

October 30, 2019

David Skaggs, Chairman
Allison Hayward, Vice-Chairman
Office of Congressional Ethics
U.S. House of Representatives
425 3rd Street, S.W.
Suite 1110
Washington, DC 20024

Re: Request for Inquiry into Multiple Violations of House Rules by Rep. Nancy Pelosi, Speaker, U.S. House of Representatives

Dear Chairman Skaggs and Co-Chairman Hayward:

On behalf of the millions of activists and supporters of the groups listed below, we hereby request that the Office of Congressional Ethics (OCE) conduct an investigation into multiple violations of House Rule XXIII by Rep. Nancy Pelosi, Speaker of the U.S. House of Representatives.

The rules of the House of Representatives for the 116th Congress specifically provide as follows:

“Rule XXIII - Code Of Official Conduct

“There is hereby established by and for the House the following code of conduct, to be known as the ‘Code of Official Conduct’:

“1. A Member, Delegate, Resident Commissioner, officer, or employee of the House shall behave at all times in a manner that shall reflect creditably on the House.

“2. A Member, Delegate, Resident Commissioner, officer, or employee of the House shall adhere to the spirit and the letter of the Rules of the House and to the rules of duly constituted committees thereof.”

Speaker Pelosi has violated the Official Code of Conduct of the House of Representatives in the following specific instances, establishing a pattern of conduct that reflects discreditably on the U.S. House of Representatives, and she has abused her power as Speaker of the House of Representatives in her determination to conduct impeachment proceedings against the President of the United States.

We direct the OCE’s attention to the following examples of Speaker Pelosi’s abuse of power, misuse of House resources, and false statements to the public and to the media, as well as abuse of the hearing procedures of the U.S. House of Representatives:

1. Speaker Pelosi has hypocritically usurped the authority of the Executive Branch.

The Framers of the Constitution did not want the Executive Branch to be subservient to the Legislative Branch. They wanted the two branches – along with the third branch, the judiciary – to be co-equals, sharing power to prevent the accumulation of too much power in any particular locus of government. “The accumulation of all powers, legislative, executive, and judiciary,” wrote James

Madison, “in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.”

The Constitution and our political tradition give the authority to conduct the foreign and national security policy of the United States to the president. The Senate must approve ambassadors, and treaties; and both House and Senate must agree to appropriate funds to pay for the armed forces and the diplomatic corps that allow for the conduct of foreign policy. Beyond that, however, Congress’ ability to influence the conduct of U.S. foreign and national security policy is wholly dependent on its power of persuasion, for the Constitution grants to the president and the president alone the power of Commander in Chief of the armed forces, and the power to appoint Ambassadors and make treaties.

So, Speaker Pelosi’s conduct is an encroachment across the constitutionally-mandated separation of powers. She has no business examining or investigating the president’s legitimate exercise of his authority to determine the foreign and national security policy of the United States. But, worse than that, Speaker Pelosi’s particular encroachment is riddled with hypocrisy.

Speaker Pelosi’s hypocrisy over the conduct of U.S. policy toward Ukraine is evident. During the Obama Administration, Vice President Joe Biden was the “point man” for U.S. policy toward Ukraine. The Obama Administration decided it wanted the Ukrainian government to execute a particular personnel move – to wit, the Obama Administration wanted the Ukrainian president to fire his government’s prosecutor general. Biden later bragged that he had leveraged more than a billion dollars in U.S. assistance to Ukraine to achieve this desired policy end, threatening Ukrainian government officials that he would deny them U.S. assistance if they did not remove the prosecutor general within six hours. See this at 52:00 into the video clip: https://www.youtube.com/watch?v=Q0_AqpdwqK4

But there was no outcry from Rep. Pelosi when it was revealed that Vice President had leveraged U.S. assistance to Ukraine to achieve a desired U.S. policy end. Clearly, her failure to call out Vice President Biden for threatening to hold up U.S. aid to Ukraine until the Ukrainian government did what he wanted is an indication that she does not believe it is wrong for U.S. officials to leverage U.S. assistance to achieve a desired policy end. Her insistence that what President Trump did is wrong is evidence that what matters to her is not the conduct itself, but who is the individual exercising the power – the very definition, in this case, of hypocrisy.

2. Speaker Pelosi has weaponized impeachment.

In launching her “official” impeachment inquiry without benefit of a vote of the full House of Representatives and without indicating anything remotely qualifying as “treason, bribery, or other high crimes and misdemeanors” that is the subject of the inquiry, Speaker Pelosi has weaponized impeachment. She and her Democratic colleagues are using the impeachment process as a weapon of partisan political battle, rather than as the means to defend the Constitution our Framers meant it to be.

