

CHAPTER IV

AGUA CALIENTE BAND OF CAHUILLA INDIANS

Can you smell money?

Email from Jack Abramoff to Michael Scanlon, June 14, 2002

I think the key thing to remember with all these clients is that they are annoying, but that the annoying losers are the only ones which have this kind of money and part with it so quickly.

Email from Jack Abramoff to Michael Scanlon, March 5, 2003

A. INTRODUCTION

During her February 2004, interview of Jack Abramoff, *The Washington Post* reporter Susan Schmidt queried him about allegations that he and Michael Scanlon may have interfered with Tribal elections to get lobbying contracts. Specifically, Schmidt asked, “You know, isn’t there some, you know concern about outside people getting involved in tribal elections and isn’t that frowned upon by the regulators here in Washington?”¹

Abramoff pushed back a little: “I’m sorry I don’t understand, tribal elections?”²

Schmidt explained, “Getting involved in tribal elections [—] outside firms[;] outside influences[;] bringing money or expertise or whatever[;] getting involved in tribal elections[;] getting people ousted[;] getting people elected[;] getting people re-elected using tribal funds for that purpose.”³

Abramoff asked, “Well I don’t know, I’m not sure I understand the question, do you mean with the Sac and Fox in Iowa, or our getting involved?”⁴

Schmidt pressed, “No, I was actually thinking of the Agua Caliente[;] some people running for election getting dominance on the tribal council and then bringing you guys in and you guys bringing in Scanlon, in sort of unfolding. ...”⁵

Abramoff obfuscated, “With Agua Caliente, I, you can check, but I don’t think the tribal council makeup has changed much over the years, I’m not certain.”⁶

Notwithstanding Abramoff’s evasive answers to Schmidt’s questions, Abramoff and Scanlon did, in fact, insinuate themselves into the elections at the Agua Caliente Band of Cahuilla Indians (“Agua Caliente”). In 2002, one of their allies prevailed and paved the way

¹ Email from Linsey Crisler, Greenberg Traurig, to Jack Abramoff, Greenberg Traurig (GTG–E000010608) (February 3, 2004).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

for the lucrative contracts that the Tribe ultimately awarded to Abramoff and Scanlon.

B. BACKGROUND ON THE TRIBE

The Agua Caliente's traditional homelands are in the Palm Springs, California area.⁷ In 1876, the Federal Government deeded into trust 32,000 acres of the Tribe's ancestral homeland as the Agua Caliente Indian Reservation.⁸

Traditionally, a Cahuilla village consisted of approximately 100 to 200 inhabitants with several villages combining together to compose a larger political and territorial unit called a tribelet or sib.⁹ The villages were permanent; however, groups would leave periodically to hunt, gather, or trade, setting up temporary camps for several weeks at a time.¹⁰

The Cahuillas belong to the Shoshonean division of the Uto-Aztecan linguistic family, which ranges from the Aztecs of Mexico to the Hopi in Arizona.¹¹ Cahuilla society was divided into exactly two descent groups or moieties, the Wildcat and the Coyote.¹² The Cahuilla were adept at farming and grew crops such as melons, squash, beans, and corn.¹³ They irrigated their crops with water from nearby streams.¹⁴ They also gathered other food items such as acorns, seeds, wild fruit, agave, and yucca.¹⁵ In addition, they participated in extensive trade routes with neighboring tribes where food, shells, animals, and mineral products were traded.¹⁶

The Agua Caliente adopted its constitution and by-laws in 1955.¹⁷ The Agua Caliente Tribal Council consists of five members: chairman, vice chairman, secretary, and two members.¹⁸ The chairman, vice-chairman, and secretary serve 2-year terms and members serve a 1-year term.¹⁹ Under the Tribe's constitution, action is taken by a majority vote of the Tribal Council.²⁰

In 1989, the Tribe formed the Agua Caliente Development Authority, a subsidiary of the Tribe, which handles decisions on economic development.²¹ The Tribe operates two casinos. One, opened

⁷ "Tribal Lobbying Matters," *Hearings before the Committee on Indian Affairs*, 108th Cong. at 51 (September 29, 2004) (Prepared statement of Richard M. Milanovich, Chairman, Agua Caliente Band of Cahuilla Indians).

⁸ *Id.*

⁹ *Cultural History* (visited Mar. 22, 2006) <<http://www.aguacaliente.org/index.php?PID=CULTURAL>> (describing the cultural history of the Cahuilla).

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Homepage* (visited Mar. 22, 2006) <<http://www.aguacaliente.org/index.php?PID=TRIBALHOME>> (providing a brief introduction to Cahuilla history).

¹⁴ *Cultural History* (visited Mar. 22, 2006) <<http://www.aguacaliente.org/index.php?PID=CULTURAL>> (describing the cultural history of the Cahuilla).

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ "Tribal Lobbying Matters," *Hearings before the Committee on Indian Affairs*, 108th Cong. at 51 (September 29, 2004) (Prepared statement of Richard M. Milanovich, Chairman, Agua Caliente Band of Cahuilla Indians).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Political History* (visited March 22, 2006) <<http://www.aguacaliente.org/index.php?PID=POLITICAL>> (describing the political history of the Cahuilla).

in 1995, is located on the hot springs for which the Tribe was named.²² The other casino opened in 2001.²³

C. ABRAMOFF AND SCANLON OFFER THE PROMISED LAND

In early 2002, Abramoff was on his way to Palm Springs, California for a meeting with members of the Agua Caliente.²⁴ Michael Chapman, an enrolled member of the Menominee Indian Tribe of Wisconsin, had arranged the introduction.²⁵ Chapman had claimed to be “very good friends” with Candace Patencio (“C. Patencio”) and Virginia Siva, members and Tribal leaders²⁶ of the Agua Caliente.²⁷

Abramoff had become acquainted with Chapman through Michael Smith, then a lobbyist in Greenberg Traurig’s Washington, D.C. governmental affairs practice.²⁸ Smith and Chapman initially met by phone through a mutual friend, and later met face-to-face in Chicago over Christmas vacation.²⁹

Chapman proved a useful resource. Before Abramoff’s meeting in Palm Springs, Chapman provided Abramoff with information about the Tribe, its key players, and internal dynamics. More specifically, he provided background on C. Patencio and Siva and their involvement in Tribal politics:

[Virginia] has held her At-Large seat for several years. She is contemplating running for Chairman, pending a preliminary polling of key families. What is remarkable about her is the At-Large seats are up for election each year, so she has a consistent power base in the tribe that is loyal to her.³⁰

On C. Patencio, Chapman provided the following information:

Candace comes from the Petencio [sic] family which is one of the largest families at Agua Caliente—both of her parents have served on council in the past and her father was once Tribal Chairman. She has served on council for several years as an At-Large Councilor. Last year she ran for

²² *Miller & Schroeder Completes \$70 Million Debt Financing for Agua Caliente Band of Cahuilla Indians* (visited March 22, 2006) <<http://www.casinocitytimes.com/news/article.cfm?contentID=123148>> (discussing the financial history of the Cahuilla casinos).

²³ *Id.*

²⁴ Email from Jack Abramoff, Greenberg Traurig, to Michael Smith, Greenberg Traurig (GTG-E000059107) (January 7, 2002).

²⁵ Email between Michael Chapman and Jack Abramoff, Greenberg Traurig (GTG-E000059081) (January 22, 2002); Email between Jack Abramoff, Greenberg Traurig, and Michael Chapman (GTG-E000056764) (January 22, 2002).

²⁶ Although she was not on the Tribal Council at the time, C. Patencio had been involved in tribal politics and had served on the Tribal Council previously, from 1996–2001, losing her bid in 2001 for the vice chairman’s seat by one vote. Interview of Candace Patencio, former council member, Agua Caliente Band of Cahuilla Indians, by telephone (April 25, 2006).

²⁷ Email from Michael Chapman to Jack Abramoff, Greenberg Traurig (GTG-E000056764) (January 22, 2002); see also Email from Michael Chapman to Jack Abramoff, Greenberg Traurig (GTG-E000059086) (January 22, 2002) (“I am dear friends with both and we have vacationed together in Utah and Hawaii—under the guise of Indian business.”). During his interview with Committee staff, Chapman said that while he considers Siva a friend, he only feels he is close friends with C. Patencio. Interview of Michael Chapman, by telephone (March 31, 2006).

²⁸ Email from Michael Smith, Greenberg Traurig, to Jack Abramoff, Greenberg Traurig (GTG-E000059106-07) (January 7, 2002).

²⁹ Interview of Michael Chapman, by telephone (March 31, 2006).

³⁰ Email from Michael Chapman to Jack Abramoff, Greenberg Traurig (GTG-E000056764) (January 22, 2002).

Vice-Chairman of the tribe and lost by one vote. This year she is seeking her old seat. Candace has an MBA.³¹

Chapman also identified the consequences of a successful election for C. Patencio and Siva:

They [C. Patencio and Siva] are also related to the Tribe's Treasurer [Moraino Patencio]—so if they prevail in their election pursuits in March—they will have controlling interest on the Tribal Council.³²

Once in Palm Springs, Abramoff dined with C. Patencio, Siva, and Moraino Patencio (“M. Patencio”) at the Canyon Bistro restaurant.³³ During her interview with Committee staff, C. Patencio admitted that she and Siva were dissatisfied with Pace-Capstone, the Tribe's lobbyists at the time.³⁴ Indeed, C. Patencio said that if she assumed control of the Tribal Council at the time, she would have definitely ended that lobbying firm's contract.³⁵

Yet, she claimed that before her meeting with Abramoff, she did not know he was a lobbyist, and there was no purpose to the meeting.³⁶ She simply met with him because Chapman had suggested she do so.³⁷ According to C. Patencio, she only knew that Abramoff was a movie producer who had produced “red something.”³⁸

Chapman recalled the genesis of the meeting much differently. Chapman told the Committee that he had recommended C. Patencio meet with Abramoff because she and Siva were dissatisfied with the Tribe's lobbyists at the time.³⁹ Indeed, after speaking with C. Patencio about arranging the meeting, Chapman reported to Abramoff that they are “eager to hear what you think.”⁴⁰

In light of Chapman's statement to the Committee and his contemporaneous email to Abramoff, the Committee has considerable difficulty with C. Patencio's claim that she did not know that Abramoff was a lobbyist or the purpose of the meeting. Ms. Patencio holds a business administration degree and a Masters of Business Administration.⁴¹ Her family has been heavily involved in Tribal politics: both her father and mother served on the Tribal Council, and her father was once chairman.⁴² C. Patencio served on

³¹ *Id.*; see also Interview of Candace Patencio, former council member, Agua Caliente Band of Cahuilla Indians, by telephone (April 25, 2006) (explaining she received a degree in Business Administration from University of San Diego and an MBA from University of Phoenix in San Diego, and confirming her one-vote loss for Vice Chairman in 2001).

