. According to the Statement of the Offense filed with the Superior Court of the District of Columbia, in the fall of 2013, federal agents with the FBI and DEA learned Rep. Radel had purchased, possessed, and used cocaine on several occasions.¹ The agents also learned that Rep. Radel previously had shared cocaine with others.

As a result, on October 29, 2013, Rep. Radel met with an acquaintance – with whom he had used cocaine on a number of other occasions – as well as an undercover police officer at a Dupont Circle area restaurant. Rep. Radel told the two he had some cocaine in his apartment and invited them there to use it. The acquaintance and police officer declined, but the officer told Rep. Radel he had cocaine available for sale. After discussing the price and quality, Rep. Radel agreed to buy approximately 3.5 grams of cocaine at a cost of \$250. Once outside the restaurant, Rep. Radel handed the officer \$260, the two got into the officer’s vehicle, and the officer handed Rep. Radel a package of cocaine. Rep. Radel then exited the vehicle, at which time federal agents approached. Rep. Radel dropped the cocaine, but the agents quickly recovered it.

On November 20, 2013, as a result of a plea agreement reached with the United States Attorney for the District of Columbia, Rep. Radel pleaded guilty to one count of unlawful

¹ *United States v. Henry J. Radel, III*, Statement of Offense, Crim No. 2013-CMD-02036 (D.C. Sup. Ct. Nov. 20, 2013). The recital of facts herein is drawn directly from this document (attached).

Mr. Omar Ashmawy
November 21, 2013
Page Two

possession of cocaine, a controlled substance, in violation of D.C. Code § 904.01(d).² District of Columbia Superior Court Judge Robert Tignor sentenced Rep. Radel to one year of supervised probation and a \$250 fine.³

Numerous questions about Rep. Radel's conduct remain. As the court documents make clear, Rep. Radel has been a frequent user and purchaser of cocaine. As a member of Congress who has lived in the District of Columbia for less than a year, how did he become acquainted with a cocaine dealer? Who introduced him? Court documents also indicate Rep. Radel shared his cocaine with others. With whom was he sharing his drugs? Has Rep. Radel been snorting cocaine with other members of Congress or congressional staff?

While the Republican House leadership has stated Rep. Radel's drug use is up the congressman, the courts, his family, and his constituents, in fact, this is exactly the kind of matter appropriate for House ethics review.

Although the House Ethics Committee's rules require an investigation only following felony convictions, court documents suggest Rep. Radel initially was to be charged with possession with intent to distribute cocaine – a felony – but the charge was reduced to a misdemeanor as part of the plea agreement. Further, as the documents make clear, while this is Rep. Radel's first cocaine conviction, as he has admitted, it is far from the first time he has engaged in such crimes.

Members of Congress take an oath swearing to uphold the law. Rep. Radel, however, has repeatedly violated criminal laws. Whether or not Rep. Radel suffers from cocaine or alcohol addiction is irrelevant.

Clause 2 of the Code of Ethics for Government Service provides that any person in government service should: "Uphold the Constitution, laws and legal regulations of the United States, and all governments therein and never be a party to their evasion."⁴ By possessing cocaine in violation of District of Columbia criminal law, Rep. Radel violated the Code of Ethics for Government Service.

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."⁵ This ethics standard

² *Id.*

³ Matt Fuller and Hannah Hess, Radel's Cocaine Bust Is a Headache for Leadership, *Roll Call*, November 21, 2013.

⁴ 72 Stat., Part 2, B12, H. Con. Res. 175, 85th Cong. (adopted July 11, 1958).

⁵ Rule 23, cl. 1.

is considered to be “the most comprehensive provision” of the code.⁶ When this section was first adopted, the Select Committee on Standards of Official Conduct of the 90th Congress noted 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.⁷ This rule has been relied on by the committee in numerous prior cases in which the committee found unethical conduct including: the failure to report campaign contributions,⁸ making false statements to the committee,⁹ criminal convictions for bribery,¹⁰ accepting illegal gratuities,¹¹ and accepting gifts from persons with interest in legislation in violation of the gift rule.¹²

⁶ Committee on Standards of Official Conduct, House Ethics Manual, at 12 (110th Cong., 2d ed.).

