

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Holding a Criminal Term
Grand Jury Sworn in on May 2, 2008
Grand Jury Original

UNITED STATES OF AMERICA)
)
v.)
)
HORACE M. COOPER,)
)
Defendant.)
_____)

Cr. No. CR-09-209

CRIMINAL VIOLATIONS:

Count One: Conspiracy, 18 U.S.C. § 371

Count Two: Concealment Scheme,
18 U.S.C. §§ 1001(a)(1), 1001(c)(1) & 2(b)

Counts Three & Four: False Statements,
18 U.S.C. §§ 1001(a)(2) & 2(b)

Count Five: Obstruction of Justice,
18 U.S.C. § 1512(c)(2)

ELLEN SEGAL HUVELLE, ESH

B

INDICTMENT

FILED IN OPEN COURT

The Grand Jury charges:

GENERAL ALLEGATIONS

AUG 21 2009

At all times relevant to this indictment:

**CLERK, U.S. DISTRICT COURT
DISTRICT OF COLUMBIA**

Relevant Individuals and Entities

1. From in or about 1994 to late 2001, defendant HORACE M. COOPER (hereafter "COOPER") was employed as a staff member for an elected Member of the United States House of Representatives. In or about late 2001, COOPER became the Chief of Staff for Voice of America, an Executive Branch agency of the United States government, a position COOPER held until in or about December, 2002. From in or about December 2002 through in or about August 2005, COOPER served as Chief of Staff for the Employment Standards Administration of the United States Department of Labor, an Executive Branch agency of the

Case Related To Deckerhol (ESH); Deckerlin (ESH)

United States government.

2. From in or about 1994 to in or about March 2004, Jack A. Abramoff was a Washington, D.C. lobbyist who worked for law and lobbying Firms A and B. Firms A and B employed lobbyists who represented clients before the United States Congress and various federal agencies. While at Firms A and B, Abramoff solicited and obtained lobbying business from groups and companies throughout the United States and abroad, including a garment manufacturing company based in the Commonwealth of the Northern Mariana Islands (hereafter “the CNMI Garment Manufacturer”). In or about March 2004, shortly after Firm B initiated an internal investigation into the lobbying practices of Abramoff and members of his lobbying team, Abramoff resigned from Firm B.

3. While at Firms A and B, Abramoff coordinated and supervised the affairs and activities of a team of lobbyists that reported directly to Abramoff. Neil Volz worked at Firm B from in or about February 2002 through in or about January 2005 and was a lobbyist on Abramoff’s team while at Firm B. Volz also performed lobbying work for the CNMI Garment Manufacturer.

4. COOPER first met Abramoff in approximately 1996 while working as a staffer for a Member of the U.S. House of Representatives. COOPER also knew that Abramoff, Firm A, or Firm B controlled tickets to luxury box, floor (for basketball) and ice (for hockey) seats at the MCI Center Arena in Washington, D.C. (now known as Verizon Center), and luxury box seats at Camden Yards and FedEx Field, both in the state of Maryland. COOPER also knew that Abramoff controlled two Washington, D.C. restaurants, Signatures and Stacks.

5. While employed as a staffer for a Member of the U.S. House of Representatives,

COOPER knew that Abramoff, Firm A, and their clients had numerous issues pending before the U.S. House of Representatives.

6. From in or about 1998 through in or about 2000, while COOPER was serving as a staffer for the Member of the House of Representatives, Abramoff and other lobbyists from Firm A lobbied COOPER on various matters and provided COOPER with a number of things of value, including tickets to concerts and sporting events totaling at least \$5,000 in value, including the following:

- a. On or about October 13, 1998, a ticket to a Washington Redskins football game in a FedEx Field suite, valued at approximately \$282;
- b. On or about June 13, 1998, one ice-side ticket to a Washington Capitals playoff hockey game at MCI Center, valued at approximately \$100;
- c. On or about June 20, 1998, two tickets to a Baltimore Orioles baseball game at Camden Yards, valued at approximately \$100;
- d. On or about December 6, 1998, four tickets to a Washington Redskins football game in a FedEx Field suite, valued at approximately \$2,000;
- e. On or about January 23, 1999, two tickets to attend a concert by country music performer Alan Jackson in a MCI Center suite, valued at approximately \$100;
- f. On or about March 6, 1999, two tickets to attend a Harlem Globetrotters basketball game in a MCI Center suite, valued at approximately \$46;
- g. On or about March 19, 1999, four tickets to attend a performance by the popular music group N'Sync in a MCI Center suite, valued at approximately \$200;
- h. On or about June 30, 1999, two tickets to attend the NBA Draft event in a MCI Center suite, valued at approximately \$100;
- i. On or about September 1, 1999, two tickets to attend a performance by musical artist Bruce Springsteen in a MCI Center suite, valued at approximately \$145;

- j. On or about September 12, 1999, a ticket to attend a Washington Redskins football game at FedEx Field, valued at approximately \$250;

