



# A DISCUSSION OF ETHICS IN WASHINGTON

## A Judicial Watch Special Report

### INTRODUCTION

According to a CNN-USA *Today*-Gallup Poll taken in January 2006, 43 percent said corruption is an extremely important issue in 2006. This is just two percent below the number of people who said that terrorism and the war in Iraq would be extremely important issues in 2006. Clearly the issue of corruption weighs heavily on the minds of the American people; and for good reason.

In the 1990s, the American people suffered through the numerous scandals of the Clinton administration. From selling out our national security to the Communist Chinese, to stealing the private FBI files of Reagan and Bush staffers, to using the IRS to bully political opponents, Bill and Hillary Clinton operated the most corrupt presidency in modern history.

President Bush offered to give the White House a "good scrubbing" upon his arrival in Washington, DC, but members of Congress and federal officials from both parties have done no better on his watch. In fact, Republicans, many of whom complained vehemently about corruption in the Clinton administration, have adopted Clintonian methods of conducting the government's business. Consider the rash of scandals involving politicians from both sides of the aisle that have dominated headlines in just the last six months:

- Lobbyist Jack Abramoff pleaded guilty to conspiracy, fraud and a host of other charges on January 3 in exchange for

information on his congressional co-conspirators. As many as two dozen members of Congress from both parties and their staff are expected to be "outed" in the coming months, in a massive scandal involving the sale of political influence for campaign contributions.

- Hillary Clinton's (D-NY) fundraising operation was fined \$35,000 by the Federal Election Commission for failing to accurately report more than \$700,000 in contributions to her New York Senate 2000 campaign. Senator Clinton, meanwhile, has thus far escaped more significant punishment for her personal role in the scandal.



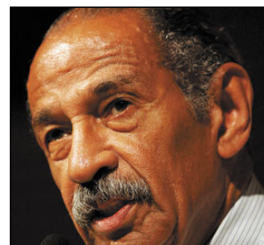
**"It's not a matter of Republicans versus Democrats, or liberals versus conservatives. It's a matter of crooks versus the rest of us!"**

— Tom Fitton, JW President, CNN.com

- Tom DeLay (R-TX) was forced to step down on September 28, 2005 from his position as House Majority Leader. Congressman DeLay has been embroiled in a series of scandals from bribery to influence peddling, and was indicted by grand juries in Texas.

- According to complaints released by the House Ethics Committee recently, aides to Representative John Conyers (D-MI) alleged their former boss repeatedly violated House ethics rules, forcing them to serve as his personal servants and valets when they were supposed to be doing the government's work.

- Former California Congressman Duke Cunningham (R-CA) was sentenced recently to 8 years in prison for taking more than \$2.4 million in bribes. This is the longest prison sentence handed out to a member of Congress in decades, yet the House Ethics Committee has never investigated the scandal.



Left to right: Lobbyist Jack Abramoff, Senator Hillary Clinton (D-NY), Rep. Tom DeLay (R-TX), Rep. John Conyers (D-MI), and Former Rep. Duke Cunningham (R-CA).

While politicians continue to abuse the system and violate the law, the ethics enforcement process in Washington is nonexistent as members of Congress refuse to police their own affairs. The House Ethics Committee is virtually out of business, and has been for nearly two years, while the Senate Ethics Committee refuses to investigate blatant incidents of corruption. The Justice Department, with its recent aggressive investigation of the web of scandals involving Jack Abramoff, is finally showing signs of life, but to what end? This remains unclear.

It is in this context that Judicial Watch held its first educational panel of 2006 on February 3 at the National Press Club. The panel, entitled, "A Discussion of Ethics in Washington," was hosted by Judicial Watch President Tom Fitton and featured panelists Fred Wertheimer, President of Democracy 21; Mike Franc, Vice President of Government Affairs, The Heritage Foundation; Ralph Hallow, Senior National Correspondent, *The Washington Times*; and Gail Chaddock, Senior Congressional Correspondent, *Christian Science Monitor*. The following is a summary of the key issues discussed...

## WHY ETHICS? WHY NOW?

Government corruption has always existed in Washington, DC, so why is there such intense focus on the issue now? This is the first question addressed by the panelists.

JW President Tom Fitton noted in his introductory remarks that the type of influence peddling currently under investigation by the Bush Justice Department was ignored under Janet Reno and Bill Clinton throughout their two terms in office.