⁷ 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).

⁸ House Comm. on Standards of Official Conduct, *In the Matter of Representative John J. McFall*, H. Rep. No. 95-1742, 95th Cong., 2d Sess. 2-3 (1978) (Count 1); *In the Matter of Representative Edward R. Roybal*, H. Rep. No. 95-1743, 95th Cong., 2d Sess. 2-3 (1978).

⁹ House Comm. on Standards of Official Conduct, *In the Matter of Representative Charles H. Wilson (of California)*, H. Rep. No. 95-1741, 95th Cong., 2d Sess. 4-5 (1978); H. Rep. No. 95-1743 (Counts 3-4).

¹⁰ House Comm. on Standards of Official Conduct, *In the Matter of Representative Michael J. Myers*, H. Rep. No. 96-1387, 96th Cong., 2d Sess. 2, 5 (1980); see 126 Cong. Rec. 28953-78 (Oct. 2, 1980) (debate and vote of expulsion); *In the Matter of Representative John W. Jenrette, Jr.*, H. Rep. No. 96-1537, 96th Cong., 2d Sess. 4 (1980) (Member resigned); *In the Matter of Representative Raymond F. Lederer*, H. Rep. No. 97-110, 97th Cong., 1st Sess. 4, 16-17 (1981) (Member resigned after Committee recommended expulsion). In another case, the Committee issued a Statement of Alleged Violation concerning bribery and perjury, but took no further action when the Member resigned (*In the Matter of Representative Daniel J. Flood*, H. Rep. No. 96-856, 96th Cong., 2d Sess. 4-16, 125-126 (1980)).

¹¹ House Comm. on Standards of Official Conduct, *In the Matter of Representative Mario Biaggi*, H. Rep. No. 100-506, 100th Cong., 2d Sess. 7, 9 (1988) (Member resigned while expulsion resolution was pending).

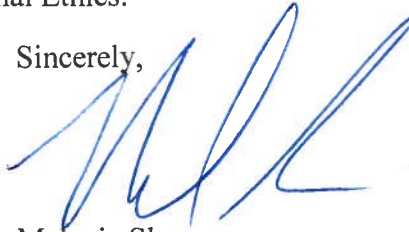
¹² House Comm. on Standards of Official Conduct, *In the Matter of Representative Charles H. Wilson (of California)*, H. Rep. No. 96-930, 96th Cong. 2d Sess. 4-5 (1980); see 126 Cong. Rec. 13801-20 (June 10, 1980) (debate and vote of censure).

Mr. Omar Ashmawy
November 21, 2013
Page Four

While some may argue the judicial system already has dealt with Rep. Radel's misdeeds, the House of Representatives has a separate and distinct obligation to consider whether his actions violate the House Code of Conduct. Further, as discussed above, many questions remain about the extent of Rep. Radel's drug use and the possible involvement of other members of Congress and congressional staff. For these reasons, it is incumbent on the Office of Congressional Ethics to conduct a thorough investigation of this matter.

I am aware that the False Statements Act, 18 U.S.C. § 1001, applies to information submitted to the Office of Congressional Ethics.

Sincerely,

A handwritten signature in blue ink, appearing to read 'MS', is written over the word 'Sincerely,'.

Melanie Sloan
Executive Director
Citizens for Responsibility and
Ethics in Washington

Encl.

UNITED STATES OF AMERICA,

v.

HENRY J. RADEL, III,
also known as Trey Radel

Defendant.

STATEMENT OF THE OFFENSE

2. On or about October 29, 2013, the defendant met with an acquaintance of his and an undercover police officer at a restaurant in the Dupont Circle area of Washington, D.C. The defendant had on several previous occasions used cocaine with this acquaintance. The defendant told this acquaintance and the undercover police officer that he had some cocaine at his apartment, and invited them to his apartment to use the cocaine. The acquaintance and undercover police officer declined the invitation. The undercover police officer advised the defendant that he had cocaine available to sell, and the defendant and the undercover police officer discussed the price and quality of the cocaine the undercover police officer had available.

