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Brown Releases Report Detailing a Litany of Problems with ACORN, But No Criminality

SAN DIEGO - California Attorney General Edmund G. Brown Jr. today released a report, including newly obtained videotapes, that shows some members of the community organizing group ACORN engaged in "highly inappropriate behavior," but committed no violation of criminal laws.

Brown's report also uncovered "likely violations" of state law, including dumping 500 pages of confidential records into a dumpster, failure to file a 2007 tax return, and four instances of possible voter registration fraud by ACORN in San Diego in connection with the 2008 election, as well as other irregularities in the group's California operations. These irregularities have been referred to the appropriate authorities.

"A few ACORN members exhibited terrible judgment and highly inappropriate behavior in videotapes obtained in the investigation," Brown said. "But they didn't commit prosecutable crimes in California."

Last September, Gov. Schwarzenegger asked Brown to investigate the activities of ACORN in California. His request was triggered by tapes made by undercover videographer James O'Keefe III that purported to show ACORN employees providing advice on how to conduct a prostitution ring and commit other serious crimes.

But new, unedited videotapes discovered through Brown's investigation, as well as other evidence, shed clearer light on interactions between O'Keefe and the now-defunct ACORN.

Videotapes secretly recorded last summer and severely edited by O'Keefe seemed to show ACORN employees encouraging a "pimp" (O'Keefe) and his "prostitute," actually a Florida college student named Hannah Giles, in conversations involving prostitution by underage girls, human trafficking and cheating on taxes. Those videos created a media sensation.

Evidence obtained by Brown tells a somewhat different story, however, as reflected in three videotapes made at ACORN locations in California. One ACORN worker in San Diego called the cops. Another ACORN worker in San Bernardino caught on to the scheme and played along with it, claiming among other things that she had murdered her abusive husband. Her two former husbands are alive and well, the Attorney General's report noted. At the beginning and end of the Internet videos, O'Keefe was dressed as a 1970s Superfly pimp, but in his actual taped sessions with ACORN workers, he was dressed in a shirt and tie, presented himself as a law student, and said he planned to use the prostitution proceeds to run for Congress. He never claimed he was a pimp.

"The evidence illustrates," Brown said, "that things are not always as partisan zealots portray them through highly selective editing of reality. Sometimes a fuller truth is found on the cutting room floor."

The original storm of publicity created by O'Keefe's videotapes was instrumental in ACORN's subsequent denunciation in Congress, a sudden tourniquet on its funding, and the organization's eventual collapse.

In New Orleans, O'Keefe faces a maximum sentence of six months in prison and a fine of \$5,000 on reduced federal charges related to misrepresentation in gaining access to the Louisiana office telephones of U.S. Senator Mary Landrieu.

Brown's report found numerous faults with ACORN's activities in California, including:

- Failure to "recruit, train and monitor its employees to ensure compliance" with state law.
- Likely violation of state civil laws designed to protect personal information when employees of the San Diego office disposed of 20,000 pages of records in a dumpster. These violations could result in private litigation if any of the victims were injured by disclosure.
- Four instances of "possible voter registration fraud in San Diego in connection with the 2008 election."
- Failure to file a 2007 state tax return, an omission the Franchise Tax Board is pursuing.
- Sloppiness in its handling of charitable assets, although no misuse of those assets was found. The California Attorney General will monitor investigations into ACORN's overall finances by the IRS and Louisiana Attorney General.

ACORN announced that it is closing its operations nationwide today. While a successor to ACORN in California called ACCE emphasizes that it is no longer part of ACORN, the Attorney General's report notes that ACCE is "run by the same people, raising concerns about its ability to cure the defects in the organization." The report notes that the Attorney General will closely scrutinize ACCE's operations.

The full Attorney General's report is attached. The unedited O'Keefe videotapes from California are available on the Attorney General's website at <http://ag.ca.gov/newsalerts/multimedia/index.php>. Tapes from other states are available on request.

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