

# On Ethics, the House Republicans' Strategy Is Clear: Delay and Dissemble

## *A Timeline of Republican Inaction*

**September 30, 2004:** The Committee on Standards of Official Conduct (the Ethics Committee) admonishes then-House Majority Leader Tom DeLay for improperly offering to endorse the candidacy of Brad Smith, as long as his father (former Rep. Nick Smith) reversed his position and voted to enact the Republicans' Medicare prescription drug law.

**October 6, 2004:** The Ethics Committee, by unanimous votes, adopts each of the recommendations made by Chairman Joel Hefley and Ranking Democrat Alan B. Mollohan for disposition of the three counts of the complaint that was filed against Rep. DeLay on June 15, 2004.

**November 2004:** Concerned that Rep. DeLay may be indicted by a Texas grand jury, the House Republican Conference votes to abolish its rule requiring the removal of a leader indicted on felony charges for which a sentence of two or more years may be imposed. Under the revised Conference rule, an indicted House leader could keep his or her post while the Republican Steering Committee decided whether to recommend action by all members of the Conference.

**January 3, 2005:** The Republican Conference reinstates the original rule (which existed prior to November 2004) requiring the automatic removal of a leader indicted for a felony for which a sentence of two or more years may be imposed. In addition to the provision requiring the removal of an indicted leader, Republican Conference rules also provide for the temporary replacement of the chair of any committee or subcommittee who is indicted for a felony for which a sentence of two or more years may be imposed and their removal if convicted of a felony or censured by the House.

**January 4, 2005:** Included in the rules for the 109th Congress (H.Res. 5) are further amendments to the Ethics Committee's rules of procedure, including dropping the rule that inaction by the chairman or ranking member on a properly filed complaint within 45 days automatically sends the complaint to an investigative subcommittee. This change effectively allows a complaint that has merit to be stymied when the Committee deadlocks along party lines.

**February 3, 2005:** Speaker Dennis Hastert replaces Rep. Hefley as Chair of the Ethics Committee and taps Rep. Doc Hastings to head the Ethics Committee. Republican Reps. Steve LaTourette and Kenny Hulshof also are replaced as Members of the Committee. Watchdog groups immediately call this personnel change an attempt to put a chill on the ethics process.

**February 17, 2005:** Rep. Doc Hastings fires several longtime staffers on the panel, who were appointed on a bipartisan basis, including John Vargo, the staff director and chief counsel, and Paul Lewis, a counsel.

**April 27, 2005:** Under intense pressure, Republicans agree to delete changes to the Ethics Committee's rules of procedure adopted in January 2005 as part of H.Res. 5. Most important, the April 2005 amendments also restored the Ethics Committee rule that inaction by the chairman or ranking member on a properly filed complaint within 45 days automatically sent the complaint to an investigative subcommittee.

**April 27, 2005:** The House approves a 39% increase (from \$3 million to \$4.3 million) in the budget for the House Ethics Committee compared to the committee's budget in the 108<sup>th</sup> Congress. The Committee is also authorized to expand its staff.

**May 2005:** Rep. Hastings seeks to designate Ed Cassidy, the chief of staff in his personal office, as staff director on the ethics panel. Rep. Mollohan objects to the appointment, arguing that it violates the practice that the staff director be named jointly by the chairman and ranking minority member.

**September 28, 2005:** Rep. DeLay is indicted by a Travis County (Texas) grand jury on charges related to the operation of his political action committee. DeLay steps down as Majority Leader. Throughout 2005, DeLay's name is linked to GOP super-lobbyist Jack Abramoff, who pleads guilty to charges related to his lobbying practice in January 2006.

**October 2005:** Despite an earlier promise to look into the DeLay controversy, Rep. Hastings announces there will be no investigation of the former House Republican leader because pending charges against him amount to "a political vendetta." He also said the ethics panel would not be able to do its basic job because it did not have the resources, despite the sharp increase in resources it received.

**November 21, 2005:** Michael Scanlon, former press secretary to Rep. DeLay and business associate of Abramoff, pleads guilty to conspiring to bribe public officials.

**November 28, 2005:** Rep. Randy "Duke" Cunningham pleads guilty to conspiring to take bribes from a defense contractor. Cunningham resigns from Congress.

**November 2005:** For all of 2005, the House Ethics Committee operates without a permanent chief counsel. Hastings' original plan was to appoint his own chief of staff to the position, which would have constituted a break with tradition. Finally, in November, Hastings and Mollohan agree on a new chief counsel, William O'Reilly.

**January 3, 2006:** William O'Reilly starts in his new position, and the Committee is now in the midst of hiring committee investigators and attorneys.