

Statement By Tom Fitton On Proposed Changes To House Ethics Process Rules

Good morning, I am Tom Fitton, president of Judicial Watch, a conservative, non-partisan public interest group that promotes transparency, accountability and integrity in government, politics and the law.

Through the Congressional Ethics Coalition, Judicial Watch has fought side by side with groups from across the ideological spectrum to bring, to put it bluntly, better law enforcement to Congress.

In some ways we succeeded. Thanks in large measure to pressure from this coalition, the House Ethics Committee has broken an unacceptable seven-year ethics “truce” between Republicans and Democrats that eviscerated ethics enforcement in the House of Representatives.

Recently, the Committee initiated an investigation into the alleged attempted bribery of now-retired Congressman Nick Smith on the floor of the House of Representatives during the infamous three-hour voting period for the Medicare prescription drug benefit program. The Ethics Committee uncovered improper activity by Majority Leader Tom Delay and three other congressmen, including Smith himself. In concluding another complaint, the Committee also took the brave step of admonishing Majority Leader Delay over his fundraising practices and for partisan use of his public office.

We also commend the Ethics Committee for initiating just last week a long overdue investigation of Democrat Congressman Jim McDermott related to his illegal dissemination of a recording of a House Republican leadership phone call.

Now that the House Ethics Committee has finally shown signs of life, recent reports indicate that the House Republican leadership may be trying to put it back on life support. They have threatened retaliation against Ethics Committee Chairman Joel Hefley for attempting to do his job. There even has been talk of removing him from the Ethics panel. That the Speaker has been linked to this retaliation is especially troubling. This retaliation and threatened removal is a signal to any current and future members of the committee, and every other member of the Republican caucus, that there will be payback to any member brave enough to blow the whistle on ethics lapses. Speaker Hastert needs to reaffirm the independence of the Ethics Committee and allow Chairman Hefley to do his job.

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If reports are to be believed, Republican rule changes would essentially cripple the ethics process. One reported change would mean that tie votes on the committee could kill any ethics investigation. If a partisan bloc on the committee can shut down ethics investigations in their infancy, it will ensure ethics gridlock in the House.

And the notion that no outside groups could work with individual members on ethics matters is repugnant to the First Amendment.

It would be a mistake to lower House ethics standards. As currently worded, House ethics standards are comparable to those for the judiciary. As with the federal judiciary, it is important that there not be the appearance of corruption in the House of Representatives. This proposed rule change eliminating the “appearance” standard promises to turn ethics enforcement into a “catch me if you can” game.

In 1994, the Republicans came to power promising a new day for ethics in the House of Representatives. Instead, ethics enforcement has been stymied and is set to be severely weakened. As a conservative committed to honest government, this troubles me. There is nothing conservative about covering up or condoning corruption.

The American people must have faith that Congress can police its own membership. Yes, the House should rewrite some of the House ethics rules. But the changes should strengthen the ethics process, not weaken it.

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Judicial Watch is a non-partisan, educational foundation that advocates transparency, integrity and accountability in all aspects of government, politics and the law.