



FACT

FOUNDATION FOR
ACCOUNTABILITY
AND CIVIC TRUST

July 2, 2021

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 Michigan Representatives Stevens, Slotkin, Kildee, Levin,
Lawrence, Tlaib, and Dingell

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 Michigan Representatives Haley Stevens, Elissa Slotkin, Dan Kildee, Andy Levin, Brenda Lawrence, Rashida Tlaib, and Debbie Dingell.

On May 15, 2020, the ability to vote by proxy was authorized at any time after the Speaker of the House was notified by the Sergeant-at-Arms that a “public health emergency due to a novel coronavirus is in effect.”¹ In letters dated May 17 and 18, 2021, the seven Representatives listed above granted their vote by proxy to another Member for the vote series on May 18.² Each

¹ 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/bills/116/congress-house-resolution/965/text>.

² Rep. Haley Stevens, Proxy Letter, May 17, 2021, available at: <https://clerk.house.gov/legislative/proxy-letters/117/1/20210611/20210607/20210517/Stevens-MI11-20210517-02.pdf>; Rep. Dan Kildee, Proxy Letter, May 17, 2021, available at: <https://clerk.house.gov/legislative/proxy-letters/117/1/20210518/Kildee-MI05-20210518.pdf>; Rep. Elissa Slotkin, Proxy Letter, May 17, 2021, available at: <https://clerk.house.gov/legislative/proxy-letters/117/1/20210611/20210607/20210517/Slotkin-MI08-20210517-04.pdf>; Rep. Andy Levin, Proxy Letter, May 17, 2021, available at: <https://clerk.house.gov/legislative/proxy-letters/117/1/20210517/Levin-MI09-20210517-02.pdf>; Rep. Brenda Lawrence, Proxy Letter, May 18, 2021, available at: <https://clerk.house.gov/legislative/proxy-letters/117/1/20210518/Lawrence-MI14-20210518-07.pdf>; Rep. Rashida Tlaib, Proxy Letter, May 17, 2021, available at: <https://clerk.house.gov/legislative/proxy-letters/117/1/20210517/Tlaib-MI13-20210517-03.pdf>; Rep. Debbie Dingell, Proxy Letter, May 17, 2021, available at: <https://clerk.house.gov/legislative/proxy-letters/117/1/20210517/Dingell-MI12-20210517-04.pdf>.

Member's letter claims they were unable to "physically attend proceedings in the House Chamber due to the ongoing public health emergency" caused by the COVID-19 pandemic.³

However, according to recent media reports, the actual reason the representatives missed votes was because they were touring the Ford Motors facility in Dearborn, Michigan with President Biden.⁴ Kildee's spokesperson also stated they "were unable to travel on Air Force One with the President . . . [and] had to take a commercial flight, hours after the presidential visit ended, that required them to vote by proxy."⁵

The House ethics rules require Members to "conduct themselves at all times in a manner that reflects creditably on the House."⁶ This is a broad and "comprehensive provision" that is applied to any conduct taken in a Member's official capacity.⁷ For example, Members have been 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."⁸ In addition,

³ *Id.*; Melissa Nana Burke, *House Democrats Voted by Proxy While In Michigan for Biden Visit*, The Detroit News, May 21, 2021; *see also* Rep. Andy Levin, Twitter post May 18, 2021:



⁴ Houston Keene, *3 House Dems Blamed Pandemic For Needing Proxy Votes, But Were Touring Ford Plant With Biden*, Fox News, May 20, 2021, available at: <https://www.foxnews.com/politics/michigan-biden-ford-democrats-proxy-votes>.

⁵ *Id.*

⁶ House Ethics Manual, Comm. on Standards of Official Conduct, U.S. House of Reps., at 1, 12 (2008 ed.) (citing House Rule 23, clause 1).

⁷ House Ethics Manual at 13.

⁸ House Ethics Manual 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)).

