

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074  
MINORITY (202) 225-5051  
<http://oversight.house.gov>

January 19, 2017

The Honorable Jason Chaffetz  
Chairman  
Committee on Oversight and Government Reform  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

Last Thursday, I wrote to you to request that the Committee hold a public hearing with Walter M. Shaub, Jr., the Director of the Office of Government Ethics, regarding President-Elect Donald Trump's decision to defy warnings from Republican and Democratic ethics experts by refusing to do what every previous president has done for decades—divest himself of his corporate ownership interests, liquidate his business assets, and place them in a truly blind trust operated by an independent entity.<sup>1</sup>

Director Shaub warned that President-Elect Trump's plan is "wholly inadequate." He also stated: "We can't risk creating the perception that government leaders would use their official positions for profit."<sup>2</sup> His position was identical to that of Antonin Scalia when he served more than 40 years ago at the Department of Justice before becoming a Supreme Court Justice.<sup>3</sup>

Instead of agreeing to hold a public hearing, you sent a letter attacking Director Shaub for acting unethically, threatening funding for his office, and demanding that he appear for a transcribed interview behind closed doors.<sup>4</sup>

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<sup>1</sup> Letter from Ranking Member Elijah E. Cummings to Chairman Jason Chaffetz, House Committee on Oversight and Government Reform (Jan. 12, 2017) (online at <https://democrats-oversight.house.gov/news/press-releases/cummings-requests-oversight-hearing-with-top-government-ethics-official-on>).

<sup>2</sup> U.S. Office of Government Ethics, *Remarks as Prepared for Delivery by Walter M. Shaub, Jr.*, Brookings Institution (Jan. 11, 2017) (online at [www.oge.gov/web/oge.nsf/0/6E08189CF6AF742B852580A500799063/\\$FILE/Remarks%20of%20W%20M%20Shaub%20Jr%20\(1\).pdf](http://www.oge.gov/web/oge.nsf/0/6E08189CF6AF742B852580A500799063/$FILE/Remarks%20of%20W%20M%20Shaub%20Jr%20(1).pdf)).

<sup>3</sup> *Justice Scalia's Warning to President Trump*, Daily Beast (Dec. 22, 2016) (online at [www.thedailybeast.com/articles/2016/12/22/inside-scalia-s-lost-conflict-of-interest-memo.html](http://www.thedailybeast.com/articles/2016/12/22/inside-scalia-s-lost-conflict-of-interest-memo.html)).

<sup>4</sup> Letter from Chairman Jason Chaffetz, House Committee on Oversight and Government Reform, to Walter M. Shaub, Jr., Director, U.S. Office of Government Ethics (Jan. 12, 2017) (online at [www.nytimes.com/2017/01/13/us/politics/rep-jason-chaffetz-ethics-monitor-investigation-threat.html?\\_r=0](http://www.nytimes.com/2017/01/13/us/politics/rep-jason-chaffetz-ethics-monitor-investigation-threat.html?_r=0)).

On Friday, the *New York Times* reported that you admitted that you sent your letter to Director Shaub after talking personally to the Trump transition team “about Mr. Shaub and his series of public comments about Mr. Trump.” According to the *Times*, “Mr. Chaffetz said that he had been in touch with the Trump team in recent days, speaking with Donald F. McGahn II, who will be Mr. Trump’s White House counsel.”<sup>5</sup>

On Sunday, you appeared on *This Week with George Stephanopoulos* and accused Director Shaub of acting unethically by offering his conclusions without first doing more investigation.<sup>6</sup> Yet, you personally commended President-Elect Trump’s plan not to divest, proclaiming: “he is going to great lengths to be as responsible as possible.”<sup>7</sup> It is unclear how you arrived at your own conclusion since the Committee has not held one hearing, conducted one interview, or received a single document about President-Elect Trump’s plan.

Also appearing on *This Week*, incoming White House Chief of Staff Reince Priebus issued his own veiled threat, warning Director Shaub that he “ought to be careful” in his criticism of President-Elect Trump.<sup>8</sup>

You justified your attacks on Director Shaub by accusing him publicly of refusing to meet, and you even threatened a subpoena. During a nationally televised interview on *Fox News* on January 13, 2017, you claimed:

We have been trying to talk to him—we invited him to come in and just meet with us. He refuses to meet with Congress, so there is no other way to do it other than to kind of force him to come in by doing these transcribed interviews. I wish he would have just voluntarily came in.<sup>9</sup>

However, after submitting a Freedom of Information Act request, the *Huffington Post* reported yesterday that Director Shaub never refused to meet with you, but rather “it was Chaffetz who missed a previously discussed meeting in early December.”<sup>10</sup> Based on this report, it seems that you owe Mr. Shaub an apology for these inaccurate public attacks against him.

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<sup>5</sup> *Head of Ethics Office Speaks Out. Some Republicans Ask, Was It Ethical?*, New York Times (Jan. 13, 2017) (online at [www.nytimes.com/2017/01/13/us/politics/walter-shaub-ethics-oversight-jason-chaffetz.html?smprod=nytcore-iphone&smid=nytcore-iphone-share&\\_r=0](http://www.nytimes.com/2017/01/13/us/politics/walter-shaub-ethics-oversight-jason-chaffetz.html?smprod=nytcore-iphone&smid=nytcore-iphone-share&_r=0)).

