

CREW's Top Ten Ethics Scandals of 2007

No new enforcement mechanisms for congressional ethics

Despite the Abramoff scandal and the Democrats' vow to end the "culture of corruption," no new ethics enforcement mechanisms have been put into place. A House bipartisan task force that was charged with returning recommendations by May 1st still has not issued any, but it appears that if and when they do issue a report, very little will change. The rule permitting only members to file complaints will remain intact and if there is an independent ethics oversight panel, it won't have subpoena power. Meanwhile, the House Ethics Committee does not appear to have undertaken investigations into the myriad number of members with serious ethics issues.

Sen. Ted Stevens still sitting on Senate Appropriations

CREW called for Sen. Ted Stevens (R-AK) to step down from the Appropriations Committee after the FBI and the IRS raided Sen. Stevens' Alaska home. Sen. Stevens is under federal investigation for his dealings with Bill Allen, founder of VECO Corp., an Alaska-based oil field services and engineering company that has been awarded tens of millions of dollars in federal contracts. Allen has admitted to paying for an addition to Sen. Stevens' home.

CREW sent a letter to Senate Minority Leader Mitch McConnell (R-KY) asking that he remove Sen. Stevens from his committee assignments and asked the Senate ethics committee to investigate whether Sen. Stevens misused his position to benefit VECO.

Sen. Ethics Committee looking into Sen. Craig, but not Sen. Vitter

CREW filed a complaint with the Senate Ethics Committee against Sen. Larry Craig (R-ID) asking for an investigation into whether the senator, who pleaded guilty to disorderly conduct after attempting to engage an undercover officer in sexual activity in a men's restroom in the Minneapolis airport, violated the Senate rule prohibiting members from engaging in "improper conduct which reflects upon the Senate." Months earlier, CREW filed a complaint against Sen. David Vitter (R-LA) asking for an investigation into whether he violated the Senate Rules of Conduct by soliciting for prostitution. The ethics committee is investigating Sen. Craig, but not Sen. Vitter.

Millions of missing White House emails still unaccounted for

In April 2007, CREW released a report, *WITHOUT A TRACE: The Missing White House E-mails and the Violations of the Presidential Records Act*, disclosing that over five million e-mails (CREW subsequently learned that the actual number is over ten million) are missing from White House servers for a two and a half year period between 2003 and 2005. The White House has known about the missing e-mail since October 2005 and was provided a plan to recover them, but to date has taken no action.

In May 2007, CREW sued the Office of Administration (OA), the component of the Executive Office of the President (EOP) responsible for maintaining the White House servers, based on the OA's failure to provide CREW with any documents in response to its FOIA request for the analyses and assessments the OA prepared of the missing e-mail problem. On September 25, 2007, CREW filed a second lawsuit against the EOP, the OA and the National Archives and Records Administration alleging violations of the Federal Records Act for failing to recover, restore and preserve the millions of missing White House e-mail. On November 12, 2007, District Judge Henry Kennedy granted CREW's request for a temporary restraining order to prevent the White House from destroying back-up copies of millions of deleted emails while the lawsuit is pending. The White House has refused to confirm whether any of the backup tapes for the missing email still exist.

Rep. Murtha's abuse of the earmarking process remains unchecked

In 2007, Rep. John Murtha (D-PA) inserted into the Energy and Water Appropriations bill a \$1 million earmark to establish the Center for Instrumented Critical Infrastructure - a subsidiary of Concurrent Technologies Corporation, (CTC) a non-profit technology innovation center in Rep. Murtha's district that has received hundreds of millions of dollars in earmarks in recent years. CTC is a large non-profit that in 2005 received over \$212 million in government grants. Since 2002, CTC's employees and employees' family members have donated over \$115,000 to Rep. Murtha's political committees and leadership PAC.

In addition, after Rep. Mike Rogers offered a motion in May of 2007 that would have stripped a \$23 million earmark inserted by Rep. Murtha, an angered Rep. Murtha threatened to block any future earmark Rep. Rogers might seek in defense appropriations bills. Earlier in the month, Rep. Murtha made similar threats against Rep. Todd Tiahrt's (R-KS) earmarks. Despite the fact that Rep. Murtha's behavior clearly violated House rules, no member filed an ethics complaint against him and the ethics committee took no action.

