

PRIVILEGED AND CONFIDENTIAL

January 7, 2019

Deborah Sue Mayer
Chief Counsel and Staff Director
U.S. Senate Select Committee on Ethics
220 Hart Senate Office Building
Washington, D.C. 20510

**Re: Request for Investigation of Senator Susan Collins and Ms. Annie Clark,
Communications Director for Senator Susan Collins**

Dear Ms. Mayer:

The American Democracy Legal Fund respectfully requests that the Senate Select Committee on Ethics investigate whether Senator Susan Collins and Ms. Annie Clark, Communications Director for Senator Collins, misused official Senate resources for campaign purposes.

Background

Ms. Annie Clark is currently employed by the United States Senate as the Communications Director for Senator Susan Collins.¹ Ms. Clark does not appear to receive compensation from Senator Collins' campaign committee for campaign-related duties.²

On December 20, 2018, Ms. Clark penned an opinion editorial for the Bangor Daily News titled "Speaker Gideon should focus on Maine problems, not 2020."³ In the article, Ms. Clark attacks Speaker of the Maine House of Representatives Sara Gideon—who Ms. Clark identifies as a critic of Senator Collins—for purportedly being "more concerned with her personal political ambitions for 2020" than her duties as Speaker. Ms. Clark addresses what she describes as "potshots" the Speaker has taken at Senator Collins and concludes, "With the 2018 elections barely a month old, it should be the time for those elected to represent Maine at all levels of government to focus on ways to help the people of Maine. For Gideon, however, her next campaign appears to be more important to her than doing her current job." Senator Collins is up for reelection in 2020, and the strong implication of Ms. Clark's article is that Speaker Gideon is focused on a 2020 race against Senator Collins rather than her duties as a state

¹ See Ex. A, *Press Release, Senator Collins Announces Communications Staff Changes*. SENATOR SUSAN COLLINS U.S. SENATE WEBSITE, <https://www.collins.senate.gov/newsroom/senator-collins-announces-communications-staff-changes-0> (Jan. 19, 2016).

² See, e.g., Collins for Senator Fed. Elec. Comm'n. 2018 October Quarterly Report, <http://docquery.fec.gov/pdf/626/201810129124515626/201810129124515626.pdf> (lacking any disbursement to Ms. Clark).

³ Ex. B, Annie Clark, *Speaker Gideon should focus on Maine problems, not 2020*, Bangor Daily News, <https://bangordailynews.com/2018/12/20/opinion/contributors/speaker-gideon-should-focus-on-maine-problems-not-2020/> (last visited January 3, 2019).

officeholder. An editorial note at the end of the article identifies Ms. Clark as “communications director for U.S. Sen. Susan Collins.”

Legal Violations

Senate resources may only be used for official purposes.⁴ The Senate Ethics Manual is clear on this point: it states that Senate appropriations are intended only for “official representational and legislative duties” and that it is “inappropriate to use any official resources to conduct campaign or political activity.”⁵ Because Senate employees are “not paid to do campaign work[,]” they may not use official resources for political or campaign activity.⁶ The prohibition on using official funding to conduct campaign activity extends to the use of “Senate space, equipment, staff time, and resources[.]”⁷ As the Senate Ethics Manual concludes, “Congress has recognized the basic principle that government funds should not be spent to help incumbents gain reelection.”⁸

The Senate Ethics Manual further specifies that “it is the Member’s responsibility to keep campaign related activities by staff during duty hours to a ‘de minimis’ amount, and to observe the general principle that staff are compensated from public funds for their assistance in the Member’s official legislative and representative duties, rather than for services to the Member’s political campaign.”⁹

By using her official Senate staff title to pen an op-ed attacking a local official who she herself casts as a potential opponent of Senator Collins in 2020, Ms. Clark has violated the Senate’s longstanding rule against using official resources for campaign activity—a direct contradiction of Congress’s intent to prohibit the use of government funds to help incumbents gain reelection. Additionally, Ms. Clark may have received official Senate resources in the form of employee compensation for her time drafting the op-ed. And, as the employing Member of Ms. Clark, Senator Collins has failed in her responsibility to ensure that staff are not compensated for campaign activity from public funds.

For the above stated reasons, we request that the Committee commence an immediate investigation into the conduct of Ms. Clark to determine if she or Senator Collins misappropriated Senate resources for political or campaign activity.

⁴ See 31 U.S.C. § 1301(a); Senate Ethics Manual at 139.

⁵ Senate Ethics Manual at 140, 153.

⁶ *Id.* at 139.

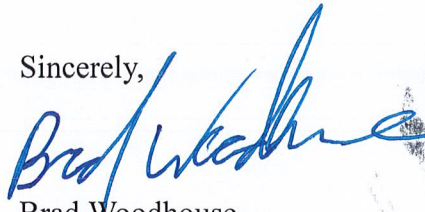
⁷ *Id.* at 150.

⁸ *Id.* (quoting the United States District Court of Columbia, *Common Cause v. Bolger*, 574 F. Supp. 672 (D.D.C. 1982), *aff’d*, 461 U.S. 911 (1983)).

