

## **RESURRECTING DEMOCRACY**

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### **Political Corruption and Ethical Transgressions-**

#### **From 1992 to the present**

Recent chapters in American politics have been marked by corruption on every page, compromising federal, state and local governments. This has occurred despite periodic (and halfhearted) attempts at reform by Congress and the executive branch. Some claim this blight is inherent in democracy, as the desire to profit and game the system is part of human nature. In addition, many individuals of base character manage to get elected to government offices. However, most Americans do not accept corruption as an intrinsic evil that must be tolerated. They believe it is the result of elected representatives who have failed to police themselves, of parties doing their utmost to avoid accountability, and opponents collaborating to perpetuate current practices. The years with Clinton, Bush and Obama in the White House have continued the process of democratic decay. Occasional lights of righteousness and good intentions have been quickly extinguished by venality, dishonesty and self-interest. And the hypocrisy of those politicians who rail about the ethics or sexual activities of their opponents and then engage in the same behavior is beyond belief.

(The brief listing below of ethical transgressions by federal government officials cites some of the better known instances of corrupt behavior during the above period. It merely scratches the surface of a great body of disreputable conduct. If state and local government corruption were included, many volumes would be necessary.)

#### **The Clinton Years- 1993-2000**

##### **Clinton's Sexual Improprieties**

Before and during the early part of the 1992 presidential campaign, a host of rumors circulated about Bill Clinton's sexual escapades. Then, while he was still seeking the Democratic nomination, an Arkansas state employee named Gennifer Flowers claimed that she and Clinton had been lovers for a number of years in the 70s and 80s.<sup>1</sup> The Clinton campaign staff immediately denied these assertions, and Bill and Hillary appeared on national television for

damage control. With Hillary at his side playing the loving wife, Clinton confirmed that like many marriages, theirs had been rocky at times, but that they had worked things out. The public accepted this confessional and it did not seem to affect the outcome of the election. But Clinton's presidency, which began in 1993, was bedeviled by questions of sexual indiscretions. These stretched from Paula Corbin Jones<sup>2,3</sup> to Monica Lewinsky, with a number of other women alleging instances of sexual misconduct. To cover up his actions with Jones and Lewinsky, Clinton lied and misled judicial and legislative interrogators, as well as the American public. Caught in the net of the falsehoods he had woven, Clinton verbally danced his way free. But he was eventually forced to admit "inappropriate intimate contact" with Lewinsky.<sup>4</sup> After the House passed two Articles of Impeachment on December 19, 1998 for "perjury before the grand jury and obstruction of justice,"<sup>5</sup> the impeachment proceedings before the Senate resulted in two acquittals. And the Paula Corbin Jones suit went away after Clinton paid her off.

Two aspects of the Lewinsky affair among many are worth remembering. One is the lack of responsibility and total disregard by Clinton of the risks in his sexual involvement with Lewinsky. The second is the abject partisanship and passion with which Clinton was pursued by his Republican tormentors. This was despite the country's overwhelming antipathy towards the impeachment proceedings.<sup>6</sup> Did his actions fulfill the Constitutional requisite for impeachment?<sup>7</sup> Was it worthwhile dividing the country and paralyzing the government to destroy Clinton? It was not an affirming moment for American democracy. Two months after his acquittal by the Senate, the judge in the Paula Corbin Jones case, Susan Wright, cited Clinton for his failure to testify truthfully, and fined him \$90,000. Because of Clinton's conduct, the Arkansas Supreme Court in 2001 revoked his license to practice law for five years.

## **Whitewater**

Prior to the presidential election of 1992, there were also suspicions of possible illegal financial transactions by the Clintons. In 1978, Bill and Hillary Clinton and several associates formed a partnership with their friends, James and Susan McDougal. The business was to develop real estate in rural Arkansas along the White River,<sup>8</sup> the venture later known as the Whitewater Development Corporation.<sup>9</sup> Subsequently, James McDougal and some investors acquired a savings and loan association which they rapidly expanded as the renamed Madison Guaranty Savings and Loan. As the stability of this institution was questioned by state banking

officials in 1984, Hillary Clinton and her Rose Law Firm of Little Rock were engaged to settle any regulatory issues. In 1989, Madison Guaranty failed due to inept administration and insolvent loans, costing the federal government more than \$60 million. Because of the McDougals' financial problems, Hillary Clinton assumed control of Whitewater in 1988. She remained in charge until the Clintons shed their interest in 1992 for \$1000.

In March of 1992, an article in the New York Times suggested the possibility that problems of the Whitewater Development Corporation could have played a role in Madison Guaranty's collapse. The Clintons quickly issued a statement that they had done nothing wrong and had lost \$60,000 due to their participation. After Clinton became president, the suicide of Vince Foster in July of 1993 (Deputy White House Counsel and a former law partner of Hillary Clinton) reignited interest in Whitewater. (Foster had worked on many of the Clintons' legal problems.) In January of 1994, a special counsel, Robert Fiske was appointed by Attorney General Janet Reno to look into the matter.