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.⁹

In this case, the Members all stated they were “unable to physically attend” House proceedings due to the COVID-19 pandemic, though the true reason they did not attend was because they were physically present at another event—and a highly political one at that. Under the House resolution, the purpose of the proxy vote must be due to the “public health emergency”¹⁰ and the procedure for proxy voting was not authorized for any other purpose. The abuse of the proxy vote is evident because each Member made an affirmative choice to “physically attend” another event, and had they not done so they were clearly capable of attending the House proceedings. The Members should not be permitted to use proxy voting for purposes other than which it was authorized, and the statements made to the House Clerk were done in their official capacity and directly related to their official duties.

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 Representatives Haley Stevens, Elissa Slotkin, Dan Kildee, Andy Levin, Brenda Lawrence, Rashida Tlaib, and Debbie Dingell for abusing the proxy vote system to attend a political event and for making contrary statements to the Clerk of the House—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,



Kendra Arnold
Executive Director, Foundation for Accountability & Civic Trust

⁹ House Ethics Manual at 17.

¹⁰ 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>.

The Detroit News

POLITICS

House Democrats voted by proxy while in Michigan for Biden visit

Melissa Nann Burke The Detroit News

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Correction: Rep. Lisa McClain has not voted by proxy. An earlier version that stated she voted by proxy in February has been corrected.

Washington — Seven Michigan Democrats traveled to Dearborn to take part in President Joe Biden’s visit to a Ford Motor Co. plant while Congress was meeting Tuesday, casting votes remotely by proxy with each citing the “ongoing health emergency.”

The seven lawmakers cast four roll-call votes by proxy late Tuesday afternoon and evening after participating in Biden’s event at Ford’s Rouge Electric Vehicle Center earlier in the day.

Republicans and Democrats alike have been criticized for using the proxy voting system while being absent for reasons that appear unrelated to COVID-19.

In non-COVID times, Michigan's delegation probably would have been invited to travel on Air Force One with Biden to and from Washington, D.C., returning in time for some of the votes.

But due to pandemic restrictions, the lawmakers were unable to do ride with Biden, according to aides in multiple offices, including Reps. Dan Kildee of Flint Township, Brenda Lawrence of Southfield, Haley Stevens of Rochester Hills and Andy Levin of Bloomfield Township.

Instead, most members took the next commercial flight hours after the presidential visit that did not land in time for votes, so they cast their votes by proxy, the aides said.

"Congressman Kildee was honored to attend with the president, whom he has been working closely with to expand electric vehicle production and create good-paying jobs in Michigan," said Mitchell Rivard, chief of staff for Kildee.

"Rep. Lawrence was grateful she had an opportunity to be a part of President Biden's 'Future Made in America' event to show the rest of the country how the path to building back better starts with Michigan," said Cody Sibulo, a spokesman for Lawrence.

"At the invitation of the White House, Rep. Slotkin joined the president and other members of the congressional delegation for the unveiling of the Ford F-150 Lightning to highlight Michigan's ingenuity and manufacturing prowess," said Austin Cook, spokesman for Rep. Elissa Slotkin of Holly, who voted by proxy all week.

"She voted by proxy, pursuant to House Resolution 8 and in accordance with House rules."

Voting by proxy was offered by Democratic leadership as an option starting last May for House members who wished to avoid traveling to Washington due to the coronavirus pandemic to protect their health or others. All congressional Democrats have now said they are vaccinated against COVID-19.

Lawmakers sign a letter and file it with the House clerk, naming another member to cast a specific vote at their direction. The proxy letters state that the lawmaker is "unable to physically attend proceedings in the House Chamber due to the ongoing public health emergency."

"Proxy voting must end, and lawmakers should return and do their jobs," Republican freshman Rep. Lisa McClain of Bruce Township tweeted Friday after The Detroit News reported on her colleagues' Tuesday votes. "We are here to represent the people, voting by proxy takes away that representation."

Members of both parties have been called out for using the proxy voting system to their advantage — attributing their absence at votes to the public health emergency while out of

town for reasons seemingly unrelated to the pandemic.

