

October 17, 2016

Office of Congressional Ethics  
U.S. House of Representatives  
P.O. Box 895  
Washington, D.C. 20515-0895

**VIA EMAIL**

Dear Sir or Madam:

I respectfully request that the Office of Congressional Ethics (OCE) investigate Representative Patrick Murphy (FL-18) for violating federal and House rules by using his Congressional staff and other official resources to prepare a political “vulnerability study” for use by his U.S. Senate campaign.

**Background**

As recently reported,<sup>1</sup> Murphy’s 2014 Congressional campaign, the precursor of his 2016 U.S. Senate campaign, paid True Stories Research to prepare a 422-page study on his political vulnerabilities as a candidate.<sup>2</sup> The campaign document states on its front cover that it was prepared “in collaboration with the staff of Rep. Patrick Murphy’s office.”<sup>3</sup> This admitted “collaboration” is clear evidence that the document was produced, to some degree, by Murphy’s staff in their official capacity and/or using official resources, including office space and equipment.

**Violations**

Federal law prohibits the use of official resources for campaign purposes. 31 U.S.C. § 1301. Official resources “must, as a general rule, be used for the performance of official business of the House, and hence those resources may not be used for campaign or political purposes.” *House Ethics Manual* at 123. This reflects “the basic principle that government funds should not be spent to help incumbents gain reelection.” *Id.* (quoting *Common Cause v. Bolger*, 574 F. Supp. 672, 683 (D.D.C. 1982), *aff’d*, 461 U.S. 911 (1983)).

This admitted “collaboration with the staff of Rep. Patrick Murphy’s office” provides clear evidence that Murphy’s office “collaborated” with the campaign in preparing this document. At a minimum, it

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<sup>1</sup> Emma Loop, *Democratic Candidate’s Own Research Highlighted His Ties to Trump*, BUZZFEED, Oct. 14, 2016, [https://www.buzzfeed.com/emmaloop/democratic-candidatess-own-research-highlighted-his-ties-to?utm\\_term=.wnBY9y9GK#.pnkrGbGWL](https://www.buzzfeed.com/emmaloop/democratic-candidatess-own-research-highlighted-his-ties-to?utm_term=.wnBY9y9GK#.pnkrGbGWL).

<sup>2</sup> Murphy’s FEC reports show no disbursements to True Stories Research. It appears any payment was funneled through 1776, Inc., a consulting company run by Murphy’s then-Chief of Staff. See George Bennett, *Murphy Aide Keeps Up Consulting Business On The Side*, PALM BEACH POST, April 20, 2014, <http://www.mypalmbeachpost.com/news/news/state-regional-govt-politics/murphy-aide-cashes-in-on-political-consulting-busi/nfdgs/>.

<sup>3</sup> Loop, *Democratic Candidate’s Own Research Highlighted His Ties to Trump*, *supra* note 1.

provides both a “reasonable basis”<sup>4</sup> and “probable cause”<sup>5</sup> to believe that Murphy improperly used official resources for campaign purposes,<sup>6</sup> justifying further investigation by OCE.

In addition, House Rule 23 requires that all Members of the House conduct themselves “at all times in a manner that reflects credibly on the House,” as well as “adhere to the spirit and the letter of the Rules of the House and to the rules of duly constituted committees thereof.” The admission that this campaign document was prepared “in collaboration with the staff of Rep. Murphy’s office” violates Rule 23 in itself, both by failing to reflect credibly on the House and by failing to adhere to the spirit and letter of House Ethics rules prohibiting the use of official resources for campaign purposes.

### Conclusion

I therefore respectfully requests that the Office of Congressional Ethics fully investigate Representative Murphy’s use of official resources, including staff time, to prepare the vulnerability study and for any other campaign purpose; as well as whether Representative Murphy has made any false certifications to the House of Representatives regarding the use of official funds.<sup>7</sup> I additionally requests that OCE refer the matter to the House Ethics Committee and the U.S. Department of Justice for further review, as appropriate.

Respectfully,

A handwritten signature in black ink, appearing to read "G. Riley", with a stylized flourish at the end.

George Riley

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<sup>4</sup> See OCE Rule 7(A) (requiring “preliminary review” where there is a “reasonable and articulable basis” for believing the allegation).

<sup>5</sup> See OCE Rule 8(A) (requiring “second-phase review” and possible referral to the House Ethics Committee where probable cause exists, defined as “evidence...sufficient to lead a person of ordinary caution and prudence to believe or entertain a strong suspicion that the allegation(s) are true.”)

<sup>6</sup> Nor is this the first time questions have been raised regarding campaign activity by Murphy’s official staff. As publicly reported in 2014, Murphy’s then-Chief of Staff earned \$113,417 in his official salary while personally pocketing approximately \$60,000 in political consulting fees from Murphy and other Democratic candidates.<sup>6</sup> See Bennett, *Murphy Aide Keeps Up Consulting Business On The Side*, *supra* note 2.

<sup>7</sup> 18 U.S.C. § 1001; see also *House Ethics Manual* at 126 & 331.