A three judge panel replaced Fiske with Kenneth Starr, the solicitor general under former President Bush, in August of 1994 because of a possible conflict of interest. During the remaining months of 1994 and through 1995, Starr pursued a thorough examination of the collapse of Madison Guaranty and the Whitewater Development Corporation. But he was never able to come up with evidence of wrongdoing by the Clintons that might warrant an indictment. However, fifteen others were found guilty on various charges, including a number from the Clintons' circle- Susan and Jim McDougal, Webster Hubbell and Governor Jim Guy Tucker. Starr resigned as independent counsel in 1999 and was replaced by Robert Ray who issued a final report in September of 2000. "This office determined that the evidence was insufficient to prove to a jury beyond a reasonable doubt that either President or Mrs. Clinton knowingly participated in any criminal conduct."<sup>10</sup>

### **Other Questions**

Hillary Clinton was involved in another Arkansas real estate deal in the 1980s that went sour called Castle Grande, where corrupt activity was uncovered by investigators. After her "lost" billing records from the Rose Law Firm were found in the White House, Hillary Clinton stated that she could not recall any work that she had done for this venture. Ethical questions were raised as well about the quick profits she made in other deals. She was apparently allowed

to participate in these because of her political connections. This included parleying \$1000 into \$100,000 by trading in cattle futures in 1978 and 1979 with the assistance of personnel from Tyson Foods, the food conglomerate based in Arkansas. Over the years, both Bill and Hillary Clinton were also accused of illegal campaign fund raising at various times, resulting in significant fines for the Clintons and their campaign contributors.

### **Clinton Administration Officials**

A number of Clinton appointees were involved in apparent infractions during his administration. These included Mike Espy, the Secretary of Agriculture, accused of accepting expensive gifts from corporate interests<sup>11</sup>, HUD Secretary Henry Cisneros who lied on an FBI background check about payments to a former mistress<sup>12</sup>, Secretary of Commerce Ron Brown alleged to have received illegal funds to influence government policy<sup>13</sup>, and Secretary of Labor Alexis Herman believed to have taken payoffs from a businessman to help him get an FCC license<sup>14, 15</sup>. Of this group, Espy was acquitted in a jury trial, Brown died in a plane crash before the investigation was concluded, and there was insufficient evidence to indict Herman. Cisneros pleaded guilty to lying to the FBI and was fined \$10,000.

Secretary of the Interior Bruce Babbitt also had ethical questions swirling about him related to his department's rejection of a tribal gambling casino to be built in Wisconsin.<sup>16</sup> Tribes opposed to this casino had given \$330,000 to the Democratic National Committee during the 1996 election, but Babbitt claimed this had played no role in his department's decision. In 1998, a special counsel began an investigation of the matter and after eighteen months reported there was insufficient evidence to proceed.<sup>17</sup> But Babbitt's true colors were seen after he left office. As Interior Secretary, he had railed against corporations who pillaged the country's natural resources and was a strong supporter of the Endangered Species Act.<sup>18</sup> However, soon after leaving his post, he joined a Washington law firm with a roster of clients who were major despoilers of the environment. He subsequently pressed for measures that would weaken the Act. Another time, he spoke in favor of a Nuclear Waste Dump on Indian lands, when previously he had called these lands sacred.

### **Congressional Transgressions During the Clinton Years**

Democratic **Congressman Dan Rostenkowski** of Illinois was elected to the House in 1958, backed by the Daley machine in Chicago. He became one of the most powerful men in Congress when chosen as head of the House Ways and Means Committee in 1981.<sup>19</sup> In 1993, he was accused of embezzling over \$700,000 with various scams in the House Post Office and of obstructing the investigation into his activities. Allowed to plead guilty to two counts of mail fraud, he served fifteen months in federal prison.<sup>20</sup>

Democratic **Congressman Albert Bustamante** from Texas, was convicted in 1993 for racketeering and bribery, receiving payments for helping a business obtain a federal contract.<sup>21</sup>

In 1994, Democratic **Congressman Mel Reynolds** of Illinois was found guilty of sexual assault, obstruction of justice and solicitation of child pornography. He had engaged in sex with a sixteen year old girl who had been part of his re-election team and was given a five year sentence.<sup>22</sup> While in prison, he was convicted in an unrelated case of bank fraud and lying to SEC investigators, and an additional sentence of six and a half years was imposed.

Democratic **Congressman Walter Tucker** was found guilty in 1995 of extorting bribes and tax evasion while he had been the Mayor of Compton, California.<sup>23</sup> He was given a twenty-seven month prison sentence.

In November 1992, the Washington Post published a story about sexual harassment by Republican **Senator Robert Packwood** of Oregon. Many women staffers and lobbyists over several decades were involved.<sup>24</sup> Twenty-nine women subsequently stepped forward and claimed sexual advances, abuse and assaults by Packwood.<sup>25</sup> With public attention focused on the lurid sexual aspects of his misdeeds, claims were ignored that he had solicited funds from lobbyists and special interests pushing specific legislation. He also attempted to impede the inquiry into his conduct by altering his diaries to destroy evidence. Because of the case's notoriety, the Senate chose to hold closed hearings as they investigated Packwood's actions, with the probe dragging on for several years. When the Ethics Committee voted unanimously to expel him from the Senate, Packwood resigned in September of 1995, before the full Senate could act. Afterward, he started a lobbying business in Washington.

Conservative Republican **Congressman Newt Gingrich** was first elected to the House from Georgia in 1979,<sup>26</sup> when the Republicans were in the minority. In 1988, he initiated charges

against the Democratic Speaker of the House, Jim Wright and became minority whip, venting against corruption and ethical irregularities. None-the-less, he himself was a participant in the House banking scandal in the early 1990s. And there were also allegations that he utilized his congressional payroll for political ends.<sup>27</sup> In the midterm elections of 1994, Gingrich devised the Contract With America in a politically brilliant move, outlining measures Republicans pledged to pass if they were elected. In a landslide, they added fifty four seats and controlled the House, selecting Gingrich as speaker. Further ethical missteps by Gingrich surfaced in December of 1994. It was revealed then that a New York publisher had given him a \$4.5 million advance in a book deal without a clause for repayment if sales did not meet objectives. Given that Gingrich had pilloried Speaker Jim Wright over his book venture several years earlier, the arrangement and acceptance of the fee appeared hypocritical to many observers.

