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November 18, 2010

The Hon. John Boehner
1011 Longworth H.O.B.
Washington, DC 20515

RE: Chart a better course on congressional ethics

Dear Speaker Boehner:

Congratulations on your reelection and returning as Speaker of the House of Representatives. On behalf of Public Citizen's 160,000 members and supporters, we write regarding the decisions that confront you regarding how to run an ethical and transparent Congress.

We were pleased by the vow in your election-eve victory address "to do things differently," and "take a new approach that hasn't been tried before in Washington," as well as your statements that the American people want "more accountable government" and have repudiated "politicians who refuse to listen to the people." As you know, the American public evicted House Republicans just four years ago, in a clear repudiation of one of the most corrupt, secretive, and arrogant congresses in United States history. We urge you in the strongest of terms to lead your party toward a better course in the coming years.

A brief reflection on the previous Republican House highlights many of the dangers that we hope you will avoid and work to remedy.

Wining and Dining. Under the last Republican-controlled Congress, lobbyists were elevated to new heights of insider privilege and power. Disgraced former lobbyist Jack Abramoff plied his trade at Table 40 in his Signatures restaurant by offering free wining and dining of lawmakers. One study estimated that Abramoff gave away \$180,000 in food and wine in a little more than one year.¹ Simple caps on such gifts proved insufficient, as there was no one to monitor whether a lobbyist exceeded the \$50 gift limit and so limits were routinely ignored.

Free Trips. Travel junkets were another popular tool to increase lobbyist access. Members flew around the globe courtesy of lobbying organizations. In 2005, lawmakers took 1,340 trips at a cost of \$3.6 million, usually billed to businesses and lobbying organizations with

¹ Glenn Justice, "For Lobbyist, a Seat of Power Came With a Plate," *New York Times* (July 6, 2005).

legislation pending before Congress and frequently aboard corporate jets staffed with lobbyists. Tom DeLay even flew R.J. Reynolds' corporate plane to his arraignment on money laundering charges.²

K Street Project. The “K Street Project” was a political operation where firms were pressured by Republican leaders to hire prominent Republican party operatives and Republican staffers. In turn, these lobbying firms were rewarded with special access to governmental officials. The K Street Project came to a formal end with passage of the Honest Leadership and Open Government Act of 2007.

We read with concern that you have worked closely with K Street to assemble a list of 75 to 80 potential chiefs of staff for newly arriving Republican Members of Congress.³ Many of the lobbyists with whom you are working are eager to spin through the “reverse revolving door” into positions as senior congressional staffers. This provides them an opportunity to influence public policy on behalf of their former clients, and makes them even more valuable to paying clients when they return back to the private sector.

Earmarks. Both the number and dollar amount of earmarks reached an all-time high in this era, with 13,997 earmarks worth \$27.3 billion in 2005 and 9,963 earmarks worth \$29 billion in 2006, according to the watchdog group Citizens Against Government Waste.

Though the congressional Republican caucus is about to place a moratorium on earmarks, which has some value, a moratorium merely punts the issue to another day. The problem of conflicts of interest between campaign gifts and earmarked funds remains to be addressed.

Fundraising from Lobbyists. Fundraising is the single most powerful tool wielded by lobbyists. When kept out of the public eye, corruption can breed. And breed it did during the previous Republican-controlled Congress.

During the 2002 election cycle, for example, Mitch Delk, then-lobbyist for Freddie Mac, held at least 45 fundraisers for Republican lawmakers overseeing the mortgage lending industry. After Public Citizen filed a complaint against Delk because the fundraising numbers did not add up, the Federal Election Commission (FEC) levied its largest fine in history against Freddie Mac (\$3.8 million fine).

Though the Honest Leadership and Open Government Act now requires that lobbyists report all fundraisers and bundled contributions, the on-line disclosure databases are oftentimes inaccurate and difficult to navigate.

Making the House Work as it Should

As the new Republican majority writes new ethics rules for the 112th Congress, we urge you to maintain and extend recent improvements on ethics, not to jettison them and return to the days of scandal. You should build upon recent achievements, not reject them. And

² “Loopholes a Jet Can Fly Through,” *BusinessWeek* (May 22, 2006).

³ Jackie Kucinich and Anna Palmer, “GOP Wants Insiders to Staff Outsiders,” *Roll Call* (Oct. 26, 2010).

you should offer additional solutions. Specifically, we encourage you to champion the highest ethical standards by:

- Strengthening independent oversight of the ethics enforcement process by preserving the Office of Congressional Ethics (OCE) and granting it genuine investigative authority through the power to subpoena witnesses.
- Maintaining and actively enforcing the gift ban against lobbyists and lobbying organizations wining and dining Members of Congress and staff.
- Expanding the restrictions against privately-sponsored travel for Members of Congress to require disclosure of pre-clearance travel requests, thus helping avert such scandals as the recent Caribbean trip by some members of the Congressional Black Caucus, and apply full disclosure to government-sponsored official trips as well.
- Slowing the revolving door from Congress to K Street by adopting a two-year cooling off period comparable to the Senate, and slowing the reverse revolving door by enhancing disclosure requirements of potential conflicts of interest, and requiring senior staffers to recuse themselves from matters that pose significant conflicts.
- Requiring public disclosure of private-sector employment negotiations by Members and senior staffers that may pose a conflict of interest with their official duties.
- Prohibiting earmarks to major campaign contributors and centralizing the disclosure database of earmark requests and earmark recipients.
- Enforcing the requirement that lobbying organizations report fundraising events and improving the accuracy of the on-line databases.
- Restricting lobbyists from serving in a fundraising capacity for candidates.
- Democratizing the procedures of the House so that legislation is in print for a reasonable time before a legislative vote, all parties are fairly represented in conference proceedings and legislative votes are conducted in a fair and open manner.

We hope that your pragmatism and desire to be a leader to all Americans will prompt you to lead the new congressional majority in a direction different from your predecessors. We hope to spend the coming years working with you on the public mandate to improve congressional ethics, not exposing a new tide of scandals.

Sincerely,



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Craig Holman
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