

The Honorable Jason Chaffetz
House Committee on Oversight and Government Reform

January 13, 2017

Dear Chairman Chaffetz:

We note with concern your Jan. 12, 2017 letter to Walter Shaub, Director of the Office of Government Ethics (OGE), demanding the director testify in a closed-door session in short order (i.e. that he “make himself available available for a transcribed interview with Committee staff as soon as possible, but no later than January 31, 2017.”)¹ The letter adds “the Committee may also need to interview additional witnesses,” which hints at interviews of other OGE staff. The *New York Times* characterized the letter as “including a veiled threat of an investigation.” We also see it as a threat to cut off funding for this vital institution.

The context in which your letter was sent—the noncompliance of the incoming Trump administration with some recommendations of OGE to address conflicts-of-interest and other ethics issues pertaining to incoming senior administration officials—raises concerns that the letter may be inordinately partisan and not in furtherance of the purpose you have declared for the committee: “we will work with our colleagues in the minority to exercise effective oversight over the federal government and will work proactively to investigate and expose waste, fraud, and abuse.”

Indeed, the Ranking Member of the Committee, the Hon. Elijah Cummings, wrote to you on January 12, 2017, requesting “the Committee convene a hearing next week ... to hear public testimony from the nation’s top government ethics expert regarding President-Elect Donald Trump’s massive global business entanglements.” He added “I believe it is imperative that Director Shaub be permitted to testify in public — before the

¹ The letter is described in the New York Times, “G.O.P. Lawmaker Hints at Investigating Ethics Chief Critical of Trump,” by Steve Eder and Eric Lipton (January 13, 2017), <https://www.nytimes.com/2017/01/13/us/politics/rep-jason-chaffetz-ethics-monitor-investigation-threat.html>, and published by the New York Times at <https://www.documentcloud.org/documents/3284846-2017-01-12-Chaffetz-to-Shaub-OGE.html>. Oddly, the letter is not available on the majority website of the House Committee on Oversight and Government Reform (<https://oversight.house.gov/>), although it is referenced on the minority website (<https://democrats-oversight.house.gov/>).

American people — *to avoid any perception he is being unfairly targeted* behind closed doors for expressing his views.”² (emphasis added)

Committee leaders of both parties have a long bipartisan history of working across party lines and with civil society on government transparency and accountability issues. The recent enactment of the FOIA Improvement Act and DATA Act, and ongoing protection of whistleblowers, is testament to the power and purpose of collaborating to prevent waste, fraud, and abuse, and we applaud those efforts. Recent reporting suggests the Committee may plan to investigate the Trump administration less vigorously than the Obama administration,³ a charge that we hope you will dispel.

The House Oversight and Government Reform Committee clearly has jurisdiction over OGE and we do not quibble with the proper exercise of its oversight authority. Nevertheless, we cannot help but be alarmed by a letter that: (1) lacks bipartisan support; (2) unreasonably demands the head of OGE and possibly OGE staff be interviewed during the peak time they are vetting President Elect Trump and his nominee’s ethics forms; (3) does not address the underlying issues of whether President Elect Trump and his nominees are complying with government ethics requirements; and (4) does not meet the reasonable accommodation of holding such an inquiry in public.

Accordingly, we request you defer any inquiry into OGE until such time as it is bipartisan, held in public, addresses the Trump administration’s potential conflicts-of-interest, and is calibrated to interfere as little as possible with OGE’s ongoing activities of reviewing the incoming administration’s compliance with ethical requirements.

We are, sincerely yours,

Bill of Rights Defense Committee/Defending Dissent Foundation
Brennan Center
Center for American Progress
Center for Media Democracy
Citizens for Responsibility and Ethics in Washington (CREW)

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http://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-01-12.EEC%20to%20Chaffetz.Re_.Schaub.pdf

³ New York Times, “Obama Watchdog in Congress Has New Target in Trump Era: Postal Reform” (January 9, 2017), available at <https://www.nytimes.com/2017/01/09/us/politics/donald-trump-transition.html>.

Common Cause
Demand Progress
Democracy 21
Demos
Every Voice
Free Speech For People
Fund for Constitutional Government
James A. Thurber
Kathleen Clark
No More Guantanamos
Norm Eisen
Norm Ornstein
OpenTheGovernment.org
People For the American Way
Public Citizen
Richard Painter
Sunlight Foundation
Zephyr Teachout

cc: The Hon. Elijah Cummings