- k. On or about October 4, 1999, two tickets to attend a concert by musical artist Amy Grant in a MCI Center suite, valued at approximately \$106;
- l. On or about November 6, 1999, four tickets to attend a Washington Wizards basketball game in a MCI Center suite, valued at approximately \$200;
- m. On or about January 23, 2000, four tickets to attend a concert by musical performers TLC, Christina Aguilera and Destiny's Child in a MCI Center suite, valued at approximately \$170;
- n. On or about February 24, 2000, four tickets to attend a Washington Wizards basketball game in a MCI Center suite, valued at approximately \$198;
- o. On or about April 7, 2000, two tickets to attend a Baltimore Orioles baseball game in a Camden Yards suite, valued at approximately \$199;
- p. On or about August 1, 2000, two tickets to attend the Up In Smoke music concert in a MCI Center suite, valued at approximately \$100;
- q. On or about August 24, 2000, two tickets to attend a concert by musical performers the Dixie Chicks in a MCI Center suite, valued at approximately \$101;
- r. On or about September 18, 2000, a ticket to attend a Washington Redskins football game in a FedEx Field suite, valued at approximately \$1,231; and,
- s. On or about November 30, 2000, four tickets to attend a rap music concert in a MCI Center suite, valued at approximately \$160.

7. From approximately late 2001 to the middle of 2004, COOPER knew that Abramoff, Volz, Firm B, and their clients had issues pending before Executive Branch agencies, including Voice of America and the U.S. Department of Labor. During this time frame, while COOPER was serving as a high-level official with Voice of America and the U.S. Department of

Labor, Abramoff and other lobbyists from Firm B lobbied COOPER on various matters and provided COOPER with a number things of value, including tickets to concerts and sporting events totaling at least \$9,000 in value (described below). Abramoff also provided COOPER during this time with thousands of dollars worth of complimentary meals and drinks at Signatures (known as “comps”).

Duties and Responsibilities

8. Public officials within the legislative branch owe a fiduciary duty to the citizens of the United States to perform the duties and responsibilities of their offices free from deceit, fraud, concealment, bias, conflicts of interest, self-enrichment, and self-dealing. In recognition of that fiduciary duty, the U.S. House of Representatives established certain rules and codes of conduct, commonly known as the “House Rules” that govern the behavior of its Members and employees. The House Rules include, but are not limited to, rules relating to the solicitation and receipt of gifts (collectively, the “gift rules”) and the public disclosure of financial information (the “financial disclosure rules”). COOPER was familiar with these rules through written guidance and training provided by the U.S. House of Representatives.

9. The House Rules and other federal statutes required certain individuals to file an Annual Financial Disclosure Statement (hereinafter “House Financial Disclosure Statement”). The House Financial Disclosure Statement provided the U.S. House of Representatives and the public with a mechanism for determining actual or potential conflicts of interest between an employee’s public responsibilities and his or her private interests and activities. COOPER was required to and did sign and file a House Financial Disclosure Statement for calendar year 2000. It was material to COOPER’s supervisors, relevant ethics personnel, and the public that

COOPER respond accurately and truthfully about whether he received gifts in excess of a certain value from lobbyists or other outside sources.

10. Public officials within the executive branch also owe a fiduciary duty to the citizens of the United States to perform the duties and responsibilities of their offices free from deceit, fraud, concealment, bias, conflicts of interest, self-enrichment, and self-dealing. Certain executive branch officials are also required to take an oath of office, in which they certify that they “will support and defend the Constitution of the United States against all enemies, foreign and domestic; that [they] will bear true faith and allegiance to the same; that [they] take this obligation freely, without any mental reservation or purpose of evasion; and that [they] will well and faithfully discharge the duties of the office on which I am about to enter.” COOPER submitted to and signed this oath on or about November 28, 2001, in connection with his appointment with Voice of America and on or about December 18, 2002 in connection with his appointment with the Department of Labor.

11. Federal regulations and statutes set forth certain rules and codes of conduct, including, but not limited to, rules pertaining to the solicitation and receipt of gifts (the “executive gift rules”). COOPER was familiar with and aware of the executive gift rules through written guidance and training provided by Voice of America and the U.S. Department of Labor.

12. Beginning in or about 2002, and continuing through COOPER’s employment with Voice of America and the U.S. Department of Labor, COOPER was required to complete, execute, certify, and submit annual Executive Branch Personnel Public Financial Disclosure Reports disclosing, among other things, all gifts of a certain value he received from particular sources. COOPER prepared, signed and filed Executive Branch Personnel Public Financial

Disclosure Reports for calendar years 2002, 2003, and 2004, certifying that the information contained therein was true, complete, and correct to the best of his knowledge.

13. The Executive Branch Personnel Public Financial Disclosure Reports provided the Government and the public with a mechanism for determining actual or potential conflicts of interest between an employee's public responsibilities and his or her private interests and activities. It was material to COOPER's supervisors and agency ethics personnel that COOPER respond accurately and truthfully about whether he received gifts in excess of a certain value from outside sources with business before COOPER's employing Executive Branch agency.