"I think [the increased focus] relates to personnel and political will," Fitton said. "Janet Reno's Justice Department was simply not interested in pursuing any cases that might reflect unfavorably upon Democrats in general and Clinton in particular. When new blood found its way into the Justice Department, a fresh approach to prosecuting bribery followed... Will this politically brave approach continue as it begins to impact congressional leadership, powerful committee chairmen on the Hill and even members of this administration? That is the true test."

Gail Chaddock of the *Christian Science Monitor* suggested that the focus on corruption tends to become more intense during an election season.

"A critical election is coming up; and [we have] a very aggressive, unusually aggressive, bribery investigation. There are currently 40 investigators on this case... We're in a unique period of focus on this issue that is going to get more intense as we come up to an election."

Chaddock also noted that during the 1994 Republican takeover of Congress, there was an intense period of focus on corruption instigated by the Republican party's desire to shift the balance of power in Congress. "Newt Gingrich and his operation were sending out daily blasts about every aspect of corruption," Chaddock noted. "That period of Newt Gingrich going after the Democrats who had held the House for 42 years is etched in the DNA of the current Republicans and the current Democrats."

In other words, in the competitive marketplace of electoral politics, the scandals unearthed during an election year can make the difference between winning and losing power. Out of power in 1994, Republicans used the issue of corruption to assume control of Congress. Democrats are now trying to convince the public that corruption is a "Republican problem" in order to accomplish the same goal.

Fred Wertheimer, meanwhile, noted that the public has simply reached its boiling point with respect to corruption, as it tends to do from time to time.

"There's something I've always found interesting and somewhat distinctive about our country," Wertheimer said. "There are many parts of the world where corruption, bribes, pay-offs are an accepted way of life. That's not to mean that everyone in the society accepts it, but it's kind of built into the system. We've never operated that way in this country. Our people object to corruption. They innately understand that it comes at their expense, and it does, and they've constantly supported efforts to fight against it when it gets out of control, as it does periodically."

As Fitton points out, however, no matter the reason, the current focus on ethics is timely and justified.

"Whatever the reason for the... new found interest in cases involving political corruption, it could not have come at a more critical time. The House and Senate Ethics Committees remain AWOL in the midst of these erupting scandals we're reading about everyday."



The *Christian Science Monitor*'s Gail Chaddock, JW President Tom Fitton, and the Heritage Foundation's Mike Franc during Judicial Watch's educational panel, entitled "A Discussion of Ethics in Washington."

## THE FACES OF CORRUPTION – ABRAMOFF AND DELAY



Left to right: Lobbyist Jack Abramoff and Rep. Tom DeLay (R-TX).

Lobbyist Jack Abramoff and Congressman Tom DeLay have become poster children for what is wrong in Washington, receiving much of the media's attention and condemnation. Both men were, therefore, the subjects of intense discussion during the panel. The overwhelming consensus? While Abramoff and DeLay deserve to be punished for their wrongdoing, they are symptoms of a much larger problem in Washington.

"Abramoff used money in every way he could think of to try to gain influence on Capitol Hill," said Wertheimer. "He gave campaign contributions...He arranged trips, including his famous golfing adventures to Scotland. He provided free meals...and sky box tickets and probably provided a lot more we don't know about. But these kinds of uses of money were not unique to Abramoff. They're really common tools of the lobbying trade in Washington...and it is non-partisan and it is non-ideological. This is done for Democrats, Republicans, liberals, conservatives."

Ralph Hallow, meanwhile, talked about the relationship between how long someone "plays the game" in Washington and their propensity to get into trouble, using DeLay as an example.

"When Tom DeLay came to Washington, he was very much like the current crop of young members who tell me...they weren't sent here to go to Scotland and play golf at some lobbyist's expense... But [DeLay] was like that when he got here. The proximity of this town to the Potomac River...allows one to catch Potomac fever if he or she stays too long. [The] temptations in Washington, DC are unlike those in magnitude and sparkle of any other capital city in the world because it is the most important city in the most important country..."

## DOES BIG GOVERNMENT INVITE CORRUPTION?

What role does the size and scope of the federal government play in the development of the ethics crisis? Is the argument

for clean government ultimately the argument for limited government?

Mike Franc of the conservative think-tank the Heritage Foundation believes there is a direct relationship between the size of the government and the tendency towards corruption. "I think what we've been seeing here is, to a large extent...the inevitable behavior that accompanies the rapid and extensive growth of government, both in terms of the spending and also the regulatory authority of government," Franc said.

Ralph Hallow agreed. "Last time I looked, we have 27,000 lobbyists jammed into four blocks on K Street, just a few blocks from here. Government has shrunk? Of course it hasn't. It's just grown and grown and grown. The lobbyists are here because government is more involved than it ever was."

