

The Honorable Thomas Hungar
Office of General Counsel
219 Cannon House Office Building
U.S House of Representatives
Washington, DC 20515

May 23, 2018

Dear Mr. Hungar:

We, the undersigned organizations, write concerning the connection between the Office of General Counsel and the Bipartisan Legal Advisory Group (“BLAG”). It is our understanding that the BLAG “speaks for, and articulates the institutional position of, the House of Representatives in all litigation matters”¹ while the Office of General Counsel provides “legal assistance and representation to the House”² pursuant to the direction of the Speaker, who consults with the BLAG. In short, the BLAG sets the legal position of the House and your office puts it into practice.

We commend the Office of General Counsel on maintaining a public-facing website that contains information about the office, including a list of its general counsels; relevant House rules; a list of staff; notable court opinions, etc.³ At this time, there is no congressional webpage that focuses on the BLAG.

Given the interrelationship between OGC and the BLAG, we request you expand your website to include basic information the BLAG. It could include a description of what it is; who serves on the BLAG; how it functions; instances when the BLAG authorizes OGC to take a legal position; court filings; and select explanatory or historical documents (such as CRS reports) that would shed light on its operations. We believe this would be a relatively simple task that would significantly improve public understanding of both the BLAG and your office’s operations, providing appropriate transparency that is consonant with the policy direction of the House of Representatives.

The information we are requesting likely is already publicly available, but not consolidated into a central location or organized in a way that would be meaningful for the public. We are not seeking confidential communications or information protected by the attorney-client relationship. We request that you focus on information for the 115th Congress, and add information from recent Congresses when appropriate.

Our request is consonant with the approach the House has undertaken to be more transparent in recent Congresses. Examples include the creation of the committee document repository

¹ House Rule 2, clause 8(b).

² House Rule 2, clause 8(a).

³ See <https://ogc.house.gov/>.

docs.house.gov; the modernized Rules Committee website; an online staff phone directory; publication of the Statements of Disbursements in a structured data format; publication of the U.S. code in a structured data format; publication of bill text, summary, and status information as data; the modernization of the Clerk of the House's website; online witness disclosure forms; and more.

We appreciate your consideration and would welcome the opportunity to discuss this with you further. Please contact Daniel Schuman, policy director, Demand Progress, at daniel@demandprogress.org or 202-577-6100.

With best regards,

Cause of Action Institute
Citizens for Responsibility and Ethics in Washington (CREW)
Demand Progress Action
Government Accountability Project
Government Information Watch
Issue One
National Security Archive
National Taxpayers Union
Project On Government Oversight
Public Citizen
R Street Institute
Sunlight Foundation

Cc:

Members of the BLAG
Members of the Committee on House Administration