

# Gingrich Case Is First Under Ethics Panel's New Multi-Step System

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The Constitution gives Congress the power to police and punish its own members, but it was not until 1967 that the House created an ethics committee to set and enforce a code of conduct.

The trigger for the creation of the House Committee on Standards of Official Conduct, as the ethics committee is formally called, was the case of Rep. Adam Clayton Powell Jr. (D-N.Y.), who was almost expelled from the House for using congressional funds for personal travel and to pay his wife.

The case of House Speaker Newt Gingrich (R-Ga.) is the first to be carried out under a multi-step system adopted after the 1989 case of House Speaker Jim Wright (D-Tex.), which be-

gan with a complaint filed by Gingrich. The new format broke the process down into three distinct phases with different sets of lawmakers handling each.

After the ethics committee voted on Dec. 12, 1995, that the complaints former representative Ben Jones (D-Ga.) filed against Gingrich 15 months before were worthy of further inquiry, it established a subcommittee of two Republicans and two Democrats. That panel was to act as a grand jury and determine, with special counsel James M. Cole acting as a prosecutor, whether "there is reason to believe that a violation of [House] rules has occurred."

The panel concluded there was and, on Dec. 21, voted a Statement of Alleged Violation—essentially an indictment—against Gingrich. Under committee rules, the next step would have

been for the three Republicans and three Democrats who did not serve on the investigative subcommittee to hold trial-like hearings to judge Gingrich.

Cole would have acted as a prosecutor, presenting his case against Gingrich; and the panel, acting as a trial jury, would have determined whether Cole had proved the charges "by clear and convincing evidence."

But Gingrich abbreviated the process by admitting to the charges. So the next step became the sanction phase, when the full ethics committee will determine what punishment to recommend to the House. At the sanction hearing Cole and Gingrich's defense team, led by Atlanta attorney J. Randolph Evans and former representative Ed Bethune (R-Ark.), will each present their recommended punishments.

Before, the full committee handled all phases of the process, with all of its members acting as grand jury, prosecutor, trial jury and judge.

The committee has great leeway in proposing a punishment, which can range from a letter of reproof, which requires no House action, to expulsion.

Unlike all other House panels, whose party divisions are drawn up to reflect the ratio of Republicans and Democrats in the House, the ethics committee is equally divided between Republicans and Democrats. That means that any action requires the agreement of at least one member of the another party.

When that balance was disrupted earlier this week with the recusal of Rep. Jim McDermott (D-Wash.), after he was implicated in the leaking of a taped telephone conversation, Rep. Da-

vid L. Hobson (R-Ohio) also stepped aside so that there are four Republicans and four Democrats.

Unlike most other House panels, the ethics committee conducts virtually all of its business behind closed doors. The last major public hearing came in Wright's case, when a televised session was held to hear his Houston attorney, Stephen D. Sussman, argue that the charges should be dismissed.

When the day was over, key committee members made it clear that Wright's request was unlikely to be granted and his resignation seemed inevitable. Eight days later, in a dramatic hour-long House speech, Wright said he would surrender his speakership and his House seat "as a propitiation for all of this season of bad will."