



**Judicial
Watch®**
*Because no one
is above the law!*

June 18, 2010

Leo Wise, Esq.
Staff Director and Chief Counsel
Office of Congressional Ethics
1017 Longworth House Office Building
Washington, DC 20515

**Re: Request for Disciplinary Action against Congressman
Bob Etheridge for Assault on College Student Videographers**

Dear Mr. Wise:

Judicial Watch, Inc. is a non-profit educational foundation dedicated to promoting transparency, accountability, and ethics in government and fidelity to the rule of law. Judicial Watch has over 600,000 supporters and a sixteen-year record of combatting government corruption.

Judicial Watch, in the public interest, hereby files this request for disciplinary action to be taken against Congressman Bob Etheridge for engaging in conduct unbecoming a Member of Congress in accordance with its authority, as set forth in the House Ethics Manual, which states, in relevant part:

That “public office is a public trust” has long been a guiding principle of government. To uphold this trust, Congress has bound itself to abide by certain standards of conduct, expressed in the Code of Official Conduct (House Rule 23) and the Code of Ethics for Government Service. These codes provide that Members, officers, and employees are to conduct themselves in a manner that will reflect creditably on the House Violations of ethical standards may lead to various penalties. The U.S. Constitution authorizes each House of Congress to punish its members for disorderly behavior and, with the concurrence of two thirds, to expel a Member. The House may also punish a Member by censure, reprimand,

condemnation, reduction of seniority, fine, or other sanction determined to be appropriate.¹

On Wednesday, June 9, 2010, Congressman Bob Etheridge assaulted a young man on a Washington sidewalk, who asked him “Do you fully support the Obama agenda?” The assault by Congressman Etheridge was caught on video and posted online and viewed nationwide via major TV networks and newspapers. The *Charlotte Observer* in North Carolina, Congressman Bob Etheridge’s home state, provided the following account of the assault:

The video was harsh. There was U.S. Rep. Bob Etheridge, a grandfather with a nice-guy reputation, fuming on a Washington sidewalk. He grabbed the wrist of a young man – then the scruff of the man’s neck – all the while demanding: “Who are you? Who are you?”²

The article further describes the incident as seen in the video:³

The video shows Etheridge walking from a Democratic dinner featuring Speaker Nancy Pelosi on June 9. (Etheridge said he does not drink alcohol and said he hadn’t been drinking at the event.) One of the men greets Etheridge, then holds a small camera inches from his face. “Do you fully support the Obama agenda?” he asks. Etheridge demands to know who the men are, then grabs the wrist of the first. He holds on for several seconds as the man repeatedly asks him to let go. Etheridge then grabs him by the back of the neck and pulls him into an awkward clinch. The men reply that they are college students working on a project, but they don’t say where they study or give further information.

And the staff writers continue, “Etheridge was roundly criticized for his actions.”⁴

¹ Committee on Standards of Official Conduct, Publications & Forms, *2008 House Ethics Manual, General Ethical Standards, Violations of Ethical Standards*, pp. 2-3 <http://ethics.house.gov/Media/PDF/2008_House_Ethics_Manual.pdf> accessed June 16, 2010.

² See Exhibit 1, Barbara Barrett, Benjamin Niolet and Rob Christensen, “Video shames Etheridge, galvanizes Republicans,” *charlotteobserver.com*, June 15, 2010 <<http://www.charlotteobserver.com/2010/06/15/1501855/tape-shames-etheridge-galvanizes.html>> accessed June 16, 2010.

³ “Congressman Assaults Student on Washington Sidewalk,” YouTube.com, June 15, 2010 <<http://www.youtube.com/watch?v=v60oNUoHBYM>> accessed June 16, 2010.

⁴ See Exhibit 1, Barrett, Niolet and Christensen, “Video shames Etheridge, galvanizes Republicans.”