³² Email from Michael Chapman to Jack Abramoff, Greenberg Traurig (GTG-E000056764) (January 22, 2002). In her interview, C. Patencio confirmed that she, Moraino Patencio, and Siva are related. Interview of Candace Patencio, former council member, Agua Caliente Band of Cahuilla Indians, by telephone (April 25, 2006).

³³ Interview of Candace Patencio, former council member, Agua Caliente Band of Cahuilla Indians, by telephone (April 25, 2006); see also Emails between Jack Abramoff, Greenberg Traurig, and Iliisa Gertner, Greenberg Traurig (GTG-E000056766) (January 22, 2002).

³⁴ Interview of Candace Patencio, former council member, Agua Caliente Band of Cahuilla Indians, by telephone (April 25, 2006).

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.* C. Patencio was likely referring to Abramoff's production of the movie “Red Scorpion,” an action film starring actor Dolph Lundgren.

³⁹ Interview of Michael Chapman, by telephone (March 31, 2006).

⁴⁰ Email from Michael Chapman to Jack Abramoff, Greenberg Traurig (GTG-E000059086) (January 22, 2002).

⁴¹ Interview of Candace Patencio, former council member, Agua Caliente Band of Cahuilla Indians, by telephone (April 25, 2006).

⁴² Email from Michael Chapman to Jack Abramoff, Greenberg Traurig (GTG-E000056764) (January, 22, 2002).

the Tribal Council for five years.⁴³ The Committee has difficulty believing that a woman with C. Patencio's educational and political background would not have known the purpose of the meeting and Abramoff's profession.

C. Patencio told Committee staff that during their dinner, Abramoff boasted that he was part of the lobbying team that had secured self-regulation of Class III gaming under the Indian Gaming Regulatory Act for the Mississippi Band of Choctaw Indians ("Choctaw").⁴⁴ That, according to C. Patencio, was why she became so interested in having the Tribe hire Abramoff.⁴⁵ In addition to her dissatisfaction with Pace-Capstone, C. Patencio was at odds with the Tribe's Chairman and Vice Chairman.⁴⁶ Although she had just met Abramoff, C. Patencio shared this information with him.⁴⁷

C. Patencio could recall little else about that meeting.⁴⁸ C. Patencio did not recall Abramoff mentioning any other clients aside from Choctaw, or discussing Michael Scanlon.⁴⁹ She also did not remember discussing the upcoming 2002 Tribal elections with Abramoff at that dinner.⁵⁰

The following month, in Washington, D.C., Abramoff met again with C. Patencio, M. Patencio, and Siva.⁵¹ The three Tribal members were attending meetings of the National Congress of American Indians and the National Indian Gaming Association.⁵² Before the trio arrived in Washington, D.C., Chapman advised Smith that "a dinner and sporting event would go a long way with Virginia et al [sic] (especially dinner at your [Abramoff's] place)." ⁵³

Chapman also revealed: "I assisted them [C. Patencio and Siva] with their candidacy statements and will fly out the weekend before the election to see what we can shore-up. The actual election is March 19th."⁵⁴ The very next day, Chapman wrote that "[o]n the election front, Agua voters must register weeks in advance in order to participate in the election—so now is the time they need to shore up their support!"⁵⁵ Abramoff forwarded Chapman's email to Scanlon, noting "[l]et's discuss this."⁵⁶ It thus appears that Chapman,

⁴³ Interview of Candace Patencio, former council member, Agua Caliente Band of Cahuilla Indians, by telephone (April 25, 2006).

⁴⁴ *Id.* Provided certain conditions are met, the Indian Gaming Regulatory Act ("IGRA") allows for self-regulation by Indian tribes of Class II gaming (*e.g.*, bingo and games similar to it, pull tabs, and non-house banked card games). IGRA does not allow for self-regulation of Class III gaming. In 1999, the Choctaw successfully secured self-regulation for Class III gaming in an omnibus appropriations bill.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² Email from Candace Patencio, Agua Caliente Band of Cahuilla Indians, to Jack Abramoff, Greenberg Traurig (GTG-E000057210) (February 18, 2002); *See also* Email from Michael Chapman to Jack Abramoff, Greenberg Traurig (GTG-E000056873) (February 16, 2002) ("Candace and Virginia are both going to be in Washington the week of February 24th—initially for NCAI's Executive Council meeting and then NIGA business.").

⁵³ Email from Michael Smith, Greenberg Traurig, to Jack Abramoff, Greenberg Traurig (GTG-E000056872) (February 16, 2002).

⁵⁴ Email from Michael Chapman to Jack Abramoff, Greenberg Traurig (GTG-E000056872) (February 16, 2002).

⁵⁵ Email from Michael Chapman to Jack Abramoff, Greenberg Traurig (GTG-E000056867) (February 17, 2002).

⁵⁶ *Id.*

intentionally or unintentionally, gave Abramoff the idea to insinuate himself and Scanlon into the Agua Caliente elections.

Abramoff followed Chapman's advice, and on February 17, invited C. Patencio:

Michael tells me that Virginia and you are going to be in Washington, DC [sic] next week. I would love to get together with you if possible. Coincidentally, that is the week that we open Signatures, a high end fine dining restaurant which I own. We have a special reception there Wednesday night for Senator Tim Hutchinson (I'd love to introduce you to him—and then we could all have dinner).⁵⁷

Abramoff continued, "Thursday night is the grand opening, and you are certainly invited to attend that one as well. There should be quite a few Members and Senators there. Anyway, I'll call you this week to see if you can make it and if we can get together."⁵⁸

"Are you guys basketball fans? If so, the Wizards (Michael Jordan) are playing and I'd love to have you join us for that too," Abramoff added.⁵⁹

C. Patencio confirmed that, "Yes, Virginia, Moraino and I will be in DC from 2/24–3/31. The full Tribal Council along with the proxies will be attending the NCAI & NIGA meetings."⁶⁰

She continued, "Spoke with Virginia [and] she said she would like to go to dinner but neither of us are basketball fans (As you can tell fine dining is something we enjoy)."⁶¹

In response, Abramoff told her he would call her the next day to make plans.⁶²

C. Patencio recalled two meetings with Abramoff during her visit.⁶³ Contemporaneous emails suggest there might have been three. Abramoff apparently first met with the trio on February 26. That day, Chapman advised Abramoff, "Just a short note to say that once again my Agua crew enjoyed the pleasure of your company! They're looking forward to seeing you tomorrow! I hope Virginia prevails—it could be a great relationship/client!"⁶⁴

Abramoff assured Chapman, "Mike Scanlon and I are going to do everything we can to help them."⁶⁵

Separately, Abramoff forwarded Chapman's email to Scanlon and suggested, "You should call them for tomorrow and get together to discuss strategy."⁶⁶

Abramoff met again with C. Patencio and her companions on February 27. At that point, Abramoff apparently began to scheme on how he could use political contributions from the Agua Caliente

⁵⁷ Email from Jack Abramoff, Greenberg Traurig, to Candace Patencio, Agua Caliente Band of Cahuilla Indians (GTG–E000057166) (February 17, 2002).

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ Email between Candace Patencio, Agua Caliente Band of Cahuilla Indians, and Jack Abramoff, Greenberg Traurig (GTG–E000057210) (February 18, 2002).

⁶¹ *Id.*

⁶² *Id.*

⁶³ Interview of Candace Patencio, former council member, Agua Caliente Band of Cahuilla Indians, by telephone (April 25, 2006).

⁶⁴ Email between Michael Chapman and Jack Abramoff, Greenberg Traurig (GTG–E000059253) (February 26, 2002).

⁶⁵ *Id.*

⁶⁶ Email from Jack Abramoff, Greenberg Traurig, to Michael Scanlon (GTG–E000059252) (February 26, 2002).

to further his lobbying practice. Before his meeting with the Tribal members, Abramoff told his assistant Ilisa Gertner:

Please let the Hutchinson guys know that they are coming (Candace, Virginia Siva, and a third fellow—can't remember his name). tell [sic] them that they are not currently going to be able to contribute, but that they will in March be in a position where they control their tribe and will be able to be helpful on a Choctaw level.⁶⁷

While at Signatures, Abramoff, C. Patencio, M. Patencio and Siva discussed Abramoff possibly representing the Tribe.⁶⁸ They also apparently discussed Scanlon helping out C. Patencio and Siva on their 2002 elections, because, after the meeting, Abramoff immediately reported to Scanlon: "I saw them tonight. They really can't wait for you to lead them to the promised land! Tomorrow night, after the reception at Sigs, let's take them to dinner and lock up the deal."⁶⁹

Later during her trip, C. Patencio met alone with Abramoff and Scanlon at another restaurant in Washington, D.C.⁷⁰ There she learned that Scanlon was in public relations.⁷¹ She believed that Scanlon worked for Abramoff, that he was a member of "Jack's team."⁷² C. Patencio believed that they discussed the 2002 Agua Caliente Tribal Council elections, although she said she did not ask Scanlon for help with her election.⁷³ In fact, C. Patencio denied that Abramoff and Scanlon offered to help in her election; instead, she claimed, "things kinda fell in place."⁷⁴

D. SCANLON WORKS ON C. PATENCIO AND SIVA'S ELECTION CAMPAIGNS

Before the Agua Caliente Tribal Council elections, Scanlon asked Abramoff, "Hey—How much do you want me to spend on the AC race—I gotta get a team out there ASAP—Like 3 people—Then rotate a new team in after that—So travel is goanna [sic] run about 20k and materials like 5–10k. Should we go for it?"⁷⁵

Abramoff instructed Scanlon, "Yes, go for it big time."⁷⁶

And, so Scanlon did. He sat down with his team and said, "We're going to California to work on the election."⁷⁷ Scanlon and his team performed the same type of work as they had for the Slate of Eight during the 2001 elections at the Saginaw Chippewa Indian Tribe.⁷⁸ From March 6 through 10, 2002, Scanlon's team drafted

⁶⁷ Email from Jack Abramoff, Greenberg Traurig, to Ilisa Gertner, Greenberg Traurig (GTG–E000057185) (February 27, 2002).

⁶⁸ Interview of Candace Patencio, former council member, Agua Caliente Band of Cahuilla Indians, by telephone (April 25, 2006). *See also* Email from Jack Abramoff, Greenberg Traurig, to Michael Scanlon, Capitol Campaign Strategies (GTG–E000057184) (February 27, 2002).

⁶⁹ Email from Jack Abramoff, Greenberg Traurig, to Michael Scanlon, Capitol Campaign Strategies (GTG–E000057184) (February 27, 2002).

⁷⁰ Interview of Candace Patencio, former council member, Agua Caliente Band of Cahuilla Indians, by telephone (April 25, 2006).