COUNT ONE
(Conspiracy)

The Conspiracy

14. The Grand Jury realleges paragraphs 1 through 13 as though fully set forth herein.

15. From in or about December 2001 through in or about May 2005, in the District of Columbia and elsewhere, the defendant,

HORACE M. COOPER

otherwise than as provided by law for the proper discharge of official duty, did knowingly, willfully, and intentionally conspire and agree with Abramoff, Volz and others both known and unknown to the grand jury,

- a. to defraud the United States of the honest, loyal, and faithful services of COOPER and of its right to have Voice of America and United States Department of Labor business conducted honestly, fairly, and free from corruption and improper influence;
- b. to directly or indirectly give, offer, or promise anything of value to COOPER, a public official, for or because of any official act performed or to be performed by COOPER, in violation of 18 U.S.C. § 201(c)(1)(A);

and,

- c. for COOPER, being a public official of the executive branch of the government of the United States, otherwise than as provided by law for the proper discharge of official duty, to demand, seek, receive, accept, or agree to receive or accept anything of value personally for or because of any official act performed or to be performed by COOPER, a public official, in violation of 18 U.S.C. § 201(c)(1)(B).
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Purposes of the Conspiracy

16. It was a purpose of the conspiracy for COOPER to enrich himself by using and agreeing to use his official positions and by performing and agreeing to perform official acts in return for, influenced by, and rewarded by a stream of things of value flowing to COOPER from Abramoff, Volz, Firm B and their clients.

17. It was a further purpose of the conspiracy for COOPER to enrich Abramoff, Volz, Firm B and their clients by providing and agreeing to provide favorable action to them in his capacity as an executive branch official.

18. It was a further purpose of the conspiracy to conceal from Voice of America, the U.S. Department of Labor, the U.S. Office of Government Ethics, and the people of the United States the things of value COOPER received from Abramoff, Volz, Firm B and their clients, to conceal the manner and the degree to which COOPER was enriched by Abramoff, Volz, Firm B and their clients, and to conceal the ways in which COOPER had used and offered to use his official positions to benefit Abramoff, Volz, Firm B and their clients.

Manner and Means of the Conspiracy

19. The manner and means of the conspiracy included, but were not limited to the following:

- a. COOPER, while serving as a high ranking official in the executive branch, solicited and accepted a stream of things of value from Abramoff, Volz, Firm B and their clients, including tickets to sporting events and concerts and “comped” meals and drinks at Abramoff’s restaurant, Signatures. COOPER either used the tickets himself or provided them to friends or colleagues, often representing that the tickets were his own and taking credit for providing them.
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- b. COOPER and Abramoff’s associates utilized a scheme whereby COOPER would be served “comped” food and drinks at Signatures restaurant, but would typically present his credit card to the server to create the appearance that he was paying his entire bill. Instead of charging COOPER for the actual amount of food and drink provided, the server would charge COOPER for a nominal item, such as a lemonade or soft drink, and COOPER would leave a tip on the credit card. COOPER intended that this would make it appear to observers that he had paid for his Signatures meals and drinks when he actually did not. COOPER also dined at Signatures or other restaurants on numerous additional occasions during which his meal was either paid for directly by a lobbyist or dining companion or for which he left a cash tip and did not use a credit card in the manner described above.
- c. In exchange for, influenced by, and rewarded with the stream of things of value, COOPER provided and agreed to provide a stream of favorable official action to, and to use his influence on behalf of, Abramoff, Volz, Firm B, and their clients. These official actions included, but are not limited to, assisting Abramoff in his efforts to secure from Voice of America and the U.S. Department of State federal funds for Abramoff’s newly-formed television production business, and assisting Abramoff’s client, the CNMI Garment Manufacturer, with respect to an investigation by the U.S. Department of Labor into the company’s wage and hour practices.
- d. COOPER frequently utilized a personal e-mail account, armeyman@netscape.net, rather than his official government e-mail accounts, to communicate with Abramoff, Volz, and others regarding his requests for tickets and promises of assistance with official actions, in order to conceal his actions from his employers and the public.
- e. COOPER concealed the things of value he received from Abramoff, Volz, other Firm B lobbyists, and their clients by failing to report them to his supervisors or ethics officials, or by listing them on required Executive Branch Personnel Public Financial Disclosure Reports, in contravention of

federal statutes, regulations and ethics rules, and COOPER's fiduciary duties to Voice of America, the U.S. Department of Labor, and the public.

Overt Acts

20. In furtherance of the conspiracy and to achieve its purposes, COOPER and the co-conspirators committed the following overt acts, among others, in the District of Columbia and elsewhere:

Cooper's Voice of America Tenure

21. On or about December 5, 2001, COOPER e-mailed Abramoff regarding his new position at Voice of America, stating: "Let me know if there's anything I can do to be of assistance. I bet if we put our minds to it there can be a lot of intersection between your shop [Firm B] and VOA."