Due to his personal actions, Congressman Etheridge has brought dishonor to the U.S. House of Representatives. Further, Congressman Etheridge could face criminal sanctions for assault under the laws of the District of Columbia, which state in relevant part:

(1) Whoever unlawfully assaults, or threatens another in a menacing manner, shall be fined not more than \$1,000 or be imprisoned not more than 180 days, or both.⁵

More specifically, House Rule 23, clause 1, states:

A Member, Delegate, Resident Commissioner, officer or employee of the House shall conduct himself at all times in a manner that shall reflect creditably on the House.⁶

The House rules provide concise guidelines for disciplining a Member of Congress for disorderly behavior that diminishes the creditability of the House and states, in relevant part:

A House rule specifically authorizes the Standards Committee to enforce standards of conduct for Members, officers, and employees; to investigate alleged violations of any law, rule, or regulation pertaining to official conduct; and to make recommendations to the House for further Action. . . . Some standards of conduct derive from criminal law. Violations of these standards may lead to a fine or imprisonment, or both.⁷

It is essential that the House holds Congressman Bob Etheridge to the high standards of behavior expected of a Member of the House. Congressman Etheridge acted out in a violent and threatening manner in response to an unremarkable inquiry by a member of the public. The public confidence in Congress has been diminished as a result.

⁵ *D.C. Code §22-404* (2010). Assault or threatened assault in a menacing manner; stalking [Formerly § 22-504].

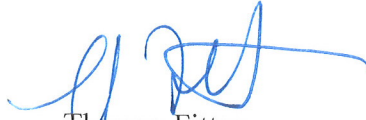
⁶ Committee on Standards of Official Conduct, Publications & Forms, *2008 House Ethics Manual*, Committee Procedures, *General Ethical Standards*, Conduct Reflecting Creditably on the House, p. 12 <http://ethics.house.gov/Media/PDF/2008_House_Ethics_Manual.pdf> accessed June 16, 2010.

⁷ *Id.*, p. 3.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Fitton', with a stylized flourish extending to the right.

Thomas Fitton
President

Enclosure

EXHIBIT 1

Comments (174) | Recommend (4)

Buzz up!

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Video shames Etheridge, galvanizes Republicans

The Lillington Democrat apologizes profusely for his reaction to interviewers who remain anonymous.

By Barbara Barrett, Benjamin Niolet and Rob Christensen
Staff Writers
Posted: Tuesday, Jun. 15, 2010

The video was harsh. There was U.S. Rep. Bob Etheridge, a grandfather with a nice-guy reputation, fuming on a Washington sidewalk. He grabbed the wrist of a young man - then the scruff of the man's neck - all the while demanding: "Who are you? Who are you?"

The Internet video immediately dominated cable television Monday, highlighting a growing trend in political discourse: bloggers and students catching politicians off guard, recording unflattering moments, then blasting them across the Internet.

By day's end, Etheridge, a Lillington Democrat, had apologized, saying he "deeply and profoundly" regretted how he reacted. And his until-now-unknown opponent, Renee Ellmers of Dunn, acknowledged that the minute-long clip could play quite nicely in a fall campaign commercial.

"We live in a different world. There are no unguarded moments," said Gary Pearce, a former Democratic campaign consultant for Jim Hunt, John Edwards and Terry Sanford. "Any exchange you have with somebody, any flash of temper, any stupid thing you say or do is liable to be seen by thousands and thousands of people in a matter of hours."

The video was first posted at sites affiliated with conservative commentator and publisher Andrew Breitbart, who runs a burgeoning empire of websites that aggregate, and sometimes make, news. Breitbart told The Associated Press that the men who shot the video did not work for him and did not get paid.

It's unclear who made the video. It was posted anonymously, with the face of one of the two men blurred to prevent identification. The second man never appears on the video; his voice is heard from behind the camera.

As the video was highlighted repeatedly on cable news networks Monday, Etheridge called a

news conference in Raleigh to apologize.

"It's obvious I wasn't thinking as straight as I should have thought," Etheridge said in an interview. "There's no excuse for it."

