

United States Senate

January 3, 2018

The Honorable Johnny Isakson
Chairman
U.S. Senate Select Committee on Ethics
220 Hart Senate Office Building
Washington, DC 20510

The Honorable Christopher Coons
Vice Chairman
U.S. Senate Select Committee on Ethics
220 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Isakson and Vice Chairman Coons:

I write to you today to urge an expeditious, transparent, and thorough investigative process for any sexual harassment and workplace misconduct allegations referred to your committee. The American people deserve to know that their representatives in the Senate are held to the highest ethical standards and that justice will be served when wrongdoing is uncovered.

The avalanche of sexual harassment allegations in the private sector, entertainment industry, and now in Congress forces us to deal with a sad reality. This terrible epidemic of sexual harassment is nothing new. What is new is that victims are finally coming forward to tell their stories. I urge the Committee to use this national moment of reckoning as an opportunity to review its practices and procedures now in place, and evaluate if more can be done to swiftly and fairly hold Members who have engaged in misconduct accountable, and just as swiftly exonerate those who have been unjustly accused. I recommend and encourage that this invaluable assessment take place in a climate that is free from political pressure or partisan divide.

It is unfortunate that confidence in the current system is not high. This may be partly due to the fact that in the past decade no matters before the Committee resulted in disciplinary sanction, and only five resulted in public or private letters of admonition.¹

In order to enhance public confidence, it is important that investigations be conducted expeditiously. Victims who come forward must be met with a fair and swift process. Likewise, Members facing accusations must also believe that charges will be dealt with expeditiously, and with respect for due process. The last known Committee investigation into allegations of sexual

¹ Annual Reports, U.S. Senate Select Committee on Ethics, *available at*:
<https://www.ethics.senate.gov/public/index.cfm/annualreports>

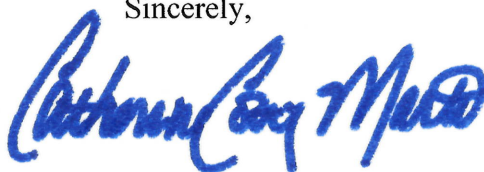
harassment against a sitting U.S. Senator took almost three years to complete.² Investigations should not be slow-walked or extended for partisan purposes. When meritorious allegations are made, the Committee should move quickly to conduct a thorough investigation so the bad actors can be punished, and the public trust restored. In addition to an impartial and fair investigation, the Committee must examine each alleged claim of sexual misconduct and the particular circumstances of each case, so that any punishment may be proportional to the violation.

Transparency is critical in any investigative process. While I appreciate that ongoing investigations are sensitive, I hope a healthy balance is struck between transparency and privacy. The American people would be best served by regular and consistent public disclosures of the status of investigations, particularly when an investigation is ongoing for a lengthy period. To that end, I encourage you to periodically update the public within a reasonable timetable that takes into account the seriousness of the allegations, the evidence supporting the allegations, and any mitigating or aggravating factors that exist. Any report and recommendation issued by the Committee should be accessible to the public, and should include the Committee's findings of facts, conclusions of law, and recommendation. I am mindful, however, of the delicate balance that must be struck between the privacy of victims and the rooting out of bad actors.

Finally, any investigation must be thorough and exhaustive. In that regard, the Committee must also consider how past misconduct reflects upon a breathing and living institution, its stature, and the people it represents. Senate Resolution 338 gives the Senate Ethics Committee the authority and responsibility to investigate Members who engage in "improper conduct which may reflect upon the Senate."³ The Committee also has jurisdiction to investigate violations of the law. I urge the committee to seriously weigh improper or unlawful misconduct that preceded a Member's election to this body that reflects poorly on this institution, and clarify whether any changes to the Committee's jurisdiction are necessary to achieve this end.

It is time for us as a nation to work together to protect victims of sexual misconduct, who for too long have felt the deck was stacked against them. It is incumbent upon us, as their elected leaders, to right that wrong and to restore the public's trust in the invaluable work of this Committee. We must ensure that a meaningful process exists for justice to be served.

Sincerely,



Catherine Cortez Masto
United States Senator

² "When Bob Packwood Was Nearly Expelled from the Senate for Sexual Misconduct," NPR, Nov. 27, 2017, available at: <https://www.npr.org/2017/11/27/566096392/when-bob-packwood-was-nearly-expelled-from-the-senate-for-sexual-misconduct>

³ Rules of Procedure, Select Committee on Ethics, Adopted Feb. 23, 1978, available at: https://www.ethics.senate.gov/public/index.cfm/files/serve?File_id=551b39fc-30ed-4b14-b0d3-1706608a6fcb