

March 2, 2005 - Rep. Slaughter Calls for End to Unethical GOP Rules Changes

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Ranking Member of House Committee on Rules Encouraged by Rep. Mollohan's Proposal

Washington, DC - Rep. Louise M. Slaughter (NY-28), Ranking Member of the House Committee on Rules, welcomed today a proposal from Rep. Alan Mollohan (WV-01), Ranking Member of the Committee on Standards of Official Conduct. The proposal would reverse changes made in January to House Ethics procedures by the Republican Majority that were designed in large part to protect Majority Leader Tom DeLay.

"I welcome Rep. Mollohan's proposal and look forward to discussing it in great detail when it reaches the Rules Committee," Slaughter said. "What the Republican Majority did in January was unconscionable. In the wake of the Majority Leader's continuing ethical problems they effectively dismantled the ethics process of this House in a cynical ploy to protect Mr. DeLay from further embarrassment," she added.

Rep. Slaughter led the opposition to the Ethics Rules changes when the 109th Congress first convened in January. At the time Republican leaders were seeking to change not only House Ethics procedures but also the rules of their own caucus. Republican Leaders felt such pressure on the issue from the media, House Democrats and even some Republican colleagues that they were forced to scale back many of their proposed changes - but the damage was already done.

"One of the most important jobs we face in the 109th Congress is restoring the integrity and trust of this House with the American people. This time around we deserve an honest, open debate on the Ethics procedures of this House," stated Rep. Slaughter. "Without these changes I fear the damage done to the reputation of this House by the Republican Majority may be permanent. I encourage my colleagues to support Rep. Mollohan's resolution and bring integrity back to the Ethics process," continued Slaughter.

BACKGROUND

As part of the 109th Congressional Rules Package the Republican Majority muscled through devastating changes in the rules governing Ethics complaints.

The first was an "automatic dismissal" provision, which requires the Committee to consider and act on any complaint within a period as short as 45 days, or else the complaint will be automatically dismissed. Because Committee rules provide respondents with 30 days to file an answer to a complaint, this means that the Committee would be left with as few as 15 days to consider the complaint and answer, which is clearly unreasonable. This provision would serve to promote deadlock on the Committee and partisanship among Committee members - particularly on the controversial complaints that most test the Committee's credibility - and so Rep. Alan Mollohan's proposal would repeal this provision.

The second change made by the Rules Package concerns instances in which the Committee proposes to conclude a matter by publishing a letter or other document that refers to the conduct of a particular Member, and it provides a number of "due process" rights to such a Member. The practical effect of one of those rights - the right to demand an immediate trial before an adjectory subcommittee on the conduct in question - is to deny the Committee the ability to resolve a complaint by means of a letter that is issued in lieu of a formal investigation. In other words, under this provision, the Committee would be forced to choose between two alternatives: send the complaint to a formal investigation, or dismiss it. The Committee's hands should not be tied in this way, and so Rep. Mollohan's proposal makes an appropriate change in this provision, while leaving the other more reasonable "due process" provisions intact.

The third change concerns the matter of a single attorney representing more than one respondent or witness in a case before the Committee, and it prohibits the Committee from requiring that a respondent or witness retain an attorney who does not represent someone else in the case. The change was made, even though two separate investigative subcommittees of the Ethics Committee had recommended adoption of a rule or policy providing exactly the opposite. Both of those investigative subcommittees were concerned that multiple representation undermines the fact-finding process by facilitating coordination of testimony among the respondent and witnesses. Yet the Rules Package brushed

aside those concerns and included a provision that will make it far more likely that in the future, respondents and witnesses in cases before the Committee will be represented by the same attorney - and so Rep. Mollohan's proposal will reverse this provision.