

Reps. Waxman, Obey, and Dingell describe their concerns with a new ethics policy that restricts the right of members to criticize the Ethics Committee.

December 7, 2004

The Honorable Joel Hefley, Chairman  
The Honorable Alan B. Mollohan, Ranking  
Minority Member  
House Committee on Standards of Official Conduct  
HT-2 Capitol  
Washington, DC 20515

Dear Mr. Chairman and Mr. Mollohan:

We are writing to seek clarification about the Committee's November 18, 2004, letter to Rep.

[W]e also wish to make the point to you — and, by public release of this letter, to all House Me

With due respect, we question the basis — and, indeed, the constitutionality — of this new pol

We recognize that special rules of decorum govern what members may say on the floor of the

In the past, there have been countless examples of House members who have spoken out ag

Recently, several House members criticized the Ethics Committee's decision to admonish Maj

In 1997, Rep. John Boehner, who was then the chair of the House Republican Conference, at

Long before he became Speaker, Rep. Newt Gingrich criticized what he perceived to be inacti

This is not a partisan issue. Democratic members have also criticized the Committee or its me

A strict reading of the Committee's November 18 letter suggests that these statements would

There is First Amendment precedent that bears upon these concerns. According to

Indeed, "the Court has frequently reaffirmed that speech on public issues occupies the 'highes

The new ethics policy raises other concerns, too. We are not aware of any basis in the House

We appreciate the difficult work of the Ethics Committee, and we know that it can be a thankle

We respectfully request that the Committee reconsider this issue or provide further guidance t

Sincerely,

Henry A. Waxman  
Ranking Minority Member  
Committee on Government Reform

David R. Obey  
Ranking Minority Member  
Committee on Appropriations

John D. Dingell  
Ranking Minority Member  
Committee on Energy and Reform

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- 1) After Ethics Rebukes, DeLay's Fortunes May Now Lie with His Party's, New York Times (C
- 2) Hefley: "I Was Threatened," The Hill (Oct. 13, 2004).
- 3) Fox News Sunday, Fox News (Jan. 12, 1997).
- 4) House Rejects Outside Ethics Panel, New York Times (July 1, 1987).
- 5) Back to the Main Event: Counsel's Report on the Speaker Due Today, Roll Call (
- 6) Democrats Press Ethics Panel to Step up Probe of Gingrich's Use of Nonprofits, '

## Documents and Links

- [Letter to Chairman Hefley and Ranking Member Mollohan](#)