Another question arose over a college course Gingrich was teaching in Georgia. The product of a curriculum developed by his political action committee, GOPAC, to promote Republican ideology and elect Republicans to Congress, it was presented on national cable television as a lecture series.<sup>28</sup> The course was supported by the tax-exempt Progress and Freedom Foundation which should not have been involved in partisan activities. When complaints were made to the House Ethics Committee regarding the course, Gingrich presented documents asserting that its intent was educational and not political. He also denied that GOPAC was connected to the course. However, a special investigator unearthed evidence conflicting with Gingrich's claims. The probe also discovered other instances where Gingrich and GOPAC had employed tax-exempt organizations improperly to push Republican objectives. In response to the determination of the Ethics Committee that the information he had given was "inaccurate, incomplete and unreliable,"<sup>29</sup> Gingrich claimed it was his lawyer's fault and that he had not been knowledgeable about the tax codes. Though Gingrich kept his position as Speaker, in 1997 he was rebuked by the Ethics Committee. He was ordered to pay a \$300,000 penalty for contravening ethics rules and employing a non-profit organization for political ends. When the Republicans lost ground in the Congressional elections in 1998, he vacated his post as Speaker and resigned from the House. Subsequently, Gingrich reinvented himself as a wise party elder and has begun a run for the presidency in 2012.

(When thinking of political hypocrisy, Gingrich's affair with the woman who is now his wife, Callista Bisek, stands out. While pursuing Clinton for his immoral behavior with Monica

Lewinsky, Gingrich was sleeping with a woman twenty-three years his junior while married to someone else.)

Conservative Republican **Congressman Bob Livingston** of Louisiana was Chairman of the House Appropriations Committee in the 1990s, wielding enormous power. He was also one of the leaders pushing for Clinton's impeachment for perjury and immorality.<sup>30</sup> When Gingrich announced his resignation as Speaker in 1998, Livingston stepped forward as a candidate for the post. He quickly was able to corral the necessary votes to win. With Democrats furious about the unrelenting Republican attacks on Clinton, Larry Flynt, the publisher of Hustler magazine made an offer of up to \$1 million to anyone who could expose sexual improprieties involving a top Republican. Speaker-elect Livingston at this time projected an image of a happily married man. However, several sources provided Flynt with information about Livingston's numerous sexual liaisons which Flynt was going to publish. In December of 1998, Livingston received advance notice about these reports. While debate was proceeding on the impeachment resolution, he suddenly revealed he was giving-up his post as Speaker-elect and would resign from the House. After leaving Congress, he formed a financially lucrative lobbying firm.

## **The Bush Years- 2001- 2007**

### **George W. Bush and the Bush Administration**

Questions raised about Bush's conduct after his graduation from Yale in 1968 through the time he was elected governor of Texas in 1994 have never been adequately clarified. This opaqueness, however, did not damage him politically. While the Vietnam War was raging in 1968, Bush joined the Texas Air National Guard, a safe haven from the war and a difficult appointment to obtain at that time.<sup>31</sup> Suggestions by members of his unit that Bush's connections and family influence were responsible for his selection were never formally investigated, and proven or disproven. Similarly, Bush's attendance requirement and other obligations for the National Guard may not have been completely fulfilled, but this also remains speculative. He transferred to an Alabama unit in 1972 and apparently missed meetings and training sessions. But he was allowed to leave the Guard six months early to enroll at Harvard Business School.

Rumors of substance abuse and excessive drinking during his early (and not so early) adult years circulated as well for some time. Bush was apprehended for DUI in 1976 when he was thirty years old near the family's summer residence in Maine. He pled guilty, losing his driver's license and paying a fine. Upon receiving his MBA from Harvard, he gravitated to the Texas oil industry, interrupted by a failed congressional race in 1978. Three successive energy firms that he ran did poorly (Arbusto, Spectrum 7, Harken). However, Bush managed to make money each time through mergers and consolidations, then move on, with investors in his businesses taking losses. Though he continued to have problems with alcohol, upon becoming a born again Christian, he began attending church and abstained from drinking.

### **Bush as President**

With national security a new priority after 9/11, questionable ethical decisions were made by the Bush administration. These included twisting intelligence to support the war in Iraq, the interrogation techniques used by military and intelligence personnel on captured terrorists (and some non-terrorists), Abu Ghraeb, Guantanamo, wiretapping and monitoring of domestic communications without judicial authorization, and presidential statements interpreting the manner in which new legislation should be executed.

When Bush ran for re-election in 2004, controversy was sparked by the negative aspects of the advertising directed against John Kerry, the Democratic nominee, (though the Democrats responded in kind). Much of the millions spent on campaign advertising went to hammer the opposition candidate, rather than debating the issues or describing policy initiatives. The information disseminated in these attacks was mostly exaggerations, distortions, half truths or outright lies. But repeating them made them seem like the truth, both candidates playing on voters' fears and anxieties.<sup>32</sup> Kerry's stances on taxes were particularly distorted by the Bush camp with the usual Republican tactic of labeling Democrats as "tax and spend liberals," instead of trying to dissect Kerry's positions which supported middle-class tax relief. In another unethical maneuver to enlist religious voters, the Republican Party sent out mass mailings to voters in conservative areas. These stated that liberals were planning to ban the Bible and legitimize gay marriage.<sup>33</sup>

The Bush team and the Republican Party challenged Kerry for being soft on terrorism and flip-flopping on the issues, considered acceptable political tactics. But independent advocacy

groups such as the Swift Boat Veterans For Truth went after Kerry on his Vietnam War record, questioning his bravery under fire and the medals he had received.<sup>34</sup> Not officially controlled by Republican strategists, these 527 committees were able to raise unlimited funds and use them on “issue oriented” advertisements, evading campaign finance laws. There seemed little question that the attack ads of the Swift Boat Veterans and The Progress For America Voter Fund were coordinated with the Bush campaign hierarchy. They were run more frequently in those states where their impact on the election would be greatest. In addition, personnel often crossed the boundary between the campaign and the advocacy groups, working for one and then the other. (The Democrats had their own 527 committees, like the Media Fund and MoveOn PAC generating attack ads and negative reports about President Bush.)

