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DNC lawsuit ensnares lesbian activist, donor **Claire Lucas accused of perjury, defamation; described gay plaintiff as 'complete loser'**

By JOSHUA LYNSEN and LOU CHIBBARO JR.

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A prominent lesbian activist and Democratic donor faces accusations of perjury and defamation stemming from an ongoing civil lawsuit against the party.

Legal documents filed in D.C. Superior Court this week and obtained by the Blade allege that Claire Lucas, a longtime Democratic National Committee volunteer and National Stonewall Democrats board member, committed perjury when she filed an affidavit asserting that she does not live in Washington.

The affidavit, filed Jan. 4, was part of efforts to quash a subpoena ordering Lucas to sit for a deposition in a lawsuit that alleges the DNC discriminated against a former gay employee.

Attorneys for Donald Hitchcock, the plaintiff in the case, say in their filing that Lucas "is a legal resident of the District of Columbia" because she owned two homes in Washington and claimed a "homestead deduction" for one of them that is only available to those legally residing within the city.

The homestead deduction is part of a D.C. government program aimed at helping home owners who live in their homes reduce their property tax burden, which mushroomed over the past decade due to rising property values. D.C. property records show that Lucas last month sold her home at 3504 Rodman St., N.W., on which she claimed the Homestead deduction.

"As a matter of law, submitting a false statement to this Court under oath, including through a declaration or affidavit, constitutes perjury," Hitchcock's attorney states in the court filing, which was submitted on Jan. 15.

Lucas, reached by phone Wednesday, said she could not comment on the case.

The perjury allegation comes at a time when Lucas has played a prominent role in lining up support for the Hillary Clinton presidential campaign within the gay community.

Earlier this year, the Clinton campaign announced that Lucas had been appointed to the campaign's national GLBT Steering Committee. In November, local backers of the Clinton campaign announced Lucas had been tapped to serve on the Washington, D.C. for Hillary Steering Committee.

A spokesperson for the Clinton campaign could not immediately be reached for comment.

The DNC listed Lucas as being from California in an announcement this week naming her as one of six prominent members of the gay community appointed by DNC Chair Howard Dean to serve on standing committees at the Democratic National Convention in July.

But D.C. property tax records contradict her assertion in the affidavit seeking to quash Hitchcock's subpoena that she has been a California resident since 2005. Those records show she claimed the Homestead deduction for the tax years of 2005 through 2007, as well as in prior years, according to Hitchcock's court filings.

The D.C. law creating the Homestead deduction requires, upon possible penalty of perjury, that homeowners affirm that they live in their home as a condition for obtaining the deduction. The deduction often results in savings of thousands of dollars in property tax payments each year.

Meanwhile, separate information from the D.C. Board of Elections and Ethics raises further questions about Lucas' claim to have been a California resident since 2005. Election board spokesperson Bill O'Field said Wednesday that Lucas was still a registered D.C. voter as of this week. He said board records show that she voted in the Sept. 12, 2006 D.C. primary election, in which Adrian Fenty won the Democratic Party nomination for mayor.

The city's election law strictly forbids anyone from voting in D.C. elections if they are not a legal resident of the city.

A warning on the application form for the Homestead deduction says persons who take the deduction but do not qualify for it could be subjected to criminal prosecution as well as a payment of a penalty of 10 percent of the delinquent tax and 1.5 percent interest on the delinquent tax for each month that the property "wrongfully received the benefit(s)."

The court filing also includes as evidence brief excerpts from the Jan. 7 deposition of Brian Bond, executive director of the DNC's Gay & Lesbian Leadership Council, who said Lucas has "legal residence" in Washington and that he knows "where her real house is."

Further evidence includes records of \$52,900 in political donations Lucas made using a Washington address.

The court filing says records of the political donations came from the Federal Election Commission, which state the contributions were made from Lucas' Rodman Street address in the District's Cleveland Park section and that she listed the address as her residence.

'Claire did not lie'

Barry Reingold, an attorney for Lucas, told the Blade this week that he had no comment on the Homestead deduction allegation or other evidence included in the filing.

"Claire did not lie, far from it," he said. "And we will abide by the court's rulings."

Reingold says in documents dated as recently as Jan. 7 that Lucas "lives and works in California" and "the subpoena itself is defective."

The documents also note that Lucas was not available for her scheduled deposition Jan. 8 because she was not in Washington. No explanation was provided.

But an e-mail sent by Lucas on Dec. 17 says she was in New Hampshire from Jan. 1 through Jan. 9 to stump for Clinton's presidential campaign. The e-mail, sent to other campaign supporters, notes that "lots of fun will be had!"

In a letter to Lucas' attorney, a Hitchcock attorney took issue with those plans.

"While I appreciate that Ms. Lucas does not want to be inconvenienced by making a trip back to D.C. during which she will be having 'lots of fun,' I would expect that you will impress on her the legal obligation that a subpoena carries, and the fact that she could be held in contempt if she does not appear," wrote Lynne Bernabei.

Judge Jeanette Clark is expected to resolve the dispute and could impose sanctions against Lucas. Although it's unlikely that Lucas would face perjury charges, the maximum penalty for such a conviction in D.C. is 10 years in prison and \$5,000 in fines.

