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ON THE WEB

Pressure Mounting to Ensure Ethical Behavior in the House

By Carl Hulse
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The ability of the House of Representatives to police itself is coming under increasing scrutiny, with critics saying the in-house ethics system is failing even as accusations of misconduct mount.

Eight Washington watchdog groups have banded together to urge House leaders to change the ethics rules to allow outsiders again to file complaints. The groups say the House is suffering from an ethics crisis due to an unwillingness by lawmakers to bring their own formal accusations against their colleagues.

"Nobody on the outside can bring a complaint, nobody on the inside will bring a complaint, and the ethics committee has abdicated its responsibility," said Mark Glaze, a spokesman for the Campaign Legal Center, which assembled the coalition. "It is a recipe for an ethics-free zone."

Leaders of both parties oppose the change. And, as evidence the system is working, Republicans point to the ethics committee's vote on Wednesday to open an official inquiry into accusations of attempted bribery that arose out of a vote last year on a Medicare bill. They say ethics charges need to be difficult to bring, since a mere accusation can ruin a political career. And they say outsiders often have political agendas.

"I don't know if we could hang enough congressmen from the eastern steps of the Capitol to please those groups," said Joel Hefley, Republican of Colorado and chairman of the ethics panel, officially named the Committee on Standards of Official Conduct.

But the outside pressure does appear to be producing some response. In addition to initiating the bribery inquiry, Mr. Hefley and Representative Alan B. Mollohan of West Virginia, the senior Democrat on the ethics panel, asked Speaker J. Dennis Hastert and Representative Nancy Pelosi, the Democratic leader, each to designate 10 lawmakers to serve as a pool for special committees to perform investigations if necessary.

They also circulated a letter to all House members defending the panel's work, noting that it has undertaken 18 inquiries since 1997, when the rules were changed to prevent outsiders from lodging complaints, and that some are continuing. "We are absolutely committed to taking all reasonable steps to ensure that all House members and staff comply fully with the House rules and standards of conduct," the letter said.

The House rewrote the rules after charged ethics fights led to the resignation of Speaker Jim Wright, Democrat of Texas, and a \$300,000 fine against former Speaker

Newt Gingrich, Republican of Georgia. About the same time, fearing any complaint would set off a new ethics tit for tat between the parties, lawmakers for the most part stopped filing complaints.

Congressional leaders say there is no agreement to withhold complaints, but they acknowledge a reticence by members. Mr. Hastert recently told reporters that he had approached Representative Richard A. Gephardt, the former Democratic leader, and argued that ethics complaints not be used as political weapons.

"To use the ethics committee as a political football, I think, is ill intended and shouldn't happen," Mr. Hastert said. "And so for a period of time I think there was a reduction of political ethics charges."

But the watchdog groups say the near freeze on complaints has contributed to an atmosphere where some lawmakers are pushing the envelope on conduct.

"When you don't have any real enforcement process, you live in the Wild West and people do what they want," said Fred Wertheimer, president of the group Democracy 21.

Common Cause, another coalition member, cataloged 13 questionable subjects involving members of both parties since 1999. Among them were the accusations of bribery in last November's Medicare vote, job negotiations between a key lawmaker on health issues and a trade association for drug makers, and plans to use contributions to a tax-exempt charity associated with Tom DeLay of Texas, the House majority leader, to underwrite events for Republican lawmakers at this summer's national convention in New York City.

Mr. Wertheimer and the leaders of the other groups called on the ethics panel to provide an opinion on the appropriateness of the charity's paying for those events.

Mr. DeLay and other Republicans dismissed the accusations and calls for ethics changes, claiming the criticism was part of an effort orchestrated by Democrats and allied interest groups.

"This is the way they play politics," Mr. DeLay said. "I think it is really unfortunate. We have to go through it, and the lawyers make a lot of money, and there is never a result except press reports."

House Democrats, remembering how an uproar about overdrafts at the House bank helped oust them from power in 1994, have sought to plant an image of corruption in the House after a decade of Republican control.

But even as Ms. Pelosi, of California, ticked off a series of recent incidents that caused her concern, she said she was not inclined to reopen the process to outsiders.

"If they have done the work, and they have the facts to support the charge, I would recommend that they seek out members of Congress to file the complaint for them," Ms. Pelosi said.

Her response irked some coalition members, who said that they had regularly been rebuffed in getting lawmakers to initiate complaints. The Senate still accepts outside complaints, and the interest groups say that system is working reasonably well.

House Republicans say their process is also working, as shown by the new investigation into the accusation that Representative Nick Smith, Republican of Michigan, was offered financial help for his son's Congressional campaign in exchange for supporting the Medicare drug program.

While welcoming that action, the outside activists said the case actually illustrated problems in the system because it took so long and so much public pressure to get an inquiry started into what they said was an obvious matter for an ethics investigation. The watchdog groups say that other instances worthy of inquiry are being ignored, a situation that tarnishes both lawmakers who follow the rules and the institution itself.

"Everybody suffers when there are ethics issues out there, and there seems to be a real run on them right now," said Chellie Pingree, president of Common Cause. "The public says they are all crooks. That is the real problem of not having an ethics process that works."