22. On or about February 12, 2002, COOPER e-mailed Abramoff regarding Voice of America, promising him that he would "keep [his] eyes open for other opportunities to be helpful."

23. On or about March 27, 2002, COOPER e-mailed Abramoff to express interest in a "club" membership at Signatures.

24. In or about May 2002, Abramoff instructed employees at Signatures to begin providing COOPER complimentary meals and drinks, or "comps," at the restaurant.

25. Between in or about May 2002 and June 2004, COOPER received thousands of dollars worth of "comped" meals or drinks at Signatures, as well as a free Super Bowl party for COOPER and approximately twenty-five (25) of his friends at Stacks.

26. Between in or about May 2002 and in or about December 2002, COOPER agreed

to assist, and did assist, Abramoff and one of Abramoff's associates with respect to their efforts to participate in a Voice of America broadcasting project and to secure approximately \$10-15

million in federal funding from the U.S. Department of State.

27. On or about May 13, 2002, COOPER met Abramoff at Signatures to discuss the Voice of America broadcasting project.

28. On or about May 18, 2002, after having dined at Signatures restaurant and been charged \$140.93, COOPER e-mailed Abramoff, stating: "I think there may have been a little glitch at the restaurant on Friday. I went there and gave my credit card and it was charged. It's no big deal, but I thought I'd let you know."

29. On or about May 18, 2002, in response to COOPER's e-mail, Abramoff e-mailed two colleagues involved with Signatures, stating: "I did not want [COOPER] charged for meals where he is paying. I am doing a huge deal with [COOPER] and want to comp [COOPER]. Can you have this credited and make sure we don't charge [COOPER] in the future? Thanks."

30. On or about May 19, 2002, Abramoff notified COOPER that he would be reimbursed for the May 18, 2002 meal at Signatures and that he would not be charged in the future.

31. On or about June 2, 2002, COOPER solicited and received from Abramoff four tickets to a June 5, 2002 concert by the bands Green Day and Blink 182 at MCI Center, valued at approximately \$198.

32. On or about June 24, 2002, Abramoff apologized for missing COOPER at Signatures, asked COOPER to call him to discuss the VOA broadcasting project, and suggested that COOPER use his personal rather than his government e-mail account to communicate with

Abramoff.

33. On or about June 25, 2002, COOPER e-mailed Abramoff from his personal e-mail account, armeyman@netscape.net, stating: "this is a test," causing Abramoff to send an e-mail to COOPER a day later stating that: "[Abramoff's associate] is jazzed and wants to do the studio deal! Things are going to move now!"

34. On or about June 26, 2002, Abramoff instructed an associate to establish an Internet domain for Mount Vernon Studios, the new business which Abramoff planned to use to obtain federal funding for the production of television content for Voice of America and the Department of State.

35. On or about July 31, 2002, in response to COOPER's solicitation for Baltimore Orioles baseball tickets, Abramoff e-mailed an administrative assistant at Firm B, with copy to COOPER's personal e-mail account, directing the assistant to "get [COOPER] what he needs."

36. Between August 7, 2002 and August 20, 2002, Abramoff's assistant provided COOPER with approximately twenty-seven baseball tickets located in Camden Yards luxury suites for a total value of approximately \$4,246.

37. In or about early-August, 2002, COOPER met with representatives of a California-based production company interested in participating in the Voice of America broadcasting project and received a presentation tape that the company representative hoped would assist his company in being chosen to participate in the Voice of America broadcasting project and in receiving federal funding.

38. On or about August 8, 2002, during a meeting with an Abramoff associate

regarding the Voice of America broadcasting project, COOPER provided the Abramoff associate with a copy of the California-based production company's presentation tape, shared sensitive information on the work that company had done in preparing its proposal, and promised to recommend to the State Department officials responsible for distributing approximately \$15 million in funding that they should hire Abramoff's company, Mount Vernon Studios.

39. On or about August 21, 2002, COOPER solicited from the Abramoff associate working on the Voice of America broadcasting project four tickets to the U.S. Open Tennis Championships, to be held that month in Flushing Meadows, New York.

40. On or about August 28, 2002, the Abramoff associate working on the Voice of America broadcasting project sent Abramoff an e-mail regarding COOPER's request for U.S. Open tickets, stating: "Horace [COOPER] is chomping at the bit to go to this. Let me know if you think we should invest some money in fulfilling that dream . . . I think he's actively helping us get State Department and VOA deals."

41. On or about August 29, 2002, in response to Abramoff's e-mail stating "Go ahead and buy him [U.S. Open] tix," Abramoff's associate purchased the U.S. Open tickets at a cost of \$250 and provided the tickets to COOPER.

