

House Vote on Gingrich May Precede Panel's Report on Ethics Investigation

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A member of the House ethics subcommittee investigating Speaker Newt Gingrich (R-Ga.) indicated yesterday that lawmakers may not know the results of the probe when they vote to reelect the speaker early next month.

"As representatives ourselves, we understand the importance of January 7th," the day the new Congress convenes and the speaker is elected, said Rep. Steven Schiff (R-N.M.). "But that does not mean we can do everything under our rules to fit January 7th."

Schiff spoke after the panel of two Republicans and two Democrats finished its deliberations for the day. If at least three of its members agree there is "reason to believe that a violation [of House rules] has occurred," they would draw up charges against Gingrich.

Even if the subcommittee were to charge Gingrich, ethics committee rules allow the panel to keep its findings secret while the speaker has 30 days to respond.

Citing ethics committee rules, neither subcommittee members nor James M. Cole, the Washington attorney the panel hired to help it, would discuss the progress of the investigation. "There's nothing I can say to you," Cole said. "We're not allowed under the rules to tell you anything."

Since January, Cole has been looking into whether the use of tax-deductible charitable contributions to finance a college course Gingrich taught violated federal tax law because the course was intended to further a partisan political agenda. Three months ago, the committee voted to expand its probe and directed Cole to investigate whether Gingrich provided "accurate, reliable and complete information" to the panel.

Gingrich has said he has done nothing wrong.

On Thursday, the subcommittee heard from two tax attorneys, likely the final witnesses in its probe. One of them had been hired by Gingrich and the other has been working with Cole. The panel has interviewed Gingrich several times, including twice within the past two weeks. His last appearance was Monday.

Some GOP lawmakers could be reluctant to vote to reelect Gingrich as speaker without knowing what the ethics panel might have found. Last month a handful of House Republicans suggested Gingrich step aside as speaker until the matter is resolved. House GOP leaders rallied around him, though, and he was reelected to lead House Republicans without opposition. Rep. Christopher Shays (R-Conn.) has said he would not vote for Gingrich to be speaker if the results of the probe have not been made public.

If Gingrich is charged, 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.

Who those six members would be is in question. When the current Congress goes out of existence in January, seven of the 10 ethics committee members will have served three terms on the panel—the maximum House rules allow.