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ Email between Michael Scanlon, Capitol Campaign Strategies, and Jack Abramoff, Greenberg Traurig (GTG–E000057254) (March 5, 2002).

⁷⁶ *Id.*

⁷⁷ Interview of Christopher Cathcart, associate, Capitol Campaign Strategies, in Washington, D.C. (October 6, 2004).

⁷⁸ *Id.*

candidate letters and fliers, paid for the envelopes and postage, secured a site and catering for a community meeting, assisted in door-to-door campaigning, and prepared the candidates for the community meeting.⁷⁹

Abramoff and Scanlon's objective was ensuring that "friendly" tribal members who would support contracts with them were elected and, conversely, potentially unsupportive members were defeated. Richard Milanovich, Chairman of the Tribe and Siva's opponent in the 2002 elections, was targeted by Abramoff as "our enemy."⁸⁰

Meanwhile, Abramoff asked C. Patencio, "how are we doing?"⁸¹ When C. Patencio shared Siva's apprehension and reluctance about the campaign, he urged, "Keep pushing her. We're near the finish line and can't slow down now. I know you know this more than anyone! Let me know if there is more we can do to help."⁸²

Before the Agua Caliente Tribal Council election, Scanlon and C. Patencio spoke over the telephone about what she needed to do to win her election.⁸³ C. Patencio confirmed that Scanlon either developed, or had a hand in developing, the themes of her election campaign.⁸⁴ From the records uncovered by the Committee, those themes were "honesty, effectiveness, and experience."⁸⁵

The Committee has not obtained evidence establishing that Scanlon had similar conversations with Siva. Among the computer files from Scanlon's companies, however, the Committee discovered a talking points memorandum for Siva, containing "key message points" and general pointers on answering questions from voters.⁸⁶

In early March, Scanlon's team drafted three seminal documents governing their assistance in the Agua Caliente elections. The first document is entitled, "Agua Caliente Tribal Chairman and Council Election GOTV Timeline."⁸⁷ The document appears to be a checklist for Scanlon and his employees for the Agua Caliente 2002 election. According to the document, by March 6, 2002, Scanlon and his team were to have completed a number of tasks, including but not limited to, drafting talking points for Siva; drafting candidate letters and fliers; creating invitations for a community meeting; securing a location for candidates' meeting; and, contacting candidates.⁸⁸ It also identified two days over which Scanlon's team would assist C. Patencio and Siva in door-to-door campaigning.⁸⁹

⁷⁹ Capitol Campaign Strategies document production (no Bates number) (entitled "Agua Caliente Tribal Chairman and Council Election GOTV Timeline") (undated).

⁸⁰ Email from Jack Abramoff, Greenberg Traurig, to Michael Scanlon, Capitol Campaign Strategies (GTG-E000057241-51) (February 17, 2002); *see also* Email from Jack Abramoff, Greenberg Traurig, to Mohunwit@[REDACTED] (GTG-E000057216-22) (February 28, 2002).

⁸¹ Email between Jack Abramoff, Greenberg Traurig and Candace Patencio, Agua Caliente Band of Cahuilla Indians (GTG-E000057252) (March 6, 2002).

⁸² *Id.*

⁸³ Interview of Candace Patencio, former council member, Agua Caliente Band of Cahuilla Indians, by telephone (April 25, 2006).

⁸⁴ *Id.*

⁸⁵ *See* Capitol Campaign Strategies document production (no Bates number) (entitled "Dear Friend") (undated); Capitol Campaign Strategies document production (no Bates number) (entitled "Candace Patencio MEET CANDACE PATENCIO!!") (undated).

⁸⁶ Capitol Campaign Strategies document production (BB/AC 005407-12) (entitled "Virginia Siva Talking Points Community Meeting") (March 10, 2002).

⁸⁷ Capitol Campaign Strategies document production (no Bates number) (entitled "Agua Caliente Tribal Chairman and Council Election GOTV Timeline") (undated).

⁸⁸ *Id.*

⁸⁹ *Id.*

The second document, entitled “Candidates’ Timeline,” established deadlines by which Scanlon and his team would complete or help C. Patencio and Siva complete mailers, phone calls, door-to-door campaigning, and a community meeting.⁹⁰

The third document was entitled, “Tribal Election 2002 Agua Caliente Band of Cahuilla Indians.”⁹¹ Scanlon and his team envisioned a specific message for C. Patencio and Siva to convey to their fellow Tribal members: “We will communicate that this election is about direct leadership by people who are in touch with the tribe. You are the new leaders, the leaders who will take the tribe into the future. Not the old leaders who are only looking out for number one.”⁹² The campaign was purportedly designed to put the candidates “in contact with every voter at least five times over the next 7 days.”⁹³ Scanlon and his team divided potential voters into three tiers, and supposedly tailored their candidates’ messages to each tier.⁹⁴ The campaign plan consisted of four general components: (1) mail; (2) door-to-door; (3) phones; and, (4) a candidates meeting.⁹⁵

1. Mail

The strategy memorandum claimed to “have developed three separate mail pieces” to articulate the candidates’ message.⁹⁶ The first was “a personalized letter from you, explaining why you are a superior candidate for your position.”⁹⁷ The second was “a comparison piece that draws distinctions between you and your opponents.”⁹⁸ The third piece was a “traditional Get Out The Vote piece (GOTV) that asks for their support and reminds them to mail in their ballot.”⁹⁹

Among the documents discovered by the Committee is a draft letter from C. Patencio regarding the 2002 election.¹⁰⁰ The letter stressed the importance of the upcoming election, and twice emphasized the themes of honesty, effectiveness, and experience, the very themes that Scanlon had developed.¹⁰¹ The Committee found essentially the same text on letterhead reading “Candace Patencio Candidate for Member of the Tribal Council.”¹⁰²

Similarly, the Committee found another draft letter, for Siva, on her bid for Tribal Chairman.¹⁰³ It focused on the theme of fresh leadership: “Our tribe needs a leader who understands your concerns and is in tune with your needs ... It is time that our tribe

⁹⁰ Capitol Campaign Strategies document production (no Bates number) (entitled “Candidate’s Timeline”) (undated).

⁹¹ See Capitol Campaign Strategies document production (no Bates number) (entitled “Tribal Election 2002 Agua Caliente Band of Cahuilla Indians”) (undated).

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ See Capitol Campaign Strategies document production (no Bates number) (entitled “Dear Friend”) (undated).

¹⁰¹ *Id.*

¹⁰² Capitol Campaign Strategies document production (no Bates number) (entitled “draft letter from Candace Patencio”) (March 8, 2002).

¹⁰³ See Capitol Campaign Strategies document production (no Bates number) (entitled “Dear Friend”) (undated).

has a leader who is dedicated to working for you.”¹⁰⁴ This draft letter, too, was apparently in final form on letterhead reading “Virginia Siva Sincere Leadership Inspired Results.”¹⁰⁵

Although Scanlon’s action plan called for three letters, the Committee only found evidence of two. C. Patencio believed that Scanlon and his team did no more than two mailers, since the Tribe’s election ordinance limited election mailings to two.¹⁰⁶

2. Door-to-Door

Scanlon’s plan called for C. Patencio and Siva to go door-to-door making personal contact with potential voters, which Scanlon believed would “go miles making yourselves visible to the voters.”¹⁰⁷ Scanlon claimed, “This is your chance to prove that you are the candidates who are truly working for the tribal members.”¹⁰⁸

To effect this part of the plan, Scanlon had one of his employees drive C. Patencio around in a car rented by Scanlon specifically for C. Patencio’s personal visits with Tribal members. C. Patencio could not recall who that person was.¹⁰⁹ Christopher Cathcart, Scanlon’s right-hand man, told Committee staff he was the one who drove C. Patencio around for the door-to-door meetings.¹¹⁰ In furtherance of the strategy, Scanlon also put together a walking map with voters and a document entitled “Palm Springs and Cathedral City Walk List” containing the names of tribal members and their addresses. C. Patencio, however, claimed the map was inaccurate and, therefore, unhelpful.¹¹¹

3. Telephone

The Committee has seen no evidence that either C. Patencio or Siva made the type of telephone calls outlined in Scanlon’s plan. C. Patencio did not recall making such telephone calls.¹¹²

4. Candidates’ Meeting

On March 10, 2002, Scanlon hosted a candidate’s night for C. Patencio and Siva at the Wyndham Palm Springs Hotel.¹¹³ Among the documents reviewed by the Committee were a catering menu and a credit card authorization form from the Wyndham Palm Springs Hotel.¹¹⁴

Before the meeting, Scanlon’s team prepared separate two-sided color brochures for C. Patencio and Siva, which provided details of

¹⁰⁴ *Id.*

¹⁰⁵ Capitol Campaign Strategies document production (no Bates number) (entitled “Virginia Siva Sincere Leadership Inspired Results”) (March 8, 2002).

¹⁰⁶ Interview of Candace Patencio, former council member, Agua Caliente Band of Cahuilla Indians, by telephone (April 25, 2006).

¹⁰⁷ Capitol Campaign Strategies document production (no Bates number) (entitled “Tribal Election 2002 Agua Caliente Band of Cahuilla Indians”) (undated).

¹⁰⁸ *Id.*

¹⁰⁹ Interview of Candace Patencio, former council member, Agua Caliente Band of Cahuilla Indians, by telephone (April 25, 2006).

¹¹⁰ Interview of Christopher Cathcart, associate, Capitol Campaign Strategies, in Washington, D.C. (October 6, 2004).

¹¹¹ Interview of Candace Patencio, former council member, Agua Caliente Band of Cahuilla Indians, by telephone (April 25, 2006).

