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ONE HUNDRED TWELFTH CONGRESS

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April 26, 2011

The Honorable John Boehner
Speaker of the House of Representatives
United States Capitol
H-232 The Capitol
Washington, DC 20515

Dear Mr. Speaker:

We learned yesterday through press accounts of a decision by the law firm of King & Spalding to withdraw from its engagement to represent the House regarding the Defense of Marriage Act (DOMA). It is abundantly clear that "inadequate vetting" of the contract occurred not only at King & Spalding, as its chairman admitted in withdrawing from the contract, but also in the Congress whose Members were unaware a contract had been signed. We are particularly concerned, as the Democratic Members of the Committee on House Administration, that we were not informed of such a contract nor given the opportunity to review its provisions, including the as much as \$500,000 cost.

Your spokesperson, Brendan Buck, confirmed that the attorney who had been assigned the case by King & Spalding, Paul Clement, has now joined Bancroft PLLC and will continue to represent the House in the DOMA litigation. While The Hill newspaper states that "Buck said the structure of the House contract on the case will stay the same, meaning Congress will pay as much as \$500,000 in legal fees to Bancroft," we presume that a new contract for these services will have to be signed since the original contract was between the House and King & Spalding.

If a new contract is to be signed, we are requesting that all members of the Committee on House Administration have a full opportunity to review and raise questions about its provisions. The questions that were raised by Leader Pelosi on the issues of transparency, cost, and ethical considerations regarding the earlier contract with King & Spalding in her letters to you of April 18 and April 20 continue to be pertinent both to the original and to any proposed successor contract, and we would appreciate your answers to those questions.

In addition, we request the following information:

TIMELY NOTIFICATION

The King & Spalding statement made clear that preparations for their withdrawal occurred last week. When was your office informed of their plans to withdraw—and when were you planning to alert the Democratic Members of this Committee and the Bipartisan Legal Advisory Group (BLAG)?

Robert A. Brady

Representative Robert A. Brady

Zoe Lofgren

Representative Zoe Lofgren

Charles A. Gonzalez

Representative Charles A. Gonzalez