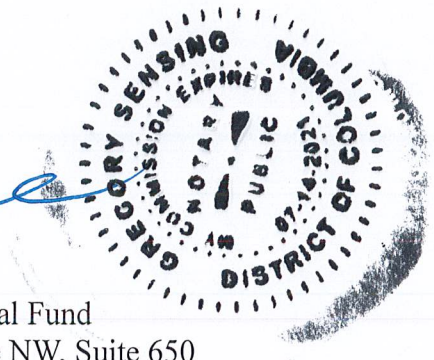
⁹ *Id.* at 141.

Ms. Deborah Sue Mayer
January 7, 2019
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Sincerely,




Brad Woodhouse
American Democracy Legal Fund
455 Massachusetts Avenue NW, Suite 650
Washington, DC 20001



Enclosure

SUBSCRIBED AND SWORN to before me this 07 day of January, 2019.



Notary Public

My Commission Expires:

07-14-2021

SUSAN COLLINS

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WASHINGTON, D.C.— U.S. Senator Susan Collins announced today that Annie Clark will serve as her new Director of Communications and that Christopher Knight will serve as her new Press Secretary.

“I am so pleased to announce that Annie will serve as my new Director of Communications and Christopher as my new Press Secretary,” **said Senator Collins**. “Both Annie and Christopher have proven to be critical members of my team, and I am very grateful to have such highly skilled, energetic, and experienced individuals in these important positions. I know they will continue to work hard to ensure the people of Maine are kept well informed of my efforts in the United States

SUSAN COLLINS

UNITED STATES SENATOR *for* MAINE

Christopher, a Standish native, first began working for Senator Collins in the summer of 2011 as an intern in her Lewiston Constituent Services Center. Following another internship in the Senator's Washington, D.C., office, he was hired as a professional staff member in the summer of 2013. Since then, Christopher has been promoted numerous times, serving as a press assistant in Senator Collins personal office and as an aide for the Senate Special Committee on Aging, where he worked to both prepare hearings and assist with Committee communications. Christopher is a graduate of St. Anselm College.

Members of the press seeking information or interview opportunities from the office of Senator Collins can contact Annie Clark Annie_Clark@collins.senate.gov (mailto:Annie_Clark@collins.senate.gov) or Christopher Knight, Christopher_Knight@Collins.Senate.gov (mailto:Christopher_Knight@Collins.Senate.gov) or call (202) 224-2523.



Contributors

Speaker Gideon should focus on Maine problems, not 2020



Robert F. Bukaty | AP

Sara Gideon, D-Freeport, arrives in the House Chamber after being re-elected Speaker of the House, Wednesday, Dec., 5, 2018, at the State House in Augusta, Maine.

By Annie Clark, Special to the BDN
December 20, 2018 10:00 am
Updated: December 20, 2018 3:05 pm

Sara Gideon should be very busy right now. A new governor will be sworn in Jan. 2, and Democrats have large majorities in the Maine Senate and the Maine House, where she will be serving as speaker.

One would think she would be working feverishly to prepare for the upcoming legislative session. But as we saw from her **Dec. 18 BDN column**, she is far more concerned with her personal political ambitions for 2020.

Rather than focusing on the important issues facing our state like job creation, education, transportation, and the opioid epidemic, Gideon is echoing the fear-mongering about the Affordable Care Act and taking ill-informed potshots at Sen. Susan Collins.

Her column, which distorted the senator's record, attacks Collins for voting to eliminate the "individual mandate" that was part of the ACA. The individual mandate imposed a penalty that people who could not afford to buy health insurance were forced to pay.

For instance, if you were an individual making \$35,000 a year and could not afford to pay for health insurance, you were fined \$695 per year, according to the Kaiser Family Foundation. This is the mandate that Gideon supports. More than 80 percent of the people who were forced to pay this penalty were those earning less than \$50,000 per year.

If Gideon looked beyond her far left-wing talking points, she might see the basic unfairness behind penalizing people who can't afford to buy insurance for not buying insurance. The Democrats in the U.S. Senate seemed to understand this — because not a single one of them offered an amendment to save this ill-advised mandate.

Gideon joined the chorus of special interest groups on the left that are using a lower court ruling in Texas to exploit the fears of those living with pre-existing health conditions. That **Texas court ruling** has zero impact on insurance plans this year or next year, and **many legal experts predict it will be overturned**. Even if the decision were upheld, however, Mainers with pre-existing conditions would be protected by the state's robust consumer protection laws, a fact that Gideon ignores.

Gideon concludes by slamming Collins for **her bipartisan efforts** to stabilize the health care markets and reduce insurance premiums by 40 percent in the

ACA's individual market. Gideon seems to be unaware that it was a top Democratic senator who **blocked** these bills.

With the 2018 elections barely a month old, it should be the time for those elected to represent Maine at all levels of government to focus on ways to help the people of Maine. For Gideon, however, her next campaign appears to be more important to her than doing her current job.

Annie Clark is communications director for U.S. Sen. Susan Collins.

Have feedback? Want to know more? Send us ideas for follow-up stories.

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One Merchants Plaza, P.O. Box 1329, Bangor, ME, 04402-1329 — 207-990-8000

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