Democratic U.S. Rep. Al Green – author of articles of impeachment against President Trump in the 115th and 116th Congresses – revealed this truth on May 4, 2019. Appearing on MSNBC, Rep. Green said, “I’m concerned that if we don’t impeach this president, he will get re-elected.” See: https://www.realclearpolitics.com/video/2019/05/06/al_green_im_concerned_if_we_dont_impeach_the_president_he_will_get_re-elected.html

Many Democrats in the House of Representatives apparently share Rep. Green's view – that they are unlikely to defeat President Trump at the polls in the November 2020 presidential election, and therefore must vote to impeach him lest they be saddled with another four years of his presidency. For them, impeachment is just another political tool, with guilt or innocence to be determined not by the weight of the evidence, but by the relative strength of the political parties in the Congress.

Alexander Hamilton warned of precisely this in Federalist 65: “In many cases [impeachment] will connect itself with the preexisting factions ... and in such cases there will always be the greatest danger that the decision will be regulated more by the comparative strength of the parties, than by the real demonstrations of innocence or guilt.”

If Speaker Pelosi and her Democratic colleagues are allowed to get away with this, our politics will have been permanently changed for the worse. Employing the impeachment power against a president who has not committed “treason, bribery, or other high crimes and misdemeanors” will become the new standard when a different political party than the occupant of the White House controls the majority in the House of Representatives. And the country will suffer for it.

3. Speaker Pelosi has arrogated unto herself and herself alone the Power of Impeachment, despite the Constitution's specific injunction that “*The House of Representatives ... shall have the sole Power of Impeachment.*” [Emphasis added] A vote, taken more than a month after Speaker Pelosi opened her illegitimate inquiry without benefit of a vote of the full House of Representatives, is inadequate at this late stage.

Speaking to the press on Tuesday, September 24, Speaker Pelosi declared: “Therefore, today, I am announcing the House of Representatives is moving forward with an official impeachment inquiry. I am directing our six committees to proceed with their investigations under that umbrella of impeachment inquiry. ... No one is above the law.” See: <https://www.politico.com/video/2019/09/24/nancy-pelosi-trump-impeachment-remarks-full-068874>

This one-person decision is in violation of historical precedent. In the three preceding cases where the House of Representatives considered impeaching a president of the United States, the House launched its official impeachment inquiry by holding a vote of the full House, passing a resolution laying out the ground rules for the conduct of the impeachment inquiry.

Not only has Speaker Pelosi initiated her so-called “official impeachment inquiry” without benefit of a vote of the full House, she has since then thoughtfully reconsidered the matter and then, once again, has come to the same conclusion – that she does not need to hold such a vote. She has reiterated her refusal to hold a vote of the full House. See: <https://www.cnbc.com/2019/10/15/house-democrats-will-not-hold-a-vote-authorizing-impeachment-probe-which-white-house-sought.html>

Only after another week's worth of political pressure – and the introduction of a sense-of-the-Senate resolution castigating the House of Representatives for moving forward with an illegitimate “official” impeachment inquiry without benefit of a vote of the full House of Representatives – did Speaker Pelosi reverse herself and declare that the House would, after all, vote on a resolution authorizing an official impeachment inquiry.

But the language of the draft resolution makes clear that the resolution authorizes not the *opening* of an official impeachment inquiry, but the *continuation* of the impeachment inquiry already

under way: “Directing certain committees to continue their ongoing investigations as part of the existing House of Representatives inquiry into whether sufficient grounds exist for the House of Representatives to exercise its Constitutional power to impeach Donald John Trump, President of the United States of America, and for other purposes.”

This is the constitutional equivalent of having the referees arrive and take their positions when the game is already halfway over. If she now understands that before going any further, the full House of Representatives must make its impeachment inquiry legitimate by the casting of votes, she is tacitly admitting that what came before is illegitimate. Consequently, all “evidence” gleaned during this portion of the “investigation” must be discarded for the sake of fairness.

In conclusion, Speaker Pelosi has, through multiple actions and false statements, abused her power as Speaker of the House of Representatives. She has violated the Official Code of Conduct of the House of Representatives through a pattern of abuse of power, demonstrating that she is unfit to continue to serve as Speaker of the House.

We respectfully request that the Office of Congressional Ethics immediately launch an inquiry into Speaker Pelosi’s misconduct.

Please contact Jenny.Beth@TeaPartyPatriots.org should you have additional questions.

Sincerely,

Jenny Beth Martin
Honorary Chairman
Tea Party Patriots Action

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U.S. House of Representatives
Former Member, Ohio

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