42. On or about September 3, 2002, an Abramoff assistant sent an e-mail to one of Abramoff's associates regarding COOPER's reaction to the U.S. Open tickets, stating: "I just spoke to Horace [COOPER] on his cell. He said we really outdid ourselves; that was really exceptional and that the seats were amazing."

43. On or about September 7, 2002 and September 8, 2002, COOPER received from Abramoff approximately fourteen baseball tickets located in Camden Yards luxury suites for a

total value of approximately \$2,352.

Cooper's U.S. Department of Labor Tenure

44. On or about October 15, 2002, COOPER sent Abramoff an e-mail from his personal account informing him of his upcoming move to a new position with the U.S. Department of Labor and soliciting from Abramoff five tickets in the "MCI box" to a November 18, 2002 concert by musical performer Shakira.

45. On or about October 15, 2002, Abramoff responded to COOPER's e-mail by stating: "What does Employment Standards do? I'll check on the tickets availability. . ." and ultimately agreed to provide COOPER with five tickets, which did not get used when the concert was cancelled.

46. On or about November 27, 2002, in an e-mail to a representative of the CNMI Garment Manufacturer regarding a pending investigation by the U.S. Department of Labor, Abramoff informed the client: "I have a contact now at DoL who will look into this. . . he knows nothing, so you have to summarize the situation and give him the ideal action item."

47. On or about November 27, 2002, Abramoff informed COOPER both in person and by e-mail to his personal account that he would provide him with information on the investigation, and wrote a follow-up e-mail to the lobbying client and Volz, stating: "I saw [COOPER] tonight and he will take care of this."

48. On or about November 29, 2002, Abramoff sent COOPER a white paper on the U.S. Department of Labor investigation of the CNMI Garment Manufacturer.

49. On or about December 4, 2002, Abramoff e-mailed COOPER at his personal account, providing "more info on [the CNMI Garment Manufacturer's] situation. Please let me

know what can be done.”

50. On or about December 13, 2002, COOPER e-mailed Abramoff from his personal account regarding the U.S. Department of Labor investigation, stating: “Let’s chat on Sunday. I think we can get something done here. The asst sec (my boss) appears to give me wide latitude to help oversee [Wage and Hour Division] people here.”

51. On or about December 15, 2002, Abramoff informed Volz by e-mail that: “Horace [COOPER] wants to meet with us to get marching orders on how to sort this out for [the CNMI Garment Manufacturer].”

52. On or about December 16, 2002, Abramoff and Volz discussed plans to meet with COOPER to discuss postponing an upcoming meeting between the U.S. Department of Labor and the CNMI Garment Manufacturer.

53. On or about December 17, 2002, Volz sent an e-mail to a representative of the CNMI Garment Manufacturer, requesting a list of “EVERY person you have worked with at Labor Department (and if you know whether they could be classified as “friendly” or “enemy”) so we can get our contacts out here in touch with the right people at Labor to get meeting postponed as well as expanded [to other favorable topics].”

54. On or about December 17, 2002, Volz forwarded the requested list of U.S. Department of Labor employees working on the CNMI Garment Manufacturer matter to COOPER by e-mail at his personal account.

55. On or about December 18, 2002, in an e-mail to Volz regarding the CNMI Garment Manufacturer’s interest in postponing an upcoming meeting with the U.S. Department of Labor, COOPER claimed: “[I] just had a good conversation with [a high-level

U.S. Department of Labor official] and she accepted my view that I should recommend to [another U.S. Department of Labor official] that the meeting be postponed.”

56. On or about December 20, 2002, COOPER advised Volz that he spoke with a senior U.S. Department of Labor official regarding the rescheduling of the meeting.

57. On or about December 22, 2002, COOPER e-mailed Volz from his personal account to tell him about the meeting with the senior U.S. Department of Labor official, stating “While I think we’re heading into the endzone (sic) on this, I’ll continue with an update when I return from break on the 27th.”

58. On or about January 9, 2003, COOPER solicited from Abramoff four tickets to a January 10, 2003 Washington Wizards basketball game in a luxury suite at MCI Center, valued at approximately \$320.

59. On or about January 26, 2003, having previously accepted Abramoff’s offer to host a Super Bowl party for his friends at Stacks, COOPER provided Abramoff with a list of approximately fifty (50) friends who he had invited to attend the Super Bowl party.

60. On or about January 26, 2003, COOPER and his invited guests watched the Super Bowl at Stacks, consuming free food and drinks provided by Abramoff, as COOPER represented to many of his guests that he, rather than Abramoff, was personally hosting the party.

61. On or about January 27, 2003, Volz e-mailed COOPER at his personal account regarding the CNMI Garment Manufacturer’s issues with the U.S. Department of Labor, stating: “Nice seeing you at the Super Bowl party, Horace. Thanks for being willing to get re-engaged in this important issue. I will get you the names of the problem people at the regional level who are playing politics with this. . .”

62. On or about January 29, 2003, COOPER solicited and received from Abramoff six tickets to a Georgetown University basketball game in a luxury box at MCI Center.