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ See Capitol Campaign Strategies document production (no Bates number) (entitled “Menu and Credit Card Authorization Form”) (undated).

the “Meet the Candidates’ Meeting.”¹¹⁵ For C. Patencio, the flyer once again stressed the campaign themes of “honesty, effectiveness, and experience” that Scanlon had developed.¹¹⁶ Likewise, Siva’s flyer emphasized “Sincere Leadership” and “Inspired Results.”¹¹⁷

Scanlon’s team also drafted C. Patencio’s and Siva’s talking points for the March 10, 2002, community meeting.¹¹⁸ C. Patencio told Committee staff that fewer than 20 people attended the meeting, most of whom were her family members.¹¹⁹

The elections were held on March 18, 2002; while Patencio won her race, Siva did not.¹²⁰ In response to an email from his colleague Mike Smith, Abramoff attributed Siva’s loss to her failure to listen to Scanlon’s advice and work hard enough.¹²¹

E. C. PATENCIO AND M. PATENCIO PAVE THE WAY FOR ABRAMOFF AND SCANLON

Despite Siva’s loss, Abramoff pressed forward. On April 1, 2002, Abramoff asked C. Patencio when he and Scanlon could visit the Tribal Council to pitch their services.¹²² Throughout his correspondence, Abramoff promised power, not just for the Tribe, but for her: “I think what we have in mind is helping the tribe set up the kind of political strength we have done for others, but doing it very carefully *so that you are the ultimate controller of the political power.*”¹²³

Abramoff continued: “To do this, unfortunately, we’ll have to get the approval of the current regime, I guess. I leave it to you to guide us on how to get in there. Again, Mike and I see the mission here as getting in, getting you guys organized so we can get the slot cap off and other things the tribe needs, and *getting you into a position where the next time an election comes, we will win all the offices (and install you as Chairperson!!!).*”¹²⁴

C. Patencio sought Abramoff’s guidance on how to introduce him: “I’m not sure if an introductory letter from you [sic] firm searching for work is the best way or if the Tribe seeks you out through Moraino and I. What are your thoughts??? If the opportunity occurs I will push to seek for a qualified firm (YOU). I will see if in today’s meeting I can lay the foundation.”¹²⁵

In guiding C. Patencio on how to best introduce him and Scanlon to the Tribal Council, Abramoff suggested invoking the names of his other clients: “Tell them that you have heard from the Choc-taws and Coughattas that their political folks are the best and that

¹¹⁵ Capitol Campaign Strategies document production (no Bates number) (entitled “Candace Patencio MEET CANDACE PATENCIO!!”) (undated); Capitol Campaign Strategies document production (no Bates number) (entitled “Virginia Siva MEET VIRGINIA SIVA!!”) (undated).

¹¹⁶ Capitol Campaign Strategies document production (no Bates number) (entitled “Candace Patencio MEET CANDACE PATENCIO!!”) (undated).

¹¹⁷ Capitol Campaign Strategies document production (no Bates number) (entitled “Virginia Siva MEET VIRGINIA SIVA!!”) (undated).

¹¹⁸ Capitol Campaign Strategies document production (BB/AC 005407-12) (March 10, 2002).

¹¹⁹ Interview of Candace Patencio, former council member, Agua Caliente Band of Cahuilla Indians, by telephone (April 25, 2006).

¹²⁰ Email between Michael Smith, Greenberg Traurig, and Jack Abramoff, Greenberg Traurig (GTG-E000059267) (March 19, 2002).

¹²¹ *Id.*

¹²² Email between Jack Abramoff, Greenberg Traurig, and Candace Patencio, Agua Caliente Band of Cahuilla Indians (GTG-E000057264) (April 1-2, 2002).

¹²³ *Id.* (emphasis added).

¹²⁴ *Id.* (emphasis added).

¹²⁵ *Id.*

you think it is a prudent thing for the tribe to invite us in to have a discussion as to what they can do for the tribe.”¹²⁶

Abramoff did not want his pre-existing relationship with C. Patencio to be known and so counseled: “if the others on the tribal council perceive that we are your guys (which we are!) it might make it difficult.”¹²⁷

At the time of Abramoff’s email to C. Patencio, the Tribe had a conflict-of-interest ordinance in place.¹²⁸ When asked whether Abramoff’s intentions to help her secure the Chairman’s position once he and Scanlon were hired raised any red flags requiring her to disclose her relationship with Abramoff and Scanlon to the Tribal Council, C. Patencio responded “no”—she took Abramoff’s words with a grain of salt” and thought Abramoff was simply “blowing smoke.”¹²⁹

M. Patencio first brought up Abramoff at a meeting or study session.¹³⁰ Meanwhile, he and C. Patencio purportedly laid the groundwork with the swing vote on the Tribal Council by attempting to have her meet with Abramoff.¹³¹

While part of Abramoff’s plan involved promises of power, the other part apparently involved fear. On June 12, 2002, in an email entitled “great call with Candace,” Abramoff advised Scanlon: “Told her that Barona was courting us and she is now moving as fast as possible. moolah!!!”¹³² Two days later, Abramoff wrote an email to Scanlon with the subject line, “can you smell money?”¹³³ In it, Abramoff reported:

I just spoke with Candace. The tribe is calling us Monday to schedule our coming out for a pitch on the whole shooting match. They want Choctaw/Coushatta power. They think that if they don’t hire us Barona is going to do so. They are scared about that one! call [sic] me Saturday night or Sunday so we can plan our pitch. We need to go out there with a full blown plan.¹³⁴

When Scanlon advised Abramoff that he wanted to depart early from Palm Springs, Abramoff replied: “The whole thing here is being pitched as a rush since we are “about to take on the Barona tribe—”.¹³⁵ During her interview, C. Patencio confirmed that she was concerned that the Barona Tribe was allegedly seeking Abramoff’s services, since she did not want that tribe to have the power.¹³⁶

¹²⁶ Email from Jack Abramoff, Greenberg Traurig, to Candace Patencio, Agua Caliente Band of Cahuilla Indians (GTG–E000057623) (April 2, 2002).

¹²⁷ *Id.*

¹²⁸ Interview of Candace Patencio, former council member, Agua Caliente Band of Cahuilla Indians, by telephone (April 25, 2006).

¹²⁹ *Id.*

¹³⁰ Interview of Richard M. Milanovich, Chairman, Agua Caliente Band of Cahuilla Indians, by telephone (September 16, 2004).

¹³¹ Email between Jack Abramoff, Greenberg Traurig, and Candace Patencio, Agua Caliente Band of Cahuilla Indians (GTG–E000057279) (May 8, 2002).

¹³² Email from Jack Abramoff, Greenberg Traurig, to Michael Scanlon, Capitol Campaign Strategies (GTG–E000057298) (June 12, 2002).

¹³³ Email from Jack Abramoff, Greenberg Traurig, to Michael Scanlon, Capitol Campaign Strategies (GTG–E000057295) (June 14, 2002).

¹³⁴ *Id.*

¹³⁵ Email from Jack Abramoff, Greenberg Traurig, to Michael Scanlon, Capitol Campaign Strategies (GTG–E000059357) (June 19, 2002).

¹³⁶ Interview of Candace Patencio, former council member, Agua Caliente Band of Cahuilla Indians, by telephone (April 25, 2006).

Before he and Scanlon met with the Agua Caliente, Abramoff apparently received advice and guidance on their presentation from Chapman and C. Patencio. Just two days before the meeting, Chapman wrote Abramoff, “Glad to learn you’re going out to Agua Caliente—I hope it proves to be fruitful! I am sure Candace will coach you.”¹³⁷

Chapman gave his own advice, “[R]emember their Post Office land exchange ordeal ... In addition, they have a great land management agreement with BLM [Bureau of Land Management] over joint management of their canyons—so some mention of DOI contacts, beyond BIA, may be useful!”¹³⁸

Abramoff confirmed, “Candace is being the usual wonderful help ...”¹³⁹

Abramoff made arrangements for himself and Scanlon to travel by private jet to Palm Springs for their meeting with the Tribal Council.¹⁴⁰ After the June 26, meeting with the Tribal Council, Abramoff reported to his colleagues, “I pitched them [the Agua Caliente] this morning on a \$150K/month representation and they basically agreed (subject to formal approval of the same council—5 members—who just approved—next week). This is going to be a biggie!”¹⁴¹ Abramoff wrote separately to his colleague Michael Smith, who had introduced him to Chapman: “Looks like we got ‘em! They vote next week, but after 4 trips here, tons of work and all sorts of political activities, I think we’re there.”¹⁴²

Thus, on June 27, Abramoff instructed his assistant Allison Bozniak to send a retainer agreement to M. Patencio.¹⁴³ The retainer agreement called for a flat fee of “\$150,000.00 per month plus reasonable out-of-pocket expenses.”¹⁴⁴ The agreement also provided that the “firm undertakes to not represent any other tribal government located within the geographical borders of the State of California during the duration of our representation of the Tribe.”¹⁴⁵

The deal was not as done as Abramoff believed, however. On July 2, Abramoff advised Scanlon, “[T]hings are not as hunky dorey as we thought out there. I just got off the phone with Candace. I have to be out there to meet them on Sunday.”¹⁴⁶ When Scanlon asked whether they would get paid, Abramoff assured him, “We’re going to get paid. We have the votes. We can ram it through, but

¹³⁷ Email between Michael Chapman and Jack Abramoff, Greenberg Traurig (GTG-E000057379) (June 24, 2002).

¹³⁸ *Id.*

¹³⁹ *Id.*

¹⁴⁰ Email between Jack Abramoff, Greenberg Traurig, and Ilisa Gertner, Greenberg Traurig (GTG-E000059370) (June 17, 2002).

¹⁴¹ Email from Jack Abramoff, Greenberg Traurig, to DCCon (GTG-E000059329) (June 26, 2002).

¹⁴² Email from Jack Abramoff, Greenberg Traurig, to Michael Smith, Greenberg Traurig (GTG-E000059332) (June 27, 2002).

¹⁴³ Email from Jack Abramoff, Greenberg Traurig, to Allison Bozniak, Greenberg Traurig (GTG-E000057922-23) (June 27, 2002).

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

¹⁴⁶ Email from Jack Abramoff, Greenberg Traurig, to Michael Scanlon, Capitol Campaign Strategies (GTG-E000059428) (July 2, 2002).

Moraino and Candace want to get the others on board. They have 3 votes, though.”¹⁴⁷

Before the meeting, Abramoff asked Scanlon to forward him a copy of Scanlon’s proposal to the Tribe, so that he could “be aware of where we are going on this, and push it[.]”¹⁴⁸

For the meeting, Scanlon prepared a document he called “Agua Caliente Global Political Strategy.”¹⁴⁹ Scanlon laid out a comprehensive political strategy “[t]o support and secure all federal objectives of the council” and “[t]o successfully negotiate an unlimited slot position compact for the tribe.”¹⁵⁰

As with the other Tribes, CCS’s strategy supposedly centered heavily on the use of customized databases. According to Scanlon, “The true key to any successful political effort is its organizational design. For the compact negotiation campaign we have developed a two-tiered system.”¹⁵¹ Scanlon described the first tier as “compil[ing], classify[ing] and organiz[ing] the tribe’s existing natural resources into a national political network.”¹⁵² Scanlon described the second part as “identify[ing], classify[ing], and organiz[ing] allies of the tribe.”¹⁵³ According to Scanlon, “[b]oth will be imported into your new custom built political databases.”¹⁵⁴

In the document, Scanlon elaborated on the “new custom built databases.” The first, the “Grassroots Database”, Scanlon described as follows:

We gather lists of your vendors, employees, tribal members[,] etc. and we import those lists into your new database. Our computer program will match the individuals or businesses with addresses, phone numbers, political registration and e-mail addresses (when available), and then sort them by FEDERAL election districts nationwide. The district breakdown in your database will from [sic] U.S. Senator down to State Representative. Once completed, we will be able to tap into this database and mobilize supporters in ANY election of your choosing nationwide in a matter of moments. At this point you will have a national political network.¹⁵⁵

Scanlon boasted that with this customized database, he could “reach out and mobilize tens of thousands of voters almost instantaneously.”¹⁵⁶ Scanlon represented that “[t]his is an extremely powerful tool that is absolutely necessary if we are to be successful.”¹⁵⁷

Moreover, Scanlon’s proposal described an entirely separate “Qualitative Research Database”:

¹⁴⁷ Email from Jack Abramoff, Greenberg Traurig, to Michael Scanlon, Capitol Campaign Strategies (GTG-E000057397) (July 3, 2002).

