

An End to Ethics Truce?

Democrats Hint at Imminent Filing of Complaint

By Erin P. Billings - Roll Call

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House Democrats are on the cusp of breaking the seven-year cease-fire with Republicans over filing ethics complaints, sources throughout the Caucus confirm.

Senior aides and Members say a rank-and-file Democrat will file a formal ethics complaint in the coming weeks unless Republicans - most likely Speaker Dennis Hastert (Ill.) - persuade the Committee on Standards of Official Conduct to investigate at least one of several matters they say warrant an inquiry.

The move is part of a broader effort by Democrats to focus on alleged ethical breaches as the 2004 elections move closer.

"We have reason to believe, given [ethics Chairman Joel] Hefley's [R-Colo.] comments, that they are not going to do anything," said a senior Democratic aide. "If nothing is done with this phase, we'll be forced by Republicans' inaction to take it to a more intense level. They may leave us with no other option."

Democrats are incensed over what they call a "pattern of corruption" by Republicans, but are most likely to ask the ethics panel to focus on whether GOP Members attempted to bribe Rep. Nick Smith (R-Mich.) on the House floor during last November's Medicare vote. Party leaders have called on the ethics committee to initiate an investigation on its own, but Hefley has so far refused.

Minority Whip Steny Hoyer (Md.), the No. 2 House Democrat, is expected to ask Hastert this week to persuade the committee to take action on the Smith matter. Hoyer has been among the most outspoken Democrats on the Smith allegations and late last year was the first to urge the ethics committee to investigate.

One knowledgeable Democratic Member, speaking on the condition of anonymity, promised House Democrats will take some action on the Smith issue, but wouldn't provide specifics.

"By the end of next week, it could be interesting," assured the Member. "One way or another you will see something. Either the Speaker will act or there is likely to be some type of filing."

John Feehery, spokesman for Hastert, said regardless of whether the Democrats reach out to his boss, the Speaker "has no control over the ethics committee." He advised that Democrats go to the ethics panel on their own, rather than go through Hastert.

"If they think they should do it, that's their decision," he said.

A filing would essentially break the two parties' unspoken truce, which went into effect in 1997 in the wake of a tit-for-tat ethics war that had raged between the parties for years. The ethics detente came on the heels of clashes over Democratic allegations against then-Speaker Newt Gingrich (R-Ga.).

Democrats insist they will exhaust all options to try to convince Republicans to push for investigations by the evenly divided panel, but if those fail they will not hesitate to file, several senior Democratic sources said.

"At some point, people will have to come forward and force action," said a Democratic leadership aide, adding that Democrats have held off to this point believing that the ethics committee would investigate on its own.

Democratic Caucus sources said party leaders are putting together a multi-tiered strategy to highlight what they charge is a pattern of unethical behavior by Members in the majority. They cite other recent allegations that GOP leaders may have tried to force a mutual fund organization to replace its Democratic lobbyist with a Republican, and that Energy and Commerce Chairman Billy Tauzin (R-La.) may have negotiated a job with a major pharmaceutical group while overseeing the Medicare bill.

"This action, or actions, in the short term will be part of a broader strategy for the year ahead to demonstrate how poorly the Republicans are running this Congress," said a senior Democratic aide. "We are going to continue in different ways to beat on Republicans so they act on their own. We are laying the groundwork to show that Democrats were left with no other option than to force these things to happen, especially given how outrageous their management of the House is and how ethically challenged this group is."

So far, however, the plan has yet to manifest itself beyond a ramping-up of rhetoric. Last week, Hoyer and Minority Leader Nancy Pelosi (D-Calif.) went on the offensive, lobbing charges on the Smith and Tauzin matters.

Hoyer assured that the Smith incident "is not dead" and that Democrats "will continue to raise this issue," hinting that he hoped Republicans would act so that Democrats aren't forced to do so. Pelosi, meanwhile, said talk of Tauzin negotiating a job with the Pharmaceutical Research and Manufacturing Association while overseeing the crafting and passage of the Medicare bill smacks as an "example of abuse of power and conflict of interest."

One well-placed Democratic aide said Hoyer, rather than Pelosi, is the Member likely to take a lead role and reach out to Hastert. Hoyer also was a vocal critic last year of the "K Street Project," an effort by House Majority Leader Tom DeLay (R-Texas) and Sen. Rick Santorum

(R-Pa.) to install Republicans in key posts in the Washington lobbying community.

"We don't want to make it overtly political," said the aide of why Pelosi isn't taking the lead.

Another senior staffer said it's "probably because Pelosi stands more to lose as she is the one who really has to answer to the Caucus." Others speculated it could be problematic for Pelosi because she was the subject of questions in 2002 when it was revealed she controlled two potentially affiliated fundraising committees.

While there have been ethics investigations since 1997, only two were initiated by individual lawmakers. Rep. Peter Deutsch (D-Fla.) brought a complaint, eventually dismissed, against Rep. Steve Buyer (R-Ind.) over voting irregularities in the 2000 election. And Rep. Bob Barr (R-Ga.) asked the panel to investigate then-Rep. Gary Condit's (D-Calif.) role in the disappearance of former Washington intern Chandra Levy. No action was taken in that case.

During the same period, the panel acted on its own to investigate then-Rep. James Traficant (D-Ohio) following his conviction on 10 felony accounts, and two cases involving Reps. Earl Hilliard's (D-Ala.) and Corrine Brown's (D-Fla.) alleged financial irregularities.

The Democratic Member said despite the cease-fire, "several straws have now broken the camel's back" and the minority party is now willing to take on the fight.

"I do believe, notwithstanding all those concerns, we have gotten to the point that there are several individuals - and I won't mention whom - feel they can't allow this to go on and will at the appropriate time file complaints because it is getting out of hand," the Member said.

A well-placed Democratic aide acknowledged "people are nervous about it" and worried a filing will ignite an "explosion of investigations." Given that, a rank-and-file Member with a "squeaky clean" background, who has yet to be tapped, would go to the ethics committee, the staffer said.

A GOP leadership aide said it is "hard to speculate" whether Republicans would retaliate if the truce is axed, adding: "It's about comity. In an atmosphere where comity breaks down, you never know where things will end up."

The aide added that none of the latest Democratic threats is surprising.

"We've heard all along they are trying to find another Newt Gingrich to burn down the House," said the staffer. "This could be the opening volley of this."

But Rep. Jan **Schakowsky** (D-Ill.), a member of the Energy and Commerce Committee, said Democrats cannot sit idly by while Republicans continue to break the rules and tramp on ethical standards, voicing her anger about alleged conflict of interest by Tauzin.

"It would be accurate to say many of us feel we've just had it," she said.