Hitchcock's lawsuit, filed in April 2007, says he was the target of discrimination, retaliation and defamation during and after his tenure as director of the Gay and Lesbian Leadership Council.

Hitchcock, who joined the DNC in June 2005, was fired in May 2006. The termination came days after Hitchcock's

domestic partner, Paul Yandura, a longtime party activist, sent an open letter to gay Democrats saying DNC Chair Howard Dean failed to adequately defend gay rights.

Yandura's letter criticized Dean and the party for not sufficiently countering state ballot measures that sought to ban gay marriage. It also suggested that gays should temporarily withhold donations to the Democratic Party.

"This is retaliation, plain and simple," Yandura told the Blade last year. He and Hitchcock have declined to discuss the lawsuit.

Joe Sandler, the DNC's general counsel, has said the charges "have no merit" and that the DNC is "committed to defending its position vigorously in court."

Sandler, who is not representing Lucas, did not comment on the documents filed this week.

"The DNC has consistently refrained from commenting about ongoing litigation out of respect for the legal process and to protect the interests of everyone involved," he said.

'What a complete loser'

But the filing could further complicate the case. In it, Hitchcock's attorneys say Lucas could become a defendant in the case because she helped "to draft the public statements that Mr. Hitchcock claims are defamatory."

Offered as relevant exhibits are e-mails sent by Lucas that show how she and other DNC figures responded to a letter that Hitchcock wrote criticizing the DNC. The letter was published in the Blade on Feb. 9, 2007.

"Ugh," Lucas wrote to Finney and others. "What a complete loser (and I am happy to put that in writing)."

Karen Finney, the DNC's communications director, agreed in her response.

"Ugh," she wrote. "Yes I just saw it. We'll regroup this morning and figure out a response."

In an e-mail to Finney and Bond dated Feb. 12, Lucas said D.C. gay Democratic activist Kurt Vorndran, one of her "political mentors," advised her that it would be best to publish a direct response "and then come back over a couple of weeks with some pro-DNC editorials."

"One response to Donald and that is it," she wrote. "We do not want to give him too many legs. As Kurt said, 'Donald is self-destructing.' Again, I am open to anything. Let me know."

After a response was crafted, Carl Chidlow, the DNC's finance director, thanked Lucas for her assistance.

"I saw the letter and it is great," he wrote Feb. 14. "Thanks for your leadership on this. Donald is going to grind this axe till it is an axe no more."

Hitchcock's attorneys say in the filing that the e-mails show Lucas "was a key participant" in the DNC's alleged defamation of Hitchcock, and she therefore could be named a defendant in the case.

"Based on the discovery evidence obtained to date," the filing says, "she is a potential defendant, not merely a third party witness."

Reingold said he had no comment on the development.

Discrimination alleged

Hitchcock's lawsuit alleges he was discriminated against and treated differently at the DNC because he is gay.

It also alleges the DNC “threatened, interfered with and retaliated against” Hitchcock because he advocated for gay issues within the DNC.

Hitchcock’s lawsuit names as defendants the DNC; Dean; Julie Tagen, the DNC’s deputy’s finance director; and Andy Tobias, DNC treasurer. Tobias is the Democratic Party’s highest-ranking openly gay official.

The lawsuit alleges that Dean, Tagen and Tobias separately defamed Hitchcock and that defamation “had the intended effect of seriously damaging his professional reputation, which was otherwise outstanding.”

In responses filed May 2007, the DNC, Dean, Tagen and Tobias collectively deny the allegations.

The responses say the defendants “did not discriminate” against Hitchcock and “did not threaten, interfere with or retaliate against” him.

The responses also say Hitchcock’s lawsuit lacks “a claim upon which relief can be granted,” and the allegations of discrimination, retaliation and defamation “are barred by the statute of limitations.”

No trial date has been scheduled.

John Marble, spokesperson for National Stonewall Democrats, said Lucas is a member of the board of directors of the gay Democratic group. But Marble said the group would have no comment on any aspect of the Hitchcock lawsuit, including the allegations against Lucas.

“We never comment on litigation,” he said.

In the court filing this week, Hitchcock’s attorneys cite a March 2007 announcement by National Stonewall Democrats as further evidence that Lucas is a resident of D.C. The court filing says the announcement lists Lucas as one of the group’s new “Regional Directors” and “specifically identified her as being from Region 3, which encompassed Washington, D.C. and nearby states.”

The court filing reiterates the main allegation of Hitchcock’s lawsuit, which charges the DNC with engaging in discrimination against Hitchcock by “treating him differently than other non-gay employees.”

It alleges that his job requirements “were more heavily focused on fundraising and less focused on outreach than the job requirements of non-gay employees in similar positions,” and that non-gay employees in comparable jobs received more support.

“Hitchcock has alleged that discrimination against him was part of a pattern and practice of discrimination against gays and lesbians by relegating them to second class status within the DNC, and refusing to provide them with political roles at the DNC,” the court filing states.

Although the DNC has declined to comment on the allegations, other gay Democrats supportive of the DNC dismiss the allegations as exaggerations or misperceptions.