There was virtually blanket opposition in the Bush administration to public scrutiny of the processes that led to important decisions. They also went out of their way to suppress information that did not fit with their world view or actions that they favored. An example of this was their unwillingness to allow the chief Medicare actuary, Richard Foster, give Congress the true projected costs of the proposed Medicare Prescription Drug Plan when it was debating the legislation. The actual numbers were hundreds of billions of dollars higher than the figures the administration provided.<sup>35</sup> The head of Medicare, Thomas Scully, (who subsequently resigned and re-emerged as a lobbyist for the health care industry), admitted after the fact that he had ordered Foster to withhold the cost data from Congress<sup>36</sup> Yet there were no repercussions.

Another unethical act was suppressing data on climate change developed by NASA scientists to prevent the idea of global warming from gaining additional credibility. The Bush allies in the energy business, who were opposed to curbs on hydrocarbons, wanted global warming to seem like a fringe concept. Overriding proposals of expert panels if they conflicted with the president’s beliefs or policy initiatives was another kind of misconduct. A glaring instance of this was the delay in releasing the morning after pill by the FDA though it was recommended by a study panel. A number of environmental recommendations by scientific committees were also disregarded. And provisions of the Clean Air Act previously in effect were rolled back at the behest of some of the Bush administration’s corporate supporters. While Clinton was in the White House, a number of lawsuits had been filed against the operators of coal burning energy plants that spewed pollutants into the air, including mercury, various particles, and excessive amounts of carbon dioxide.<sup>37</sup> During Bush’s 2000 presidential campaign,

he had pledged to regulate carbon dioxide emissions, but changed his mind in March 2001 (two months after his inauguration) and declared that no limitations would be forthcoming. Subsequently, he announced new rules that substantially lowered prior standards for pollution controls when utilities modernized their plants. This benefited many utilities and energy companies that were large contributors to his presidential campaign and Republican causes. The six utility companies in the lobbying group that pushed for the changes were organized by Haley Barbour, a former Republican national chairman. They donated more than \$10 million dollars to political candidates and parties over the preceding five years, with three quarters of that amount supplied to Republican coffers.<sup>38</sup>

Planting articles applauding Bush policy in the newspapers or on television by paying journalists to write positive reports was another instance where ethics were set aside by the Bush team. This was done both at home and abroad to try and influence public opinion and enhance the president's image. The granting of billions of dollars of no-bid contracts to companies with ties to the White House or the Republican Party was also a practice of the Bush administration, ignoring conflicts of interest.

### **Vice President Dick Cheney**

Vice President Cheney (perhaps along with former Defense Secretary Donald Rumsfeld) was the person in the Bush administration who evoked the most visceral reactions from the American public. He was seen by many as arrogant, stubborn, pompous and pedantic, and by others as tough, resolute, persistent and wise. His distortion of intelligence data as a rationale for the Iraq war, his predictions of easy success for the U.S. military, his saying that American soldiers would be greeted with flowers by Iraqi civilians, and that Iraqi oil would pay for the reconstruction, helped make him a lightning rod for negative sentiment about the Bush administration. And his misstatements earned him among the lowest public approval ratings ever seen in various polls.

The path Cheney took to the vice presidency was circuitous, with a few ethically questionable twists and turns. As a young man home in Wyoming after dropping out of Yale, Cheney had two convictions for DWI in 1962 and 1963.<sup>39</sup> Though a strong supporter of the Vietnam War, he did not serve in the military during this period, receiving five draft deferments over a number of years until he was too old to be drafted. When asked about these deferments in

an interview in 1989 he declared that he had other priorities in the 60s. At an early age, he was appointed White House Chief of Staff during the Ford administration. He was then elected to Congress from Wyoming in 1978, becoming minority whip ten years later. (While in Congress he had twenty-five overdrafts on the House bank and was one of those named in the House banking scandal uncovered in 1992.) Becoming Secretary of Defense in 1989, he served President George H.W. Bush in that post until 1993. He then took a position at a conservative think tank, the American Enterprise Institute. In 1995, though never having worked in the private sector, he was made Chairman and CEO of Halliburton, a major energy conglomerate. While under his management, Halliburton increased its subsidiaries based in offshore tax havens from nine to forty-four, depriving the nation of considerable tax revenue. He also lobbied against U.S. sanctions on Iran and Libya, declaring that American interests were undermined by these measures (he later supported them as vice president). In addition, while Cheney was CEO of Halliburton, one of its subsidiaries, Dresser Industries, sold Saddam Hussein millions of dollars worth of supplies to help his oil industry.

As vice president in 2001, Cheney pushed for the invasion of Iraq and the removal of Saddam Hussein, validating the data that favored these actions. He was also a major advocate for the use of aggressive measures in the interrogation of terrorism suspects. Though Cheney claimed that he ended his relationship with Halliburton when he assumed the vice presidency, the ties were never actually severed. He maintained unexercised stock options and deferred salary from the company.<sup>40</sup> Because of Cheney's links to Halliburton, the granting of numerous government contracts to the company by the Bush administration raises issues of conflict of interest. The government awarded a \$7 billion no bid contract to Halliburton for reconstruction work in Iraq after the invasion, with its subsidiary, KBR, receiving hundreds of millions of dollars to restore Iraq's oil industry. Though Halliburton performed poorly and overbilled for many of these tasks, no major penalties were assessed against them and they were permitted to bid on ensuing contracts.

