



June 9, 2009

Dear Representative:

We write to ask you to take two major steps to minimize the perception and possibility that earmarks may be used to reward campaign contributors by supporting both the change in House Rule XXIII, clause 17(a), requested by Rep. Jeff Flake of Arizona, and the Clean Law for Earmark Accountability Reform (CLEAR) Act (H.R. 2038), sponsored by Rep. Paul Hodes of New Hampshire.

Currently, members of Congress may submit earmark requests provided that they certify, according to the aforementioned rule, that neither the member nor the member's spouse has any financial interest in the earmark. The House Ethics Manual specifically exempts campaign contributions from the "interest" definition.

This inadequate definition ignores both the public perception that earmarks are awarded as a *quid pro quo* for major campaign contributors and the political reality that campaign funds are the coin of the realm among Members of Congress, who must spend much of their time fundraising. The current controversy around campaign contributions from and earmarks to clients of the former PMA lobby shop, and an ongoing investigation by the Justice Department, has increased public awareness and concern about this widespread problem.

Although the current focus is on Representatives Murtha, Visclosky and Moran, the problem is much broader in scope. A recent study by Common Cause found that just the 18 members of the House Appropriations Subcommittee on Defense obtained \$355.5 million in earmarks to the 2008 defense spending bill for campaign contributors who gave their sponsors more than \$1.3 million. Earmarks cost taxpayers billions every year – more than \$18 billion in FY08 – and revelations of wasteful projects like the "Bridge to Nowhere" and Alaska Rep. Don Young's notorious "Coconut Road" earmark for a Florida donor have undermined voters' confidence in the ability of Congress to allocate tax dollars in the public interest.

The most direct way to ensure that earmarks are used only for suitable public purposes is to eliminate the possibility that Members of Congress could use earmarks to reward campaign contributors or to solicit further contributions.

We agree with Rep. Flake's statement in his June 3 letter to the Ethics Committee that:

the House of Representatives simply cannot continue to permit the appearance of impropriety associated with members providing no-bid or sole source federal contracts to campaign contributors. . . The Committee on Standards on Official Conduct need not and should not sit idle, awaiting the outcome of Justice Department investigations, before addressing an obvious issue that is tarnishing the dignity of the House.



We urge you to revise the House Ethics Manual, as requested by Rep. Flake, “to specifically prohibit members from being able to certify no financial interest in an earmark when they have received campaign contributions from the entity that would benefit from the earmark or those associated with it.”

Further, Common Cause urges you to enact the CLEAR Act, sponsored by Rep. Hodes (D-NH), Rep. Giffords (D-AZ) and Rep. Perriello (D-VA), which would ban Members of Congress from accepting campaign contributions from any company’s PAC, executives or lobbyists if they request an earmark for that company in that election cycle.

Nothing less than the public’s faith in their government lies at stake here. A recent nonpartisan poll found that 60% of voters believe Congress puts the interests of campaign contributors over constituents, and 79% are worried that dependence on large campaign contributions will prevent Congress from tackling the important issues facing America today (Lake Research Partners and the Tarrance Group, February 2009).

In yesterday’s *Caperton v. Massey* Supreme Court ruling, the Court held that an elected judge must step aside when a large independent expenditure from a party with interests before the court led to the “probability of bias.” The ruling identified large political contributions as an impediment to a fair hearing; we see the same principle at work in Congress.

As a former Member of Congress elected in the wake of the Watergate scandal and a former leadership chief of staff, we are personally distressed to see public trust in “the People’s House” so seriously eroded. While ultimately the conflict of interest posed by private campaign contributions to public officials can only be solved through citizen-funded elections, these urgent earmark reforms must be enacted now to prevent the further erosion of public trust and as an important step towards open, honest, accountable government.

Sincerely,

Hon. Bob Edgar
President and CEO

Sarah Dufendach
VP, Legislative Affairs