The defendant agreed to purchase approximately 3.5 grams of cocaine from the undercover officer for \$250.

3. The defendant and the undercover police officer left the restaurant. Outside of the restaurant, the defendant handed the undercover police officer \$260. The defendant and the undercover police officer then proceeded to the undercover police officer's vehicle and got into the vehicle. Once inside the vehicle, the undercover police officer handed the defendant a package of cocaine.

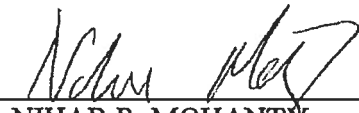
4. After the undercover police officer and the defendant completed this transaction and got out of the undercover police officer's vehicle, federal agents approached the defendant. The defendant dropped the cocaine to the street, where it was recovered by the agents.

5. The defendant agreed to speak with federal agents about what had just taken place and invited them to his apartment. There, he voluntarily admitted that he had purchased the cocaine. The defendant also retrieved and provided to the agents a vial of cocaine that he had in his apartment.

6. The parties agree that the substance purchased by the defendant and the substance recovered from his apartment contained measurable amounts of cocaine.

Respectfully submitted,
RONALD C. MACHEN JR.
UNITED STATES ATTORNEY

By: _____

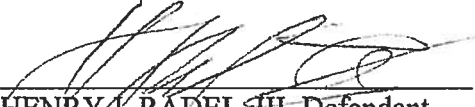

NIHAR R. MOHANTY
Assistant United States Attorney
555 4th Street, N.W.
Room 3211
D.C. Bar No. 436-4686
(202) 220-7700 (phone)

Defendant's Acceptance

I have read each of the pages of this Statement of the Offense and have discussed it with my attorney, David Schertler. I fully understand this agreement and agree to it without reservation. I do this voluntarily and of my own free will, intending to be legally bound. No threats have been made to me nor am I under the influence of anything that could impede my ability to understand this agreement fully. I am pleading guilty because I am in fact guilty of the offense.

I reaffirm that absolutely no promises, agreements, understandings, or conditions have been made or entered into in connection with my decision to plead guilty except those set forth in this plea agreement. I am satisfied with the legal services provided by my attorney in connection with this plea agreement and matters related to it.

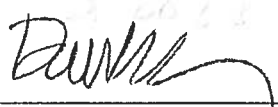
Date: 11-20-13


HENRY J. RADEL, III, Defendant

Attorney's Acknowledgment

I have read all of the pages of this Statement of the Offense reviewed them with my client, and discussed the provisions of the agreement with my client, fully. These pages accurately and completely set forth the entire plea agreement. I concur in my client's desire to plead guilty as set forth in this agreement.

Date: 11-20-13


DAVID SCHERTLER, Esquire
Attorney for the Defendant

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION
INFORMATION

DCTN: U13034665
Lockup No: _____
Case No: 13-CMD-20364
Citation Date: _____

The United States Attorney for the District of Columbia informs the Court that within the District of Columbia:

Defendant's Name: Henry JRadel 04/20/1976
(First) (MI) (Last) (PDID) (CCNO) (DOB)
Also Known As: Trey Radel
(First) (Middle) (Last)
Address: _____

1 On or about October 29, 2013, within the District of Columbia, Henry J Radel III did unlawfully, knowingly, and intentionally possess a quantity of cocaine, a controlled substance. (Unlawful Possession Of a Controlled Substance, in violation of 48 D.C. Code, Section 904.01(d) (2001 ed.))

Co-Defendants:

File
11/19/13

Rule 105: ☐ Judge: _____

United States Attorney for the District of Columbia

By: Assistant United States Attorney <i>Nikolai M. M...</i>	Date: November 19, 2013
By Officer: _____	Badge No.: _____
PSA: 102 Domestic ☐	