The hunting accident involving Cheney in February of 2006 where he shot a companion can be characterized as misconduct. He did not inform the police for some time and did not have a blood alcohol level drawn though he had been drinking beforehand. No action was taken against him by the local authorities.

## **Bush Administration Officials**

Other members of Bush's administration share responsibility for choices that were ethically or morally controversial. In addition to Cheney, Secretary of Defense Rumsfeld, and Deputy Secretary of Defense Wolfowitz all strongly advocated the invasion of Iraq and helped skew the intelligence data to support their view. CIA head George Tenet and then National Security Advisor Condeleeza Rice appear to have backed this course as well. Though there was some dissent in the military, the Joint Chiefs of Staff and Tommy Franks, the general initially in charge of the Iraq War, did not contest the civilian rationale for the invasion.

Secretary of the Department of Health and Human Services Mike Leavitt had questions raised about ethical infractions and possible illegalities. These involved financial benefits from a charitable foundation he formed in Utah in 2000 with \$9 million in assets.<sup>41</sup> In addition to major tax write-offs he enjoyed, the foundation provided loans for various business projects for Leavitt and family members.

Secretary of Education Rod Paige, formerly the Superintendent of the Houston Public Schools, built his reputation on the basis of the program he created to strengthen these schools, focusing on improvement in test scores and graduation rates.<sup>42</sup> Initially, the gains in scores were considered impressive. However, several years later, when he had left to become Secretary of Education, the results were found to be a sham. They were due more to manipulating students in and out of grades and schools, then to actual achievement.

Commissioner of the Food and Drug Administration Lester Crawford was a veterinarian and pharmacologist nominated to head the agency by President Bush in February of 2005.<sup>43</sup> On July 18, he was confirmed by the Senate, then announced his resignation two months later. The following year, he pled guilty to charges of lying and conflict of interest related to stock ownership of corporations that were under FDA regulation.

Deputy Secretary of the Department of the Interior Steven Griles was from 2001 to 2005 the second ranking official in the department. He resigned after an investigation by the inspector general concluded that he had violated an agreement to avoid contact with former clients who might have matters coming before the department.<sup>44</sup> Griles had been a principal in a consulting firm that made recommendations to corporations and trade associations about environmental and energy regulatory and policy issues, before his appointment to the Interior Department. After

leaving the department, Griles started a political lobbying business with the former director of White House national energy policy, Andrew Lundquist and former Republican Congressman, George Nethercutt. In March 2007, he admitted he was guilty in Federal District Court of lying to a Senate committee about his relationship with Jack Abramoff<sup>45</sup> and was subsequently sentenced to ten months in prison.

## **Congress**

### **The K Street Project**

The K Street Project was initiated in 1995 by Republican Congressman Tom DeLay, the House Majority Whip, and Grover Norquist, an influential, conservative Republican tactician with a major interest in tax policy.<sup>46, 47</sup> The name of the undertaking was derived from K Street in Washington, where the offices of many of the capital's most important lobbying firms are located. The Project's objective was to install Republicans in prime positions in these firms to direct their funding to GOP politicians and causes. Those in charge of the K Street Project wanted to replace all Democratic lobbyists in the industry with their own hand picked substitutes. The firms that cooperated were promised access to powerful Republicans in government.

DeLay met with many of the top lobbyists in his office after the 1994 mid-term elections. He had tabulated from available records what their firms had contributed to the coffers of the two parties. With the Republicans now in control of Congress, he declared that he expected that funding in the future would reflect that fact. Though there was a preponderance of Democrats in the lobbying industry at that time, it was because they had been the majority in Congress. Thus, Democratic lobbyists had been able to connect more easily with party members in the House. No pressure or threats had previously been made to these firms to hire Democrats. However, the K Street Project completely changed the way business was done in Washington.

The idea of having government officials catering to special interest groups through the K Street Project was disregarded by the Republican leadership. They simply believed the benefits to the party outweighed any negatives. It also guaranteed these leaders lucrative positions when the time came for them to leave the government. It gave them power as well over recalcitrant party members, as they could withhold jobs from people, or not give them party funds. Under this arrangement, lobbyists and their clients were often permitted to help craft legislation that

impacted them directly or indirectly, or to change or influence regulations written by executive agencies or departments. Though former government officials had previously been welcomed into the ranks of lobbyists and given extremely generous salaries, the process accelerated after the K Street Project was begun.

It had been common practice for lawmakers to solicit political contributions from lobbyists and with the K Street Project these funds came overwhelmingly to Republicans.<sup>48</sup> To further cement the allegiance of legislators and their aides, lobbyists also organized free trips for them and their wives to expensive vacation resorts, golf outings, lavish meals at fine restaurants, travel on corporate jets, and tickets in prime locations to sporting events. Legislators were more than willing to take advantage of these perks, giving the lobbyists access and providing favors in return. When Grover Norquist, the main mover of the K Street project outside of Congress, was asked why centrist Democrats shouldn't be retained in lobbying firms, he said- "We don't want non-ideological people on K Street, we want conservative, activist Republicans."<sup>49</sup>

Republican House Majority Whip, Roy Blount of Missouri, helped formalize the relationship his party had with K Street, along with Senator Rick Santorum of Pennsylvania. Elizabeth Drew noted in an article on Selling Washington- "DeLay, Santorum and their associates organized a systematic campaign, closely monitored by Republicans on Capitol Hill and by Grover Norquist and the Republican National Committee, to put pressure on these firms not just to hire Republicans, but also to fire Democrats."<sup>50</sup> Any business association or lobbying firm faced retribution if they placed Democrats in top positions.

In 2003 it was reported that Congressman Michael Oxley, the head of the Financial Services Committee in the House, had urged the Investment Company Institute, an association of mutual fund companies, to get rid of its chief lobbyist, a Democrat, and replace her with a Republican.<sup>51</sup> A Washington Post article commented that members of Oxley's staff had warned the Institute of a congressional probe of the mutual fund industry that was in the offing. They suggested that if the Institute agreed to their request for a change in lobbyists, the investigation might be less intrusive. The mutual fund companies complied, firing the Democrat and bringing in a Republican.

