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MAY 20 2014

JAMES R. PARKS
CLERK, STATE GRAND JURY



OUR MISSION

is to educate members and all South Carolinians about state and local public policy based on the traditional South Carolina values of individual liberty and responsibility, free enterprise and limited government.

February 14, 2013

Attorney General Alan Wilson
Rembert Dennis Building
1000 Assembly Street
Room 519
Columbia, SC 29201

Dear Alan,

I appreciate your decision to accept and consider the enclosed ethics Complaint against Speaker of the House, Robert Harrell, for what appears to be multiple, and possibly criminal, violations of state ethics laws. Your consideration of the Complaint will be free of the multiple conflicts of interests inherent in the House Ethics Committee process.

We do not file this Complaint lightly or without supporting documentation. Indeed, we hoped that by now these concerns would have been investigated and addressed. But months later the public still has no answers as to a pattern of alleged continuing ethics violations by the Speaker of the House. As you know, in South Carolina the Speaker has duties that far exceed those in other states. He has extraordinary powers over the functions of all three branches of our government, and yet he is not elected statewide. In the attached Complaint, we outline five examples of potential violations of ethics laws that seem to demonstrate a pattern of abuse of power that is extremely disturbing to us as well as many others.

Our organization is not equipped to delve more deeply into these concerns than we already have, nor are we able to investigate any other areas in which there may have been ethics violations. We have limited our Complaint to the five issues for which there seems to us little question that the Speaker was not in compliance with the law. We believe a thorough investigation is warranted to determine if that is the case, and also to determine if there were/are other violations which have not yet been brought to light.

As I told you when we first discussed this matter several weeks ago, I think the House Ethics Committee is institutionally unsuited to afford due process in this particular matter, for multiple reasons. The House Ethics Committee has been re-configured in a manner not consistent with statute and thus its ruling could be challenged; moreover, the apparent ethics violations, if proven, could be plausibly seen as a pattern of public corruption that would be out of the jurisdiction of the House Ethics Committee to investigate. Finally, there are conflicts of interest inherent in the House ethics process which cannot be successfully addressed.

Nonetheless, at your suggestion during those earlier discussions, we in good faith explored the process by which we might file a Complaint with the House Ethics Committee, and in doing so we have come to better understand the multiple conflicts inherent in that process -- conflicts so blatant that no reasonable person could possibly assume objectivity on the part of the House Ethics Committee, even if such objectivity were practiced by its members and its staff. Simply put, a Complaint against the Speaker of the House presents unique conflicts for which there is no formal process to resolve. For the House Ethics Committee to have considered such a Complaint would have most certainly been a violation of the due process to which all parties in the process are entitled.

First, the Speaker is the presiding officer of the House, and as such has ultimate authority over all employees of the House, including the Clerk's office, Committee Staff (including Ethics Committee Staff), counsel to the Speaker's office and communications staff for the Speaker's office. Not only would it be impossible for us to be assured complete objectivity on the part of any staff member, it is unreasonable to ask those staff members to participate in an investigation of their boss. In addition, several of the House employees may well have knowledge of the Speaker's actions referenced in a Complaint, and thus could not possibly be involved in the Complaint process itself. Because the Speaker is their supervisor, they could be at risk for retaliation if they divulged information unfavorable to him.

Second, as presiding officer of the House, the Speaker would ultimately be responsible for authorizing the hiring and payment of an independent investigator. We could not reasonably be assured that any investigator hired and authorized by the House with the Speaker as its presiding officer could be objectively retained.

Third, a finding of the House Ethics Committee of probable cause would have to be presented first to the Speaker of the House himself.

Fourth, if the Speaker wanted to appeal any finding of the House Ethics Committee, he is the only one authorized to call the General Assembly into session for that purpose.

Clearly, the House Ethics Committee's process is not designed to consider a Complaint filed against the Speaker of the House. There is no formal process by which the inherent conflicts could be resolved, and thus no party to a complaint against any House Speaker could be assured of objectivity or fairness.

Again, I truly appreciate your consideration and appreciation of our due-process concerns and your decision to accept and investigate the Complaint. This is a serious matter and your action today

reassures us – and more importantly, the citizens of this state – that you will ensure that a fair and impartial process is afforded to all parties with regard to our concerns.

Regards,

A handwritten signature in black ink, appearing to read 'E. Ashley Landess', written over the word 'Regards,'.

E. Ashley Landess
President