¹⁴⁸ Email from Jack Abramoff, Greenberg Traurig, to Michael Scanlon, Capitol Campaign Strategies (GTG-E000057339) (July 5, 2002).

¹⁴⁹ Capitol Campaign Strategies document production (no Bates number) (entitled “Agua Caliente Global Political Strategy”) (July 8, 2002) (prepared by Michael Scanlon, Capitol Campaign Strategies).

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² *Id.*

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

This custom built database acts as the information center of our efforts. Over the next three weeks, our team will gather qualitative information on the allies and opponents related to our campaign and we store this information into this database. The research will include nearly every piece of information on the targets that is [sic] relevant to our campaign. In addition we will be waging a simultaneous effort to gather qualitative research on the key opponents of our position. This research can be classified as unfriendly, and is solely intended to give us the ammunition to fight on an even playing field if the battle turns nasty. Rest assured, if it does turn nasty, we will be far better positioned than our opponents. Once the research is gathered, it is then sorted by subject matter and made retrievable by a phrase search. This [sic] purpose of this is so that information can then be instantly disseminated to any audience we choose such as our universe of supporters, the press, third party interest groups or other interested parties.¹⁵⁸

The total cost of Scanlon's proposal: \$5.4 million, with another \$2 million, should an "advertising fight" occur.¹⁵⁹

On July 7, Abramoff and Scanlon departed by private jet for Palms Springs for their meetings with the Agua Caliente Tribal Council, and a presentation to the Council and membership.¹⁶⁰ Before Abramoff and Scanlon made their pitch at the membership meeting, Abramoff finally met Chapman in person.¹⁶¹

Abramoff and Scanlon met with the Tribal Council on July 8, and the Tribal membership on July 9.¹⁶² Although Abramoff represented that Scanlon "work[ed] very closely with our firm [Greenberg Traurig]," at no point in the presentation did either disclose their financial relationship.¹⁶³ Nor did they disclose the behind-the-scenes conversations they had been having with C. Patencio and M. Patencio, or the election assistance they had rendered to C. Patencio and Siva.¹⁶⁴

Abramoff built-up Scanlon, calling him "one of the top political and grass roots public affairs people in the United States".¹⁶⁵ As he had before, Abramoff traded on the name of the Mississippi Band of Choctaw Indians ("Choctaw").¹⁶⁶ Abramoff also boasted about the efforts he and Scanlon had undertaken for the Coshatta Tribe of Louisiana ("Louisiana Coshatta") and the Chitimacha

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

¹⁶⁰ Email from Holly Bowers, Greenberg Traurig, to Jack Abramoff, Greenberg Traurig (GTG-E000059380) (July 5, 2002).

¹⁶¹ Email from Jack Abramoff, Greenberg Traurig, to Michael Chapman (GTG-E000059404) (July 8, 2002).

¹⁶² See Email from Holly Bowers, Greenberg Traurig, to Jack Abramoff, Greenberg Traurig (GTG-E000059380) (July 5, 2002).

¹⁶³ Interview of Candace Patencio, former council member, Agua Caliente Band of Cahuilla Indians, by telephone (April 25, 2006).

¹⁶⁴ Interview of Candace Patencio, former council member, Agua Caliente Band of Cahuilla Indians, by telephone (April 25, 2006). See also Interview of Richard M. Milanovich, Chairman, Agua Caliente Band of Cahuilla Indians, by telephone (September 16, 2004).

¹⁶⁵ Agua Caliente document production (no Bates number) (entitled "Verbatim Excerpt—Tribal Council Meeting of Tuesday, July 9, 2002") (July 9, 2002) (excerpt only).

¹⁶⁶ *Id.*

Tribe of Louisiana on their compact re-negotiations with the State of Louisiana.¹⁶⁷

Although Abramoff and Scanlon were representing the Ysleta del Sur Pueblo of El Paso (“Tigua”), in direct conflict with the interests of the Louisiana Coushatta, Abramoff nevertheless claimed that “we certainly don’t engage in the situation where we have two tribes that might have differing interests ‘cause unfortunately obviously tribes who are nearby to each other sometimes have the same interests or same market share ...”¹⁶⁸ Abramoff later continued: “If we work together with you we would not work for any other Tribe in California. That would be our approach.”¹⁶⁹

Abramoff spoke, too, about political contributions:

Each of the tribes we work with we recommend that they exercise their right to make political contributions. However, we generally are very targeted and with the contribution recommendations we make ... we do strongly recommend and all of our tribes do give a lot of money politically. It’s very targeted and when it’s all basically added up we sort of like have a little ledger so to speak informally, see the money they spent politically and the money they spent contributions and the money they spent lobbying wise compared to what they get back so to speak, not only benefits that can’t be monetarized but also the actual appropriations. ... So we will recommend to the tribe or any of our clients that they contribute to certain specific Members that may have to them nothing do with what they’re doing, but we know that that Member will be able to control or influence a bill, that kind of thing.¹⁷⁰

Scanlon picked up on the presentation. Scanlon claimed that his “firm is in a strategic alliance with Jack and Greenberg meaning we only provide services to the clients of Greenberg Traurig.”¹⁷¹ Scanlon described his operations as the “ground army for what Jack does.”¹⁷² More specifically, Scanlon said:

A force, a grassroots army of people of employees, of business owners, of people who live on your lands and anybody who’s made a buck off of you over the last ten to fifteen years and has a vested interest in seeing your future be better. Our job is to go out and find those people, educate those people on the issues that are important to the Tribe and objectives of Tribe as identified. Most importantly, it is to mobilize those people to ensure that the politicians get the message that the people are behind the position of the Tribe.¹⁷³

¹⁶⁷ *Id.*

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*

¹⁷⁰ *Id.*

¹⁷¹ *Id.* Of course, that was true only by default. According to Fred Baggett, the national chairman of Greenberg Traurig’s public policy practice, Scanlon was free to work for other clients; indeed, Greenberg Traurig did not hire Scanlon precisely because he wanted to work on his own clients. Interview of Fred Baggett, chair, National Governmental Affairs Practice, Greenberg Traurig, in Washington D.C. (September 29, 2005).

¹⁷² Agua Caliente document production (no Bates number) (entitled “Verbatim Excerpt—Tribal Council Meeting of Tuesday, July 9, 2002”) (July 9, 2002) (excerpt only).

¹⁷³ *Id.*

Scanlon characterized his work as “technical,” “labor intensive” and “expensive”.¹⁷⁴ The cornerstone of this program was a “custom-built database,” which Scanlon claimed he designed.¹⁷⁵

After Abramoff and Scanlon’s presentation, the Tribal Council met to vote. C. Patencio admitted that she did not disclose her relationship with Abramoff or Scanlon, or the help they had given her on her election campaign, before the vote.¹⁷⁶ She also admitted that she did not pay for any of the work that Scanlon and his team performed for her election bid.¹⁷⁷ She said that Scanlon never asked to be paid for his services, and she never discussed how Scanlon would benefit from helping her election campaign.¹⁷⁸ C. Patencio also claimed that people offer her free things all the time, and she did not find Abramoff and Scanlon’s supposed generosity odd.¹⁷⁹ According to C. Patencio, she simply believed Abramoff and Scanlon helped her because they liked her.¹⁸⁰

The Committee has considerable difficulty reconciling C. Patencio’s statements with the body of evidence before it. Even if, as C. Patencio claimed, she had not expressly agreed to help Abramoff and Scanlon secure contracts with the Tribe in exchange for their campaign assistance, a reasonable person with C. Patencio’s business education and political experience would have realized that Abramoff and Scanlon were providing her assistance as gratitude or because of C. Patencio’s intention to help them secure contracts with the Tribe.

On July 2, 2002, the Tribal Council voted 3–0 to accept the contract with Greenberg Traurig. On July 11, 2002, Chairman Milanovich signed a retainer agreement with Greenberg Traurig.¹⁸¹ According to the contract, the Tribe retained Greenberg Traurig,

[T]o assist the Agua Caliente Band of Cahuilla Indians (“the Tribe”) with all political activities related to obtaining a satisfactory outcome to gaming compact renegotiations, environmental matters and other policy and political goals in California. In addition, at the Tribe’s discretion, the Firm shall assist the Tribe with federal issues, including but not limited to matters concerning federal appropriations, specific needs of the tribe related to the U.S. Postal service and tax matters, general Washington, D.C. and selected national public relations activities, federal-Tribal relations and promotion of sovereignty.”¹⁸²

The cost: “\$150,000.00 per month plus reasonable out-of-pocket expenses.”¹⁸³

Similarly, on July 23, the Tribal Council voted 3–2 to accept Scanlon’s contract. C. Patencio, M. Patencio, and Jeannette Prieto-

¹⁷⁴ *Id.*

¹⁷⁵ *Id.*

¹⁷⁶ Interview of Candace Patencio, former council member, Agua Caliente Band of Cahuilla Indians, by telephone (April 25, 2006).

¹⁷⁷ *Id.*

¹⁷⁸ *Id.*

¹⁷⁹ *Id.*

¹⁸⁰ *Id.*

¹⁸¹ Agua Caliente document production (AC 0276–78) (July 9, 2002).

¹⁸² *Id.*

¹⁸³ *Id.*

Dodd voted for the contract; Chairman Milanovich and Vice Chairman Gonzales Lyons voted against it. Before the Tribal Council voted, however, Chairman Milanovich argued against hiring Scanlon. According to Scanlon, Chairman Milanovich was “trying to sink it [Scanlon’s contract]—he has a whole bunch of Suncruz articles he is handing out at the meeting.”¹⁸⁴ Meanwhile, C. Patencio called to report to Abramoff on what was happening.¹⁸⁵

On July 24, 2002, Scanlon apparently submitted a letter agreement between Scanlon Gould Public Affairs and the Tribe.¹⁸⁶ According to the agreement, “the primary goal of Scanlon Gould is to execute public affairs and political strategies to ensure successful re-negotiation of the Tribe’s gaming compact.”¹⁸⁷ The letter agreement described the scope of the activities by reference to Scanlon Gould’s July 8, 2002 proposal.¹⁸⁸ Unlike his written agreements with other Tribes, Scanlon specifically reserved Scanlon Gould’s right to use external firms: “Scanlon Gould will execute its duties by employing its internal political team (full time employees) and reserves the right to sub-contract with external firms when necessary.”¹⁸⁹ The Tribe agreed to pay Scanlon Gould \$5,400,000 and agreed “to budget an additional \$2,000,000.00 for advocacy efforts should the compact renewal campaign become intensive.”¹⁹⁰

F. ABRAMOFF AND SCANLON SEEK ADDITIONAL MONEY FROM THE TRIBE

Once Abramoff and Scanlon locked up their contracts with the Agua Caliente, Abramoff began to seek more funding for his pet projects, as well as those of others, ostensibly designed to increase his and the Tribe’s standing in the eyes of Congressmen and Senators. In September 2002, Abramoff told his associate Duane Gibson that they needed “to move on Agua contributions asap.”¹⁹¹ Abramoff and his team used the Tribe’s contributions to get “credit for delivering checks to certain members.”¹⁹²

Abramoff also sought money from the Tribe to cover the costs of his Sports Suites program. A master lobbying plan that Abramoff presented to the Agua Caliente laid out his rationale for why the Tribe should participate.

