

The Honorable Frederick Upton
2183 Rayburn House Office Building
Washington, D.C. 20515

March 9, 2012

Dear Mr. Upton,

I was as shocked as anyone to read yesterday that Congressman Cliff Stearns might have attempted to bribe a political opponent into not running against him.

If this behavior took place, it is clearly unethical and illegal. Congressman Stearns not only holds the position as chairman of the House Energy and Commerce Committee's Oversight and Investigations Subcommittee, he has also aggressively spent taxpayers' money in the last five months to investigate others for alleged impropriety.

If the Congressman is under investigation by the Federal Bureau of Investigation (FBI), he must step down immediately as chairman of the subcommittee – or be forced to do so by you.

Given the precedent set by *People vs. Hochberg* (62 App.Div.2d 239, 404 N.Y.S.2d 171 (1978)) this alleged activity, purportedly meant to affect the result of a primary election using his official authority, is illegal. The FBI is not commenting on the matter, which leads us to believe they are investigating Mr. Stearns. I call on you to immediately remove him from his chairmanship until it is positively confirmed that he is not under investigation and that no wrongdoing took place. At that time, he can be reinstated.

I have never met nor do I know Mr. Stearns' political opponent, Mr. James Jett. But the credible news accounts of this potential misconduct cannot be ignored. Given the important investigative role and broad subpoena powers of the Oversight and Investigations Subcommittee, the Congressman's legitimacy in his chairmanship is now in very serious question. What remains to be seen is how you will steward *your* credibility as the chairman of the full committee through immediate action on this matter.

I look forward to your prompt response.

Sincerely,

Gabe Elsner
Co-Director
Checks and Balances Project