



**citizens for responsibility  
and ethics in washington**

February 27, 2008

Dear Member of Congress:

Citizens for Responsibility and Ethics in Washington (“CREW”) urges you to support H.R. 4239, establishing a House ethics commission, rather than H. Res. 895, the resolution proposed by the Democratic members of the Special Ethics Task Force.

While the Special Ethics Task Force admirably has worked to create a process to improve ethics enforcement in the House of Representatives, the Task Force resolution is missing two critical elements. First, the new Office of Congressional Ethics proposed by the Task Force would not have subpoena power and second, it would not accept complaints from outsiders.

As a former prosecutor, I can assure you that many people are hesitant to fully disclose their knowledge of potentially illegal actions absent a subpoena requiring them to do so. Subpoenas offer witnesses cover: they have no choice other than to tell the truth. Witnesses have an easier time standing up to those who would prefer that they refuse to appear or profess ignorance if they can claim they did not want to testify, but were compelled to do so.

Just as important, the House must consider complaints filed by people who are not members of Congress. As we have seen over the years, members typically are unwilling to file complaints against their colleagues. This is not surprising. To paraphrase the late Alabama Senator Howell Heflin, it is difficult to sit in judgment of a colleague one day and ask for his vote the next. Members do not believe they were sent to Washington to monitor the behavior of other members. Proof abounds; no member of Congress asked the Ethics Committee to investigate former Reps. Bob Ney or Randy “Duke” Cunningham, both now in jail, nor has any member requested a committee inquiry into Rep. Heather Wilson’s (R-NM) improper contact with a U.S. Attorney or Rep. John Murtha’s (D-PA) improper threats to deny another member all future earmarks. Most strikingly, no member ever asked for an investigation of any member involved in the Jack Abramoff scandal.

In contrast, those who support CREW and other similar government watchdog organizations do expect us to monitor the actions of members of Congress. While members of the House are unlikely to find their way to the basement of the Cannon building to study the travel or financial disclosure forms of other members and report problems to the Ethics Committee or the proposed Office of Congressional Ethics, congressional watchdogs routinely access and review such reports and would file complaints were they permitted to do so.

Barring complaints from outsiders has been justified on the grounds that a member of Congress can forward an outsider’s complaint to the Ethics Committee. In reality, however, members will do no such thing. Over the years, CREW has prepared numerous complaints, all firmly grounded in law and House rules and only one – a complaint drafted on behalf of former

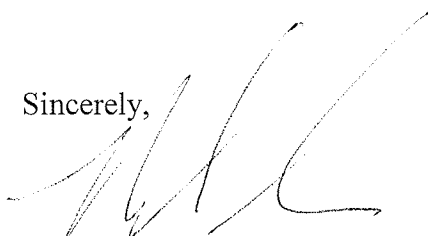
Rep. Chris Bell (D-TX) against former Majority Leader Tom DeLay – ever made it to the Ethics Committee. Complaints CREW prepared against Reps. Ney and Cunningham, for example, went nowhere.

Members of the House have expressed concern that if outsiders could file complaints, the Ethics Committee might be overwhelmed with complaints and that large numbers of frivolous complaints would be filed for political purposes. The Senate, however, allows outsiders to file complaints and has suffered none of these ill effects.

H.R. 4239, introduced last session by Reps. Chris Murphy (D-CT) and Zack Space (D-OH), creates an independent ethics office, gives the office subpoena power and creates a formal process for reviewing complaints from outside groups. This is the solution the House needs to address the inadequate ethics enforcement that has haunted the House for the past decade and contributed to public dissatisfaction with Congress. CREW urges you to support H.R. 4239 as a substitute to H. Res. 895.

Please do not hesitate to contact me if CREW can provide further information. I can be reached at 202-408-5565.

Sincerely,

A handwritten signature in black ink, appearing to read 'MS', is written over a faint, larger signature that is partially obscured.

Melanie Sloan  
Executive Director