Sporting and Event Tickets—Goal: provide Members and staff with courtesy tickets to sport games and other events, which help to create the relationships needed to advance issues important to the Tribe. Many of our Tribal clients participate in ownership of Executive Suites and Boxes at the MCI Center, FedEx Field, and Camden Yards (Baltimore), in order to get the tools for relationship building to advance your issues. The

¹⁸⁴ Email between Michael Scanlon, Capitol Campaign Strategies, and Jack Abramoff, Greenberg Traurig (GTG-E000059386) (July 16, 2002).

¹⁸⁵ *Id.*

¹⁸⁶ Agua Caliente document production (AC 0287-89) (July 24, 2002).

¹⁸⁷ *Id.*

¹⁸⁸ *Id.*

¹⁸⁹ *Id.*

¹⁹⁰ *Id.*

¹⁹¹ Email from Jack Abramoff, Greenberg Traurig, to Duane Gibson, Greenberg Traurig (GTG-E000057541) (September 18, 2002).

¹⁹² Email from Duane Gibson, Greenberg Traurig, to Neil Volz, *et al.*, Greenberg Traurig (GTG-E000057613) (October 8, 2002).

Tribe should evaluate pooling its resources with other tribes so that it can utilize these effective assets as well.¹⁹³

The Tribal Council approved the Tribe's participation in the sports suites program in December 2002,¹⁹⁴ and paid \$300,000 into the program.¹⁹⁵

Pursuant to his agreement with the Tribe, Scanlon sought additional money under the Scanlon Gould contract. When it came time to solicit additional funds, Scanlon decided to leave little to chance. Scanlon and Abramoff manipulated the schedule so that Scanlon would make his presentation for more money in the absence of the two Tribal Council members who opposed the program. On December 10, Scanlon wrote:

Well we got paid 5—and had in our contract that we may need an additional 2—but that we would have to come before the council to get it. So I did up a presentation—and we are asking for 1.785 on Thursday—The reason we are doing git [sic] Thursday is that Richard and Barbara are out of town. I could ask for the whole 2—but I though [sic] that would look strange—I could bump it up to 1.875? Whatta think?¹⁹⁶

Abramoff responded, "Absolutely!"¹⁹⁷

In less than two years, the Tribe paid Greenberg Traurig \$3,079,816 in fees and expenses.¹⁹⁸ Similarly, Scanlon collected \$7,195,000 from the Agua Caliente during the relevant period and appears to have secretly split about 50% of his total profit from the Tribe with Abramoff.¹⁹⁹

These substantial sums purchased no loyalty from Abramoff and Scanlon. When Scanlon complained about his dealings with C. Patencio, Abramoff counseled: "I think the key thing to remember with all these clients is that they are annoying, but that the annoying losers are the only ones which have this kind of money and part with it so quickly."²⁰⁰

G. ABRAMOFF AND SCANLON'S WORK FOR THE TRIBE

The Agua Caliente hired Abramoff and Greenberg Traurig "to assist the tribe with all political and lobbying activities relating to a

¹⁹³ Email from Duane Gibson, Greenberg Traurig, to Jack Abramoff, Greenberg Traurig (GTG-E000057000) (December 5, 2002) (attaching "DRAFT Agua Caliente Plan for the 108th Congress") (last page only).

¹⁹⁴ Email from Candace Patencio, Agua Caliente Band of Cahuilla Indians, to Duane Gibson, Greenberg Traurig (GTG-E000057785) (January 10, 2003).

¹⁹⁵ "Tribal Lobbying Matters," *Hearings before the Committee on Indian Affairs*, 108th Cong. at 29 (September 29, 2004) (testimony of Richard M. Milanovich, Chairman, Agua Caliente Band of Cahuilla Indians).

¹⁹⁶ Email between Michael Scanlon, Capitol Campaign Strategies, and Jack Abramoff, Greenberg Traurig (GTG-E000056773) (December 10, 2002).

¹⁹⁷ *Id.*

¹⁹⁸ These figures do not include political, charitable, and other contributions the Agua Caliente made at Abramoff's request.

¹⁹⁹ Discussion and analysis of how Abramoff and Scanlon successfully perpetrated their "gimme five" scheme on the Tribe, on an entity-by-entity basis, is contained in Part 2 of the this Report.

²⁰⁰ Email from Jack Abramoff, Greenberg Traurig, to Michael Scanlon, Capitol Campaign Strategies (GTG-E000057878) (March 5, 2003).

wide range of public policy issues.”²⁰¹ The Tribe hired Scanlon “to help the tribe with respect to pending gaming compact issues in California.”²⁰²

From July 2002 to March 2004, Abramoff and his team represented the Agua Caliente in Washington, D.C. The Tribe has not complained to the Committee about the level or quality of the services that Abramoff and his team at Greenberg Traurig provided the Tribe.

Scanlon hired a number of subcontractors to renegotiate the Tribe’s compact with the State of California.²⁰³ Scanlon subcontracted lobbyists and attorneys.²⁰⁴ Per his agreement, he operated as a turnkey operation.²⁰⁵ Scanlon and his team provided regular updates to the Tribe on its efforts.²⁰⁶

Among the work that Scanlon Gould performed, was a letter-writing campaign. Scanlon’s team set up tables with laptop computers and blank letters at the Tribe’s casino.²⁰⁷ As employees would come to the tables, Scanlon’s employees would brief them and ask them to sign letters to the Governor.²⁰⁸ Scanlon also had opinionmaker letters written to the Governor.²⁰⁹ That work was subcontracted out to Lunde Burger.²¹⁰ After examining Scanlon’s work, the Tribe does not believe that Scanlon actually performed the work he had proposed when he pitched his contract to the Tribe.²¹¹

²⁰¹ “Tribal Lobbying Matters,” *Hearings before the Committee on Indian Affairs*, 108th Cong. at 21 (September 29, 2004) (statement of Richard Milanovich, chairman, Agua Caliente Band of Cahuilla Indians).

²⁰² *Id.*

²⁰³ Interview of Christopher Cathcart, associate, Capitol Campaign Strategies, in Washington, D.C. (October 6, 2004).

²⁰⁴ Interview of Chris Cathcart, associate, Capitol Campaign Strategies, in Washington, D.C. (October 6, 2004).

²⁰⁵ Agua Caliente document production (AC 0287–89) (July 24, 2002).

²⁰⁶ See, e.g., Capitol Campaign Strategies document production (BB/AC04990–92) (January 29, 2003); Capitol Campaign Strategies document production (BB/AC04993) (February 6, 2003); Capitol Campaign Strategies document production (March 12, 2003) (BB/AC04995); Capitol Campaign Strategies document production (BB/AC04996–98) (March 17, 2003); Capitol Campaign Strategies document production (BB/AC05000); Capitol Campaign Strategies document production (BB/AC05002–04) (March 26, 2003); Capitol Campaign Strategies document production (BB/AC05010) (April 2, 2003); Capitol Campaign Strategies document production (BB/AC05012–15) (April 24, 2003); Capitol Campaign Strategies document production (BB/AC05004–48) (May 14, 2003); Capitol Campaign Strategies document production (BB/AC05050–54); Capitol Campaign Strategies document production (BB/AC05068–69) (July 10, 2003); Capitol Campaign Strategies document production (BB/AC05070) (July 22, 2003); Capitol Campaign Strategies document production (BB/AC05072–73) (July 24, 2003); Capitol Campaign Strategies document production (BB/AC05074–75) (August 4, 2003); Capitol Campaign Strategies document production (BB/AC05076–77) (August 14, 2003); Capitol Campaign Strategies document production (BB/AC05078–80) (August 26, 2003); Capitol Campaign Strategies document production (BB/AC05081) (September 8, 2003); Capitol Campaign Strategies document production (BB/AC05082) (October 15, 2003); Capitol Campaign Strategies document production (BB/AC05083) (November 17, 2003); Capitol Campaign Strategies document production (no Bates number-BB/AC05084) (November 24, 2003); Capitol Campaign Strategies document production (BB/AC05085–86) (December 3, 2003); Capitol Campaign Strategies document production (BB/AC05087–88) (December 4, 2003); Capitol Campaign Strategies document production (BB/AC05089) (December 16, 2003); Capitol Campaign Strategies document production (BB/AC05090) (December 26, 2003).

²⁰⁷ Interview of Christopher Cathcart, associate, Capitol Campaign Strategies, in Washington, D.C. (October 6, 2004).

²⁰⁸ *Id.*

²⁰⁹ *Id.*

²¹⁰ *Id.*

²¹¹ Interview of Richard M. Milanovich, Chairman, Agua Caliente Band of Cahuilla Indians, by telephone (September 16, 2004).

H. 2003 TRIBAL ELECTIONS

Even after the Agua Caliente hired Abramoff and Scanlon, the two continued to conspire about how to increase their influence over the Tribal Council. In October 2002, Scanlon wrote to Abramoff:

I am working on setting them up right now for their elections next year. We are looking at Candice [sic] for Vice Chairman—which we are looking good on. We are also looking good at getting Virginia Elected [sic] under one scenario and Moreno is a lock.

The most Likely [sic] scenario right now is Barbara become [sic] chairman, with Candice [sic] as Vice Chair, Moreno, Janette and Virginia on the council—which would give us 4 out of 5 all the time—and possibly 5 out of 5 if we play it the right way.