'Etheridge has lost it'

The video shows Etheridge walking from a Democratic dinner featuring Speaker Nancy Pelosi on June 9. (Etheridge said he does not drink alcohol and said he hadn't been drinking at the event.)

One of the men greets Etheridge, then holds a small camera inches from his face.

"Do you fully support the Obama agenda?" he asks.

Etheridge demands to know who the men are, then grabs the wrist of the first. He holds on for several seconds as the man repeatedly asks him to let go. Etheridge then snags him by the back of the neck and pulls him into an awkward clinch.

The men reply that they are college students working on a project, but they don't say where they study or give further information.

Etheridge was roundly criticized for his actions.

"Bob Etheridge has lost it. His conduct is unbecoming of a member of Congress," Jon Thompson, a spokesman for the National Republican Congressional Committee, said in a statement.

Tom Fetzner, chairman of the N.C. GOP, said Etheridge had a choice and "could have just walked on by."

"I guarantee you Bobby Etheridge's mother did not raise him to behave that way," Fetzner said.

Ellmers' fortunes rise

Many bloggers encouraged readers to support Ellmers, Etheridge's Republican opponent.

By Monday afternoon, she had a fresh injection of cash from hundreds of supporters in California, Wisconsin, Georgia and other far-flung states. She did not say how much.

"I think this does put a whole different spectrum to who he is," said Ellmers, a nurse. "I'm not going to try to take advantage of it. It's a terrible situation. I feel badly for him."

After Etheridge's apology, White House press secretary Robert Gibbs, who worked for Etheridge in Congress, called him "one of the most honorable people I know."

"Everyone makes mistakes, and I'm proud of Bob for taking responsibility and apologizing for this," Gibbs said.

Anyone can carry a camera

Andy Taylor, chairman of the political science department at N.C. State University, said many

people now have a video camera in their pocket. With a quick clip, they can influence the public discourse.

"These people don't need to be professional reporters, and they don't need access to mainstream media or direct access to mainstream media," Taylor said.

Traditionally, mainstream reporters covering beats have been setting the agenda, Taylor said. But now, anyone can do it.

Videos used as political weapons have been increasing since the infamous moment in August 2006 when Republican Sen. George Allen of Virginia was filmed calling a supporter of his opponent a "macaca" - an ethnic slur - during a campaign rally. Allen lost his re-election bid.

In the past year, two young conservatives videotaped staffers at the ACORN community organization appearing to suggest criminal actions to potential clients dressed as a prostitute and a pimp.

And a few weeks ago, the liberal blog Think Progress posted a video of U.S. Sen. Richard Burr and other Republicans walking into a fundraiser with the financial affairs lobby.

Burr, of Winston-Salem, didn't engage the videographers; he smiled and walked away.

'Partisan journalism'

"I think as you see more and more of these type of blogs, you see more and more of this kind of partisan journalism," said Brad Woodhouse, spokesman for the Democratic National Committee and a former employee in Etheridge's office.

Woodhouse said he suspects the Etheridge video was taken by Republican trackers - low-level campaign workers who routinely film opponents' actions - who didn't expect Etheridge to turn combative. Woodhouse pointed out that bloggers usually take credit for their work.

"It's important for the mainstream press to ask: What were their motives?" Woodhouse said.

Both the Republican National Committee and the National Republican Congressional Committee said they had nothing to do with the video.

No twisting of the knife

Etheridge said he's trying to put the incident behind him.

But Ellmers, his opponent, appeared at a news conference Monday afternoon with state Republican party officials. She is so new to politics that a GOP news release on the event initially misspelled her name.

The National Republican Congressional Committee, which seeks out good local candidates, was in touch Monday with her campaign staff.

Ellmers said she wants the campaign to focus on Etheridge's voting record and not on this gaffe. "I hate to stick the dagger in deeper," she said.

But, she added, the video is out there now and cannot be ignored.

By day's end, Fetzer had sent an e-mail message to Republican supporters offering them a choice: Etheridge or Ellmers?

The e-mail included a link to raise money for Ellmers' campaign.

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