

**Congressional Testimony  
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**Special Task Force on Ethics Enforcement  
United States House of Representatives  
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Thank you Chairman Capuano and Congressman Smith and the other members of this Ethics Task Force. I'm Tom Fitton, President of Judicial Watch. Judicial Watch is a conservative, non-partisan educational foundation which advocates high standards of ethics and morality in our nation's public life and seeks to ensure that political and judicial officials obey the law and do not abuse the powers entrusted to them by the American people. Hundreds of thousands of Americans support our cause.

I appreciate the opportunity to testify here today and thank you for allowing me to share ideas with the Task Force during the informal meetings last month.

The House ethics process is broken and in need of reform. Since the Committee on Standards of Official Conduct (the House Ethics Committee) is not required to report to the public about its activities, it is difficult to ascertain the full scope of its dysfunction. Suffice it to say, from what we know publicly, apparent wrongdoing by Members repeatedly goes uninvestigated. And when violations of House rules are uncovered as a result of Ethics Committee investigations, any resulting punishments generally have been weak and ineffectual.

Contributing to this dysfunction is the so-called ethics truce between the leadership of both parties. Not every Member has abided by this truce, but the illicit agreement between Republicans and Democrats to not bring ethics charges against each other has resulted in an "ethics gap" in the House of Representatives.

That's why a few years ago Judicial Watch joined other public interest groups in the Congressional Ethics Coalition, a group that spans ideologies in its concern that politicians obey the law and, as importantly, be accountable to it.

Some history might be helpful. The former Republican majority, allegedly conservative, was elected over a dozen years ago by a public fed up by a Congress where corruption seemingly ruled. Think back – we had the check-kiting scandal and the stealing of funds from the House post office. The public was outraged and Republicans were swept into the majority.

Rather than change the regime and create a rigorous ethics system as promised, Republicans eviscerated the ethics process and actually curtailed some of the minor ethics reforms they did institute.

As Republican leaders now acknowledge, the party of small government became, in many ways, the party of big corruption, or at least a party that countenanced big corruption.

And Democrats also put politics ahead of principle, agreeing to an ethics process that protected Republicans (and themselves) in the short term and one that would protect Democrats in the long term if and when they regained the majority.

Now that there has been a change in power based in no small measure on the perceived corruption of the opposing party, will Democrats repeat history and forget that corruption matters to the voting public?

Yes, corruption does matter to the public. In fact, last month Judicial Watch commissioned a nationwide Zogby poll of likely voters. The poll results were striking, as 68.5% *strongly* agreed that corruption is a significant problem in Washington. The concern is bipartisan: 71% of self-identified Democrats and 63% of Republicans strongly agreed that corruption is a significant problem in Washington.

As this Task Force considers ways for the House to honor its constitutional obligation to uphold its own rules of conduct, I respectfully suggest you strongly consider an independent entity, answerable to House members, which can undertake investigations and make independent findings and recommendations for action to the appropriate House body. Any such reform should be guided by some fundamental principles:

**Accountability** -- In the end, Members should be responsible for upholding the ethics rules of the House. Any inspector general or office of public integrity must be answerable to an ethics committee of some sort. An unaccountable and unelected official or body conducting ethics investigations of House members would lead to problems. A strong Ethics Committee that supports independent investigations of ethical violations -- while ensuring the rights of Members are protected -- is essential. Accountability also means being answerable to the public. Whether the Ethics Committee retains complete jurisdiction or works with a congressional watchdog agency, the process needs to be opened up so that complaints from individuals or groups can be formally considered.

**Integrity** – There needs to be a regular and fair process for handling ethics complaints and investigations. A process should be put in place to summarily dismiss frivolous complaints or complaints without any factual foundation. There needs to be a regular and timely investigative process for any complaints that are pursued by the Ethics Committee or other entity. It is not fair to Members or to the public to conduct investigations that may last years or even many election cycles. Certainly, the vast majority of ethics investigations should last no longer than six months.

The leadership of both parties must repudiate the ethics truce and make it clear that ethics enforcement is a top priority and no Member or outside entity will be retaliated against for filing or pursuing non-frivolous ethics charges. In the past, outside groups have been pressured and Ethics Committee members punished for pursuing ethics charges. A “non-interference” pledge by the House leadership is key to fixing the House ethics process. To help rebuild public confidence in the institution of Congress, it is imperative that any ethics body not only maintain the appearance of independence, but be independent in practice.

**Transparency** -- The process must be open. Not only should citizens and groups be able to file ethics complaints, but there must be mandatory reporting on the disposition of any complaints. This has to be true for the Ethics Committee and for any new office of inspector general or office of public integrity. The Senate’s ethics committee allows for the filing of outside complaints, but there is no requirement that it publicly inform anyone about the outcome of the complaints. Both the House and the Senate should do better. It is only fair to Members that any ethics body alert the public if a complaint is summarily dismissed, or dismissed after a

thorough investigation. And the public must certainly know if an investigation concludes that there is misconduct.

For too long, the ethics process in the House has been broken. The process can be fixed by following certain principles – accountability, integrity, transparency, and independence. No matter one’s party, no matter one’s political ideology, these are principles upon which we should all be able to agree.

Thank you.