discriminating against predominantly African-American school districts that will lose Federal funding for failing to meet the "Race to the Top" criteria (see *Documentation*, p. 42).

The manifesto was directed personally to the President: "Dear President Obama: You say you believe in an equal education for all students, but you are embarking on education policies that will never achieve that goal and that can do harm to America's school children, especially its neediest. Stop before it is too late."

There is no way that Obama, left to his own devices, will "stop before it is too late." The only way to save the nation is for the American people to wake up to the fact that Obama, as LaRouche has warned, repeatedly, since April 2009, is a failed personality, hell-bent on the destruction of the United States. Until he is safely, Constitutionally removed from office, the United States will remain in grave peril. Unless he is out of the Presidency by early Autumn—well before the November elections, the nation is doomed.

Documentation

Rangel Responds to the House Ethics Committee

Here are excerpts from Rep. Charles Rangel's response to the House Committee on Standard of Official Conduct Adjuicatory Subcommittee. The entire document can be found on pp. 294-325 of this document: http://www.gpo.gov/fdsys/pkg/CRPT-111hrpt661/pdf/CRPT-111hrpt661.pdf

UNITED STATES HOUSE OF REPRESENTATIVES
Committee on Standards of Official Conduct Adjudicatory Subcommittee

In the Matter of Representative Charles B. Rangel

STATEMENT OF CHARLES B. RANGEL IN RESPONSE TO THE STATEMENT OF ALLEGED VIOLATION

For forty years, Congressman Rangel has faithfully served the people of New York's Fifteenth District. He has at all times acted in his constituents' best interests and has brought them economic and educational opportunities, as exemplified by his tireless support for the City College of New York ("CCNY"). Congressman Rangel donated his official papers to CCNY, secured appropriations to support the College's academic program in public service, and promoted the program to education-minded philanthropists. The benefit Congressman Rangel received from this work was the satisfaction of fulfilling his obligations to his constituents. He did not profit economically, nor did he ever link his work for CCNY with matters before the Ways & Means Committee. The Statement of Alleged Violation ("SAV") in this case is deeply flawed in its factual premises and legal theories, not only with regard to CCNY, but also as to the other claims. The undisputed evidence in the record—assembled by the Investigative Subcommittee over its nearly two-year investigation—is that Congressman Rangel did not dispense any political favors, that he did not intentionally violate any law, rule or regulation, and that he did not misuse his public office for private gain.

I. CCNY: CONGRESSMAN RANGEL'S ACTIVITIES ON BEHALF OF CCNY'S RANGEL CENTER DID NOT VIOLATE HOUSE RULES.

Congressman Rangel helped a public college in his Congressional district to establish and fund an academic program in public service for disadvantaged students. To support that effort, he agreed to donate his official papers, allowed the school to name the program in his honor and introduced college officials to potential donors. Congressman Rangel is hardly the only member of the Congressional leadership to engage in such activity. Senate Minority Leader McConnell, for example, has donated his official papers, lent his name and raised millions of dollars from corporate donors to launch the McConnell Center for Political Leadership at the University of Louisville; former House Judiciary Committee Chairman Peter Rodino donated his papers to Seton Hall Law School, where they are housed in the Peter W. Rodino, Jr. archives, a division of the Peter W. Rodino Law Library. Without pausing to consider, Congressman Rangel treated this effort as constituent service, in pursuit of not one, but two, important national priorities—providing educational opportunities for disadvantaged and minority students and promoting diversity in our nation's public service.

The charges in the SAV magnify an issue about the proper scope of Congressman Rangel's official duties into an attack on his integrity. The Congressman did not abuse his official position or enrich himself financially. He did not target for solicitation foundations, corporations or individuals with business before the Ways & Means Committee, nor did he offer or provide preferential treatment or favors to potential contributors. He received no prohibited benefit, direct or indirect, from his work on behalf of this program that violates the ethics rules.

In retrospect he recognizes that the public would have been better served if he had consulted the Standards Committee staff in advance regarding his desire to help CCNY. If he mistakenly used the wrong letterhead or other modest resources in this worthy cause, the error was made in good faith. . . .

II. ANN S. KHEEL CHARITABLE TRUST: THE DONATIONS TO CCNY FOR THE ANN S. KHEEL SCHOLARSHIPS DID NOT BENEFIT THE RANGEL CENTER OR CONGRESSMAN RANGEL.

Congressman Rangel rejects the allegation that he benefited from the charitable activities of the Ann S. Kheel Charitable Trust ("Trust"), of which he serves as a trustee. The SAV suggests that the establishment by the Trust of a scholarship program at CCNY named for Mrs. Kheel somehow constituted "self-dealing" by Congressman Rangel. That theory is without any factual basis—undisputed evidence establishes that the gifts made by the Trust to CCNY for the Ann S. Kheel Scholars Program were neither directed to, nor spent on, the Rangel Center.