Lurita Doan remains chief of GSA despite illegal conduct

On June 8, 2007, Special Counsel Scott J. Bloch urged President Bush to discipline Government Services Administration Director Lurita Doan "to the fullest extent" for violations of the Hatch Act stemming from allegations that she asked political appointees how they could "help our candidates" during a January meeting at the GSA.

On March 6, 2007, Ms. Doan testified before the House Oversight Committee to respond to allegations not just that she violated the Hatch Act, but also that she awarded a \$20,000 no-bid contract to a friend against the advice of GSA's general counsel and pushed the government to renew a contract with Sun Microsystems, despite allegations Sun Microsystems had overcharged taxpayers millions of dollars for IT services while offering lower rates to commercial customers. Ms. Doan has also been criticized for proposing to cut \$5 million from the GSA Inspector General's budget to limit the office's ability to audit contracts for fraud and waste.

White House covering up its role in the firings of the U.S. Attorneys

Months after it has become clear that at least nine U.S. Attorneys were fired for improper political reasons, the White House is still stonewalling Congress, refusing to allow former White House Counsel Harriet Miers or Chief of Staff Josh Bolten to respond to congressional subpoenas for information regarding their roles in the firings. Congress may soon pass a resolution referring contempt charges against the two to the Department of Justice, but the department has indicated it won't prosecute.

After it was revealed that White House officials had used non-official email accounts to discuss the terminations of the U.S. Attorneys, CREW sent a letter to Henry Waxman (D-CA), Chairman of the Committee on Oversight and Government Reform, asking for an investigation into whether the White House has violated its mandatory record-keeping obligations under the Presidential Records Act. CREW also asked the Department of Justice's Inspector General and Office of Professional Responsibility to investigate whether any DOJ official lied to Congress about the firings.

No Child Left Behind funds directed to Bush fundraisers who provide inadequate reading materials for kids

In 2006, the Department of Education's (DOE) Inspector General (IG) released a report finding the Bush administration's implementation of the Reading First Initiative was beset with cronyism. In response to that report, CREW filed a lawsuit against the DOE and Secretary of Education Margaret Spellings alleging that the DOE failed to comply with any of the provisions of the Federal Advisory Committee Act which requires federally created panels include balanced and representative viewpoints, hold open meetings and make their notes and records available to the public. In 2007, yet another critical report by the DOE's IG found the Reading First training program was promoting certain reading materials to financially benefit a select group of Bush administration donors. CREW's suit is forcing the DOE to come clean about leaving behind the education of our nation's children for the privileged Bush administration loyalists and donors.

Court decision regarding search of Jefferson's office limits ability of DOJ to investigate other corrupt lawmakers

In considering whether the search of Rep. William Jefferson's (D-LA) congressional office violated the Speech or Debate Clause of the U.S. Constitution, the court of appeals held -- for the first time -- that not only can legislative material not be used in prosecuting a member of Congress, but that Justice Department officials, including FBI agents, may not even accidentally see such material. This decision has emboldened members of Congress under federal investigation, who are prohibiting interviews with congressional staff and refusing to hand over documents, and is hampering public corruption investigations.

A wiretap is one example of a law enforcement tool endangered by the ruling because it would be nearly impossible for an agent monitoring the wiretap to be sure no legislative information was accidentally captured.

FEMA knowingly let Katrina victims live in hazardous trailers

Between March and July 2006, the Center for Disease Control and Prevention, the Environmental Protection Agency and the media reported that dangerous levels of formaldehyde had been found in trailers FEMA provided to house victims of Hurricane Katrina. Concerned about legal liability, FEMA suppressed warnings about the health problems and resisted testing the trailers. Instead, FEMA downplayed the problem, even issuing a public statement claiming there was no ongoing risk. Although 52,000 of these trailers are still occupied, FEMA prohibits its own staff from even briefly stepping inside unoccupied trailers, claiming they are “too dangerous.”