

# CONGRESSIONAL INTEGRITY PROJECT

November 15, 2023

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 behavior during the U.S. House Committee on Oversight and Accountability’s hearing on Oversight of the U.S. General Services Administration on November 14, 2023. Representative Comer’s abhorrent behavior was in blatant disregard of the Rules of the House of Representatives (“House Rules”).

House Rule 23, the House Code of Official Conduct, requires that Members must “at all times behave in a manner that shall reflect creditably on the House.”<sup>1</sup> Moreover, U.S. House Committee on Ethics guidance confirms that Members who publicize “distortions intended to mislead the public” may be in violation of the House Rules.<sup>2</sup> Yet, as described in more detail below, Representative Comer evaded his ethical obligations by making inaccurate statements and viciously attacking Representative Jared Moskowitz using obscene language. Representative Comer’s actions are not only a violation of the public trust, but also a violation of his fundamental duty as a Member of the House of Representatives to uphold the letter and spirit of the House Rules.<sup>3</sup>

## 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>4</sup> On November 14, 2023 the Oversight Committee held a hearing on Oversight of the U.S. General Services Administration<sup>5</sup>. During this hearing, Representative Jared Moskowitz of the 23rd District of Florida asked Chairman

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

<sup>2</sup> Intentional Use of Audio-Visual Distortions & Deep Fakes, U.S. House Com. on Ethics (Jan. 28, 2020), [https://ethics.house.gov/sites/ethics.house.gov/files/documents/Deep%20Fakes%20Pink%20Sheet%20Guidance-Final\\_0.pdf](https://ethics.house.gov/sites/ethics.house.gov/files/documents/Deep%20Fakes%20Pink%20Sheet%20Guidance-Final_0.pdf)

<sup>3</sup> Rules of the House of Representatives, Rule 23, clause 2.

<sup>4</sup> *Our District*, CONGRESSMAN JAMES COMER, <https://comer.house.gov/our-district>.

<sup>5</sup> U.S. House Committee on Oversight and Accountability, <https://oversight.house.gov/hearing/oversight-of-the-u-s-general-services-administration-2/>

Comer if he wished to address media reports that he has been in business with his brother, Chad Comer. Chairman Comer responded by viciously attacking Representative Moskowitz in crude terms, including mocking his appearance by calling him a “Smurf<sup>6</sup>,” calling Representative Moskowitz a “liar” and repeatedly shouting “BULLSHIT”<sup>7</sup>. This meltdown would be out of place at a sporting event, it’s utterly inappropriate from the dais.

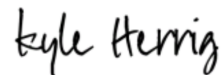
#### LEGAL ANALYSIS

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>8</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>9</sup> Members are required to “adhere to the spirit and the letter of the Rules of the House.”<sup>10</sup>

Notwithstanding these obligations, Representative Comer violated his ethical obligations by making derogatory and obscene public statements about his colleague during a public hearing. 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> “James Comer Calls Dem a ‘Smurf’ During Meltdown Over Daily Beast Report,” Daily Beast, November 14, 2023,

<https://www.thedailybeast.com/james-comer-calls-jared-moskowtiz-a-smurf-in-meltdown-over-daily-beast-report>

<sup>7</sup> “Top Republican investigating Biden calls Democrat a ‘liar’ and a ‘SMURF’ for claiming he took out a loan from his brother - like Joe did from James,” Daily Mail, November 15, 2023,

<https://www.dailymail.co.uk/news/article-12749097/This-bulls-Republican-investigating-Biden-calls-Democrat-liar-SMURF-claiming-took-loan-brother-like-Joe-did-James.html>

<sup>8</sup> See Rules of the House of Representatives, Rule 23, clause 1.

<sup>9</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>10</sup> Rules of the House of Representatives, Rule 23, clause 2.