This will be very very good for us.²¹²

Later, C. Patencio emailed Abramoff asking for a time they could “talk strategy for the up and coming election.”²¹³ Abramoff and Scanlon’s goal was to ensure that C. Patencio would win in an effort to oust their only opposition within the Tribe, Chairman Milanovich and Vice Chairman Gonzales-Lyons.²¹⁴ When C. Patencio advised Abramoff that she and M. Patencio planned “to set [the Agua Caliente Vice Chairman] up”, Abramoff offered his help: “let me know what we can do.”²¹⁵ Separately, he told Scanlon “We need to make sure Candace wins and bye bye Barbara and Richard.”²¹⁶

Meanwhile, Scanlon and Cathcart discussed how to impact C. Patencio’s election: “[w]ant to touch base re the aguas too, i[sic] told candace we would help with her letter of intent, and of course, i[sic] assume we’ll be helping with the campaign.”²¹⁷

On February 9, 2003, Chapman urged Abramoff and Scanlon to assist their allies on the Tribal Council: “We definitely need to devise a strategy to help Candace—it is now or never! Since there are so few tribal members we should be able to do a breakdown of each potential vote to be cast.”²¹⁸ In response, Scanlon maintained that he had “been all over this for weeks” and already had “a pretty good plan in place.”²¹⁹

Ultimately, the Committee finds that Scanlon devoted nowhere near the time and resources to C. Patencio’s election bid in 2003

²¹² Email from Michael Scanlon, Capitol Campaign Strategies, to Jack Abramoff, Greenberg Traurig (GTG-E000057616) (October 24, 2002).

²¹³ Email from Candace Patencio, Agua Caliente Band of Cahuilla Indians, to Jack Abramoff, Greenberg Traurig (GTG-E000057834) (January 14, 2003).

²¹⁴ Email from Jack Abramoff, Greenberg Traurig, to Michael Scanlon, Capitol Campaign Strategies (GTG-E000057847-49) (January 29, 2003).

²¹⁵ *Id.*

²¹⁶ *Id.*

²¹⁷ Email from Christopher Cathcart, Capitol Campaign Strategies, to Michael Scanlon, Capitol Campaign Strategies (January 21, 2003).

²¹⁸ Email between Michael Chapman and Jack Abramoff, Greenberg Traurig (GTG-E000057842-43) (February 9, 2003).

²¹⁹ Email from Michael Scanlon, Capitol Campaign Strategies, to Jack Abramoff, Greenberg Traurig (GTG-E000057842) (February 10, 2003).

as he had in 2002. Scanlon Gould wrote C. Patencio's platform statement and may have made door signs or mail pieces for her.²²⁰

In the 2003 elections, C. Patencio lost her race. Within months, the Committee would start its investigation, and the Tribe would learn the truth about Abramoff and Scanlon's assistance to C. Patencio and Siva in their elections. It would also learn about their secret partnership.

I. CHAPMAN AND SIERRA DOMINION CONSULTING

On November 12, 2002, Abramoff's associate Duane Gibson, who was the client manager for the Agua Caliente account, discovered charges on the account with which he was unfamiliar. Gibson inquired of Abramoff:

[O]n the Agua bill, there are two items—\$10K for consulting from Michael Chapman and \$5K for consulting for Sierra Dominion Financial Resources. These were part of the itemized expenses on the draft bill that I am reviewing. I do not know what the arrangements are for work by these people, and want to make sure that they are authorized. These items constitute \$15K of the \$25 K [sic] in expenses. Is this ok?²²¹

Abramoff replied, "One is the finders [sic] fee for Chapman and the other is one I will tell you about. they [sic] come out of our retainer, and should not be listed to the client ever. Please make sure they are never on the bill which goes to them."²²²

When Gibson alerted Abramoff to the possibility that Chapman's fees might have appeared on the previous bill, Abramoff panicked: "This is a disaster!!!!!"²²³ Gibson subsequently allayed Abramoff's fears by assuring him Chapman's fees had only appeared on the draft bill.²²⁴

Just what was the nature of the payments to Chapman and Sierra Dominion, and why was Abramoff determined for them not to appear on the Agua Caliente's bill? The rest of this Chapter attempts to answer these questions.

1. Payments to Chapman

Shortly after the 2002 Agua Caliente election, Chapman inquired: "What are you thinking the terms of a consultancy might be? Curious, and want to know what the incentives might be in assisting you in landing new clients—especially, since I may be able to pitch your services later tonight!"²²⁵

Abramoff responded:

I think we can organize \$10/month on a Agua Caliente sized representation (the firm's profit on that kind of representation is around 20\$, which is \$30k/month, and I can

²²⁰ Interview of Christopher Cathcart, associate, Capitol Campaign Strategies, in Washington, D.C. (October 6, 2004).

²²¹ Email between Duane Gibson, Greenberg Traurig, and Jack Abramoff, Greenberg Traurig (GTG-E000057623) (November 12, 2002).

²²² *Id.*

²²³ *Id.*

²²⁴ *Id.*

²²⁵ Email between Michael Chapman and Jack Abramoff, Greenberg Traurig (GTG-E000057342) (July 12, 2002).

probably get them to give up 1/3 of that). On the grassroots budget, it is a little trickier, because the margin is very tight (Mike gets his fee from the Greenberg side), and most of that is spend [sic] as direct costs.²²⁶

After the Agua Caliente approved Greenberg Traurig's contract, Abramoff wrote to Scanlon: "We should give this guy [Chapman] a small tip out of the gimme five money too. I want him to have mega incentive to scan the nation and hook us up with all his friends."²²⁷ Chapman told the Committee during his interview that Abramoff told him that "he would take care of me" once Abramoff secured Agua Caliente as a client.²²⁸ Chapman claimed that Abramoff did not make this offer, until after Abramoff and Scanlon had secured contracts with the Tribe.²²⁹

Shortly thereafter, Chapman once again inquired into the "consulting" arrangement: "I am eager to learn what the final dynamics of a consultancy might be with Greenberg, while also hearing what might be a practical consideration for the political organizing contract."²³⁰ Abramoff immediately wrote to Scanlon: "This guy delivered for us. he [sic] wants to know what he can get from the pot. I will give him \$10k/month from GT, but we should give him a tip from the grass roots. I think we should do \$100k, but not from the first traunche. I told him that you budget this stuff very, very tightly, but might be able to eek out something. I don't want to waste money, but he clearly has a lot of contacts and could get us a ton of biz."²³¹ That same day, Abramoff reverted to Chapman, and committed to giving him "additional funds on the effort at Agua" that would "run the life of the representation of Agua."²³²

Chapman confirmed to Committee staff that Abramoff had Greenberg Traurig pay him \$10,000/month.²³³ Beginning in September 2002 and ending in March 2004, Chapman submitted invoices to Greenberg Traurig for payment. The invoices requested payment of a \$10,000 retainer, which was purportedly "associated with work on the Agua Caliente Band of Cahuilla Indians' account."²³⁴

Per Abramoff and Gibson's instructions, Greenberg Traurig paid Chapman a total of \$171,482.48²³⁵ over the course of the Agua Caliente retainer. The payments are detailed below:

Payments from Greenberg Traurig to Michael Chapman

09/13/02 \$10,489.81

²²⁶ *Id.*

²²⁷ Email from Jack Abramoff, Greenberg Traurig, to Michael Scanlon, Capitol Campaign Strategies (GTG-E000057372) (July 9, 2002).

²²⁸ Interview of Michael Chapman, by telephone (March 31, 2006).

²²⁹ *Id.*

²³⁰ Email from Michael Chapman to Jack Abramoff, Greenberg Traurig (GTG-E000059446) (July 24, 2002).

²³¹ Email from Jack Abramoff, Greenberg Traurig, to Michael Scanlon, Capitol Campaign Strategies (GTG-E000059446) (July 24, 2002).

²³² Email from Jack Abramoff, Greenberg Traurig, to Michael Chapman (GTG-E000059444) (July 24, 2002).

²³³ Interview of Michael Chapman, by telephone (March 31, 2006).

²³⁴ See Michael Chapman document production (no Bates number) (September 2002 through March 2004) (Invoices from Michael Chapman to Jack Abramoff).

²³⁵ Greenberg Traurig document production (GTG 005390-ACCT-AC) (undated) (Greenberg Traurig Vendor Payments Report for Michael Chapman; Fifteen Greenberg Traurig checks to Michael Chapman, dated September 13, 2002 to March 3, 2004; Invoices from Michael Chapman to Greenberg Traurig, dated September 3, 2002 through March 2004).

Payments from Greenberg Traurig to Michael Chapman—Continued

10/10/02	\$10,000.00
11/25/02	\$10,000.00
02/04/03	\$10,000.00
03/11/03	\$10,000.00
03/17/03	\$10,000.00
04/11/03	\$10,000.00
07/08/03	\$10,000.00
08/06/03	\$20,992.67
08/11/03	\$10,000.00
09/22/03	\$10,000.00
10/31/03	\$10,000.00
12/19/03	\$20,000.00
01/26/04	\$10,000.00
03/03/04	\$10,000.00
Total	\$171,482.48

Except one request for expense reimbursement,²³⁶ the invoices from Chapman to Greenberg Traurig listed the purpose of the payment request as “Retainer which is associated with work on the Agua Caliente Band of Cahuilla Indians’ account.”²³⁷ According to Chapman, Abramoff told him how to characterize and phrase the invoices to Greenberg Traurig.²³⁸ On internal Greenberg Traurig accounting forms, Abramoff described the payment as a consulting fee.²³⁹

During its interview of Duane Gibson, Committee staff inquired into the nature of the services Chapman provided. Gibson, who was the Agua Caliente client manager, said that Chapman provided consulting services on the Agua Caliente account.²⁴⁰ He said he had substantive conversations with Chapman about issues affecting the Tribe before Congress.²⁴¹

During his interview with Committee staff, however, Chapman was unequivocal: the \$10,000 was not a consulting fee and he did not provide substantive advice on issues facing the Agua Caliente or otherwise work on the Agua Caliente account.²⁴² Chapman was clear that the money he received was a finder’s fee or referral fee, for helping Abramoff and Scanlon secure the Agua Caliente account and to help them secure other tribal business.²⁴³ Chapman said he would also give Abramoff or Gibson a “heads up” whenever C. Patencio was getting frustrated because she could not reach them on the telephone.²⁴⁴ Chapman did say he spoke with Gibson about once every other week, and did exchange e-mails with him.²⁴⁵ Chapman said that Gibson was interested in expanding Greenberg

²³⁶ Michael Chapman document production (no Bates number) (entitled “Invoice from Michael Chapman to Greenberg Traurig”) (September 3, 2002).

²³⁷ Michael Chapman document production (no Bates number) (entitled “Invoices from Michael Chapman to Greenberg Traurig”) (September 3, 2002 through February 2004).

²³⁸ Interview of Michael Chapman, by telephone (March 31, 2006). See Interview of Duane Gibson, former associate, Greenberg Traurig, in Washington, D.C. (September 12, 2002).

²³⁹ See Greenberg Traurig document production (GTG-005416-ACCT-AC) (April 10, 2003) (Check Requests, signed by Jack Abramoff).

²⁴⁰ Interview of Duane Gibson, former associate, Greenberg Traurig, in Washington, D.C. (March 17, 2006).

