

**Campaign Legal Center • Citizens for Responsibility and Ethics in Washington  
Common Cause • Democracy 21 • League of Women Voters  
National Legal and Policy Center • Public Citizen • Sunlight Foundation • U.S. PIRG**

February 13, 2013

The Hon. Porter Goss, Chairman  
The Hon. David Skaggs, Co-Chairman  
Office of Congressional Ethics  
425 3<sup>rd</sup> Street, SW  
Suite 1110  
Washington, D.C. 20024

Dear Chairman Goss and Co-Chairman Skaggs:

Our organizations write to you to respond to recent suggestions by several attorneys in private practice that the Office of Congressional Ethics (OCE) reconsider its rules of procedure. The rules changes suggested by these attorneys in a February 4, 2013 letter to OCE are inappropriate for OCE as currently structured and would impede the agency's ability to make the ethics process more accountable and transparent.

The organizations include: Campaign Legal Center, Citizens for Responsibility and Ethics in Washington (CREW), Common Cause, Democracy 21, National Legal and Policy Center, League of Women Voters, Public Citizen, Sunlight Foundation and U.S. PIRG.

Though all of our organizations have long argued that OCE should be vested with full investigative authorities, including the power to subpoena witnesses, Congress chose instead to make OCE a fact-finding agency that supplements the work of the House Ethics Committee. OCE is not empowered to compel testimony. It cannot determine guilt or innocence, conclude that a law or ethics rule has been violated or in any way judge a case. OCE is charged with receiving complaints from the public or initiating investigations on its own, compiling an evidentiary record from voluntary sources and, if approved by at least four of the six Board members, refer a case to the formal Ethics Committee for further investigation.

OCE's investigative authority is limited, but the agency has performed admirably in screening out frivolous cases, compiling useful information for cases considered by the Ethics Committee and providing a valuable link between the public and the congressional ethics process. OCE has demonstrated appropriate prudence in its work, dismissing well over half of complaints received as lacking merit, and yet has helped prompt the Ethics Committee to be more active and diligent than ever before.

It comes as no surprise that some of the attorneys who have represented clients before the agency propose a series of rules changes that would further restrict OCE's limited authority and tie the agency's hands. OCE is not an investigative subcommittee of Congress, it is not a prosecutorial agency, and it should not be treated as one. The attorneys propose that the agency's fact-finding mission be bound by burdensome procedural rules allowing the attorneys to challenge OCE at each step of compiling information. Worse yet, the attorneys propose that OCE not be allowed to consider, or take note of, in its fact-finding record the refusal of potential witnesses to participate in an investigation – tying the hands of the agency and blinding it at the same time.

There is a time for cross-examinations and broadly applied legal proceedings, but that time is when the Ethics Committee decides to pursue a formal investigation or adjudication of potential violations of law or rules of the House.

Given its limited authority, OCE has done a remarkable job in making the congressional ethics process more active, accountable and transparent. Do not be intimidated by those who would prefer otherwise.

We urge you to reject the recommendations submitted to you in the attorneys' letter of February 4<sup>th</sup>, which would undermine OCE's ability to carry out the responsibilities assigned to the agency by the House of Representatives.

Sincerely,

Campaign Legal Center  
Citizens for Responsibility and Ethics in Washington (CREW)  
Common Cause  
Democracy 21  
National Legal and Policy Center  
League of Women Voters  
Public Citizen  
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