

ADJUDICATORY SUBCOMMITTEE HEARING
IN THE MATTER OF REPRESENTATIVE CHARLES B. RANGEL
OPENING STATEMENT OF CHAIR ZOE LOFGREN

NOVEMBER 15, 2010

CHAIR: The Committee will come to order. I would like the record to reflect that all eight members of the Subcommittee are present.

This hearing of the Adjudicatory Subcommittee of the Committee on Standards of Official Conduct in the Matter of Representative Charles B. Rangel will come to order.

The Constitution authorizes the House of Representatives to discipline its members.

In the House, the Committee on Standards of Official Conduct is charged with recommending and enforcing ethical standards that ensure that members and staff act in a manner befitting that public trust. It is under that authority that we are meeting here today.

This hearing is authorized by House Rule XI, Clause 3, and Committee Rule 23. The purpose of this hearing to determine whether any of the 13 counts included in the Statement of Alleged Violation in the Matter of Representative Charles B. Rangel have been proved by clear and convincing evidence.

On June 17, 2010, a bipartisan Investigative Subcommittee of the Committee on Standards of Official Conduct adopted a Statement of Alleged Violation in the Matter of Representative Charles B. Rangel. Representative Gene Green chaired the Investigative Subcommittee. The Ranking Member of the full Committee, Representative Jo Bonner, served as the Subcommittee's Ranking Member. Representatives Bobby Scott and Doc Hastings also served on the Subcommittee.

The Investigative Subcommittee adopted a Statement of Alleged Violation which includes 13 separate counts. For each count, the Investigative Subcommittee concluded that there is substantial reason to believe that Representative Rangel violated the Code of Official Conduct, or a law, rule, regulation, or other standard of conduct applicable to Representative Rangel's performance of his official duties or the discharge of his official responsibilities as a member of the House of Representatives.

The role of an Adjudicatory Subcommittee is to determine, at a hearing, whether any count of the Statement of Alleged Violation has been proved by clear and convincing evidence. The purpose of this adjudicatory hearing is to do just that. However, it is important to bear in mind that this proceeding is a hearing, not a trial.

Attorneys from the Committee's non-partisan, professional staff are the moving party in these proceedings. Their role is to make a case for the Statement of Alleged Violation adopted by the Investigative Subcommittee.

At the adjudicatory hearing, the burden of proof rests with Committee counsel to establish the facts alleged in each count of the Statement of Alleged Violation by clear and convincing evidence.

Representative Rangel will have an opportunity to present his side of the story, should he wish to do so. A respondent is not required to present a case in his defense, and should Representative Rangel choose not to present a case, the Subcommittee will not and may not draw a negative inference from that fact.

As members of the Adjudicatory Subcommittee, we are neither accusers nor are we defenders of our colleague, Mr. Rangel. Our job is to act impartially as finders of fact and law. We are honor bound to do so without regard to partisanship or bias of any sort. We are required to act honestly and fairly based on the evidence presented to us during the adjudicatory hearing.

In light of that role, I remind my colleagues that while this hearing is in progress, and while the ethics process continues for this matter, we should continue to refrain from commenting on the facts, the law, or any other aspect of this matter.

In conducting this hearing, the Adjudicatory Subcommittee will follow the procedures established by the rules of the Committee.

The quorum required for the Adjudicatory Subcommittee to conduct any business is a majority plus one, or six members. If at any time the Subcommittee does not have a quorum, the Chair may recess the hearing, and may direct the Clerk to contact the Members who are not present. In addition, the Chair can recess the hearing at any time as needed.

The order of the adjudicatory hearing will be as follows. First, the Subcommittee will hear argument on a motion noticed by Committee counsel. Unless he is under oath, any statements, questions, or arguments that Representative Rangel makes will not be considered evidence in this matter. Each party will have 20 minutes for argument. Members of the Subcommittee will then have an opportunity to ask questions of the parties, should they choose, under the five-minute rule.

Following a ruling on the motion, Committee counsel and Representative Rangel will each be allowed 10 hours to present their case, including the time allotted for opening statements and closing arguments. The order is established by Committee rules.

First, I will recognize Committee counsel and Representative Rangel or counsel for Representative Rangel, for any opening statements they may wish to make. Each party will be limited to one hour for their opening statement.

Each party will then present their case. The order for receiving testimony from witnesses and other pertinent evidence is also established by rule.

Committee counsel will present their evidence and call witnesses first. Representative Rangel will have the opportunity to cross-examine witnesses called by Committee counsel, should he wish to do so.

Next, Representative Rangel will have the opportunity to present evidence and call witnesses, should he choose to do so. Committee counsel will have the opportunity to cross-examine any witnesses Mr. Rangel calls in his defense.

After Representative Rangel finishes his case, Committee counsel may ask to present rebuttal witnesses, as permitted by the Chair.

Members of the Subcommittee will also have the opportunity to ask questions of each party's witnesses under the five-minute rule, unless otherwise directed by the Chair.

After all testimony and evidence has been presented, Committee counsel and Representative Rangel will each be permitted to make a closing argument. Each party will be limited to one hour for their closing argument.

Members of the Subcommittee will then have the opportunity to ask questions of the parties under the five-minute rule, unless otherwise directed by the Chair.

At that time, the members of the Adjudicatory Subcommittee will then meet in executive session to consider each count included in the Statement of Alleged Violation. The Subcommittee will determine by a majority vote of its members whether each count has been proved. The Adjudicatory Subcommittee will then report its findings to the full Committee.

If no count is proved, the full Committee will prepare a report to the House, based upon the report of this Subcommittee.

On the other hand, if any 1 or more of the 13 counts in the Statement of Alleged Violation are proved, the full Committee will conduct a sanctions hearing to determine what sanction, if any, the Committee should recommend to the House.

The allegations included in the Statement of Alleged Violation are significant. We take seriously our obligation to conduct these proceedings fairly, impartially, and with the dignity and decorum befitting any proceedings before the House of Representatives. This is a forum to discharge our responsibilities as set forth in the Rules of the House and the rules of the Committee.

The adjudicatory hearing will be conducted subject to the rules and the decorum of the House of Representatives. All participants will be required to observe strictly and promptly all evidentiary, procedural, and other rules of the Committee and rulings issued in this hearing.

All participants will be required to avoid unruly behavior and inappropriate language. I expect all parties to these proceedings to conduct themselves at all times in a manner that reflects creditably on the House of Representatives. Any breach of decorum by participants or attendees may result in a determination by the Subcommittee to close the remainder of the adjudicatory hearing and to proceed in executive session as permitted by Rule 23(e).

As I chair these proceedings, I plan to do so in the fairest way possible to all parties involved, as well as to the House.

At this time, I recognize Representative Michael McCaul, Ranking Member on the Subcommittee, for his brief opening remarks.

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