



FACT

FOUNDATION FOR
ACCOUNTABILITY
AND CIVIC TRUST

May 5, 2022

Omar Ashmawy
Chief Counsel
Office of Congressional Ethics
U.S. House of Representatives
P.O. Box 895
Washington, DC 20515-0895
Email: oce@mail.house.gov

Re: Complaint against Rep. Val Demings (FL)

Dear Mr. Ashmawy,

The Foundation for Accountability and Civic Trust (FACT) is a nonprofit organization dedicated to promoting accountability, ethics, and transparency in government and civic arenas. We request the Office of Congressional Ethics immediately investigate Rep. Val Demings for virtually attending a campaign event during an official House proceeding.

II. Facts.

On April 5, 2022, the House Judiciary Committee held a hearing for the markup of the Domestic Terrorism Prevention Act, which Rep. Demings remotely attended.¹ At the same time, and during the committee proceedings, Demings also remotely spoke at a political event held over Zoom to promote her Senate candidacy.²

¹ Markup On H.R. 350, House Committee On The Judiciary, Apr. 5, 2022, 4:17:23 - 4:17:31, available at: <https://www.youtube.com/watch?v=P8BebQCYqPc>.

² The event was scheduled in advance:



📍 **Location**
Virtual event

Demings' remote attendance can be seen in the video recordings of both events. During her remarks at the political event, Demings told the audience she was listening to a Judiciary Committee hearing and she was going to cast a vote while she was speaking.³ Demings stated, "Of course I've been looking so forward to being with the Duval Caucus, and here **I am stuck in a markup in Judiciary so I apologize for the background noise**, but of course I am also listening to the hearing there, so I know when it is time for me to vote."⁴ A few minutes into her remarks, Demings stops to cast her vote:

"You all know my opponent in this race, someone who votes against things that are good for Florida. Someone that really doesn't... Excuse me, I am waiting for my name to be called. Someone who does not believe in climate change, he says winter, spring, summer, and fall. I'm running against someone who likes to pick winners and losers based on their ability to pay to play. Hold on just a second. No, no. Okay, I'm sorry, thank you all so much. Um, and also, my opponent doesn't like showing up for work."⁵

Likewise, on the committee proceeding recording, and quite amazingly, Demings is heard speaking to the political event during the recorded vote until the Committee Chairman has to tell her that she is unmuted.⁶ Not only was this incident an embarrassing moment for her, and for the House, but a serious rules violation appears to be present as well.

II. Law.

The House ethics rules require Members to "conduct themselves at all times in a manner that reflects creditably on the House."⁷ This is a broad and "comprehensive provision" that is applied to any conduct taken in a Member's official capacity.⁸ For example, Members have been

³ Val Demings, Duval County Black Caucus Monthly Meeting, Apr. 5, 2022, attached as Exhibit A.

⁴ *Id.*

⁵ Val Demings, Duval County Black Caucus Monthly Meeting, Apr. 5, 2022, attached as Exhibit B; *see also* A.G. Gancarski, *A Sort of Homecoming: Val Demings Courts Jacksonville Dems*, Florida Politics, Apr. 6, 2022, available at <https://floridapolitics.com/archives/514225-demings-val-jax/> ("I'm running against somebody who picks winners or losers," Demings said, her statement seemingly interrupted as she cast a vote on a different phone line. "I'm running against somebody who doesn't show up for work.").

⁶ Markup On H.R. 350, House Committee On The Judiciary, Apr. 5, 2022, 4:15:50 - 4:16:14, available at: <https://www.youtube.com/watch?v=P8BebQCYqPc>.

⁷ U. S. House of Reps. Comm. on Standards of Official Conduct, *House Ethics Manual*, at 1, 12 (2008 ed.) (citing House Rule 23, clause 1).

⁸ *Id.* at 13.

investigated and disciplined under this rule related to “making statements that impugned the reputation of the House” and “making false statements to the [Ethics] Committee.”⁹

In addition, Members are required to adhere both to the spirit and the letter of the House ethics rules, and thus they must read all the rules and ethical requirements broadly.¹⁰ This includes the House rules adopted “to ensure Congress can continue legislation during COVID-19,” under which Members are only permitted to vote by proxy and attend committee proceedings virtually when needed because “a public health emergency due to a novel coronavirus is in effect.”¹¹

Finally, the House ethics rules require strict separation between campaign and official acts.¹² This rule is applicable to every type of official activity, for instance a Member cannot campaign from government buildings, use official resources for campaign purposes, or have any political information on official social media pages or websites.

