

Ethics Panel Lineup Is Delicate Issue

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House Majority Leader Richard K. Arney (R-Tex.) called yesterday for a bipartisan agreement on whether the makeup of the House ethics committee should change—a politically charged issue because of the committee's continuing investigation into House Speaker Newt Gingrich (R-Ga.).

The question arises because when the current Congress goes out of existence in January, seven of the 10 committee members will have served three terms—the maximum length of service that House rules allow.

"I hope that we can, in a bipartisan fashion, find the best way to reconcile the House rule . . . with the need to complete the committee's current work," Arney said. Arney has not proposed any solution and is considering a number of options.

"Every 'if' you can think of is a possibility," said Michele Davis, his spokesman.

Normally, the House speaker and the minority leader each appoint the five members from their party that serve on the committee. But Gingrich assigned Arney to handle the GOP assignments because of the panel's investigation of whether the speaker improperly used tax-deductible charitable contributions to further a partisan political goal. The committee, assisted by Washington white-collar criminal attorney James M. Cole, is also investigating whether Gingrich provided accurate statements to the committee.

Gingrich has steadfastly denied any wrongdoing.

Minority Leader Richard A. Gephardt (D-Mo.) said he would have nothing to say on the matter until he has met with Arney.

But Minority Whip David E. Bonior (D-Mich.) said yesterday that doing anything other than reappointing the current committee members while the Gingrich probe is unresolved would be "the equivalent of changing the jury in the middle of a trial."

Earlier this year, some Democrats wanted some GOP members to leave because of their links with GOPAC, a political action committee that Gingrich headed and is part of the investigation.

The current committee Republicans were chosen by then-House Minority Leader Robert H. Michel (R-Ill.). Gingrich did not make any changes to the committee roster at the beginning of the current Congress in January 1995 because ethics complaints were pending against him.

It appears likely that Arney and Gephardt will reappoint the four members of the House ethics subcommittee directly overseeing the Gingrich investigation—Reps. Porter J. Goss (R-Fla.), Steven Schiff (R-N.M.), Benjamin L. Cardin (D-Md.) and Nancy Pelosi (D-Calif.). Of those four, only Schiff has not served the maximum number of terms.

The subcommittee is still gathering information, according to people familiar with its proceedings. If at least three of its members agree there is "reason to believe that a violation [of House rules] has occurred," they can draw up charges against Gingrich. The subcommittee has pledged to finish its work by the

time the new Congress convenes in early January.

The other six members are purposely kept from learning about the subcommittee's work because they later act as a jury, holding hearings to determine whether the allegations "have been proved by clear and convincing evidence." If at least four members find that they were, the full committee could recommend a sanction, subject to approval by the House.

This two-step process was adopted in 1989 after the ethics scandal that led to the resignation of House Speaker Jim Wright (D-Tex.). Previously, the entire committee handled all aspects of an investigation, acting as grand jury, jury and judge.

The bigger question is what to do about those six: Reps. Nancy L. Johnson (R-Conn.), the panel chairman; and Jim Bunning (R-Ky.), David L. Hobson (R-Ohio), Jim McDermott (D-Wash.), Robert A. Borski (D-Pa.) and Thomas C. Sawyer (D-Ohio).

Arney and Gephardt could choose to replace any, all or none of them. Only Borski and Sawyer have not reached their limit of six terms. Johnson, who narrowly survived a surprisingly close election in which her handling of the Gingrich case was a major issue, and Hobson have each said they would like to leave the panel at the end of the current Congress.

"I'm leaving in January—my six years are up," Hobson said yesterday.

McDermott, the panel's top Democrat who has been sharply critical of Johnson's management of the committee, has said he wants to remain for the duration of the Gingrich probe.