

# CONGRESSIONAL INTEGRITY PROJECT

May 22, 2024

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 Investigation of Representative James Comer**

Dear Mr. Ashmawy:

I respectfully request that the Office of Congressional Ethics (“OCE”) immediately investigate Representative James Comer’s fundraising campaign in connection with his chairmanship of the U.S. House Committee on Oversight and Accountability. Representative Comer’s campaign emails are made in blatant disregard of the Rules of the House of Representatives (“House Rules”).

The House Ethics Manual states that a “solicitation for campaign or political contributions may not be linked with an official action taken or to be taken by a House Member or employee.”<sup>1</sup> Yet, as described in more detail below, Representative Comer has repeatedly evaded his ethical obligations by soliciting campaign donations directly linked to his impeachment investigation of President Joe Biden.

### **FACTUAL BACKGROUND**

James Comer currently serves as a U.S. Representative for the 1st District of Kentucky and Chairman of the U.S. House Committee on Oversight and Accountability.<sup>2</sup> Since September 12, 2023, Rep. Comer has been conducting a formal impeachment inquiry into President Joe Biden<sup>3</sup>. The House of Representatives formalized this on December 13, 2023<sup>4</sup>. Throughout this time period, Rep. Comer has repeatedly used the official impeachment inquiry to solicit campaign contributions, raising millions of dollars<sup>5</sup>.

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<sup>1</sup> U.S. House of Representatives Committee on Ethics, House Ethics Manual, p. 150, <https://ethics.house.gov/sites/ethics.house.gov/files/documents/2022/House-Ethics-Manual-2022-Print.pdf>

<sup>2</sup> *Our District*, CONGRESSMAN JAMES COMER, <https://comer.house.gov/our-district>.

<sup>3</sup> McCarthy calls for formal impeachment inquiry into Biden amid pressure from conservatives, CNN (Sept 12, 2023), <https://www.cnn.com/2023/09/12/politics/biden-impeachment-house-gop/index.html>

<sup>4</sup> House approves impeachment inquiry into President Biden as Republicans rally behind investigation, Associated Press (Dec 13, 2023), <https://apnews.com/article/joe-biden-impeachment-inquiry-mike-johnson-94884b322da40ca9315ac5f4e73a3e86>

<sup>5</sup> As he targeted Joe Biden, Comer raised \$1.5 million from contributors, new data shows, McClatchy, (Feb 1, 2024), <https://www.mcclatchydc.com/news/politics-government/article284956732.html>

In a March 2024 email solicitation for campaign donations Comer explicitly wrote that he was “preparing criminal referrals as the culmination of my investigation,” linking the solicitation explicitly to his official acts as Chairman of the Oversight Committee.

On May 16, 2024, Rep. Comer’s campaign committee sent another email solicitation directly linking the Oversight Committee’s efforts to obtain audio files from Special Counsel Robert Hur with the 2024 election. Comer writes that these audio files “could be the final blow to Biden with swing voters across the country,” again linking the campaign solicitation to his official acts<sup>6</sup>.

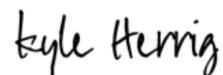
#### LEGAL ANALYSIS

In creating the House Code of Official Conduct, and specifically the requirement that Representatives and employees of the House “behave...in a manner that...reflect creditably on the House,”<sup>7</sup> the intent was to create a code of conduct “that would have a deterrent effect against improper conduct and at the same time be capable of enforcement if violated.”<sup>8</sup> Members are required to “adhere to the spirit and the letter of the Rules of the House.”<sup>9</sup> The House Ethics Manual provides guidance for members and staff to observe. Solicitations for campaign or political contributions may not be linked with an official action taken or to be taken by a House member or staff, which includes all legislative activities<sup>10</sup>.

Notwithstanding these obligations, Representative Comer violated his ethical obligations by repeatedly making campaign contribution solicitations linked to his official actions as Chairman of the House Oversight Committee tasked with conducting an official impeachment inquiry into President Joe Biden. Accordingly, I urge the OCE to immediately commence an investigation into Representative Comer’s actions.

I understand that 18 U.S.C. § 1001 applies to the information I am providing. To the best of my knowledge and ability all evidence submitted was not obtained in violation of any law, rule or regulation.

Sincerely,



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<sup>6</sup> Max P. Cohen Tweet, May 16, 2024, <https://x.com/maxpcohen/status/1791228950997295327>

<sup>7</sup> See Rules of the House of Representatives, Rule 23, clause 1.

<sup>8</sup> House Ethics Manual, Com. On Standards of Official Conduct, 110th Cong., 2d Sess., 13 (2008) (quoting H.R. Rep. No. 90-1176, 90th Cong., 2d Sess. (1968)), [https://ethics.house.gov/sites/ethics.house.gov/files/documents/2008\\_House\\_Ethics\\_Manual.pdf](https://ethics.house.gov/sites/ethics.house.gov/files/documents/2008_House_Ethics_Manual.pdf).

<sup>9</sup> Rules of the House of Representatives, Rule 23, clause 2.

<sup>10</sup> U.S. House of Representatives Committee on Ethics, House Ethics Manual, p. 150, <https://ethics.house.gov/sites/ethics.house.gov/files/documents/2022/House-Ethics-Manual-2022-Print.pdf>

