Rep. Slaughter Responds to Chairman Dreier's Non-Response on Ethics Hearings
Rules Committee Democrats continue to call for comprehensive, non-partisan, balanced hearings on House Ethics procedures.

Washington, DC - On March 17, 2005, Rep. Louise M. Slaughter (D-NY-28) and the Democratic members of the House Committee on Rules called on Republican Chairman David Dreier to hold hearings on House ethics, and specifically on H. Res. 131, a bipartisan proposal to restore the ethics complaint process after it was unilaterally gutted by the Republican leadership at the beginning of the 109th Congress.

Chairman Dreier responded last week in a letter to Rep. Slaughter stating, "**As we move forward with the Committee's agenda in the 109th Congress, I will keep your request in mind**."

In a letter to Rep. Dreier released today, Rep. Slaughter thanked the Chairman for his response but expressed her dismay with his inaction stating, "**I am disappointed, however, that you provided no timeframe as to when a hearing on this important matter will be scheduled. It is imperative that the Committee hold hearings on this as soon as possible. I would suggest that we do so within in the next few weeks.**
"

The Rules Committee has oversight over House ethics rules and, at the opening of the 109th Congress, introduced the controversial rules package which has thrown the Ethics Committee into chaos, effectively gutting its ability to enforce ethics rules in the House.

"Mr. Dreier and Mr. DeLay broke down the House ethics process with their infamous rules package. As a result, the Ethics Committee is currently incapable of functioning. Mr. Dreier now has a responsibility to the American people to help us fix it. Hearings are the first step in that process. The Rules Committee must take this issue up and show once and for all that we are committed to restoring the integrity and honor of this House," stated Rep. Slaughter.

Background

Chairman Dreier, Rep. Sessions and Rep. Cole of the Rules Committee have each contributed $5,000 to Majority Leader Tom DeLay's legal defense fund.

Although H. Res. 131 would typically be referred to the Subcommittee on Rules & the Organization of the House, which is chaired by Rep. Hastings of Washington, the Democratic Members of the Committee have requested a full committee hearing instead, given the obvious conflict-of-interest it would create for Rep. Hastings, whom the Republican leadership recently made chairman of the Committee on Standards of Official Conduct (Ethics Committee).

Rep. Slaughter, Ranking Member of the Rules Committee, the committee with jurisdiction over the procedures of the Ethics Committee, has been a vocal opponent of the Republican

leadership's continued efforts to destroy the House Ethics process.

LETTER TO CHAIRMAN DREIER FROM REP. SLAUGHTER:

April 11, 2005

The Honorable David Dreier

Chairman, Committee on Rules

H-312, The Capitol

Washington, DC 20515

Dear Chairman Dreier:

Thank you for your letter acknowledging receipt of my request for an original jurisdiction hearing on House Resolution 131, which would restore the rules governing the House Ethics process that were changed on opening day. I am disappointed, however, that you provided no timeframe as to when a hearing on this important matter will be scheduled.

It is imperative that the Committee hold hearings on this as soon as possible. I would suggest that we do so within in the next few weeks.

I look forward to your response.

Sincerely,

/s

Hon. Louise M. Slaughter
Ranking Member, Committee on Rules

LETTER TO REP. SLAUGHTER FROM CHAIRMAN DREIER:

The Honorable Louise M. Slaughter

Ranking Minority Member

Committee on Rules

United States House of Representatives

H-152, The Capitol

Washington, DC 20515

Dear Ms. Slaughter:

Thank you and our Democratic colleagues on the House Rules Committee for writing me to request an original jurisdiction hearing on H.Res. 131. I appreciate your interest in these matters.

As we move forward with the Committee's agenda in the 109th Congress, I will keep your request in mind.

Again, thank you for writing me.

Sincerely,

/s

David Dreier

LETTER TO CHAIRMAN DREIER FROM RULES COMMITTEE DEMOCRATS:

March 17, 2005

Chairman David Dreier

House Committee on Rules

H-312, Capitol Building

Dear Chairman Dreier:

We are writing to request that the Rules Committee hold an original jurisdiction hearing on H. Res. 131, a bipartisan proposal to restore the ethics complaint process to the one that existed before the Republican leadership unilaterally changed it at the beginning of the 109th Congress. H. Res. 131, which currently has 204 co-sponsors, was referred to the Rules Committee on March 1, 2005, but to this date, the Committee has taken no action on it.

Although this resolution should properly be referred to the Subcommittee on Rules & the Organization of the House, which is chaired by Rep. Hastings of Washington, we request a full committee hearing instead, given the conflict it would create for Rep. Hastings, whom the Republican leadership recently made Chairman of the Committee on Standards of Official Conduct (Ethics Committee). We ask for this hearing because it would give our committee an opportunity to begin repairing the damage that has been done over the past few months to the

House ethics process.

When the House adopted the 109th Rules package on January 4, 2005 on a party-line vote, it was the first time in the history of the House ethics process (which dates back to 1968) that the House has changed its ethics rules without the involvement of both parties. The two preceding ethics rules reforms (in 1989 and 1997) were undertaken by bipartisan task forces that spent months discussing and drafting new rules. In 1997, for example, under Speaker Gingrich, the House created the Task Force on Ethics Reform to address the problems that had appeared in the ethics process during the 104th Congress. This 12-person group (6 Republicans and 6 Democrats) worked for more than four months to draft new rules, which they submitted to the full House for debate and approval in September, 1997.

