

## **Ethics Questions? Few House Answers**

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A big picture of Tom DeLay wasn't hanging on the smart, off-white walls of the American Enterprise Institute conference room, but it could have been. What better poster boy than the House majority leader, the Sugar Land Republican, for a session titled "Ten Years of Unanswered Ethics Questions: Can Congress Police Itself?"

The current answer, at least in the House of Representatives, is generally no, it cannot police itself and has, because of an unwritten, bipartisan nonaggression pact, refused to actively police itself for several terms.

That does not mean that with perhaps a wink or nod the House Ethics Committee cannot warn off even the ethically challenged DeLay. Organizers pulled the plug last week on one of the more dubious of DeLay's proposed capers. Celebrations for Children, an organization set up by DeLay cronies, was to sponsor fund-raising events during the Republican National Convention at New York this summer. Access city for the well-heeled who want to hobnob with Republican big shots, and tax-deductible to boot.

True, organizers claimed that much of the money was to go to needy children, but the rest was to bankroll freebies for DeLay's congressional pals. Many of DeLay's colleagues might rank, in the bigger picture, as "needy children," but it's not what the Internal Revenue Code has in mind.

Fighting DeLay's plan, Fred Wertheimer, chief of the open-government group Democracy 21, nailed the majority leader's ploy.

"Tax-exempt charitable organizations are not supposed to be used as political playthings by members of Congress," Wertheimer said in a March letter begging just one House member to file a complaint with the House ethics committee. "The DeLay scheme will allow House members to attend, free of charge, such events as Broadway shows, golfing tournaments, yacht cruises, dinners, parties and other events, with the events being paid for by a 'charitable' organization and funded by big donors to the 'charity,' many of whom are likely to have important interests pending in Congress."

How many House members took up Wertheimer's challenge to file a formal complaint with the ethics committee? Zero.

Why not? Because that would have broken the ethics truce effectively in place in the House since 1997, when House rules were changed to bar outside groups from filing formal complaints and requiring that step be taken by a House member.

(In the Senate, outside groups still can seek ethics committee inquiries, and as a result of recent filings, a similar charity dodge to be held during the Democratic National Convention at Boston in July was canceled.)

The only way to reach the ethics truce, former Rep, Vic Fazio, D-Calif., told the AEI conference, was "to lower the the threshold (for complaints) to zero."

"The process got shut down and intentionally shut down," Wertheimer said at AEI.

Since then, the House ethics committee has all but gone underground. The committee can launch an inquiry on its own, but it takes an astoundingly clear challenge to rouse the panel — such as the allegation (since toned down some) by Rep. Nick Smith, R-Mich., that he was, in effect, bribed to provide the one-vote margin that passed President Bush's Medicare drug benefit bill in the House last year.

The committee took several months to begin an inquiry, and there are doubts about how rigorous its investigation has been.

The committee at least finally acted on its own, after Democrats, refusing themselves to file a complaint, said Republicans should do the deed themselves, which not one of them would.

Nor has a Democrat stepped forward to file a complaint against the suspect funding activities of the DeLay-linked political action committee Texans for a Republican Majority, which is under investigation by the district attorney, a Democrat, in Austin.

An inquiry in Texas is well and good, but the credibility of the House is in question, and it should at least be preparing an investigation of its own. But that's not how things work these days, in a body so gerrymandered for partisan convenience that little attention is paid to effects of ethical questions on the institution itself.

"I've never seen fewer members who have a concern for the institution," said Norman Ornstein, an AEI scholar who has spent 35 years studying Congress.

If, as Ornstein noted, the ethics committee couldn't speak out clearly on the DeLay "charity" gig, then it has even more explaining to do. A lot more.