

August 22, 2022

Omar Ashmawy
Chief Counsel
Office of Congressional Ethics
U.S. House of Representatives
425 3rd Street, S.W. Suite 1110
Washington, DC 20024

Dear Mr. Ashmawy,

Americans for Public Trust, a nonprofit, nonpartisan organization dedicated to restoring trust in government by holding politicians and political groups accountable, respectfully requests that the Office of Congressional Ethics (“OCE”) investigate Representative Jerry Nadler and his District Director, Robert Gottheim, for unlawfully serving as legal counsel to his campaign committee and his leadership PAC.

I. Background

Representative Jerry Nadler represents New York’s 10th Congressional District.¹ Robert Gottheim has worked for Representative Nadler for over 20 years and currently serves as his District Director.²

From 2019 to 2021, Mr. Gottheim received compensation that qualified him as a senior staffer.³ Additionally, Mr. Gottheim was paid by Representative Nadler’s principal campaign committee, Nadler for Congress, as well as his leadership PAC, Jerry’s PAC, for his work as a political operative.⁴

From 2019 to 2021, Mr. Gottheim was also paid for work by Nadler for Congress and Jerry’s PAC for legal services.⁵

According to the West Side Democrats’ website, Mr. Gottheim serves as “Counsel for Nadler for Congress, handling all campaign finances & compliance issues w/the FEC.” Additionally, he served as Treasurer for Linda Rosenthal, New York Assembly District 67, and Scott Stringer for Mayor.⁶

¹ Representative Jerry Nadler, [About Jerry](#).

² West Side Democrats, About Us, Officers, [Robert Gottheim](#).

³ Houston Keene, [Nadler Senior Staffer Appears to be Providing Legal Services to Congressman, Breaking House Rules: Watchdog](#), Fox News (Aug. 18, 2022).

⁴ *Supra* note 3.

⁵ *Supra* note 3.

⁶ *Supra* note 2; Assemblymember Linda B. Rosenthal, Assembly District 67, [About](#); Scott Stringer for Mayor, [Home](#).

II. Law

5 U.S.C. app. 4 § 502(a) and House Rule 25, Cl. 2 prohibit senior staff employed by the House of Representatives from receiving compensation for practicing a profession which involves a fiduciary relationship, “including the practice of law.”⁷

5 U.S.C. app. 4 § 502(a) and House Rule 25, Cl. 2 also prohibit senior staff employed by the House of Representatives from receiving compensation as a board member or officer of a nonprofit, campaign organization, or governmental entity.⁸

The Code of Official Conduct requires that employees of the House must reflect creditably on the House of Representatives and adhere to the spirit and letter of the law.⁹

III. Analysis

Federal law and the standards of the House of Representatives clearly prohibit congressional staff who are compensated at or above the senior staff threshold from receiving compensation for practicing professions which involve a fiduciary relationship, “including the practice of law.”¹⁰ Despite being paid above the senior staff threshold in 2019, 2020, and 2021, FEC filings indicate that Mr. Gottheim received payments for legal services from both Nadler for Congress and Jerry’s PAC in all three years, in contravention of the federal law and the standards of the House of Representatives.¹¹

Moreover, in his West Side Democrats biography, Mr. Gottheim is described as Counsel for Nadler for Congress, a role in which he handles “all campaign finances & compliance issues with the FEC.”¹² This makes it clear that Mr. Gottheim served in an impermissible role for Representative Nadler’s campaign.

In addition to his work for Representative Nadler’s campaign as well as the West Side Democrats organization, Mr. Gottheim is listed as serving as treasurer for two New York state elected officials, Linda Rosenthal and Scott Stringer.¹³ The role of a treasurer is described as an officer position by the House Ethics Manual.¹⁴ Any compensation received by Mr. Gottheim for these or any other officer positions would violate federal law and House rules.¹⁵

The Code of Official Conduct requires that employees of the House must reflect creditably on the House of Representatives and adhere to the spirit and letter of the law.¹⁶ The nature of Mr. Gottheim’s employment by Representative Nadler’s congressional office and campaign committees violates federal law and House rules. This behavior erodes public confidence by violating both the spirit and letter of the laws governing ethical conduct by elected officials and their employees.

⁷ See Committee on Standards of Official Conduct, U.S. House of Representatives, [House Ethics Manual](#), 214-215 (2008).

⁸ See Committee on Standards of Official Conduct, *supra* note 7, at 222.

⁹ [Rules of the House of Representatives](#), Rule 23, Cl. 1-2 (2021).

¹⁰ 5 U.S.C. app. 4 § 502(a); [Rules of the House of Representatives](#), Rule 25, Cl. 2 (2021); Committee on Standards of Official Conduct, *supra* note 7, at 214-215.

¹¹ *Supra* note 3.

¹² *Supra* note 2.

¹³ *Supra* note 2.

¹⁴ Committee on Standards of Official Conduct, *supra* note 7, at 223.

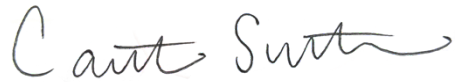
¹⁵ 5 U.S.C. app. 4 § 502(a); [Rules of the House of Representatives](#), Rule 25, Cl. 2 (2021).

¹⁶ [Rules of the House of Representatives](#), Rule 23, Cl. 1-2 (2021).

IV. Request for Action

The standards governing House employees exist to uphold the public trust. By engaging in outside employment that involves fiduciary relationships, Mr. Gottheim has imperiled that trust. It is particularly concerning that his fiduciary activity intertwines his position as Representative Nadler's District Director so extensively with the local politics of New York City. Only the OCE can determine to what extent those fiduciary relationships may have been leveraged for political gain. It is therefore respectfully requested that the OCE commence an investigation into Mr. Gottheim.

Sincerely,

A handwritten signature in cursive script that reads "Caitlin Sutherland". The signature is written in black ink and is positioned above the printed name and title.

Caitlin Sutherland
Executive Director