

Early Ethics Vote in Doubt

Democrats to Slow Pace; Public Hearing Sought on Speaker

By Eric Pianin
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The Republicans' desire for a swift and neat resolution of House Speaker Newt Gingrich's confessed ethical breach before the new Congress convenes Jan. 7 and votes on a new speaker has begun to run into serious obstacles that could foil their strategy.

GOP leaders are confident quick action will produce mild sanctions and the reelection of Gingrich as speaker. But some House Democrats have vowed to slow the pace of the committee's deliberations and force Republicans, if they choose, to reelect Gingrich as speaker before his

ethics case has been fully resolved.

"The Republican strategy has been to stall the investigation for two years and now they want it resolved in two weeks," an aide to the House Democratic leadership said yesterday. "They want to sweep it under the rug. We are not going to agree to it."

House Democratic Whip David E. Bonior (Mich.), Gingrich's chief political antagonist, is demanding the ethics committee hearing be open to the public. "It ought to be an open hearing so the American people can have this laid out and can understand the dynamics," Bonior said.

The House ethics committee

chairman and others have cautioned it might not be possible for the panel's 10 members to fully digest the charges detailed in a 22-page Statement of Alleged Violation prepared by an investigative subcommittee and recommend an appropriate penalty before the 105th Congress gathers early next month.

Last Saturday, Gingrich signed the subcommittee's report and admitted he had provided untrue information about the college course he taught that was at the center of the ethics probe.

While Gingrich and his allies have cast the speaker's ethical infractions as largely insignificant,

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House members are likely to hear a far less favorable interpretation when James M. Cole, the Washington white-collar-crime attorney retained by the ethics panel to oversee the probe, presents his recommendations for sanctions.

Republicans cannot easily write off Cole as politically hostile to Gingrich, as they have attacked Bonior's motives. And Democrats said they will press to learn Cole's findings to the subcommittee, speculating that they were stronger than the charges in the report.

Rep. Nancy L. Johnson (R-Conn.), chairman of the ethics committee, said in an interview with the Associated Press Sunday night that while she hoped the committee could act promptly, "It's very hard when you have two weeks, both with major holidays."

Most of the committee members are not planning to return to the capital until after Jan. 1. "They're scattered to the four winds," explained one congressional aide. Rep. Jim McDermott (Wash.), the panel's ranking Democrat, is vacationing in Italy and is not due back until Jan. 5.

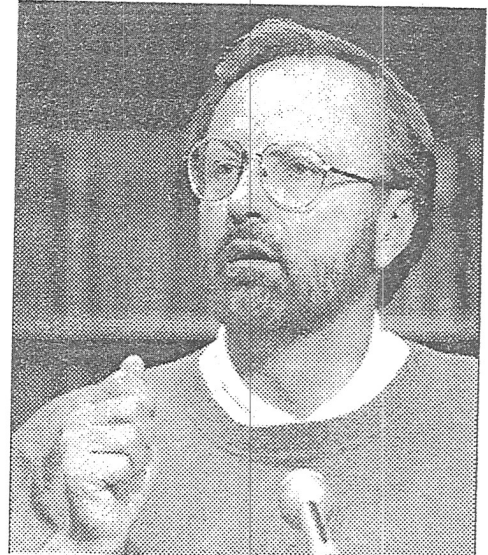
The committee is equally divided between Republicans and Democrats, adding to the difficulties of finding a speedy resolution. "The chairwoman wants to move this as fast as possible, but it's a five-five split and we will move as fast as the collective body wants to move," Theodore J. Van Der Meid, chief counsel to the ethics committee, said yesterday.

Moreover, plowing through the reams of testimony and evidence will be daunting for committee members. During a preliminary stage of the investigation, the staff prepared notebooks for committee members that were five inches thick. The final notebook or notebooks could be many times that size.

It is not clear whether the committee's sanction hearing will be open to the public. Committee members will decide that after they review the case material. Since Gingrich has conceded the charges, there will be no formal presentation of the evidence by Cole. Instead, he and Gingrich's lawyers will make oral or written arguments to the full committee on how severe the penalty ought to be.

The report concluded that Gingrich should have consulted a lawyer to ensure that using tax-deductible contributions to finance both a college course he taught and a televised town hall meeting he held would not violate federal tax law. Furthermore, it said, the speaker gave the panel untrue information when it investigated those projects.

By accepting the report, but insisting his misdeeds were not intentional, Gingrich short-circuited the House ethics process and



BY RAY LUSTIG—THE WASHINGTON POST

REP. DAVID E. BONIOR

... "it ought to be an open hearing"

avoided a public hearing, instead moving directly to the penalty phase. Under House rules, the committee has great leeway in what it can recommend, ranging from a slap-on-the- wrist reprimand to a more serious censure that might prevent Gingrich's reelection to outright expulsion.

In the meantime, House GOP leaders and other Gingrich allies are waging a public relations campaign to minimize the significance of Gingrich's admission.

"Actually, this has all strengthened Gingrich's hand," Grover L. Norquist, who heads the Americans for Tax Reform, said yesterday. "Now we know there isn't anything there."

"For a couple of years now, the left has lived in hope there was some smoking gun there," he continued. "What the committee actually came up with after two years of discussion is a parking ticket, a traffic violation."

House Majority Leader Richard K. Armey (Tex.) said over the weekend that "I have no doubt" all 227 House Republicans will vote for Gingrich despite a finding by the ethics subcommittee that he brought discredit upon the House.

But before there can be a floor vote, at least six ethics committee members must agree to send a recommendation to the GOP-dominated floor, which means that at least one of the five committee Democrats would have to side with Republicans. Besides McDermott, the other committee Democrats are Reps. Benjamin L. Cardin (Md.), Nancy Pelosi (Calif.), Robert A. Borski (Pa.) and Thomas C. Sawyer (Ohio). In the event the committee divides along strict party lines and can't agree on an appropriate sanction, no recommendation would be sent to the floor.

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BY ERIK S. LESSER—ASSOCIATED PRESS

Home for holidays, Gingrich takes garbage to curb at Marietta, Ga., house.