Nick Smith
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COMMITTEE ON SCIENCE
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EXHIBIT 11

Congress of the United States
House of Representatives
Washington, DC 20515–2207

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December 17, 2003

The Hon. Joel Hefley
Chairman
Committee on Standards of Official Conduct
HT2 Capitol
Washington, D.C. 20515-6328

The Hon. Alan B. Mollohan
Ranking Member
Committee on Standards of Official Conduct
HT2 Capitol
Washington, D.C. 20515-6328

Dear Chairman Hefley and Ranking Member Mollohan:

Thank you for your December 8, 2003 letter and for the opportunity to speak to my peers about the vote on the Medicare Prescription Drug Act ("Medicare bill"). Your letter refers to a news report about the Medicare vote. Let me say at the outset that the news report was incorrect. No House member made an offer of financial assistance to me for my son's campaign in exchange for my vote.

In my 11 years representing the Seventh District of Michigan and my 16 years serving in the Michigan state legislature, the vote on the Medicare bill occurred in one of the toughest environments I have ever experienced. I think most of our colleagues would say the same. As you know, the vote was held open for two hours and fifty-one minutes – a historic event in and of itself. During that time, the vote was very close and tensions were running very high. Pressure was being applied to members on both sides of the aisle, and there were several news stories about those efforts. We are all familiar with discussions that take place during the legislative process: deals are made and bridges get built. But, the vote on the Medicare bill evoked a particularly strong emotional reaction from me because some comments by members and others involved my son.

Let me be very clear that the Robert Novak media report that a member told me that business interests would give $100,000 to my son's congressional campaign in exchange for my vote on the Medicare bill is untrue. On the Friday evening before the vote on the bill started, a friend called and told me that if I voted for the bill my son's congressional campaign would receive "substantial and aggressive support" or words very close to that. This person was neither a member of Congress nor a lobbyist. However, combined with members' comments that there could be endorsements, business support and members coming to Michigan to campaign for my son, I deemed the statement credible. In my mind, I believed that this would mean tens of thousands, if not hundreds of thousands of dollars for my son's campaign if I voted for the bill.

Robert Novak reported the $100,000 figure in his November 27 column in the *Chicago Sun-Times* without citing a source. I did not provide this figure to Mr. Novak. Unfortunately, a

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few days after reading his column, I repeated the same figure in a live radio interview on WKZO, from a cell phone while driving my car. Although I continue to believe Mr. Novak's figure is in the ballpark of what my son's campaign could have received, it was a mistake for me to repeat the $100,000 figure.

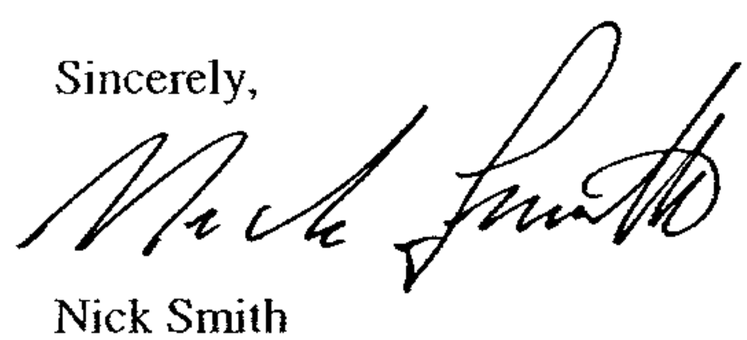
It is true that I – like many others on both sides of the aisle – faced significant pressure that night. It is true that statements were made regarding members' support and/or endorsements. It is also true that members suggested opposition to my son's campaign if I persisted in voting against the bill. Again, I regard as credible the statements that my son's campaign could receive substantial and agressive support, including support from third parties. But I repeat, no member offered me, or my son, campaign money for my vote.

I appreciate your inquiry and respect your duty to discharge your responsibilities to the House of Representatives. However, as you might imagine, I had many conversations with members and others in the course of being lobbied for this bill. I had conversations with at least 30-40 members of Congress. Even though I do recall an overarching message that my son's campaign could be affected by my vote, it would be unfair for me to try to reconstruct exactly the words that were said and who said them. I simply cannot do that with precision. What I am certain about is that my colleagues and others would probably have varied, and oftentimes contradictory, recollections that would lead to an unresolvable, distasteful, and unproductive fact dispute.

Mr. Chairman and Mr. Mollohan, the Medicare vote evoked strong emotions. I firmly believe that my colleagues and others were doing what they believed was necessary to pass this legislation. I do not believe they meant to do me any harm. Ultimately, in a time of high emotion, we were all doing our jobs: people were working very hard to pass a bill, and I was working equally hard to hold my position, which I did.

I hope the foregoing is both informative and responsive to the concerns of the Committee. If I can be of further assistance in helping your committee conclude this matter expeditiously, please do not hesitate to contact me.

Sincerely,



Nick Smith
Member of Congress

NS/ks