Wertheimer, too, acknowledged the relationship between government expansion and corruption. "I don't think there's any question that as the size of government has grown, the economic stakes in Washington have grown, the number of lobbyists have grown, the amount of money around has grown."

## SOLVING THE ETHICS CRISIS

The issue, then, is how to solve the crisis. And on this point, the panel seemed divided into two camps: Those who believed rules changes were necessary, and those who believed disclosure and transparency were the best options.

Fred Wertheimer is pushing for new laws and rules. "The lobbying reform battle provides an opportunity to pass some very important rules changes [that] do change the way people conduct their affairs," Wertheimer argued.

"Members of Congress, for example, used to get private fees paid directly into their pocket for speaking engagements from groups that were trying to influence them. Those were banned about ten years ago and they're gone. So rules can work and they can change activity...provided people think there is some sense that they may pay a price if they're violated."

Ralph Hallow, however, doubts rules changes will have any impact on the problem.

"Ten years ago we ended that horrible practice of members of the United States Congress accepting money for speeches. Well, that solved the problem didn't it?...We passed the McCain-Feingold finance regulations so that the influence of big money on politics in Washington would end... I guess that didn't work either. So, so now Fred proposes...that we further

regulate... Now we'll get to go after the 527 [organizations] and when we get them, if somebody else dares pop up to try to speak his piece, we'll regulate that too. The answer is I don't think regulation. I think it's perhaps a misunderstanding of human nature to think that the solution is to have more regulations...to tell people there are more things they can't do and set up a body...to enforce the no-talk, no-fly, no-walk rules and regulations."

The Heritage Foundation's Mike Franc went one step further. Franc believes new lobbying rules will actually deny members an important opportunity to educate themselves on issues important to the American people. "There's a lot of talk now about various kinds of lobbying reform and there's been mention made of blanket bans on all privately-funded travel, meals, lodging, and that sort of thing," Franc said. "I just want to take an alternative point of view here. We think...that you really don't want to hermetically seal Congress into an information-free environment. To the extent that you ban all privately-funded travel, lodging and meals, the only way for that newly-elected member of Congress will get any [information] coming into office would be through a government-designed seminar. That, we suggest, is not the best way to go..."

What does Franc suggest for a solution? "I would say it's a combination of disclosure... that's immediate and thorough, and also enforcing that disclosure," he argued. "There ought to be some... consequence that attaches to non-disclosure of an important aspect of an agenda item..."

Hallow also touted disclosure as a solution. "[If] you are interested in ethics in government and in unseemly behavior by members of congress and the Executive Branch...it's a matter of telling people...who's doing what and why... A press that's always looking for angles to see who's doing what to whom, will thrive on a system of full disclosure..."

Fred Wertheimer, however, believes that while disclosure can make a difference, it should not be viewed as a panacea for the corruption crisis.

"Disclosure is very important, but disclosure doesn't solve by any means all corruption problems... If disclosure was this simple answer to all of our problems, then we've been making a very major mistake in having bribery laws because bribery laws make it a crime to exchange money for an action."

Tom Fitton, meanwhile, suggested that neither rules changes nor disclosure would be effective without proper punishment for those who violate the law. "I would suggest the best reform is the aggressive criminal prosecution of bribery," Fitton argued. "We're only hearing about lobbying reform now because politicians are fearful of going to jail..."

## NEW LEADERSHIP – SAME OLD PROBLEM?



John Boehner,  
House Majority Leader

On February 2, House Republicans selected Ohio's John Boehner to replace Congressman DeLay as House Majority Leader. Why Boehner? Gail Chaddock suggested the move was predictable.

"Usually...leadership elections [are] very hard to predict. You've got personal issues involved. You've got regional issues... You've got committee loyalties. You've got lobbyists outside influencing the outcome, and then quirky things you're not even aware of. But this one wasn't hard to predict at all. Everyone I talked to that walked out of the meeting had a variation on the same answer. We elected him because the party desperately needed a new face."

Still, the question remains: Will Boehner's election signal a new era in ethics enforcement on Capitol Hill? Hallow summed up the panel's thoughts on the matter.

"Does the dawning of the Boehner era mean that [corruption is] over now? You can always hope, but it's childish to believe that somehow God sent us the savior in the person of John Boehner or anyone else."

Both Fitton and Chaddock voiced their concerns that the momentum for meaningful ethics reform and enforcement might not be able to be sustained in Washington.