When the Motion Picture Association of America failed in its attempt to hire a retiring Republican Congressman as its new head, they chose Dan Glickman, the Secretary of Agriculture under Clinton. This was done despite the advice from Republicans not to pick a

Democrat.<sup>52</sup> When Glickman's appointment was announced, Congressional Republicans eliminated \$1.5 billion in tax relief for the motion picture industry from a measure that was about to be enacted. Grover Norquist was quoted as saying- "No other industry is interested in taking a \$1.5 billion hit to hire a Clinton friend."<sup>53</sup> Norquist also described Glickman's hiring as a "studied insult" and Santorum spoke about the consequences his employment would have for the movie industry. To assuage Republican anger, Glickman recruited several Republicans for important MPAA positions.

Compliance by the lobbying firms was closely followed by Norquist's organization, Americans for Tax Reform, posting the ones that did not cooperate on its web site. According to a report in 2003, over 90% of the major jobs on K Street were given to Republicans due to the K Street Project.<sup>54</sup> This Republican drive for control of the lobbying industry had a chilling effect in Washington, with intimidation and fear prevalent, debate stifled and people afraid to speak out. However, the hiring of Republicans was a boon for Congressional aides, whose salaries tended to be on the low side.<sup>55</sup> Their positions were now considered a route to financial success, as many of these individuals were simply "lobbyists in training."<sup>56</sup> After a few years on a Congressional staff, a precocious aide might be asked to join an office on K Street. The starting salaries for these lobbyists was \$200,000 annually, up to more than \$1 million.

In addition to the Republican drive to transform lobbying firms, corporations and business associations were pressured to back Bush administration policies. Presidential assistants, cabinet members and Karl Rove met with CEOs of major American corporations and urged them to support the president's policies, like his plan to privatize Social Security. Because of the implied threat of retaliation if they did not get aboard, corporate America was supportive, with millions of dollars of advertising favoring administration initiatives. Businessmen were also reluctant to criticize any of the president's policies. They were fearful it would compromise their own interests with people who played hardball and had no qualms about using their power to assure obeisance.

After the Abramoff scandal broke, Santorum tried to distance himself from the K Street Project and Norquist. As the saga continued to unfold, with Tom DeLay indicted and resigning from Congress, ties to lobbyists and the K Street Project were considered negative baggage that

members of Congress and senators wanted to discard. However, it was instituted by Republicans knowing that the use of political contributions to determine access to those in power violated ethical standards. The entire K Street Project should have registered with the majority of party members as underhanded and sleazy, and halted in its tracks by upstanding and ethical Republicans before it got off the ground. Instead, they all acquiesced, taking the money and the jobs, or at best, remaining silent.

### **The Abramoff Scandals**

It is appropriate to use the plural when noting the web of corruption woven by Jack Abramoff that snared many Washington officials. These were not innocent babes that participated in his schemes, but greedy, unscrupulous and mercenary individuals who were lusting after wealth and power. Though venality, corruption and unethical conduct are ubiquitous in Washington, the scope of the Abramoff scandals dwarfed the usual shameful behavior. They appear to have been more extensive than any other recent political misadventures.

In 1980 while still an undergraduate at Brandeis, Abramoff was involved in Reagan's presidential campaign.<sup>57</sup> The year afterwards, he became chairman of the College Republican National Committee, following in the footsteps of Karl Rove. Grover Norquist, who was a close Washington associate of Abramoff's, ran his campaign for chairman, with Ralph Reed as another member of the team. Graduating from law school in 1986, Abramoff worked at various jobs. After the 1994 mid-term elections, he was recruited by one of the top Washington lobbying and law firms, Preston, Gates, because of his connections to the conservative Republicans who were now running things.<sup>58</sup> Subsequently, Abramoff went to another prominent firm, Greenberg, Traurig, and formed front companies to which money was funneled by clients.<sup>59</sup>

Promoting himself as someone with direct access to the Washington power structure, Abramoff acquired the Northern Mariana Islands as a client. (Garment manufacturers had been attracted to the Islands by its low wage costs and the fact they could label finished goods as Made in the U.S.A.) At the behest of his client, Abramoff was able to turn back worker-friendly initiatives in Congress. These included increased wages and improved workplace standards that would have raised costs, generating millions of dollars in fees for his firm. He arranged for members of Congress and other influential conservatives to go on special junkets to the Marianas. Here they were housed in luxury resorts and enjoyed cost-free golf vacations with all

the amenities.<sup>60</sup> Tom Delay on one of these trips in 1997 described Abramoff as “one of my closest and dearest friends” and was of great assistance to him in shaping legislation that aided his clients.<sup>61</sup> DeLay enjoyed several other special trips with Abramoff, as well as expensive favors that Abramoff bestowed upon him.

With his success in the Marianas, Abramoff’s reputation in Washington increased. In the mid-1990s, several Indian tribes who operated casinos hired him. His arrogance appeared to grow in step with his success, along with contempt for the individuals and organizations that were paying him. In his emails, he made references to them as stupid, morons, troglodytes, monkeys.<sup>62</sup> One of his partners in the schemes devised to extract additional funds out of the tribes was Michael Scanlon, a public relations guru who had previously worked for DeLay. Over a three year period, the two men received \$66 million from the tribes they were representing, for work which was or was not performed. Other Abramoff clients included President Mobutu of Zaire and Tyco Industries. Abramoff also owned two Washington restaurants, one of which, Signatures, was an expensive gathering place for lobbyists, members of Congress and the Republican establishment. Here, business could be done over a succulent steak and fine wine.

