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ONE HUNDRED TWELFTH
CONGRESS

JAMIE FLEET, MINORITY STAFF DIRECTOR

May 18, 2011

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

Dear Mr. Speaker:

We are yet to receive any reply from earlier letters concerning the decision to engage outside counsel to defend the Defense of Marriage Act. As you are aware, a number of questions concerning the decision and financing of this \$500,000 contract have been raised in our letter to you of April 26th and Democratic Leader Pelosi's letters of April 18th and 20th.

During a hearing of the Legislative Branch Appropriations subcommittee last week, we learned that this contract may violate the fundamental principle of the Anti-Deficiency Act by improperly committing taxpayer funds without appropriate authorization. We were also disturbed to learn that the House General Counsel's office did not seek guidance from the Committee on Ethics regarding the 25% discount on non-attorney time provided by the contract, which still provides for more than \$500 an hour in attorneys fees to be paid by taxpayers. The failure to consult the Committee on Ethics raises questions about how the blended rate was developed. We request you instruct the General Counsel to furnish the Committee a list of the hourly rate paid each employee of the Bancroft firm working on the litigation and an explanation on how the blended rate was calculated.

In addition, we question why neither we, as the Democratic Members of the Committee on House Administration, nor the Democratic Members of the Bipartisan Legal Advisory Group, were advised of the selection of the Bancroft firm or provided the opportunity to review the contract, particularly in light of the controversy surrounding the earlier contract with King & Spaulding.

We join Leader Pelosi in requesting that you respond to our prior correspondence without further delay. The American people deserve a fuller explanation about the circumstances surrounding the decision to spend \$500,000, and most likely much more, of their tax dollars to defend this indefensible statute.

We look forward to your reply.

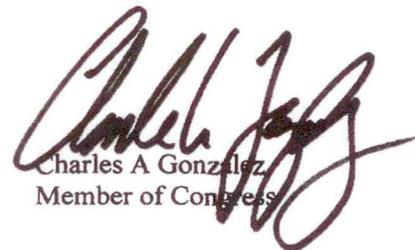
Sincerely,



Robert A. Brady
Member of Congress



Zoe Lofgren
Member of Congress



Charles A. Gonzalez
Member of Congress

Robert A. Brady

Representative Robert A. Brady

Zoe Lofgren

Representative Zoe Lofgren

Charles A. Gonzalez

Representative Charles A. Gonzalez