<sup>6</sup> *This Week with George Stephanopoulos*, ABC News (Jan. 15, 2017) (online at <http://abcnews.go.com/Politics/week-transcript-15-17-reince-priebus-sen-bernie/story?id=44778012>).

<sup>7</sup> *Republicans Sign Off on Trump’s Ethics Plan—For Now*, Politico (Jan. 12, 2017) (online at [www.politico.com/story/2017/01/trump-ethics-plan-republican-reaction-233560](http://www.politico.com/story/2017/01/trump-ethics-plan-republican-reaction-233560)).

<sup>8</sup> *This Week with George Stephanopoulos*, ABC News (Jan. 15, 2017) (online at <http://abcnews.go.com/Politics/week-transcript-15-17-reince-priebus-sen-bernie/story?id=44778012>).

<sup>9</sup> *Chaffetz Calls on Ethics Head to Testify Day After Chief Criticized Trump*, Fox News (Jan. 13, 2017) (online at [www.foxnews.com/politics/2017/01/13/chaffetz-calls-on-ethics-head-to-testify-day-after-chief-criticized-trump.html](http://www.foxnews.com/politics/2017/01/13/chaffetz-calls-on-ethics-head-to-testify-day-after-chief-criticized-trump.html)). See also *Chaffetz Threatens to Subpoena Federal Ethics Watchdog Over Trump Criticism*, Politico (Jan. 12, 2017) (online at [www.politico.com/story/2017/01/jason-chaffetz-federal-ethics-watchdog-trump-233575](http://www.politico.com/story/2017/01/jason-chaffetz-federal-ethics-watchdog-trump-233575)).

<sup>10</sup> *Chaffetz Skipped Meeting With Ethics Chief He Threatened to Subpoena, Emails Show*, Huffington Post (Jan. 18, 2017) (online at [www.huffingtonpost.com/entry/jason-chaffetz-emails-meeting-with-shaub\\_us\\_587fe1d1e4b04b69667e3760](http://www.huffingtonpost.com/entry/jason-chaffetz-emails-meeting-with-shaub_us_587fe1d1e4b04b69667e3760)).

Over the past week, a growing and bipartisan group of good-government groups, Republican and Democratic ethics experts, and editorial writers have sharply criticized your actions for publicly attacking Director Shaub while refusing to investigate President-Elect Trump's refusal to divest.<sup>11</sup>

This week, Director Shaub sent you a letter agreeing to meet—again—but requesting this time that the meeting be held in public. He made it clear that he would participate even if you did not agree, but his strong preference was for transparency.<sup>12</sup> Given the misrepresentations that have been made about Director Shaub to date, one can hardly blame him.

In response to this letter, your office has now informed Director Shaub that you have withdrawn your subpoena threat and that you will not force him to participate in a transcribed interview. That is a positive step in the right direction. However, your office has also informed Director Shaub that you will not agree to a public meeting. Instead, your office scheduled a closed-door meeting on Monday with just you, Director Shaub, and myself.

Since you will not allow the American people to witness the meeting with Director Shaub, I am requesting that you at least allow the other Members of our Committee to participate—including Democrats and Republicans. I cannot think of any reason to deny all Members of our Committee the opportunity to hear first-hand what Mr. Shaub has to say.

Our goal in reviewing President-Elect Trump's global entanglements—and the goal of top ethics officials from both political parties—has always been one of prevention. It is far better to prevent conflicts of interest and violations of the Constitution before they happen rather than attempting to remedy them after the fact.

I hope you will join our efforts in this regard, and I thank you for your consideration of this request.

Sincerely,



Elijah E. Cummings  
Ranking Member

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<sup>11</sup> See, e.g., Jennifer Rubin, *Utah Voters to Chaffetz: Do Your Job*, Washington Post Right Turn (Jan. 18, 2017) (online at [www.washingtonpost.com/blogs/right-turn/wp/2017/01/18/utah-voters-to-chaffetz-do-your-job/?utm\\_term=.bc2a545f3045](http://www.washingtonpost.com/blogs/right-turn/wp/2017/01/18/utah-voters-to-chaffetz-do-your-job/?utm_term=.bc2a545f3045)).

<sup>12</sup> Letter from Walter M. Shaub, Jr., Director, U.S. Office of Government Ethics, to Chairman Jason Chaffetz, House Committee on Oversight and Government Reform (Jan. 16, 2017) (online at [www.oge.gov/Web/OGE.nsf/Congressional%20Correspondence/62DE86DD5566DC88852580AB00616B47/\\$FILE/16%20January%202017%20letter%20from%20OGE%20Director%20W%20Shaub%20Jr.pdf?open](http://www.oge.gov/Web/OGE.nsf/Congressional%20Correspondence/62DE86DD5566DC88852580AB00616B47/$FILE/16%20January%202017%20letter%20from%20OGE%20Director%20W%20Shaub%20Jr.pdf?open)).