63. On or about February 4, 2003, COOPER called Abramoff's administrative assistant and requested five tickets to a Washington Capitals hockey game on February 9, 2003 and a Washington Wizards basketball game on March 18, 2003.

64. On or about March 5, 2003, COOPER signed and filed an Executive Branch Personnel Public Financial Disclosure Report for calendar year 2002 in which COOPER failed to disclose that he had received reportable gifts from Abramoff, Firm B, or their clients.

65. On or about March 8, 2003, Abramoff provided COOPER with three luxury suite tickets to a Harlem Globetrotters basketball game at MCI Center.

66. On or about March 20, 2003, COOPER e-mailed Volz from his personal account suggesting that they "get together to check on where things stand [on the U.S. Department of Labor investigation of the CNMI Garment Manufacturer]."

67. On or about March 25, 2003, COOPER solicited from Volz two tickets to the Baltimore Orioles opening day baseball game, to be held on March 31, 2003 at Camden Yards, writing in an e-mail sent from his personal account to Volz:

You could take me and a guest to the opening day Orioles game on Monday and we could discuss [the CNMI Garment Manufacturer issues] then. . . otherwise I am free Tues or Thurs of next week.

H

hint: think baseball

68. On or about March 28, 2003, Volz informed COOPER that he could not go to the baseball game, but offered two opening day tickets. COOPER e-mailed Volz from his

personal account, stating:

Okay, I'll take them. Thanks. But I'd really like to talk with you.

How about via telephone. I really would like to make sure that if there are problems that I can "fix" that I get as much notice as possible. Two firms have recently been fined before the front office got a chance to have any input in the decision. If things are going well, then okay. But if not, and there's something that I can do, I'm willing to help. I've got two 30 minute windows today at 2 and 3 pm.

69. On or about April 7, 2003, Volz sent an e-mail to Abramoff, summarizing a luncheon meeting with COOPER several days earlier and explaining that "due to some of the reorganization efforts which Horace is helping out with (and the names we gave Horace) in December, somehow, several of our enemies have taken new jobs."

70. On or about April 21, 2003, after COOPER and Volz agreed to meet at Signatures to discuss the CNMI Garment Manufacturer issues, Volz sent COOPER by e-mail to his personal account additional information relating to the U.S. Department of Labor investigation of the CNMI Garment Manufacturer, stating that "this should lay it out a little more. . ."

71. On or about April 22, 2003, after meeting with COOPER to discuss the CNMI Garment Manufacturer's issues with the U.S. Department of Labor, Volz summarized their meeting by stating that COOPER "[was] looking into the background of [a U.S. Department of Labor attorney] . . . and discussing with his team how best to proceed –and get the outcome we need," and asked a client representative regarding the U.S. Department of Labor attorney: "Do you know more about him as [COOPER] will raise alarms if he starts nosing around too much."

72. On or about April 28, 2003, Volz e-mailed COOPER at his personal account, asking: "Can we discuss our favorite issue when you get a chance? Looks like class action case

is moving forward quickly which changes the equation quite a bit. Thanks Horace.”

73. On or about April 28, 2003, Volz e-mailed Abramoff, telling him that “Horace [COOPER] is talking with General Counsel at DOL to assess options [on the CNMI Garment Manufacturer issues].”

74. In or about late-April 2003, COOPER suggested to Volz that the best way to remove an attorney on the U.S. Department of Labor investigation into the CNMI Garment Manufacturer would be to identify an actual or perceived conflict of interest, which would lead to removal of that individual from the investigation.

75. On or about April 29, 2003, COOPER inquired of colleagues within the U.S. Department of Labor regarding the process for removing an attorney from an investigation.

76. In or about late-April 2003, COOPER told Volz that he was “putting someone in place in [the U.S. Department of Labor office in] San Francisco who could help with the next stage of the process – getting a negotiated agreement with DOL to stop all this madness.”

77. On or about May 21, 2003, COOPER attended a concert by the musical group Matchbox Twenty in Abramoff’s MCI Center suite.

78. On or about June 9, 2003, COOPER corresponded with an official at another executive branch agency seeking information on a “renegade attorney.”

79. On or about October 5, 2003, Volz sent an e-mail to Abramoff updating him on the assistance he believed COOPER had been providing: “Horace [COOPER] has been good at inserting himself through reorganizations at holding off punitive action (could be couple million dollars) and getting some of the ‘problems’ moved to other offices.”

80. On or about October 8, 2003, during a meeting between COOPER, Volz and a

representative of the CNMI Garment Manufacturer in his office at the U.S. Department of Labor, COOPER reaffirmed his commitment to assist the CNMI Garment Manufacturer with respect to

the U.S. Department of Labor investigation and advised Volz and the CNMI Garment Manufacturer representative that they should direct their allies on Capitol Hill to contact the U.S. Department of Labor as another method of influencing the Department's position. COOPER never disclosed to his supervisors or other U.S. Department of Labor officials involved in the CNMI Garment Manufacturer matter that he was hosting this meeting with an adverse party.

