

April 19, 2023

Mr. Omar Ashmawy  
Chief Counsel and Staff Director  
Office of Congressional Ethics  
U.S. House of Representatives  
P.O. Box 895  
Washington, D.C. 20515

**Re: Request for Investigations into House Members Mark E. Green (TN-07) and Jim Jordan (OH-04)**

Dear Mr. Ashmawy:

I respectfully request that the Office of Congressional Ethics (“OCE”) initiate a preliminary review into Representatives Mark E. Green of Tennessee’s 7th Congressional District and Jim Jordan of Ohio’s 4th Congressional District for violating House Ethics Rules by linking their solicitations of campaign contributions to official actions. Representative Green also granted donors special access to his official conduct. As chairmen of the powerful Committees on the Judiciary and Homeland Security, Representatives Green and Jordan both allegedly promised politically motivated investigations and linked such investigations to their solicitation of campaign contributions. Representatives Green’s and Jordan’s actions show a blatant disregard for House Ethics Rules and their inappropriate conduct should be investigated by OCE.

**FACTUAL BACKGROUND**

Representative Jim Jordan has represented Ohio’s 4th Congressional District in the United States House of Representatives since January 2007.<sup>1</sup> Representative Jordan serves as the Chairman of the Committee on the Judiciary.<sup>2</sup>

At an April 2023 fundraiser, Representative Jordan “pointed to his clash with Alvin L. Bragg, the Manhattan prosecutor who has criminally charged former President Donald J. Trump, as the kind of pursuit [the donors] money was helping support.”<sup>3</sup> Representative Jordan said, “[t]he district attorney in Manhattan used federal funds to indict the former president for no crime, and then when we start our investigation, they take us to court. That’s how crazy it’s gotten. So we say thank you for the hard-earned money.”<sup>4</sup>

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<sup>1</sup> Congress, Representative Jim Jordan, <https://www.congress.gov/member/jim-jordan/J000289?q=%7B%22congress%22%3A110%7D> (last accessed Apr. 18, 2023).

<sup>2</sup> Jim Jordan, Committees, <https://jordan.house.gov/about/committees-and-caucuses> (last accessed Apr. 18, 2023).

<sup>3</sup> Luke Broadwater, *How Jim Jordan, a Fighter Aligned With Trump, Wrestled His Way to Power*, N.Y. Times (Apr. 17, 2023), <https://www.nytimes.com/2023/04/16/us/politics/jim-jordan-trump.html>.

<sup>4</sup> *Id.*



Representative Mark E. Green has represented Tennessee's 7th Congressional District in the United States House of Representatives since January 2019.<sup>5</sup> Representative Green serves as the Chairman of the Committee on Homeland Security.<sup>6</sup>

In April 2023, Representative Green spoke at a fundraiser for the House Freedom Fund. In his remarks, Green “promised donors [...] that he would produce an impeachment case against the Biden administration’s homeland security chief, Alejandro N. Mayorkas, saying that the secretary’s appearance before the panel [...] would be the beginning of his demise.”<sup>7</sup> Representative Green told donors, “[o]n April 19, next week, get the popcorn — Alejandro Mayorkas comes before our committee, and it’s going to be fun. [...] That’ll really be just the beginning for him.”<sup>8</sup> Representative Green even discussed with donors specific evidence he would use during an upcoming hearing featuring Secretary Mayorkas.<sup>9</sup> Specifically, he told the donors about a hearing clip of Secretary Mayorkas’ past testimony that he intended to use against him, along with separate testimony by Raul L. Ortiz, the Border Patrol Chief.<sup>10</sup>

### LEGAL ANALYSIS

The House Ethics Manual (the “*Manual*”) states, “no solicitation of a campaign or political contribution may be linked to an action taken or to be taken by a Member or employee in his or her official capacity.”<sup>11</sup> Members must “exercise caution to avoid even *the appearance* that solicitations of campaign contributions are connected in any way with an action taken or to be taken in their official capacity.”<sup>12</sup> The Manual also prohibits Members from participating in “any solicitation that offers donors any special access to the Member in the Member’s official capacity.”<sup>13</sup>

A “corollary” of these rules is that Members may not “take or withhold any official action on the basis of the campaign contributions or support of the involved individuals, or their partisan affiliation. Members and staff are likewise prohibited from threatening punitive action on the basis of such considerations.”<sup>14</sup>

Representative Jordan directly linked the Committee on the Judiciary’s ongoing official investigation of Manhattan District Attorney Alvin Bragg to a solicitation of political contributions for the House Freedom Fund. Similarly, Representative Green promised House Freedom Fund donors that he would produce an impeachment case against Secretary Mayorkas. Representative Green even gave these donors special access to an official proceeding when he shared some of the

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<sup>5</sup> Congress, Representative Mark E. Green, <https://www.congress.gov/member/mark-green/G000590> (last accessed Apr. 18, 2023).

<sup>6</sup> Mark Green, Committees, <https://markgreen.house.gov/committees> (last accessed Apr. 18, 2023).

<sup>7</sup> Karoun Demirjian, *Key Republican Tells Donors He Will Pursue Impeachment of Mayorkas*, N.Y. Times (Apr. 18, 2023), <https://www.nytimes.com/2023/04/18/us/republicans-mark-green-mayorkas-impeachment.html>.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> U.S. H.R. Comm. on Ethics, House Ethics Manual at 147 (2022), <https://ethics.house.gov/sites/ethics.house.gov/files/documents/2022/House-Ethics-Manual-2022-Print.pdf>.

<sup>12</sup> *Id.* (emphasis added).

<sup>13</sup> *Id.*

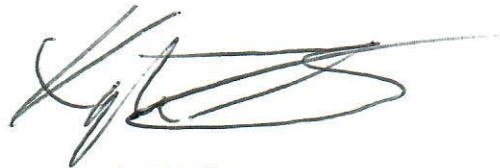
<sup>14</sup> *Id.* at 150.

evidence he would use during the upcoming hearing with Secretary Mayorkas. Representatives Jordan and Green politicized their official investigations to solicit political contributions for the House Freedom Fund. The rhetoric of these Representatives could have signaled to donors that the investigations were contingent on the political contributions solicited – the very linkage between political fundraising and official actions that the House Ethics Rules aim to prevent.

We request that the Office of Congressional Ethics investigates Representatives Jordan and Green for these apparent violations as soon as possible.

In accordance with 18 U.S.C. § 1001, I affirm that, to the best of my knowledge and ability, all evidence submitted was not obtained in violation of any law, rule, or regulation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kyle Herrig', with a large, sweeping flourish extending to the right.

Kyle Herrig

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