

**Campaign Legal Center • Common Cause • Democracy 21
League of Women Voters • Public Citizen • U.S. PIRG**

October 2, 2009

Speaker Nancy Pelosi
H-232, US Capitol
Washington, DC 20515

House Republican Leader John Boehner
H-204, US Capitol
Washington, DC 20515

Dear Speaker Pelosi and Republican Leader Boehner,

Enclosed is a letter that our organizations sent on September 30, 2009 to the Office of Congressional Ethics (OCE) strongly supporting the House Resolution and the OCE rules that limit the ability of the House Ethics Committee to remove ethics matters from the OCE.

We are also writing to express our concerns about a recent incident in which the House Ethics Committee publicly challenged the performance of the OCE regarding an ethics matter forwarded to the Committee by the OCE.

The organizations include Campaign Legal Center, Common Cause, Democracy 21, League of Women Voters, Public Citizen and U.S. PIRG.

According to our letter to the OCE:

Under the rules adopted by the OCE to implement the House resolution establishing the Office, the OCE is required to cease an inquiry and refer the matter to the Ethics Committee “because of an ongoing investigation of such matter by an *investigatory subcommittee*” of the Committee (emphasis added).

This means that the Ethics Committee can assert jurisdiction and take a matter away from the OCE only if the Committee has “an ongoing investigation” of the matter being conducted by an “investigatory subcommittee.”

Our letter further states:

Questions have been raised in recent months as to whether the House Ethics Committee could on its own establish additional circumstances in which the Committee could take matters away from the OCE.

We strongly believe the answer to this is clear: the Committee cannot do so.

As our letter to the OCE states:

As you are aware, limiting the instances in which a matter could be removed from the OCE by the Ethics Committee was a very important issue during the deliberations that led to the creation of the OCE. One of the major reasons for the establishment of the OCE was to address the problem of ethics matters disappearing in the past into a “black hole” at the Ethics Committee and never being addressed, without anyone having to take formal responsibility for the failure of Congress to do anything about the ethics matter.

It was considered essential by supporters of the OCE that the Committee could not accomplish the same “black hole” result simply by prematurely taking a matter away from the OCE. This issue was addressed in the House rules adopted to create the OCE by giving the Committee only a carefully limited ability to take a matter from the OCE.

We strongly urge you to support the OCE and the House resolution that limits the authority of House Ethics Committee to remove ethics matters from the OCE.

We are also concerned about the recent incident that occurred where the House Ethics Committee publicly challenged the work of the OCE.

We believe it was inappropriate for the Ethics Committee to issue a public statement in the middle of an ongoing, nonpublic ethics inquiry that challenged the work done by the OCE on a matter forwarded to the Committee by the OCE. In response, the OCE issued its own statement refuting the Committee claims.

In taking this action, the Ethics Committee left the public impression that it seemed more concerned about the activities of the OCE than it was about the ethics inquiry involved. It is unclear to us why the Committee could not have addressed its concerns through private discussions with the OCE rather than making a public challenge. It is also unclear why the Committee felt compelled to make such a public statement about the work of OCE in the middle of a nonpublic ethics inquiry by the Ethics Committee.

Based on the public record, we believe that the OCE is doing an excellent job.

We do not want to see the performance of the OCE undermined by inappropriate challenges to their work, nor do we want to see the stage being set for attempting to weaken the powers or the independence of the OCE, when the House adopts new rules at the outset of the next Congress.

Thank you for consideration of our views.

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