In February, about a dozen House Republicans used proxy voting while in Florida for the CPAC conference, prompting allegations of hypocrisy from Democrats. That's because GOP lawmakers last year had sued over the proxy voting system, claiming that it is unconstitutional because the Constitution requires a quorum.

In another example, a pair of Democratic House members proxy voted last year while at a space launch, drawing criticism from GOP officials.

Former Rep. Paul Mitchell of Dryden signed onto the GOP lawsuit but later in the year voted by proxy after Congress returned from Thanksgiving break. Mitchell, who has since retired from Congress, said at the time on Twitter that his doctor had “implored” him not to travel to Washington due to his asthma. Mitchell disaffiliated from the GOP in December.

Michigan Republicans have also submitted letters to vote by proxy this year, including Reps. Fred Upton of St. Joseph, Jack Bergman of Watersmeet, in addition to McClain. Bergman also joined the GOP lawsuit against proxy voting.

Among the votes that the Democratic lawmakers cast by proxy Tuesday was for a rule governing debate and consideration of two measures — a resolution condemning the March 26 shootings in Atlanta and a bill to boost the supply of drugs to treat opioid addiction.

Two of the seven Michigan House members were in Washington the night before Biden's trip for Monday one evening vote — Kildee and Lawrence. The rest also voted by proxy Monday evening.

mburke@detroitnews.com

Staff writer Craig Mauger contributed.



3 House Dems blamed pandemic for needing proxy votes, but were touring Ford plant with Biden

By Houston Keene

Published May 20, 2021

[Fox News](#)



[Video](#)

A handful of [Michigan Democrats](#) used the House's proxy voting policies to pawn off their vote so they could attend an event with [President Biden](#) at a Ford Motors plant in the Wolverine State.

Reps. [Haley Stevens](#), D-Mich.; [Elissa Slotkin](#), D-Mich.; and [Dan Kildee](#), D-Mich., each signed a document granting their vote by proxy to one of their Democratic colleagues in the House for the vote series on May 18, 2021.

Each of the documents cite the "ongoing public health emergency" due to the COVID-19 pandemic as the reason they gave their votes to their colleagues for proxy.

However, the reason Kildee, Stevens and Slotkin missed votes was that they were touring the Ford Motors facility in Dearborn, Michigan with Biden. All three were among the Democrats attending the event, the Detroit News [reported](#) on Tuesday.

[HOUSE OF REPRESENTATIVES CONDUCTS FIRST PROXY VOTE IN ITS 231-YEAR HISTORY](#)

Slotkin also [discussed](#) the Biden visit in an interview from Tuesday and Stevens [teased](#) on Monday that she would be taking part in the visit.

A spokesperson for Kildee told Fox News that the congressman and the other members had to take a "commercial flight" to the event with Biden because they weren't able to travel on Air Force One with the president.

"Unfortunately due to the pandemic, members of Michigan's congressional delegation were unable to travel on Air Force One with the President to Dearborn," the spokesperson said. "As a result, Members had to take a commercial flight, hours after the presidential visit ended, that required them to vote by proxy."

[MICHIGAN GOV. WHITMER'S CONTROVERSIAL FLORIDA TRIP SUBJECT OF IRS COMPLAINT](#)

"Congressman Kildee was honored to attend with the President, whom he has been working closely with to expand electric vehicle production and create good-paying jobs in Michigan," the spokesperson added.

Neither Stevens nor Slotkin immediately responded to Fox News' requests for comment.

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Some Republicans have also been [caught](#) using proxy voting to hit campaign events, as well, with Rep. Matt Gaetz, R-Fla., and others using a proxy to vote while attending CPAC.

Proxy voting is a new phenomenon in the House started during the COVID-19 pandemic that allows lawmakers to have another one of their colleagues vote in place for them if they are unable to attend votes.

Houston Keene is a reporter for Fox News Digital

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