²⁴¹ *Id.*

²⁴² Interview of Michael Chapman, by telephone (March 31, 2006).

²⁴³ *Id.*

²⁴⁴ *Id.*

²⁴⁵ *Id.*

Traurig's tribal business, and solicited Chapman for his suggestions for other, potential accounts.²⁴⁶

Around this time, Chapman said he told C. Patencio about his finder's fee from Abramoff.²⁴⁷ C. Patencio likewise told the Committee that after the Agua Caliente had hired Abramoff, Chapman told her that Abramoff had put him on a retainer to help Abramoff land other tribal accounts.²⁴⁸ C. Patencio, however, did not know the amount, or that Abramoff was paying Chapman from the Tribe's retainer.²⁴⁹

Although Chapman submitted invoices ostensibly for work related to the Agua Caliente account, it appears from internal Greenberg Traurig billing records that Abramoff did not bill the payments to Chapman as expenses to the Tribe. Greenberg Traurig instead paid Chapman out of the monthly retainer funds it received as fees from the Tribe.²⁵⁰ It thus appears the Tribe was probably not injured in any meaningful way by this, if at all.

Chapman also received money from Scanlon's Capitol Campaign Strategies ("CCS"), but not right away. After Scanlon secured the Agua Caliente representation, months passed and Chapman did not receive any payment from Scanlon. He then sent the following email to Abramoff: "I never received any inquiry at all from Scanlan [sic]—which I thought was a little strange, since he was 'sitting pretty' *because of my intervention!* ... In fact, I was going to ask you to ask him for a campaign contribution, over and beyond the payment, since his firm seems to have benefitted the most *from my Agua intervention!*"²⁵¹ Chapman continued, "I rely on your instincts and sense of necessity to guide my motivations!"²⁵²

On October 8, 2002, Scanlon had CCS pay Chapman \$100,000. Chapman, however, sought more. Just one day later, Chapman wrote Scanlon:

When Jack first broached the terms of a finder's fee—we discussed this initial payment as the fee for the first \$4 million and then if [sic] was necessary for you to go into the second phase and expend another \$4 million that another comparable fee would be forthcoming. Is this how you understand it? I know the tribe has approved \$8 million in their budget in anticipation of a Phase II—let me know if we're on the same page!²⁵³

The Committee finds no evidence establishing that Chapman received further payments from Scanlon or his companies.

²⁴⁶ *Id.*

²⁴⁷ Interview of Michael Chapman, by telephone (March 31, 2006).

²⁴⁸ Interview of Candace Patencio, former council member, Agua Caliente Band of Cahuilla Indians, by telephone (April 25, 2006).

²⁴⁹ *Id.*

²⁵⁰ Email between Allison Bozniak, Greenberg Traurig, and Jack Abramoff, Greenberg Traurig (GTG-E000034178) (September 12, 2002).

²⁵¹ Email from Michael Chapman to Jack Abramoff, Greenberg Traurig (GTG-E000059566) (September 24, 2002) (emphasis added).

²⁵² *Id.*

²⁵³ Email from Michael Chapman to Michael Scanlon, Capitol Campaign Strategies (GTG-E000057596) (October 9, 2002).

2. Payments to Sierra Dominion

Sierra Dominion Financial Solutions, Inc. (“Sierra Dominion”) is a company located in Oakton, VA, and headed by Julie Doolittle.²⁵⁴ Over the course of the Agua Caliente retainer, Greenberg Traurig paid Sierra Dominion \$66,690.42 as detailed below:

Payments from Greenberg Traurig to Sierra Dominion

09/20/02	\$6,612.90
10/10/02	\$5,000.00
11/25/02	\$5,000.00
01/13/03	\$10,077.52
07/02/03	\$5,000.00
07/22/03	\$5,000.00
08/06/03	\$5,000.00
09/25/03	\$5,000.00
11/25/03	\$5,000.00
12/29/03	\$5,000.00
01/26/04	\$5,000.00
02/19/04	\$5,000.00
Total	\$66,690.42

While Sierra Dominion apparently provided no services to or for the benefit of Agua Caliente, almost all of the money paid to Sierra Dominion came out of the monthly retainer that the Agua Caliente paid to Greenberg Traurig.²⁵⁵ So the Tribe was probably not injured in any material way.

One payment of \$5,000 to Sierra Dominion, however, was billed to the Agua Caliente as an expense in September 2002, and the Tribe, in fact, paid the expense in October 2002. This gives rise to concerns that Abramoff defrauded the Tribe, because the payments were not used for the benefit of the Agua Caliente; rather, Abramoff apparently hired Doolittle to work on an event, “The Spy Game” at the Spy Museum in Washington, D.C., which Abramoff wanted as a fundraiser for his personal charity, the Capital Athletic Foundation (“CAF”).

The event was originally scheduled for March 26, 2003.²⁵⁶ The event was supposed to honor Jim Kimsey, AOL Founding CEO and Chairman, with CAF’s “Lifetime Achievement Award.”²⁵⁷ The CAF advertised that participants would “win up to \$50,000 in prizes.”²⁵⁸ Prizes included airline vouchers, portable DVD players, digital cameras, and tickets for Wizards [basketball], Caps [hockey], and Redskins [football] games.²⁵⁹ Abramoff also considered a trip to Scotland as a prize.²⁶⁰

The Spy Museum event never happened. According to a CAF notice listing Doolittle as the Director of Community Relations for the

²⁵⁴ See, e.g. Greenberg Traurig document production (GTG005518-ACCT-AC) (January 2, 2003). Julie Doolittle’s husband is Congressman John T. Doolittle.

²⁵⁵ Email between Jack Abramoff, Greenberg Traurig, and Allison Bozniak, Greenberg Traurig (GTG-E000034178) (September 12, 2002); Email from Allison Bozniak, Greenberg Traurig, to Jack Abramoff, Greenberg Traurig (GTG-E000057489) (September 30, 2002).

²⁵⁶ Email from Joe Reeder, Greenberg Traurig, to Rudy DeLeon (GTG-E000121933) (March 7, 2003).

²⁵⁷ *Id.*

²⁵⁸ *Id.*

²⁵⁹ Email between Allison Bozniak, Greenberg Traurig, and Jack Abramoff, Greenberg Traurig (GTG-E000121929) (March 7–9, 2003).

²⁶⁰ Email between Jack Abramoff, Greenberg Traurig, and Allison Bozniak, Greenberg Traurig (GTG-E000121929) (March 8, 2003).

CAF, the event was postponed due to the United States' commencement of military operations in Iraq.²⁶¹

There is no evidence that Doolittle knowingly participated in Abramoff's funding arrangement. To the contrary, the Committee possesses evidence that Abramoff attempted to conceal his funding source from Doolittle. In June 2003, Doolittle inquired about the status of her retainer.²⁶² Abramoff's assistant Linsey Crisler responded, "Accounting tells me that your check in [sic] processed, but we are waiting for the client to pay their bill before we can distribute any funds. As soon as we have their money wired to us, your check will be cleared for payment."²⁶³

Although true, Abramoff scolded Crisler, "This is not OK with me. I want her paid asap. She [sic] should not be told that her payments are dependent on anything. Who told you that?"²⁶⁴

Crisler explained, "I was told by Accounting that we couldn't pay any bills to outside consultants if there wasn't money in the retainer."²⁶⁵

Abramoff replied, "Thanks. just [sic] make sure she is not unpaid at any point or told that her payment is dependent on anything."²⁶⁶

When Doolittle told Crisler, that she "was not aware that my retainer was dependent on the payment from a client,"²⁶⁷ Abramoff assured her, "It is absolutely not dependent."²⁶⁸ He then assured Doolittle, "I will speak with Linsey to get this moving."²⁶⁹

J. CONCLUSION

Following *The Washington Post* article, in February 2004, Agua Caliente Chairman Milanovich met with Scanlon in Washington, D.C.²⁷⁰ At the meeting, Milanovich recalled, Scanlon described the article as an attack piece, and asked the Tribe to write a letter to *The Post* to help Scanlon and Abramoff.²⁷¹ The Tribe declined to do so.²⁷²

Subsequently, during a telephone conversation with Duane Gibson, Milanovich recalled Gibson also asking the Tribe to send a similar letter to *The Post* in support of Abramoff.²⁷³ Indeed, Milanovich told Committee staff, Gibson said he hoped the Tribe

²⁶¹ See "The Capital Athletic Foundation's "The Spy Game" Important Event Update" (undated).

²⁶² Email between Julie Doolittle, Sierra Dominion Financial Solutions, and Linsey Crisler, Greenberg Traurig (GTG-E000069554) (June 30, 2003).

²⁶³ *Id.*

²⁶⁴ Email from Jack Abramoff, Greenberg Traurig, to Linsey Crisler, Greenberg Traurig (GTG-E000069554) (July 7, 2003).

²⁶⁵ Email from Linsey Crisler, Greenberg Traurig, to Jack Abramoff, Greenberg Traurig (GTG-E000069550) (July 7, 2003).

²⁶⁶ Email from Jack Abramoff, Greenberg Traurig, to Linsey Crisler, Greenberg Traurig (GTG-E000069550) (July 7, 2003).

²⁶⁷ Email from Julie Doolittle, Sierra Dominion Financial Solutions, to Linsey Crisler, Greenberg Traurig (GTG-E000069555) (July 6, 2003).

²⁶⁸ Email from Jack Abramoff, Greenberg Traurig, to Julie Doolittle, Sierra Dominion Financial Solutions (GTG-E000069555) (July 6, 2003).

²⁶⁹ Email from Jack Abramoff, Greenberg Traurig, to Julie Doolittle, Sierra Dominion Financial Solutions (GTG-E000069551) (July 7, 2003).

²⁷⁰ Interview of Richard Milanovich, Chairman, Agua Caliente Band of Cahuilla Indians, by telephone (September 16, 2004).

²⁷¹ *Id.*

²⁷² *Id.*

²⁷³ *Id.*

would not cooperate with this Committee's investigation.²⁷⁴ When asked, Gibson did not recall ever expressing a preference on whether the Tribe should cooperate with the Committee's investigation.²⁷⁵

At the beginning of April, the Tribe suspended its contracts with Greenberg Traurig and Scanlon Gould.²⁷⁶ Concerning attempts to manipulate the Tribal elections, the Tribe suspended certain individuals from any appointed role in Tribal government.²⁷⁷

²⁷⁴ *Id.*

²⁷⁵ Interview of Duane Gibson, former associate, Greenberg Traurig, in Washington, D.C. (March 17, 2006).

²⁷⁶ "Tribal Lobbying Matters," *Hearings before the Committee on Indian Affairs*, 108th Cong. at 52 (September 29, 2004) (Prepared statement of Richard M. Milanovich, Chairman, Agua Caliente Band of Cahuilla Indians).

²⁷⁷ *Id.*