

October 6, 2014

The Honorable John Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

The Honorable Nancy Pelosi
House Minority Leader
U.S. House of Representatives
Washington, DC 20515

Dear Speaker Boehner and Democratic Leader Pelosi:

The process the U.S. House of Representatives currently employs to investigate and resolve allegations of ethical improprieties and violations was significantly improved with the creation of the Office of Congressional Ethics (OCE). The Office has provided a place for allegations to be credibly heard and investigated and has alleviated some of the most serious concerns about a process that had become utterly dysfunctional.

But there are still weaknesses in the current system that need to be addressed quickly and meaningfully. We the undersigned groups urge you, in bipartisan agreement, to publicly endorse these changes:

- **Make OCE permanent.**

As was noted in a previous letter,¹ we urge you to publicly and expeditiously announce your intention to continue the Office of Congressional Ethics (OCE) for the 114th Congress. The OCE has provided a credible means for allegations of violations by Members and staff to be investigated and, if warranted, dismissed and has compiled a stellar record of conducting fair investigations and bipartisan cooperation. Yet the OCE lives in a state of instability, existing tenuously from Congress to Congress. OCE should be made a more permanent institution of Congress.

- **OCE should be given subpoena power.**

Currently, the OCE does not have the power to compel testimony from witnesses when investigating allegations of ethics violations. As a result, the Office can be hobbled in its efforts to complete its investigation -- which in turn undermines its fact-finding function and the scope of its recommendations. In providing this power, rules can be included to ensure the power to issue a subpoena is wielded carefully in a bipartisan manner and to protect against abuses. But without it, an uncooperative witness can stymie an investigation, blocking the OCE from working as intended and shielding important aspects of an investigation from review.

- **Increase transparency of and access to information from the House Committee on Ethics**

The House Ethics Committee continues to do most of its work behind closed doors, giving rise to reasonable suspicions that it is more interested in protecting individual Members than the integrity of the institution. One important step that can be taken to increase the Committee's credibility is to increase and improve the public availability of documents pertaining to House ethics, such as all current and historic guidance ("pink sheets") issued by the Committee. In addition, many of the ethics documents made available through the Clerk's office

¹ http://www.campaignlegalcenter.org/images/OCE_Letter_to_House_Leaders_FINAL_9-4-14.pdf

should also be online, such as legal defense fund disclosures and statements of recusal. We applaud the Committee for publishing its current and historic decisions online and hope it will continue the practice.

We look forward to hearing your response to these proposals.

Sincerely,

Campaign Legal Center
Citizens for Responsibility and Ethics in Washington (CREW)
Common Cause
Democracy 21
Judicial Watch
Thomas Mann
League of Women Voters
National Taxpayers Union
Norman Ornstein
Project On Government Oversight (POGO)
Public Citizen
Sunlight Foundation
Taxpayers for Common Sense
James Thurber