



NARAL Pro-Choice Oregon

October 22, 2008

Dear Chairwoman Boxer and Vice-Chairman Cornyn:

This is an official complaint to the Senate Select Committee on Ethics ("Senate Ethics Committee") regarding the failure of Senator Gordon Smith (R-OR) to comply with the provisions of *U.S. Senate Handbook*, Appendix I-B: Policy for the Use of Senate Rooms, page I-83 (attached) and the Senate Ethics Manual, Appendix J: POLICY FOR THE USE OF SENATE ROOMS, THE RUSSELL ROTUNDA and COURTYARD, THE HART ATRIUM and THE CAPITOL ROTUNDA, page 496, Number 10 (attached). This complaint is filed in accordance with the statutory power invested in the Senate Select Committee. I am filing this Complaint in my capacity as an individual citizen and voter in the State of Oregon and on behalf of NARAL Pro-Choice Oregon, for which I serve as the Executive Director.

The Senate Ethics Committee is authorized to investigate and take remedial action regarding Senator Smith's misconduct and violations of the Senate Ethics Rules on the use of Senate rooms, pursuant to the Senate Ethics Manual, page 18.

In 2004, Senator Gordon Smith filmed a testimonial for a promotional video on behalf of Oregon Right to Life. This testimonial spoke to the political power of Oregon Right to Life, its ability to persuade voters in elections and, specifically, the important influence of Oregon Right to Life in his 2002 re-election to the U.S. Senate. Portions of these testimonials were included in the video promoting the importance and the power of the Oregon Right to Life political action committee (Oregon Right to Life Candidate PAC). The video in question was posted on the Oregon Right to Life Myspace page as late as September 2008. I can produce a copy of this video at the request of the Senate Ethics Committee.

This promotional video was filmed in the same room in which Senator Ron Wyden (D-OR) filmed an educational video called "We the People... The Constitution and You" – a DVD which my organization possesses. My staff has confirmed that Senator Wyden's educational video was filmed in the Senate Recording Studio. Screenshots from both videos will confirm that both videos were recorded in the Senate Recording Studio, located in 2004 in U.S. Capitol Building Room SC-5. See attached Exhibit A and B.

Both the U.S. Senate Handbook clearly outlines the prohibition on using Senate space "for political activities, including political campaign, political party, or political action committee activities." The Senate Ethics Manual emphasizes this prohibition, declaring



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“Senate space may NOT be used for any political campaign activity, fundraising (including charitable contributions in lieu of honoraria), commercial, promotional, or profit-making purpose whatsoever.” (emphasis from original) See attached Exhibit C and D.

Senator Smith was in violation of these rules when he allowed himself to be filmed on behalf of a promotional video for Oregon Right to Life in which he provides a personal testimonial regarding the political power of Oregon Right to Life Candidate PAC.

In conclusion, it is imperative that U.S. Senators be held to the highest standards of ethics and responsibility. Senator Smith disregarded these standards by engaging in the misuse of Senate property when he filmed a promotional video for the benefit of Oregon Right to Life.

It is vitally important that this situation be remedied at the earliest possible date. Please contact me should you have any questions regarding this urgent request. The above and foregoing information is true and accurate to the best of my knowledge and belief.

Sincerely,

Michele Stranger Hunter, Executive Director NARAL Pro-Choice Oregon