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Mr. Gingrich's Defense

HOUSE SPEAKER Newt Gingrich no longer claims quite to be innocent of the principal ethics charges that have stood against him for two years. Rather, he says, he was naive. But the suspect system that was set up and that is at the heart of the charges does not strike us as reflecting naivete—anything but.

The basic accusation against the speaker, when the side issues are stripped away, is that he set up an elaborate structure for converting ostensibly charitable contributions to political purposes, thereby circumventing both the tax law—charitable contributions are tax-exempt, while political contributions are not—and the law with regard to the raising of political funds. The structure was a maze of interlocking organizations meant to raise large amounts of money at one end, spend it at the other and leave only a blur between.

In the world of campaign finance, where there are no illusions, defenders and critics alike marvel at its sophistication. It's awfully hard to accept "naivete" as a defense in the creation of it. The speaker says he should have consulted a tax lawyer; others view the entire *purpose* of the system as being precisely to take advantage of a fuzzy spot in the tax law. Is it believable that neither Mr. Gingrich nor anyone else who had a role in establishing the structure understood the law that it was so skillfully circumventing?

In arguing naivete as well as failure to consult the right specialists, Mr. Gingrich offers a kind of variation on the now familiar Clinton administration defenses that all sorts of politically enriching but questionable things came its way as a result of inattention, inexperience, simple snafus, unwittingness and other forms of innocent oblivion of the dubious way it was achieving its desired ends. That's the kind of lapse the speaker agrees he made and to which he has been allowed to plead.

Mr. Gingrich acknowledges as well that he submitted misleading material to the House ethics committee in the course of its investigation of the structure he created. The point with regard to which the material was false was a central one, not a minor

detail. Here again, he makes the same kind of fashionable gosh-I'm-such-a-punk-manager defense, the one that holds that the principal beneficiary of the questionable activity was just too busy doing other high-minded things to have been involved in the nitty-gritty daily business of keeping an eye on the store. We have heard this one elsewhere recently too, and it doesn't sound any more plausible coming from the speaker.

As a technical matter, the House rule Mr. Gingrich is accused of having violated is the one that says no member should act in such a way as to bring discredit on the House. It is true that these are muddy rules the speaker is accused of having broken, and the ethics committee, evenly divided between the two parties, is a notoriously reluctant enforcer of them. That the Republicans on the committee went along signals that they found his conduct pretty seriously flawed. Mr. Gingrich makes the point that what he did was not for personal profit in the sense of lining his own pockets. That seems to be so and distinguishes his case from a long and seedy line of others, including that of former speaker Jim Wright, whom Mr. Gingrich himself was instrumental in bringing down. But to say that Mr. Gingrich did not personally profit from the system monetarily is not to say he was not its beneficiary; he plainly was.

The House Republicans still must decide whether to reinstall Mr. Gingrich as speaker. They have the votes. The preemptive exercise of the past few days is meant to create a political climate in which those votes can be safely cast. It is possible that in that limited respect the exercise will succeed. Our own sense is that, if it does succeed—if the thing is shoved back in the bottle and an aye vote ordered up—it will be the Republicans, not their gleeful Democratic opponents, who pay a mighty price. Our other guess is that after this, if Democrats were asked to choose which Republican the House majority should put in the speaker's job, their overwhelming, if not well-intended, choice would be Mr. Gingrich.