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ONE HUNDRED FIFTH CONGRESS

U.S. House of Representatives

COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT

Washington, DC 20515-6326

March 4, 1998

Ralph L. Lotkin, Esq.
Cochran & Lotkin
201 Massachusetts Avenue, N.E.
Washington, D.C. 20002

Dear Mr. Lotkin:

The Committee is in receipt of your response of behalf of Representative Hilliard.

You have asked the Committee to identify the authority under which it has requested information pertaining to pre-Member conduct. The Committee asserts jurisdiction over pre-Member conduct based, among other things, on a precedent from the last Congress in which the Committee voted it had jurisdiction in the Matter of Representative Waldholz pertaining to potential discrepancies on her financial disclosure forms both as a candidate and as a Member.

We read the *Hinshaw* case differently. The Committee in *Hinshaw* elected to take no action not because it lacked jurisdiction, but rather because of the policy "to defer action until the judicial proceedings have run their course."¹ The Committee in *Hinshaw* made clear that its conclusion in that case "is based entirely on the instant set of facts and in no way implies that different circumstances may not call for a different conclusion."²

The position of this Committee is that it has jurisdiction to investigate allegations of misconduct relating to a successful campaign for election to the House. This is based on Committee precedent as well as the statutory requirement for candidates to file financial disclosure statements with the House. The Committee is directed to review these forms and may send them back to the candidate for correction if they are improperly submitted or completed. We may refer willful noncompliance to the Department of Justice. While we do not have authority over an individual for disciplinary proceedings while he or she is merely a candidate, we do have jurisdiction once the individual becomes a Member. These financial disclosure forms cannot be walled off from future inquiries, for to do so would be absurd.

¹ H. Rep. No. 94-1477 at 4.

² *Id.* at 2.

Mr. Ralph Lotkin

March 4, 1998

Page 2

You also ask for clarification regarding the ability of the Committee to seek information about "events pre-dating the three Congress statute of limitation without either an investigative subcommittee and a separate [sic] majority vote of the Committee to waive the limitation."

House Rule X, clause 4(e)(2)(A)(ii), provides that the Chairman and Ranking Minority Member of the Committee may jointly gather additional information concerning the alleged conduct which is the basis of a complaint or of information offered as a complaint until they have established an investigative subcommittee. Our requests to date fall within the parameters of our authority to gather additional information.


You refer to Section (C) of the same rule stating that the Committee cannot investigate any alleged violation which occurred before the third previous Congress. The rule goes on to state that this applies "unless the committee determines that the alleged violation is directly related to any alleged violation which occurred in a more recent Congress." The allegations raised in *The Hill* story with which we are concerned predate the third previous Congress by a few days but appear to continue into more recent Congresses. Therefore, we believe that we have jurisdiction to seek information relating to the time period prior to the third previous Congress.

If the Committee adopted your rationale, it could investigate this type of activity only after it established an investigative subcommittee. We prefer to gather facts ourselves to determine whether such a step is necessary.

As to your concern about "requests for confidential tax information without any affirmative action by a majority of the Committee to investigate," the Committee does not believe it sought such information. Please identify the "confidential tax information" to which you are referring.

If you have additional questions, please contact the Committee's Chief Counsel, Theodore J. Van Der Meid, at 225-7103.

Sincerely,


James V. Hanson
Chairman


Howard L. Berman
Ranking Democratic Member

JVH/HLB:TJV