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EXHIBIT 14

ONE HUNDRED EIGHTH CONGRESS

# U.S. House of Representatives

COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT

Washington, DC 20515–6328

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SUITE HT-2, THE CAPITOL
(202) 225-7103

February 13, 2004

**Personal and Confidential**

The Honorable Nick Smith
U.S. House of Representatives
2305 Rayburn House Office Building
Washington, D.C. 20515

Dear Representative Smith:

This concerns your response of December 17, 2003 to our letter of December 8, 2003 requesting information on communications made to you concerning your vote on the Medicare Prescription Drug Act and your son's candidacy for the House. Pursuant to Committee Rule 18(a), we wish to follow up on three points.

First, your letter of December 17th states that before the vote started on the evening of November 21st, a friend, who was neither a Member of Congress nor a lobbyist, called and told you that if you voted for the bill, your son's campaign would receive "substantial and aggressive support" or words to that effect. We consider that call to be an extremely serious matter, and while this Committee's jurisdiction is limited to House Members and staff, we believe there are a number of circumstances in which a call such as you have described may implicate the Committee's jurisdiction. Accordingly, we request that you identify the individual who called you, and that you describe in as much detail as you can what the individual said to you, and what you said to that individual.

Second, your letter refers to "members' comments that there could be endorsements, business support and members coming to Michigan to campaign for my son" if you voted for the legislation, but also states that "it would be unfair for me to try to reconstruct exactly the words that were said and who said them. I simply cannot do that with precision." While you may not be able to recall the precise words that were said, to the best of your ability, please identify any individuals whose comments to you referred to "business support" for your son's campaign or expressly or impliedly referred to financial support for his campaign, or included any representation whatsoever that a benefit, monetary or otherwise, would result to you or your son or materialize in any fashion in exchange for your vote on the Medicare legislation. In addition, please describe those comments in as much detail as you can, and identify any other individuals who were present when those comments were made.

Finally, our letter of December 8th, which was based on a report that had appeared in the news media, asked about communications made to you in the period of November 21-22, 2003. In view of an article that appeared in the *Washington Post* of December 23, 2003, a copy of which is enclosed, we are now concerned that the time frame we utilized in that letter was unduly limited. That article describes a meeting of certain Members regarding that legislation that occurred at a local restaurant on November 21. It states that according to two Members who were present at the meeting, you "told the gathering that House Republican leaders had promised substantial financial and political support for [your] son's campaign if [you] voted yes." It quotes one of the Members as recalling that you told the group that someone had said that if you voted for the bill, your son would be the beneficiary of "up to the tune of about $100,000." The article also states that another Member recalled your telling the group that your son was promised an endorsement and funds from the National Republican Congressional Committee.

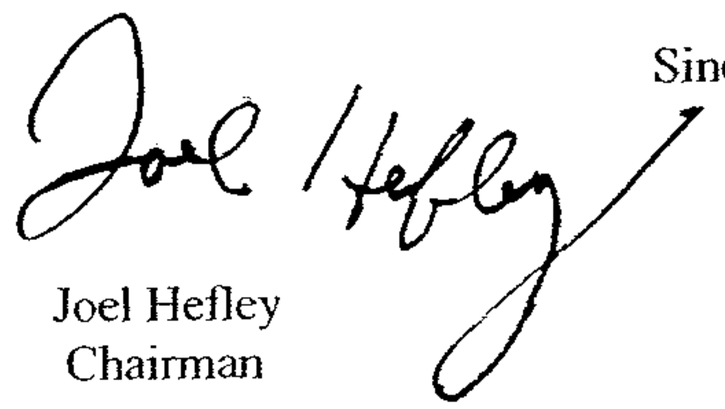
With regard to each statement, promise or other communication relating to your son's campaign that you referred to at the above-noted meeting of November 21st, we request that you provide us with a complete description of the statement, promise or communication, irrespective of when it was made. Regarding each, to the best of your ability, please provide the name(s) of the other participant(s) and any other individual(s) who were present when it was made, and a description of the substance of the promise, statement or communication.

We request that your responses to our requests be as specific and detailed as possible, and that you also provide us with any documents in your possession that support your response. As we noted in our previous letter, the provision of information to us under Committee Rule 18(a) is voluntary. However, we urge you to be entirely forthcoming, so that the decisions we are required to make on this matter will be made in the most informed manner possible.

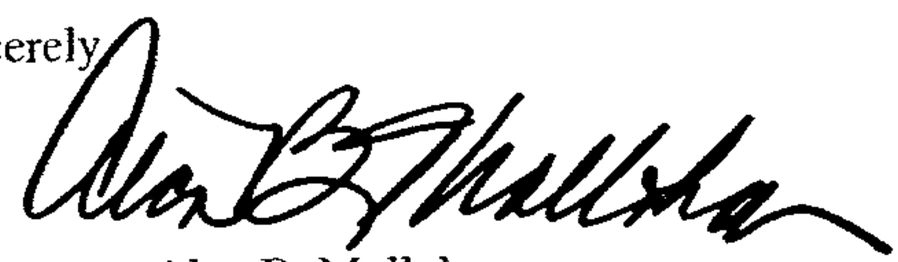
We also note that you are free to retain a private attorney to advise you regarding, or to represent you in, your communications with the Committee on this matter. Particularly in that, as you noted to Committee counsel, the Justice Department is also making inquiry on this matter, you should consider consulting with private counsel.

We request that you submit your response to the Committee by February 24, 2004. If you have any questions, please contact the Committee's Chief Counsel, John E. Vargo, at (202) 225-7103.

Sincerely



Joel Hefley
Chairman



Alan B. Mollohan
Ranking Minority Member

Enclosure