"The recent rush to lobbying reform has already slowed," noted Fitton. "In the end, I fear lobbying reform will be the refuge of congressmen seeking to avoid accountability."

"The danger after [the election] is that the energy diffuses and we go back to the low level of acceptance of corruption that we've known between these periods of spikes, and the ongoing public contempt for Congress as an institution which undermines one of the elements that makes our Constitution function," said Chaddock.

Judicial Watch, of course, has been combating corruption in Washington for over ten years, and was recently named one of the "Top Ten" government watchdog organizations in Washington by *The Hill* newspaper. In addition to public education campaigns, exemplified by this panel discussion, that keep the issue of corruption in focus for the American people, Judicial Watch will continue to investigate, and take action against, public officials who violate the rule of law. For more information about Judicial Watch's anti-corruption programs, visit [www.judicialwatch.org](http://www.judicialwatch.org).

## PANEL PARTICIPANTS



**Tom Fitton** is President of Judicial Watch, a nonpartisan, nonprofit educational foundation established in 1994 as a "watchdog" over the executive, legislative and judicial branches of government. Judicial Watch has brought more than 150 cases against high-ranking officials for misconduct and violations of the public trust.



**Fred Wertheimer** is the President and CEO of Democracy 21 and Democracy 21 Education Fund, which he founded in 1997. Wertheimer is a nationally recognized authority and spokesperson on the issues of money in politics, government accountability and ethics, and reform of the political system.



A long-time veteran of Washington policy-making, **Mike Franc** is Vice President of Government Affairs for the Heritage Foundation. He oversees Heritage's outreach to Members of the U.S. House and Senate and their staffs, as well as top-ranking administration officials.



**Gail Russell Chaddock** is the senior congressional correspondent for the *Christian Science Monitor*. Prior to her assignment in Washington in 1997, Chaddock was the Monitor's Paris bureau chief.



**Ralph Z. Hallow** is a senior national correspondent for *The Washington Times* and is co-author of the book, *Those Who Would Be President and Those Who Should Think Again*, a book on the 1996 presidential elections.



# Judicial Watch

Because no one is above the law!



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## ABOUT JUDICIAL WATCH

Judicial Watch, Inc., a conservative, non-partisan educational foundation, promotes transparency, accountability and integrity in government, politics and the law. Through its educational endeavors, Judicial Watch advocates high standards of ethics and morality in our nations public life and seeks to ensure that political and judicial officials do not abuse the powers entrusted to them by the American people. Judicial Watch fulfills its mission through investigation, litigation, and public outreach.

### Investigation:

Open government is honest government. This is the principle that drives Judicial Watch's fight against government secrecy. Using open records laws, such as the federal Freedom of Information Act (FOIA) and the states' Sunshine Laws, Judicial Watch forces the release of government documents into the public domain. When elected and appointed public officials or government agencies stonewall investigations or try to hide behind special privilege, Judicial Watch takes strong legal action to force them to comply with open records laws. Our persistence and strategy has proven extremely effective. Judicial Watch has filed more than 900 open records requests in its first ten years, leading to the release of hundreds of thousands of documents into the public domain.

### Litigation:

Litigation and the civil discovery process not only uncover information for the education of the American people on anti-corruption issues, but they can also provide a basis for civil authorities to criminally prosecute corrupt officials. Judicial Watch has filed more than 150 lawsuits against corrupt public officials, achieving numerous victories on behalf of the American people. This is what separates Judicial Watch from other watchdog organizations. Judicial Watch is willing to take action, to use the civil court system in order to achieve justice. Thanks, in part, to its aggressive litigation, Judicial Watch was recently named one of the "top ten" most effective government watchdog organizations by *The Hill* newspaper.

### Public Outreach:

Judicial Watch's investigation, legal, and judicial activities provide the basis for strong educational outreach to the American people. Judicial Watch's public education programs include speeches, opinion editorials (op-eds), publications, educational conferences, media outreach, radio and news television appearances, and direct radio outreach through informational commercials and public service announcements. Through its publication *The Verdict* and special reports, Judicial Watch educates the public on abuses and misconduct by political and judicial officials and advocates for the need for an ethical, law abiding and moral civic culture. Judicial Watch also pursues this educational effort through this Internet site where many of the open records documents, legal filings, and other educational materials are made available to the public and media.



**"I think it is fair to say that Judicial Watch has been singularly successful in bringing scandals to light, educating the public, and using the legitimate tools of the judicial system to obtain justice on behalf of the American people."**

— Former Congressman Bob Barr (R-GA)