Ann Kheel, who died in 2003, devoted her life to civic activities in support of racial equality and opportunities for the disadvantaged and was deeply engaged in efforts to improve the lives of others, including through education. . . . Congressman Rangel was a lifelong friend of Ann and Ted Kheel, and he has been honored to chair the Board of Trustees of the Trust.

III. FINANCIAL DISCLOSURE STATEMENTS AND AMENDMENTS: RESPONDENT ACTED PROMPTLY TO CORRECT UNINTENTIONAL MISTAKES.

Nearly two years ago, Congressman Rangel acknowledged mistakes in his Financial Disclosures Statements relating to the financing of his Punta Cana unit. Having become aware of these errors, he publicly committed to undertake a review of prior Financial Disclosure Statements, to identify and correct any other, unrelated errors, for the sole purpose of ensuring compliance with House ethics standards. Thus, it was Congressman Rangel who alerted the Standards Committee to the very mistakes with which he is now charged, and which he corrected nearly one year ago in comprehensive amendments.

Even before the Investigative Subcommittee was formed at his request, the Congressman promised publicly to hire a forensic accountant to review his past Financial Disclosure Statements and to make whatever amendments this voluntary review showed to be necessary. Sept. 14, 2008 Press Statement. Preliminary drafts of the amendments prepared by the accountant were provided to Committee staff for review and comment in July 2009, and the staff's input was incorporated into the amended Financial Disclosure Statements filed on August 12, 2009. . . .

IV. CONGRESSMAN RANGEL HAS FULLY COMPLIED WITH HIS TAX OBLIGATIONS.

Congressman Rangel acknowledged publicly, prior to the establishment of the Investigative Subcommittee, that his tax returns omitted rental income derived from his investment in the Punta Cana resort located in the Dominican Republic and that he had filed amendments and paid additional taxes. Congressman Rangel has done everything within his power to fulfill his legal obligations in this regard, and to the best of his knowledge, nothing further is required.

V. LENOX TERRACE: THE USE OF APARTMENT 10U AS A CAMPAIGN OFFICE WAS NOT A PERSONAL BENEFIT OR FAVOR TO CONGRESSMAN RANGEL.

The owner of Lenox Terrace leased Apartment 10U to Congressman Rangel for use as a campaign office not as a favor to him, but rather to obtain a paying tenant for a long-vacant apartment. The campaign always paid the maximum rent allowed by law. Experts consulted by the Investigative Subcommittee and who are employed by the New York state agency that administers the rent stabilization laws testified that non-residential use of the apartment was permitted under those laws and did not affect the rent ceilings. The Congressman received no special benefits or favors from his landlord, and he took no official action on behalf of the landlord

that was, or even appeared to be, influenced by the lease of Apartment 10U. Accordingly, Respondent did not violate Clause 5 of the Code of Ethics for Government Service. See Code of Ethics for Government Service, cl. 5 (violation requires acceptance of a favor or benefit "under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties").

Since 1989, Congressman Rangel and his wife have made their home in Lenox Terrace, an apartment complex in the heart of Harlem. In 1996, when the Congressman leased Apartment 10U as a fundraising office for his campaign, the un-air-conditioned and unrenovated unit had been vacant for several months, and the building had a 20 percent vacancy rate and was experiencing cash flow problems.... The landlord's policy was to lease units on a first-come, first-served basis.... There is no evidence that Congressman Rangel's status as a public official entered into the landlord's decision to lease a rent-stabilized unit to him....

The record establishes that the landlord understood that Apartment 10U was being used as a campaign office, and not for residential purposes....

VI. SPECIFIC DEFENSES

FIRST DEFENSE

The Investigative Subcommittee has impaired Congressman Rangel's ability to present an adequate defense in violation of Committee Rule 22(e), Congressman Rangel's rights under the due process clause of the Fifth Amendment to the U.S. Constitution and principles of fundamental fairness. These violations include, but are not limited to, the following:

1. The Investigative Subcommittee entered a scheduling order on June 17, 2010 shortening the time for Congressman Rangel to file motions and his Answer without providing Congressman Rangel with notice or an opportunity to be heard. The Order failed to identify the "special circumstances" that purportedly justified denying Congressman Rangel the full time allowed by the rules in which to prepare his motions and Answer, and there were none.

2. The evidentiary record in this matter was provided to Congressman Rangel in a manner that substantially impaired his ability to prepare his defense. After devoting 21 months to its investigation, the Investigative Subcommittee allowed Congressman Rangel inadequate time to review the 51 witness transcripts and thousands of pages of documents that were presented in a scrambled and disorganized manner.

