

January 23, 2009

Leo J. Wise
Staff Director and Chief Counsel
Office of Congressional Ethics
United States House of Representatives
1017 Longworth House Office Building
Washington, DC 20515

Dear Mr. Wise:

Citizens for Responsibility and Ethics in Washington (“CREW”) has two major concerns with the new Office of Congressional Ethics’ draft code of conduct and draft rules.

First, under section 6 of the draft code of conduct board members may be asked to recuse themselves from reviewing matters if they have engaged in political activity on behalf of a subject or on behalf of a subject’s opponent. CREW requests this rule be amended to make recusal mandatory if a board member has donated to the campaign committee, political action committee, or legal defense fund of a subject. Even if board members believe they can be impartial despite such contributions, in the eyes of the public such donations severely compromise any investigation. The Office of Congressional Ethics’ failure to refer a matter to the House Committee on Standards of Official Conduct when a board member involved an investigation has made such a contribution would immediately be suspect and subject to criticism. Under such circumstances, the credibility of the office would be compromised. Given that the Office of Congressional Ethics was created due to widespread public skepticism of Congress’s ability to police itself, the office should make every effort to avoid even the appearance of conflicts of interest.

Second, under rule 13(C) of the draft rules information may be referred to state and federal authorities only if an “imminent harm or threat to public safety” is indicated. Such limited referral ability is unjustified and unwise. It is nearly impossible to imagine a situation where the Office of Congressional Ethics would be investigating foreseeable future violence or threats of violence. Thus, the net effect of this rule would be to prevent the Office of Congressional Ethics from making any referrals to appropriate law enforcement authorities.

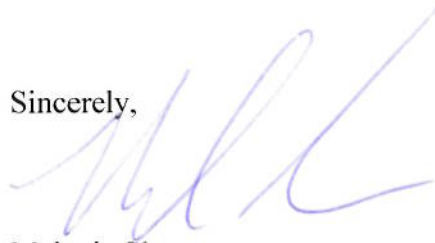
In all likelihood, the Office of Congressional Ethics will be examining allegations of bribery, illegal gratuities, pay-to-play, abuse of office, federal campaign law violations, and other non-violent offenses. In the event the staff finds reason to believe a subject under investigation has violated state or federal law, they should immediately report the matter to the appropriate law enforcement agency as well as to the House Committee of Standards of Official Conduct. The job of the Office of Congressional Ethics is to ensure members of Congress are complying with the law, it is not to protect members from law enforcement officials. Therefore, rule 13(C)

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should be amended to permit the staff, in consultation with the chairman and co-chairman, to refer a matter to appropriate state and federal authorities whenever the facts provide a reasonable suspicion the subject has violated the law.

Thank you for the opportunity to comment on the proposed code of conduct and draft rules.

Sincerely,



Melanie Sloan
Executive Director