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The Hon. Susan Brooks, Chairperson
The Hon. Ted Deutch, Ranking Member
House Ethics Committee
1015 Longworth House Office Bldg.
Washington, D.C. 20515

January 31, 2018

Office of Congressional Ethics
U.S. House of Representatives
425 3rd Street SW
Washington D.C. 20024

Dear Members and Commissioners:

Public Citizen requests that the House Ethics Committee and the Office of Congressional Ethics (OCE) investigate whether Speaker Paul Ryan (R-Wisc.) or his designee violated Rule V of the House of Representatives by allowing the official broadcast of the State of the Union address to be used simultaneously for partisan campaign fundraising purposes by the Donald J. Trump for President campaign committee, on January 30, 2018.

The State of the Union address is a hallowed and constitutionally-mandated communication between the President and Congress in which the chief executive reports on the current conditions of the United States and provides a policy agenda for the nation in the upcoming year. Article II, Section 3, clause 1 of the U.S. Constitution declares that the President “shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such measures as he shall judge necessary and expedient.”

The State of the Union address provides the president with a public forum to set the nation’s policy agenda and attempt to unify congressional and public support behind that agenda. As such, the State of the Union address is intended to transcend pure partisan politics and seeks to forge some semblance of national unity.

On January 29, President Trump sent a text message to campaign supporters announcing that his State of the Union address would be used simultaneously by the Trump campaign committee for campaign fundraising purposes. The speech would be live-streamed on the campaign committee’s social media sites and new donors could have their names flashed across the screen during the “Donald J. Trump for President Live Stream” event. Trump’s campaign fundraising offer has been widely reported in the press.

Trump’s text message read as follows: “The State of the Union speech is not about me. It’s about YOU. Which is why I will have the names of every supporter who contributes today broadcast

during my speech on the Official DJT for President Livestream!... Enough of the Fake News Media. It's time for them to hear from the AMERICAN PEOPLE.”¹

During the State of the Union address, the campaign committee did indeed livestream official House floor proceedings of the speech on its Facebook page and portions of the speech on its Twitter feed and scrolled the names of new donors in a crawl at the bottom of the screen. A snapshot is attached.

Rule V of the House of Representatives directs the Speaker of the House or the Speaker's designee to provide for a system of complete and unedited audio and visual transmissions of all floor proceedings of the House. The Speaker shall not allow these transmissions or recordings to be used for partisan campaign purposes. Specifically, Rule V, Paragraph 2 (b) and (c) read:

Rule V, Paragraph (2) –

(b) All television and radio broadcasting stations, networks, services, and systems (including cable systems) that are accredited to the House Radio and Television Correspondents' Galleries, and all radio and television correspondents who are so accredited, shall be provided access to the live coverage of the House.

(c) Coverage made available under this clause, including any recording thereof—

(1) may not be used for any partisan political campaign purpose;

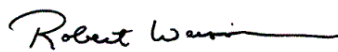
(2) may not be used in any commercial advertisement; and

(3) may not be broadcast with commercial sponsorship except as part of a bona fide news program or public affairs documentary program.

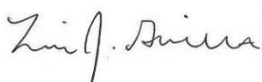
The Trump campaign's use of the official broadcast of the State of the Union address for such partisan campaign purposes appears to violate Rule V of the House of Representatives. Furthermore, the prior announcement of such an act would appear to place the Speaker of the House or the Speaker's designee in violation of the Speaker's duties to ensure that such official broadcasts or transmissions are not used for partisan campaign purposes, assuming they were aware of the President's publicly stated intention.

Public Citizen hereby requests that the House Ethics Committee and the Office of Congressional Ethics investigate whether Speaker Paul Ryan or the Speaker's designee failed to fulfill his responsibilities in violation of Rule V of the House rules.

Sincerely,



Robert Weissman,
President
Public Citizen



Lisa Gilbert,
Vice President of Legislative
Affairs
Public Citizen



Craig Holman, Ph.D.
Government Affairs Lobbyist
Public Citizen's Congress Watch

¹ Nicole Goodkind, "Trump to display names of campaign donors during State of the Union speech," *Newsweek* (Jan. 30, 2018), available at: <http://www.newsweek.com/trump-state-union-donors-names-794988>

