

CREW's 2008
TOP 10 ETHICS SCANDALS



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and ethics in washington

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No new enforcement mechanisms for congressional ethics (Unchecked Congressional Ethics)

Despite ongoing congressional scandals and the House leadership's pledge to end the "culture of corruption," no new ethics enforcement mechanisms have been put into place. On March 11th, the House of Representatives passed a bill creating an independent ethics office, but refused to give the office subpoena power or allow outsiders to file ethics complaints. The office is just now beginning to organize. Rather than providing for the vigorous enforcement of ethics rules, the new office is yet another layer of bureaucracy to insulate members from the consequences of their unethical activities. The House Ethics Committee remains as impotent as ever and has refused to investigate a multitude of members with serious ethics issues during the last Congress. Reps. Heather Wilson (R- US Attorney Scandal), John Doolittle (R-Abramoff Scandal), William Jefferson (D-Very Cold Cash Scandal), Rick Renzi (R-Land Swap Scandal) and John Murtha (D-Ongoing Earmarks for Everyone Except Mike Rogers Scandal) all escaped committee inquiry. In other words, don't expect much to come of the Rangel investigation.

No guarantee that Bush Administration records will be properly archived (The President's Last Papers)

More than 10 million e-mails mysteriously vanished from White House servers from 2003-2005. The administration still has not implemented an electronic record keeping system that properly preserves electronic records and protects them from being tampered with or deleted. In addition, the ability of the National Archives and Records Administration (NARA) to receive and retain eight years' worth of electronic records from the outgoing administration is highly questionable. Despite publicly offering broad assurances, NARA's plan for the transition offers few details, suggesting it knows very little about the records the White House ultimately will transfer. If the system created by NARA fails, or if the records were not properly maintained by administration in the first place, documents crucial for accountability and the historical record could be lost forever.

CREW is litigating Vice President Richard Cheney's failure to comply with the record-keeping requirements of the Presidential Records Act. The vice president is relying on a narrow definition of what he must preserve and insisting he has absolute and unreviewable discretion to decide what the law means and whether he is complying with it.

As the administration comes to a close, we likely will learn more and more that the Bush White House's penchant for secrecy transcends the end of the administration .

Speech or Debate Clause

As prosecutions of members of Congress continue, so to will their reliance on the Speech or Debate Clause of the Constitution. This year, Representatives William Jefferson (D-LA) and Rick Renzi (R-AZ) sought to have their indictments dismissed on the grounds that prosecutors improperly presented legislative material to the grand jury. A panel of the Fourth Circuit Court of Appeals denied Rep. Jefferson's motion and he has asked the full circuit to reconsider. The Arizona court has yet to rule on Rep. Renzi's motion. Should Rep. John Doolittle (R-CA) be

indicted for his role in the Abramoff scandal, it is quite likely he too will rely on the Clause in seeking dismissal of his indictment. In addition, if Sen. Ted Stevens (R-AK) appeals his conviction, he is likely to argue that legislative material was improperly presented in his case as well.

Members of Congress Helping Out Donors (The Pay-to-Play Congress)

Members of Congress continue to abuse their positions by trading donations for political favors. Earlier this year, CREW asked the Department of Justice to investigate Sen. Mary Landrieu (D-LA) for earmarking \$2 million for Randy Best, a Bush pioneer, after she received large contributions from his company's employees. In April, Rep. Don Young (R-AK) admitted to slipping a controversial earmark into an enrolled bill on behalf of a Florida developer who raised money for his campaign. Similarly, *The New York Times* reported Rep. Charles Rangel (D-NY) preserved a tax loophole benefitting Nabors Industries at the same time the congressman was soliciting the company's chief executive officer for a contribution to the Charles B. Rangel School of Public Service.

Despite the outrage generated by Illinois Governor Rod Blagojevich's blatant pay-to-play politics, don't expect Washington to change its ways.

Enriching Family with Campaign Cash

Members of Congress continue to use their positions to financially benefit their families. Last year CREW released two reports, *Family Affair - House*, followed by *Family Affair - Senate*, regarding the ways lawmakers use their positions to financially benefit their families. Shortly after CREW published the House report, the House of Representatives passed a bill banning lawmakers from paying their spouses for campaign work, but the bill never reached the Senate. Expect to see members continue to pay their spouses, children, and other relatives for campaign work this cycle.

Controversial Presidential Pardons

It is a safe bet that last minute presidential pardons will not be without controversy. President Bush has already commuted the sentence of political ally and vice presidential aide I. Lewis "Scooter" Libby. Mr. Libby was convicted of perjury and obstruction of justice related to the outing of covert CIA operative Valerie Plame Wilson, but a full pardon is still in the offing. Over the course of his presidency, Mr. Bush has pardoned 171 individuals, 14 of those since the 2008 election. More are expected, perhaps including a pardon for recently convicted Senator Ted Stevens.

VA Officials Intentionally Misdiagnosing PTSD

CREW and VoteVets.org exposed an internal Dept. of Veterans Affairs (VA) e-mail advising VA mental health staff in Texas to consider diagnosing returning veterans with adjustment disorder rather than post traumatic stress disorder as a cost-cutting measure. Since that time, the Senate Veterans Affairs Committee held a hearing on the issue. CREW is currently involved in a

Freedom of Information Act lawsuit which is yielding documents that will continue to shed light on the VA's mistreatment of our veterans.

Bailout Oversight

As the federal government's total investment in bailout programs enacted over the past year approaches \$7 trillion, American taxpayers have yet to be assured of proper oversight over expenditures of our money. Congress built in a three-pronged oversight regime, including a Congressional Oversight Panel (COP), the Government Accountability Office (GAO), and a Treasury Department Special Inspector General, whose confirmation initially was held up by an anonymous senator. Despite critical reports issued by the GAO and COP, the Department of the Treasury still lacks a clear strategy to ensure bailout funds are spent effectively. One tiny example: mere days after receiving an \$85 billion bailout package, American International Group dropped nearly half a million dollars on an executive retreat at a Florida resort and then an additional \$86,000 for a New England hunting retreat. It is hard to imagine that millions more taxpayer dollars won't be wasted in the coming year.

Political Calculations Dictate Border Fence Placement

Suspecting special favors for Bush allies, CREW sought documents from the Department of Homeland Security (DHS) and Customs and Border Protection in March 2008 related to the construction of the border fence between the United States and Mexico and the apparent special treatment of Ray L. Hunt. Mr. Hunt is a billionaire and Bush Pioneer who recently donated \$35 million to Southern Methodist University for the president's library. He owns land on both sides of the border. While the fence will bisect communities, intrude on people's homes, and threaten the local ecosystem, Mr. Hunt's land remains untouched, despite allegations that illegal immigrants frequently cross his property. In June, CREW sued DHS for failing to turn over records requested concerning the construction of the fence.

A Politicized Bush Justice Department

The level of politicization of the Department of Justice (DOJ) under the Bush administration is unprecedented. Details continue to emerge regarding politically motivated personnel decisions and prosecutions. The House Judiciary Committee is still investigating the White House's role in the firing of several U.S. Attorneys and an October appellate court ruling over subpoenas issued by the committee to Harriet Miers and Joshua Bolton ensures the investigation will continue in 2009. In addition, former Alabama Gov. Don Siegelman is appealing his conviction on corruption charges, in part, on grounds that his prosecution was politically motivated. The next Attorney General faces the Herculean task of rebuilding the department's credibility while many of the underqualified Bush administration hires remain entrenched in their positions.