81. On or about December 2, 2003, COOPER solicited from Volz via e-mail from his personal account, and ultimately received, four tickets to a December 13, 2003 Washington Capitals hockey game valued at approximately \$320.

82. On or about January 5, 2004, COOPER spoke with Abramoff's assistant regarding scheduling a lunch with Abramoff.

83. On or about January 15, 2004, COOPER sent an e-mail from his personal account to Abramoff's assistant confirming his availability for a meeting with Abramoff at Signatures the following day and asking whether Abramoff or Firm B had any tickets to MCI Center events for the upcoming weekend.

84. On or about January 16, 2004, COOPER met with Abramoff at Signatures.

85. On or about January 18, 2004, COOPER received from Abramoff four ice-side seats for a Washington Capitals hockey game at MCI Center, valued at approximately \$680.

86. Between in or about February 3, 2004 and in or about April 23, 2004, COOPER received at least three comped meals at Signatures.

87. On or about May 14, 2004, COOPER signed and filed an Executive Branch

Personnel Public Financial Disclosure Report for calendar year 2003 in which COOPER concealed that he had received reportable gifts from Abramoff, Volz, Firm B, or their clients.

88. On or about May 13, 2005, COOPER signed and filed an Executive Branch Personnel Public Financial Disclosure Report for calendar year 2004 in which COOPER concealed that he had received reportable gifts from Abramoff, Volz, Firm B, or their clients during calendar year 2004.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO
(Concealment Scheme)

89. The Grand Jury realleges paragraphs 1-13 and 19-88 as though fully stated herein.

90. COOPER sought to conceal, and did conceal, his relationship with Abramoff, Volz, Firm A, Firm B, and their clients by knowingly and intentionally failing to report certain gifts received from Abramoff, Firm A, and their clients while working as a high-level official in the legislative branch of the United States government, as was required on COOPER's House Financial Disclosure Statement filed with the U.S. House of Representatives for calendar year 2000; and by knowingly and intentionally failing to report certain gifts received from Abramoff, Volz, Firm B, and their clients while working as a high-level official in the executive branch of the United States government, as was required on COOPER's annual Executive Branch Personnel Public Financial Disclosure Reports filed for calendar years 2002, 2003, and 2004.

91. COOPER further facilitated the concealment of, and attempted concealment of, his relationship with Abramoff, Volz, Firm A, Firm B, and their clients by among other things:
(a) failing to inform his supervisors or ethics officials of the things of value he was receiving

from Abramoff, Volz, Firm A, Firm B, and their clients; (b) using a private e-mail account rather than his official government e-mail accounts to communicate with Abramoff and Volz, in order to hide the relationship from his employing government entities and the public; (c) using his credit card at Signatures to make it appear to observers that he was paying for his comped meals and drinks when, in fact, he was only being charged for a nominal item and leaving a tip for the bartender or server; and, (d) frequently claiming or suggesting to friends, family, and business colleagues with whom he shared or to whom he provided tickets to sporting events and concerts that the tickets were his personal tickets, rather than those provided by lobbyists or their clients.

92. From in or about May 1999 through in or about May 2005, in the District of Columbia and elsewhere, in a matter within the jurisdiction of the legislative and executive branches of the government of the United States, defendant

HORACE M. COOPER

knowingly and willfully falsified, concealed and covered up by a trick, scheme and device material facts, that is, his continuing receipt of thousands of dollars' worth of things of value from Jack Abramoff, Neil Volz, Firm A, Firm B, and their clients.

All in violation of Title 18, United States Code, Sections 1001(a)(1), 1001(c)(1) and 2(b).

COUNT THREE
(False Statements)

93. The grand jury realleges paragraphs 1-13, 19-88, 90 and 91 of this Indictment as though fully set forth herein.

94. On or about May 14, 2004, COOPER signed, filed and caused to be filed an Executive Branch Personnel Public Financial Disclosure Report for calendar year 2003. The

2003 Executive Branch Personnel Public Financial Disclosure Report required COOPER to identify and report his receipt of gifts, with an aggregate value of greater than \$260 from any single source, received by COOPER during calendar year 2003.

95. Part II of the 2003 Executive Branch Personnel Public Financial Disclosure Report contained the following instruction:

For you, your spouse and dependent children, report the source, a brief description, and the value of: (1) gifts (such as tangible items, transportation, lodging, food, or entertainment) received from one source totaling more than \$260. . . For purposes of aggregating gifts to determine the total value from one source, exclude items worth \$104 or less.

This section of the 2003 Executive Branch Personnel Public Financial Disclosure Report also included a simple chart on which to disclose any such gifts, as well as a box to check if the filer received "None."

96. On the 2003 Executive Branch Personnel Public Financial Disclosure Report, COOPER checked the "None" box, and did not provide any information regarding disclosable gifts he had received in calendar year 2003, as described above.