III. Demings Campaigning During Official House Proceedings Violated Ethics Rules

The House resolution only authorizes virtual attendance at committee hearings due to the “public health emergency”¹³ and not for any other purpose. Demings’ dual attendance at the events show she chose to virtually attend the committee hearing not for reasons related to the COVID-19 pandemic, but to speak at a campaign event—clearly contrary to the authorized purpose for the rule set forth in House Resolution 965.

Additionally, the House ethics rules require political activity to be completely separate from official House business. For instance, a Member cannot campaign from a government building or use any government resources to campaign. This prohibition should apply whether the Member

⁹ *Id.* at 14 (citing House Comm. on Standards of Official Conduct, *In the Matter of Representative Charles H. Wilson (of California)*, H. Rep. 95-1741, 95th Cong., 2d Sess. 4-5 (1978); H. Rep. 95-1743, *supra* note 66, at 3-4 (Counts 3-4)); at 16 (citing House Comm. on Standards of Official Conduct, *Investigation of Certain Allegations Related to Voting on the Medicare Prescription Drug, Improvement, and Modernization Act of 2003*, H. Rep. 108-722, 108th Cong., 2d Sess. (Oct. 4, 2004)).

¹⁰ *Id.* at 17.

¹¹ House Resolution 965, *Authorizing Remote Voting by Proxy in the House of Reps. & Providing for Official Remote Comm. Proceedings During a Public Health Emergency Due to a Novel Coronavirus, & for Other Purposes*, 116th Congress 2019-2020 (May 15, 2020), available at: <https://www.congress.gov/bill/116th-congress/house-resolution/965/text>; Comm. on Rules, *Congressional Emergency Remote Proceedings*, available at <https://rules.house.gov/press-releases/key-documents-congressional-emergency-remote-proceedings> (“On May 15, 2020, the House adopted House Resolution 965 to ensure Congress can continue legislating during COVID-19. The resolution provided for the temporary implementation of remote voting on the House Floor and virtual committee proceedings during a ‘covered period’ designated by the Speaker after receiving a notification from the Sergeant-at-Arms, in consultation with the Attending Physician, that a public health emergency due to a novel coronavirus is in effect.”).

¹² House Ethics Manual, at 123.

¹³ House Resolution 965, *Authorizing Remote Voting by Proxy in the House of Reps. & Providing for Official Remote Comm. Proceedings During a Public Health Emergency Due to a Novel Coronavirus, & for Other Purposes*, 116th Congress 2019-2020 (May 15, 2020), available at: <https://www.congress.gov/bill/116th-congress/house-resolution/965/text>.

is physically attending an official hearing or virtually attending one. In fact, Demings speaking at the political event was even included on the official recording of the committee proceedings—an official record and House resource. Even if a Member properly virtually attends a House proceeding because of COVID-19, the same rules must apply to it as if the Member physically attended the hearing.

Finally, Demings' attendance at a campaign event **during** a House Committee hearing reflects poorly on the House as a whole. One issue the House Ethics Manual acknowledges is the public perception that incumbents are simply using the office to run for reelection or higher office, and the reason for that perception is quite evident in Demings' actions.

The Office of Congressional Ethics is responsible for ensuring each Representative fulfills the public trust inherent in the office and that they comply with the House's ethical standards. Therefore, we urge the Board to immediately investigate Representative Demings for abusing the House rules authorizing remote attendance at committee hearings due to COVID-19 to attend a political event—conduct that clearly does not reflect creditably on the House.

To the best of my knowledge and ability, all evidence submitted was not obtained in violation of any law, rule, or regulation. Further, I am aware that the False Statements Act, 18 U.S.C. § 1001, applies to information submitted to the Office of Congressional Ethics.

Sincerely,

/s/Kendra Arnold

Kendra Arnold
Executive Director, Foundation for Accountability & Civic Trust