

Ally Says Gingrich Gave Panel False Data, Blames Lawyer

By John E. Yang
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An ally of House Speaker Newt Gingrich (R-Ga.) acknowledged yesterday the speaker gave untrue information to the House ethics committee in its investigation of a college course he taught, but put the blame on the lawmaker's former ethics lawyer.

"There's no argument that Newt signed an erroneous statement," said Rep. John Linder (R-Ga.), whom

Gingrich named last month to head the GOP's House campaign committee. "It's erroneous on the face of it. The question the committee has to decide is: Did he willfully mislead the committee? This would be a pretty dumb way to do it."

Gingrich's office had no response to the comments of Linder, who was the speaker's chief House defender when Democrats engaged in partisan warfare over the ethics investigation. The speaker's new ethics lawyer, Atlanta legal malpractice at-

torney J. Randolph Evans, did not return telephone calls.

His previous lawyer, election law expert Jan Baran, said he dropped Gingrich as a client in the ethics case Saturday. Late yesterday, Gingrich press secretary Tony Blankley and Baran issued a joint statement to say Gingrich continues to represent Gingrich, but not "directly before the ethics committee." It went on to say Baran is "continuing to assist Newt and others" in the ethics case. Neither would elaborate.

The admission that Gingrich gave false information to the ethics committee added to political concerns of some House Republicans, who could face the prospect of deciding whether to vote in less than three weeks to reelect Gingrich as speaker, before the matter is resolved.

"Newt owes the Congress and the Republican Party a detailed statement laying out the whole thing," Rep. Peter T. King (R-N.Y.) said in a telephone interview. "Submitting

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false evidence is very, very serious. Someone's at fault. . . . If he wants us to believe it's his lawyer, he has to lay it out for us."

Linder's remarks indicate the defense Gingrich is using in the probe, in the tactic to shift responsibility for inaccuracies in presentations to the ethics committee from the speaker to Baran. The investigation recently expanded to assess whether information Gingrich and his lawyer provided was "accurate, reliable and complete."

Linder, who said he had spoken with Gingrich over the weekend, said Baran "provided documents to the committee that Newt signed that conflict with statements Newt made to the committee earlier." Linder would not elaborate.

But in a telephone interview Wednesday night, Baran said, "I wish to make clear that my firm did not submit any material information to the ethics committee without Mr. Gingrich's prior review and approval. I strongly believe that is the committee's view as well."

There are indications James M. Cole, the Washington white-collar criminal attorney the ethics committee hired to conduct the probe, is focusing on discrepancies between what Gingrich told the ethics committee in 1993 when he sought permission to teach a college course and what he told the panel after financing of the course was challenged in 1994.

In a May 12, 1993, letter seeking permission of the Committee on Standards of Official Conduct, the panel's formal name, to teach the course, Gingrich wrote that "the actual cost of developing the course itself will be financed by Kennesaw State College and the Kennesaw College Foundation." But in an Oct. 4, 1994, letter, he wrote that "those who were paid for course preparation were paid by either the Kennesaw State Foundation, the Progress and Freedom Foundation or GOPAC." And then, in a Dec. 8, 1994, letter, he wrote, "GOPAC did not create, fund or administer" the course. GOPAC is the political action committee once headed by Gingrich.

Linder said Baran "is now saying Newt should have caught" the errors. "He's the attorney . . . hired and paid a lot of money to not let Newt make mistakes."

A former top Federal Election

Commission official, Baran, 48, was general counsel for George Bush's 1988 presidential campaign and was Republican National Committee general counsel 1989 to 1992. Since then, he has represented various GOP candidates and committees.

Stephen Gillers, a New York University professor of legal ethics, said a defense of blaming the attorney would be valid if the information was gathered by experts in certain areas, such as accountants or auditors. "But if the lawyer simply prepared a document to go to the committee based on information supplied by the speaker, then it's the speaker's problem, not the lawyer's problem," Gillers said.

Gillers also said it was unusual for a lawyer and client to quarrel as publicly as Baran and Gingrich. "Mr. Gingrich either honestly believes he's in this predicament because of a mistake by Mr. Baran and he has to say so to defend himself, or he's desperate and this is the only way he sees to save himself," he said.

Linder's disclosure came as the ethics panel's investigative subcommittee of two Republicans and two Democrats appears to be nearing the end of its preliminary inquiry.

The ethics case has loomed over Gingrich since Sept. 12, 1994, when former representative Ben Jones (D-Ga.) filed an ethics complaint saying the use of tax-deductible charitable contributions to finance Gingrich's college course violated federal tax law because the course was intended to further a partisan political agenda.

A partisan deadlock five Republicans and five Democrats kept the committee from acting until Dec. 6, 1995, when it found the allegation worthy of "further inquiry" and hired Cole to conduct the investigation.

Gingrich taught the course, entitled "Renewing American Culture," at Kennesaw State College in Kennesaw, Ga., and Reinhardt College, a small private school, from 1983 to 1985. The Georgia Board of Regents forced him off the Kennesaw campus, citing concerns about mixing politics and education. Gingrich has said the 10-week course was an

attempt to describe "new visions of the future to serve as organizing paradigms for our nation's progress over the next several decades."

They ranged from his political philosophy that "we must reassert and renew American civilization" to his view that America must quickly move into the "Third Wave Information Age." It was, he said, "completely nonpartisan. It was . . . about ideas, not politics."

On Sept. 26, the full ethics committee voted to expand its probe and directed Cole to investigate whether Gingrich provided "accurate, reliable and complete information" to the panel "directly or through counsel."

If at least three subcommittee members agree there is "reason to believe that a violation [of House

rules] has occurred," they would draw up charges against Gingrich.

It is unclear how much progress the subcommittee has made. Lawmakers will not comment on their work. After five straight days of intensive meetings, lawmakers left Washington last week and aides to two—Reps. Steven H. Schiff (R-N.M.) and Nancy Pelosi (D-Calif.)—said the members had no plans to return before January. Subcommittee Chairman Porter J. Goss (R-Fla.) had pledged to finish work before the new Congress convenes Jan. 7, but last week Schiff said that might not be possible.

Even if the subcommittee were to vote to charge Gingrich, the speaker would have 30 days to respond. Committee rules allow the panel to

keep its findings secret until that response. Then the six ethics committee members not on the subcommittee—three from each party—would hold hearings to determine whether the allegations "have been proved by clear and convincing evidence." If at least four members find they were, the full committee would recommend a sanction—up to expulsion from the House—subject to approval by the House.

FOR MORE INFORMATION

For the full text of all Gingrich lectures from the "Renewing American Civilization" course, click on the above symbol on the front page of The Post's site on the World Wide Web at <http://www.washingtonpost.com>