97. On or about May 14, 2004, in the District of Columbia and elsewhere, in a matter within the jurisdiction of the executive branch of the government of the United States, defendant

HORACE M. COOPER

knowingly and willfully made and caused to be made material false, fictitious, and fraudulent statements and representations, that is, COOPER falsely reported and caused to be reported on his 2003 Executive Branch Personnel Public Financial Disclosure Report, which he then certified, signed, filed and caused to be filed with the U.S. Department of Labor and the U.S. Office of Government Ethics, that during calendar year 2003 he had received no gifts from a

single source with an aggregate value of more than \$260, when in truth and in fact, COOPER knew that many of the things of value he received from Abramoff, Volz, Firm B, and their clients were required to be reported as gifts on his 2003 Executive Branch Personnel Public Financial Disclosure Report.

All in violation of Title 18, United States Code, Sections 1001(a)(2) and 2(b).

COUNT FOUR
(False Statement)

98. The grand jury realleges paragraphs 1-13, 19-88, 90, 91 and 94-96 of this Indictment as though fully set forth herein.

99. On or about May 13, 2005, COOPER signed, filed and caused to be filed an Executive Branch Personnel Public Financial Disclosure Report for calendar year 2004. The 2004 Executive Branch Personnel Public Financial Disclosure Report required COOPER to identify and report his receipt of gifts, with an aggregate value of greater than \$260 from any single source, received by COOPER during calendar year 2004.

100. Part II of the 2004 Executive Branch Personnel Public Financial Disclosure Report contained the following instruction:

For you, your spouse and dependent children, report the source, a brief description, and the value of: (1) gifts (such as tangible items, transportation, lodging, food, or entertainment) received from one source totaling more than \$260. . . For purposes of aggregating gifts to determine the total value from one source, exclude items worth \$104 or less.

This section of the 2004 Executive Branch Personnel Public Financial Disclosure Report also included a simple chart on which to disclose any such gifts, as well as a box to check if the filer received "None."

101. On the 2004 Executive Branch Personnel Public Financial Disclosure Report, COOPER left Section II blank, and did not provide any information regarding the disclosable

gifts he had received in calendar year 2004, as described above.

102. On or about May 13, 2005, in the District of Columbia and elsewhere, in a matter within the jurisdiction of the executive branch of the government of the United States, defendant

HORACE M. COOPER

knowingly and willfully made and caused to be made material false, fictitious, and fraudulent statements and representations, that is, COOPER falsely reported and caused to be reported on his 2004 Executive Branch Personnel Public Financial Disclosure Report, which he then certified, signed, filed and caused to be filed with the U.S. Department of Labor and the U.S. Office of Government Ethics, that during calendar year 2004 he had received no gifts from a single source with an aggregate value of more than \$260, when in truth and in fact, COOPER knew that the Washington Capitals hockey tickets he received from Abramoff, Volz, Firm B, and their clients were required to be reported as gifts on his 2004 Executive Branch Personnel Public Financial Disclosure Report.

All in violation of Title 18, United States Code, Sections 1001(a)(2) and 2(b).

COUNT FIVE
(Obstruction of Justice)

103. The grand jury realleges paragraphs 1-13, 19-88, 90, 91 and 94-96, and 99-101 of this Indictment as though fully set forth herein.

104. At all times material to this Count, a federal grand jury investigation into allegations of corruption of various federal public officials, including COOPER, by Abramoff, Volz and others was pending in the District of Columbia.

105. From on or about August 29, 2008 through on or about July 31, 2009, in the District of Columbia and elsewhere, defendant

HORACE M. COOPER

did knowingly and corruptly obstruct, influence, impede, and attempt to obstruct, influence and impede, an official proceeding, that is, an investigation pending before a federal grand jury empaneled in the District of Columbia, by making materially false statements and representations, intentionally omitting material information, and intentionally concealing material facts, specifically (1) by stating, during a voluntary interview with investigative agents, that he made sure he paid for his own meals and drinks when he dined at Signatures, offering that his credit card statements proved he paid his own way, and offering to provide those credit card statements to investigators; (2) by authorizing his attorneys to provide government investigators with his credit card statements as proof that he paid his own way at Signatures; and (3) by testifying under oath before a federal grand jury empaneled in the District of Columbia that the Signatures charges on his credit card statements represent approximations of the cost of the food and beverages he and any dining companions actually consumed at Signatures.

All in violation of Title 18, United States Code, Section 1512(c)(2).

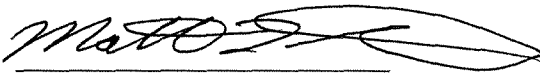
A TRUE BILL.



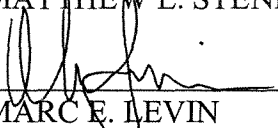
FOREPERSON

Dated: 08/21/2009

WILLIAM M. WELCH II
Chief
Public Integrity Section

By: 

MATTHEW L. STENNES



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