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ONE HUNDRED ELEVENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT

Washington, DC 20515-6328

STATEMENT OF THE CHAIR

REGARDING THE MATTERS OF REPRESENTATIVE CHARLES B. RANGEL

AND REPRESENTATIVE MAXINE WATERS

October 7, 2010

Under Rule 23(c) of the Committee on Standards of Official Conduct, the adjudicatory subcommittees in the matters of Representative Charles B. Rangel and Representative Maxine Waters will hold adjudicatory hearings to determine whether any counts in the Statement of Alleged Violation regarding either Representative Rangel or Representative Waters have been proven by clear and convincing evidence.

The Committee's rules vest the Chair with the authority to set the schedule for hearings, but at the request of minority members of the Committee I had agreed to work together to establish schedules. To that end, we had numerous bipartisan meetings, discussions, and exchanges to address procedural issues and to reach consensus on how and when to proceed in each matter.

Last week's unprecedented statement by the minority members of the Committee, in contrast to their prior requests and ongoing discussions, called upon the Chair to unilaterally establish the schedule, as the Committee rules allow. Accordingly, as Chair of each adjudicatory subcommittee, with this statement I am announcing the schedule for each hearing, and notifying Representatives Rangel and Waters and their respective counsels of the schedules and other procedural issues.

Pursuant to Rule 5(e) and Rule 23(e) of the Committee on Standards of Official Conduct and Clause 2(g)(3) of House Rule XI, the Chair of the adjudicatory subcommittee is required to make a public announcement in advance of an adjudicatory hearing. Accordingly, notice is hereby provided that the adjudicatory hearing in the matter of Representative Rangel will begin on Monday, November 15, 2010, at 9:00 a.m. The adjudicatory hearing in the matter of Representative Waters will begin on Monday, November 29, 2010, at 9:00 a.m.

Substantial actions must be taken before a public hearing can begin. The nonpartisan Committee staff who bear the burden of proof to establish the facts alleged in the Statement of Alleged Violation must prepare their case and be prepared to meet a higher burden of proof than that used in the investigative subcommittee phase.

Evidence to be used at the hearing must be shared between lawyers for the committee and the respondent Member of Congress. Any objections raised by either party should be resolved, as well as any other procedural or evidentiary issues, before the hearing. Committee rules also require that subpoenas issued to witnesses must be served sufficiently in advance of the hearing to allow witnesses reasonable time to prepare for the hearing and retain counsel, if they choose.

A quorum is required for an ASC to conduct any business. Each ASC has eight members, and at least six members must be present for the ASC to conduct business under its rules. Six members of each ASC also sit on the ASCs in both matters, which precludes the possibility of holding the hearings simultaneously.

The adjudicatory subcommittee process is not complete upon the conclusion of an adjudicatory hearing. After the hearing, the members of the ASC must conduct deliberations, vote on each count alleged in the SAV, and send a report of findings to the full Committee.

The full Committee must then hold a public sanctions hearing, if any violation is found, vote on a sanction recommendation, and then write and transmit a report to the full House. Under its rules, the Committee's report to the House is the first public statement regarding the ultimate findings of the ASC process.

Other materials the Committee has previously publicly released in these matters, including the Statements of Alleged Violation and related motions and replies, are available on the Committee's web site, at <http://ethics.house.gov>.

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