Rep. Mollohan's resolution would repeal the three changes the 109th rules package made to these 1997 rules. Most importantly, his resolution would restore the so-called "45-day rule" (also called the "automatic transmittal rule"), a procedural safeguard the 1997 Task Force developed to handle the situation in which the Ethics Committee fails to act on a properly-filed complaint within 45 days. Under this rule, if the Committee did not act in 45 days, the complaint was automatically forwarded to an investigative subcommittee.

This 45-day rule was a cornerstone of the task force recommendations because it helped ensure that a valid complaint would be judged on its merits and would not be stalled in the committee due to partisan politics. The 109th rules package substituted this safeguard with what has been called the "automatic dismissal rule," which would allow 5 Committee Members from one party to take no action for 45 days and thereby allow a properly-filed, meritorious complaint to be automatically dismissed without further investigation. As Ranking Member Mollohan recently noted, when the House considered a similar automatic dismissal rule in 1997, it rejected it by a bipartisan vote of 236-181 (vote # 410, Sept. 18, 1997).

In short, the rules changes the Republican Leadership unilaterally imposed on January 4, 2005 destroyed the fundamental principle underlying the 1997 reforms and the consistent, long-standing practice of the Ethics Committee---that the Committee's operations must always be based on bipartisan consensus. These rules changes have dealt a mortal blow to a process whose goal, as the 1997 Task Force put it, is "a nonpartisan peer review system which has the trust and confidence of both the Members and the American people."

We direct you to the words of the House's resident experts on the ethics process, the Chairman and Ranking Member of the Ethics Committee in the 108th Congress. During the debate on the opening day of the 109th Congress, then-Chairman Hefley said:

I have had the privilege of serving on the Committee on Standards of Official Conduct since 1997 and have had an additional responsibility as serving as chairman since 2001. And during that time, I have learned one paramount lesson: ethics must be bipartisan. The ethics process must be bipartisan. Ethics reform must be bipartisan, and the ethics committee must be bipartisan...The ethics committee is a bipartisan committee that follows the evidence wherever the evidence leads. Meaningful ethics reform must be genuinely bipartisan. To have a bipartisan process, any significant change in the ethics rules must be made only after careful, thorough bipartisan consideration, as was done in 1989 and 1997. (Congressional Record, Jan. 4, 2004, p. H 16)

When he introduced H. Res. 131, Ranking Member Mollohan expressed almost the exact same sentiments. He said:

Approval of this resolution, Mr. Speaker, is also necessary for one other reason, and that is to affirm the long-standing principle in the House that major changes in the ethics rules and

procedures must be made on a bipartisan basis. When the House revisited its ethics rules and procedures in both 1989 and 1997, the work was done through bipartisan task forces that gave thoughtful consideration to proposals from all Members. In contrast, Mr. Speaker, the changes made in the rules package adopted in January were made on a party line vote, with no input whatsoever from anyone in the minority. Approval of this resolution will be a critical step in restoring the bipartisanship that is essential if there is to be a meaningful ethics process in the House. (Congressional Record, March 1, 2005, p. H 832)

Hundreds of media reports have documented the Republican Leadership's push to alter the ethics rules to protect Majority Leader Tom DeLay from scrutiny for his actions over the past several years. In the wake of two unanimous Ethics Committee actions concluding that Majority Leader DeLay acted improperly on three separate occasions in the 108th Congress and a Texas grand jury indictment against two of the Majority Leader's top aides, the Republican Leadership undertook a systematic effort to shield Mr. DeLay from being scrutinized for his behavior.

Other than the changes in the 109th rules package we discuss in the section above, the Republican Leadership jammed a rule through the Republican Conference that would have allowed Majority Leader DeLay to keep his leadership post even if he were indicted of a crime by a grand jury. Even more shocking was the Republican Leadership's proposal to eliminate the long-standing "general rule of conduct" in our House Rules that requires Members to conduct themselves "in a manner which shall reflect creditably on the House of Representatives." Thankfully, the rank-and-file Members of the Republican Conference eventually killed these ideas after public outcry.

The Republican Leadership did not seem to be deterred by this setback dealt by their Republican colleagues, nor were they satisfied with the passage of the ethics rules on the first day of the 109th Congress. Since that time, they have purged the Ethics Committee of those Republican Members who dared act in the best interests of the House, rather than the Majority Leader. Speaker Hastert recently removed Chairman Hefley and two other Republican Members (Reps. LaTourrette and Hulshof) from the Ethics Committee because of their outspoken support for keeping the ethics rules from the 108th Congress. Within weeks of this move, the new chairman of the committee, our Rules Committee colleague Rep.

Hastings of Washington, fired two long-time Ethics Committee professional staffers.

As you know, the Ethics Committee has not yet organized in the 109th Congress because the Committee has not been able to get a majority vote to adopt the Committee's new rules. We think this stalemate is the direct result of the partisanship that the Republican Leadership has brought to the ethics process over the past few months.

We think a good first step to begin repairing the damage to the ethics process would be a hearing on H. Res. 131. As the 1997 Task Force observed in its final report: "Reform of the standards process in the House has always been conducted in a bipartisan manner." We sincerely hope that the 109th Congress will not go down go down in history as the one that ended this invaluable tradition.

We look forward to your response to our request.

Sincerely,

/s

Hon. Louise M. Slaughter, Ranking Member

Hon. James McGovern, M.C.

Hon. Alcee Hastings, M.C.

Hon. Doris Matsui, M.C.