Although the Investigative Subcommittee compiled and numbered the exhibits for use when questioning witnesses, those numbered exhibits have not been provided to Congressman Rangel. Thus, unless a document is described in great detail in the transcripts—which is rarely the case—the reader is left to guess at the document the witness is addressing. Even when the document's identity can be ascertained, the reader must nevertheless conduct a search of every document in every unnamed file folder to locate it. Consequently, without the numbered exhibits, the testimony is not complete. As a result, the full record has not been provided to Congressman Rangel, precluding the Investigative Subcommittee from relying on any testimony relating to any exhibit. Committee Rule 26(c) (Investigative Subcommittee must furnish to Congressman Rangel all portions of the record on which it intends to rely). The Subcommittee declined to explain its failure to provide these materials and did not respond to correspondence dated June 2, 2010, requesting these materials and putting it on notice of the insufficiency of the record in their absence. Especially in light of the truncated deadlines established by the Investigative Subcommittee's June 17, 2010 Order, the harm to Congressman Rangel's defense may be irreparable.

3. The Investigative Subcommittee failed to provide Congressman Rangel with a copy of the apartment application referenced in paragraph 150 of the SAV that contains a handwritten notation "for Apt. 16M," indicating that Congressman Rangel submitted the application in anticipation that his son, Steven Rangel, would rent Apartment 16M, and not Apartment 10U. In failing to produce the copy of the apartment application with the "16M" notation, the Investigative Subcommittee violated the rule requiring that it furnish Congressman Rangel with all exculpatory evidence and has impaired Congressman Rangel's ability to defend himself against the allegation that he submitted an application stating that Steven Rangel would occupy Apartment 10U.

4. Congressman Rangel's access to witnesses has been impaired and, absent relief, will continue to be impaired by the Investigative Subcommittee's instructions to witnesses not to communicate with anyone regarding any aspect of the witnesses' testimony.... No legal authority permits such an instruction by the Investigative Subcommittee, and it is inconsistent with

well-established principles of constitutional law and the D.C. Rules of Professional Conduct, which generally prohibit a lawyer from even requesting—let alone instructing—a witness to refrain from voluntarily giving relevant information to another party.... The "quest [for truth] will more often be successful if both sides have an equal opportunity to interview the persons who have the information from which the truth may be determined...." The Subcommittee's instruction hampered Congressman Rangel's ability to obtain evidence from witnesses during the investigative stage of this proceeding and will continue to do so unless that instruction is rescinded formally and in writing, making it clear that witnesses may communicate with his counsel without fear of reprisal from a congressional committee.

5. The Investigative Subcommittee failed to provide a complete and meaningful response to Congressman Rangel's Motion for a Bill of Particulars and Motion to Dismiss....

SIXTH DEFENSE

Congressman Rangel's assistance in launching CCNY's program to educate disadvantaged students at a public university for public service careers served important public purposes and constituted a service to constituents, which he believed in good faith to be within the scope of his official duties as an elected Congressman of CCNY's district.

SEVENTH DEFENSE

The fact that Congressman Rangel sought and received earmarks for the Rangel Center demonstrates that it was properly regarded as a matter of public concern and within his official duties. It is common for Members to request that appropriations designate funds for use in specific programs named for them that benefit their constituents and the public at large (e.g., the Robert C. Byrd National Technology Transfer Center at Wheeling Jesuit University, and the Thad R. Cochran Marine Aquaculture Center at the University of Southern Mississippi)....

NINTH DEFENSE

The SAV's construction and application of the solicitation ban exceeds the scope of the statute and the guidelines set forth in the UNITED STATES HOUSE OF REPRESENTATIVES Committee on Standards of Official Conduct Adjudicatory Subcommittee....

'Racist to the Top'

There is widespread opposition from civil rights groups and others to President Obama's "Race to the Top" racist destruction of public education in the United States. Here is an excerpt from a statement issued July 21, by the Lawyers Committee for Civil Rights under Law; National Action Network; National Association for the Advancement of Colored People (NAACP); NAACP Legal Defense and Educational Fund, Inc.; National Council for Educating Black Children; National Urban League; Rainbow PUSH Coalition; and Schott Foundation for Public Education.

Framework for Providing All Students an Opportunity to Learn through Reauthorization of the Elementary and Secondary Education Act

Today there is nothing short of a state of emergency in the delivery of education to our nation's communities of color....

Recommendation 1B: Shift the Focus from Competitive Grants for a Few States to Incentives for All States to Embrace Systemic Reform.

Despite the critical need for Common Resource Opportunity Standards, the Administration's proposed FY 2011 budget directs the bulk of its increases in education spending to be distributed as competitive grants, while formula dollars, which have been historically underfunded, remain flat. Because only a few states will receive competitive grants, most children in most states will experience a real decrease in federal support when inflation and state and local budget cuts are taken into consideration. We are concerned that the Administration's Blueprint suggests that ESEA [Elementary and Secondary Education Act] reauthorization will continue this approach. Instead, we call for a shift of focus from competitive grant programs to conditional incentive grants that can be made available to all states, provided they adopt systemic, proven strategies for providing all students with an opportunity to learn.

If education is a civil right, children in winning states should not be the only ones who have the opportunity to learn in high-quality environments. Such an approach reinstates the antiquated and highly politicized frame for distributing federal support to states