As Abramoff prospered, he played a large role in the K Street Project, helping to place Republicans in lobbying positions. He also employed a number of well connected congressional aides for his own team. Abramoff’s personal assistant, Susan Ralston, was hired in 2001 by Karl Rove, where she would be able to help her former boss in different ways. Through his lobbying business, Abramoff generated funds for conservative causes. He directed his tribal clients to give money to GOP political organizations and Republican affiliates, telling the tribes it would help them. Money was donated to groups as diverse as Grover Norquist’s Americans For Tax Reform, several of Tom DeLay’s political action committees, and \$4 million to a consulting business run by Ralph Reed, previously of the Christian Coalition. After Norquist’s Americans For Tax Reform received \$1.5 million from Abramoff’s Indian tribes, he voiced opposition to taxes on Indian gambling and arranged for Indian leaders to meet with President Bush.<sup>63</sup>

The Alexander Strategy Group, a lobbying firm headed by Ed Buckham who had worked for DeLay and employed his wife Christine, had ties to Abramoff as well.<sup>64</sup> Republican Congressman Bob Ney of Ohio also assisted Abramoff by inserting provisions into congressional legislation, sponsoring bills and placing comments in the Congressional Record for Abramoff and his clients. In return, Ney got contributions to his campaign and political action committees,

and an expensive golf trip to Scotland for himself, some staff members and wives. Ralph Reed was also on that trip to Scotland, the cost underwritten by a charitable foundation Abramoff had created purportedly to subsidize youth athletics.<sup>65</sup> The Indian tribe that paid Abramoff's bills, the cost of the trip and various contributions, eventually found that the measures they wanted legislated were never written into the bills and enacted.

The Abramoff lobbying empire began to take on water in 2004, 2005 and 2006, with his aides and associates being indicted, convicted or pleading guilty to criminal charges. Then Abramoff himself pleaded guilty and agreed to cooperate with the investigating authorities. Suddenly, the political recipients of his largess began to jump ship. Most disavowed any friendship with the lobbyist, claiming to know him only peripherally, saying he had conned or misled them. Those who had gotten contributions from him or his clients promised to return the funds or give them to charity. All insisted that there was no quid pro quo for the money and gifts they had received. President Bush said he would donate \$6000 from Abramoff, as did Congressman Roy Blount of Missouri.<sup>66</sup> Also returning money were Republican Senator Conrad Burns of Montana (\$150,000) and Senator Byron Dorgan, the ranking Democrat on the Senate Indian Affairs Committee (\$67,000).<sup>67</sup> Other legislators who had accepted Abramoff funds were Republican Congressman J.D. Hayworth of Arizona (\$101,000), Speaker Dennis Hastert (\$69,000), Senator Harry Reid (\$30,000), Democratic Congressman Patrick Kennedy of Rhode Island (\$42,000).

Many other members of Congress are believed to have accepted bribes from Abramoff and helping him with legislation. The Associated Press investigating one specific instance found that thirty three congressmen of both parties had suddenly pressured the Interior Department to favorably view an obscure issue of importance to one of Abramoff's tribal clients.<sup>68</sup> Interestingly, these legislators received over \$800,000 around the same period from the lobbying and fund-raising conglomerate directed by Abramoff. House Speaker Hastert was given a campaign donation of \$21,500 seven days before he sent a note to officials at the Interior Department supporting Abramoff's stand on a conflict between two tribes over casinos.<sup>69</sup> The Senate Democratic leader Harry Reid of Nevada received \$10,000 for a similar letter.

Another byproduct of the Abramoff and DeLay revelations was the sudden scurrying of legislators in Washington in 2004 and 2005 to file reports on trips taken over the preceding five years.<sup>70</sup> Approximately 214 congressmen and senators, both Republicans and Democrats, had

neglected to properly document travel. These trips had long been a windfall for members of the House and Senate. They had been sponsored by corporations, lobbyists, trade associations and partisan policy groups who wanted the opportunity to interact with the lawmakers. Nearly 6000 excursions were enjoyed by lawmakers from 2000 to 2005, at a cost of almost \$18 million.

In November 2005, Michael Scanlon, who had previously been an aide to DeLay and then Abramoff's business partner "pleaded guilty to conspiring to bribe a member of Congress and other public officials." He agreed to return \$19.6 million to the Indian tribes who were formerly his lobbying clients<sup>71</sup> and to assist investigators in their corruption probe.

In January 2006, Jack Abramoff pleaded guilty to three counts of fraud in a federal court and agreed to cooperate with prosecutors in return for a reduced prison sentence of about ten years.<sup>72</sup> He acknowledged cheating Indian tribes of tens of millions of dollars, bribing government officials, and tax evasion.

In March 2006, Tony Rudy, formerly a top aide to Tom DeLay, pleaded guilty to corruption charges. He acknowledged thousands of dollars in illegal gifts given to him and his wife, and travel by private jet, to influence legislators for Jack Abramoff.<sup>73</sup>

In May 2006, Neil Volz, formerly Chief of Staff for Congressman Bob Ney of Ohio, pleaded guilty to conspiracy, wire fraud and infringement of House rules in his work for Abramoff at the law firm of Greenberg, Traurig.<sup>74</sup>

In June 2006, David Safavian, the Administrator for Federal Procurement Policy of the Office of Management and Budget, was found guilty by a jury of four counts of lying and obstruction of justice. He was the first of Abramoff's cronies to come to trial.<sup>75</sup> (The others had pleaded guilty to charges.) As a lawyer who had been at Preston, Gates with Abramoff in the mid- 90s, they had worked together for several clients. A few years later, Safavian had started a lobbying firm with Grover Norquist. But eventually, he accepted a position at the General Services Administration (GSA), where he was designated a Senior Advisor and Acting Deputy Chief. Within two months, he became Chief when his boss left, with President Bush nominating him as the Administrator for Federal Procurement Policy in November of 2003.

