

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND REFORM

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September 18, 2019

The Honorable Jim Jordan  
Ranking Member  
Committee on Oversight and Reform  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Ranking Member Jordan:

This letter responds to your request on Monday for the Committee to invite D.C. Councilmember Jack Evans to testify at our hearing on September 19, 2019, on legislation that would admit Washington, D.C. as the nation's 51st state.

The purpose of this hearing is to examine legislation that would finally give more than 700,000 American citizens living in the District of Columbia an opportunity to have their elected officials vote in Congress—one of the most fundamental principles underlying our Constitution and our nation—and full local self-government.

As a preliminary matter, the Committee has already invited a different minority witness at your request. Last week, your staff informed my staff that you had chosen Roger Pilon, who serves as the B. Kenneth Simon Chair of Constitutional Studies at the Cato Institute. I agreed to your request and sent an invitation to Mr. Pilon on September 12, 2019.<sup>1</sup> Mr. Pilon agreed to testify, submitted his written statement, and plans to appear tomorrow.

On Monday, however, you sent a letter requesting that the Committee also invite as a minority witness Mr. Evans, who is the subject of an ongoing federal criminal investigation. You immediately released your letter to the press without previously asking me or my staff to invite Mr. Evans to this hearing.

If I understand the purpose of your request, you would like Mr. Evans to appear at tomorrow's hearing to answer questions about allegations that he engaged in unethical conduct relating to the Washington Metropolitan Area Transit Authority (WMATA). As you wrote in your letter, you want the Committee to assess the "cloud of scandal" surrounding Mr. Evans before considering whether to allow D.C. to become a state.

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<sup>1</sup> Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, to Roger Pilon, B. Kenneth Simon Chair of Constitutional Studies, Cato Institute (Sept. 12, 2019).

Your letter seems to link D.C. statehood—and the fundamental suffrage rights of 700,000 American citizens—to the allegations against Mr. Evans. This is a false choice. The voting rights of American citizens and their representatives in Congress has never been—and should never be—contingent on state and local officials never engaging in misdeeds.

For example, state officials in Ohio have been the subject of multiple political scandals for many years, but nobody has seriously questioned Ohio's fitness to be a state or threatened to eliminate the votes of its elected representatives in Congress:

- In 2015, former Ohio State Representative Peter Beck was convicted on 13 criminal charges—including felony counts of security violations, theft, and perjury—for his role in “bilking investors out of millions of dollars in a software company.” Mr. Beck was sentenced to four years in prison.<sup>2</sup>
- Since 2018, Ohio House Speaker Cliff Rosenberger has been under federal investigation for public corruption in connection with his alleged efforts to stall a payday lending reform bill. Warrants have detailed documents that “federal investigators believe contain evidence of extortion and bribery.” Mr. Rosenberger abruptly resigned his seat and Speakership weeks before the investigation against him became public knowledge.<sup>3</sup>

These are not isolated incidents. Over the past decade, the Department of Justice has successfully prosecuted public corruption in every state represented by Republican Members of the Committee.<sup>4</sup> Yet, nobody has questioned whether Arizona, Florida, Georgia, Kentucky, Louisiana, Ohio, North Carolina, South Carolina, North Dakota, Tennessee, Texas, West Virginia, or Wisconsin should cease to be states—or whether their elected representatives in Congress should lose their votes. Every state faces allegations against its elected officials, both Republican and Democratic. The appropriate response is not to deprive hundreds of millions of American citizens in those states of their core rights to meaningful representation in Congress.

With respect to the allegations against Mr. Evans as WMATA board chairman, the Committee has expressed serious concerns and is taking steps to investigate. Our staff informed your staff last week that Rep. Gerry Connolly, the Chairman of the Subcommittee on Government Operations, had already scheduled a hearing regarding WMATA issues on October 22, 2019. In addition, on September 12, 2019, Chairman Connolly and I sent a letter asking the Inspector General of WMATA to investigate Mr. Evans's actions, including his compliance with

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<sup>2</sup> *Former State Representative Peter Beck Sentenced to Four Years in Prison*, WOSU Public Media (Aug. 20, 2015) (online at <https://radio.wosu.org/post/former-state-representative-peter-beck-sentenced-four-years-prison#stream/0>).

<sup>3</sup> *Ohio House Turns Over Ex-Speaker Rosenberger Documents to FBI*, Dayton Daily News (May 24, 2018) (online at [www.daytondailynews.com/news/ohio-house-turns-over-speaker-rosenberger-documents-fbi/Tsfxppw6w27ZMUqW9higfP/#](http://www.daytondailynews.com/news/ohio-house-turns-over-speaker-rosenberger-documents-fbi/Tsfxppw6w27ZMUqW9higfP/#)).

<sup>4</sup> Department of Justice, *Report to Congress on the Activities and Operations of the Public Integrity Section for 2017* (2017) (online at [www.justice.gov/criminal/file/1096306/download](http://www.justice.gov/criminal/file/1096306/download)).

the WMATA Code of Ethics and Compact.<sup>5</sup> On September 13, 2019, the Inspector General confirmed that his office has accepted this request and is determining its next steps to coordinate appropriately with the ongoing federal criminal investigation.<sup>6</sup> In addition, on September 17, 2019, Chairman Connolly invited the Inspector General to testify on October 22, 2019.<sup>7</sup>

Since we have already granted the minority's request for a witness with Mr. Pilon, and for all the additional reasons set forth above, the Committee will not be inviting Mr. Evans to testify at tomorrow's hearing. Going forward, the Committee will consider additional actions as these steps are completed, and I hope we can work together in a collaborative manner.

Thank you for your interest in this matter.

Sincerely,



Elijah E. Cummings  
Chairman

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<sup>5</sup> Letter from Chairman Gerald E. Connolly, Subcommittee on Government Operations, to Geoffrey Cherrington, Inspector General, Washington Metropolitan Area Transit Authority (Sept. 12, 2019).

<sup>6</sup> *Metro Inspector General to Investigate Jack Evans Ethics Probe at Congress's Request*, Washington Post (Sept. 13, 2019) (online at [www.washingtonpost.com/local/trafficandcommuting/metro-inspector-general-to-investigate-jack-evans-ethics-probe-at-congresss-request/2019/09/13/d0f53750-d63b-11e9-9610-fb56c5522e1c\\_story.html](http://www.washingtonpost.com/local/trafficandcommuting/metro-inspector-general-to-investigate-jack-evans-ethics-probe-at-congresss-request/2019/09/13/d0f53750-d63b-11e9-9610-fb56c5522e1c_story.html)) (also noting that "Metro has received two grand jury subpoenas regarding Evans, and FBI agents searched his home in June").

<sup>7</sup> Letter from Chairman Gerald E. Connolly, Chairman, Subcommittee on Government Operations, to Geoffrey Cherrington, Inspector General, Washington Metropolitan Area Transit Authority (Sept. 17, 2019).