In July 2006, Ralph Reed, a major Republican Party figure and previous leader of the Christian Coalition, was defeated in the Republican primary for Lieutenant Governor in Georgia by a wide margin.<sup>76</sup> For Reed, the loss was a stunning repudiation by rank and file Republicans, who had once held him in high esteem. A Senate report the month before had revealed that he

had collected more than \$5.3 million from Abramoff and his clients.<sup>77</sup> In return, he had generated opposition among conservative Christians to new casino operations in the South and Southwest that might rival those of Abramoff's tribes.

In October 2006, six term Congressman Bob Ney of Ohio pleaded guilty to charges of criminal conspiracy and making false statements. These related to his dealings with Abramoff and his team, including his former Chief of Staff, Neil Volz.<sup>78</sup> Ney, who was a rising star in the Republican Party, had previously stepped down as chairman of the House Administration Committee. He was the first member of Congress to admit to criminal actions in the widening Abramoff investigation. Ney acknowledged that he had received tens of thousands of dollars in gifts from the lobbyists in exchange for assistance he had given them in his official capacity, and had lied on his financial disclosure statements.

Also in October 2006, Susan Ralston, who had been Karl Rove's personal assistant, resigned from the White House staff.<sup>79</sup> She left after a Congressional report was released that described hundreds of contacts between Abramoff and the White House, with Ralston as the connection between her old boss and her new one. Rove was known to have asked Abramoff for basketball tickets and had dined at his restaurant. A bipartisan report from the House Government Reform Committee noted that Abramoff and his associates had 485 contacts with top members of the presidential staff from January 2001 through March of 2004. At least ten meetings or phone conversations occurred between Abramoff and Rove.<sup>80</sup>

The number of Congressmen, aides and government officials who played ball with Abramoff is certainly higher than those who were convicted and went to jail. Anyone who received funds or favors from Abramoff gave him something he wanted in return, the way business in Washington is generally conducted.

### **Congressman Tom DeLay**

Republican Tom DeLay of Texas was a driving force behind the K Street Project, a major player in the Abramoff scandals, and was embroiled in a number of other ethical controversies. After graduating from the University of Houston in 1970, Delay started the firm Albo Pest Control which he managed for eleven years.<sup>81</sup> During this period, he ran afoul of the IRS on three occasions for failing to remit payroll and income taxes. Elected to the Texas Legislature, he

became known for his promiscuity and alcoholism. Shortly after his Congressional victory from the 22<sup>nd</sup> district in 1984, he embraced born again Christianity and stopped drinking.<sup>82</sup>

A staunch conservative, DeLay attained a seat on the House Appropriations Committee by his second term. In 1994, he was elected Majority Whip, though opposed by the Speaker, Newt Gingrich, and the Majority Leader, Dick Armey. Because of his role in maintaining party discipline and the way he retaliated against political opponents, DeLay gained a fearsome sobriquet, “The Hammer,” which he appeared to relish. He led the Republican drive in Congress to impeach Clinton, refusing to accept compromise efforts to censure the president. In 1998, executives of a Russian oil business donated \$1 million to the U.S. Family Network, a non-profit advocacy group of DeLay’s. This was done to garner his support for an International Monetary Fund rescue of the faltering Russian economy.<sup>83</sup> Though this donation was the largest ever given to the U.S. Family Network, there was no record of the source. The check was transferred through a London legal firm that subsequently dissolved and whose partners refused to explain its origin.

In 1999, there was a question raised whether DeLay had committed perjury in the course of a civil lawsuit filed against him in 1994 by a former business associate in Albo Pest Control.<sup>84</sup> The person who brought the suit also claimed DeLay had spent funds from Albo in his congressional campaigns, which would have been illegal. No formal charges regarding these allegations were brought against DeLay and the suit was settled with the details kept private.

During the years of Republican dominance in Congress from 1994 through 2006, DeLay’s polarizing personality prevented his ascension to the speaker’s position. Though Dennis Hastert was elected speaker when Newt Gingrich stepped down in 1998, many knowledgeable politicians felt DeLay was the power behind the throne. In the 2004 election period, ARMPAC, DeLay’s political action committee, gave nearly a million dollars to other Republican congressional candidates. DeLay replaced Dick Armey as Majority Leader in 2003 when the latter retired. The House Ethics Committee reprimanded DeLay in September 2004 after he had promised funding and political help for a Congressman’s son who was running for office if the Congressman would back a piece of legislation where the tally was close.<sup>85</sup> DeLay’s congressional votes and the issues he supported can generally be characterized as socially conservative, pro-business, pro-tax cuts, and anti-environment. He also opposed the teaching of evolution in the schools and tried to protect energy companies retroactively from lawsuits over

the use of the toxic additive MTBE. He was self-aggrandizing and arrogant, willing at times to publicly thwart the president and other party leaders, believing that he was untouchable.

DeLay's indictment in Texas over political fund raising finally caused "The Hammer" to slip from the summit of power. The areas where DeLay had previously compromised himself from an ethical standpoint were numerous, starting with his relationship with Abramoff which was long standing and complex, enhancing the personal wealth and power of both. When the Senate unanimously approved a bill in 2000 that would provide workers in the Northern Marianas protection under U.S. labor laws, DeLay, acting as Republican Whip, blocked the House from considering the measure at the behest of Abramoff. DeLay also assisted his friend on many occasions with his tribal clients and casino issues. For another Abramoff client, he helped defeat legislation to restrict Internet gambling. The gifts and trips DeLay and his staff received in return were worth hundreds of thousands of dollars. And the fund raising for DeLay's PACs, campaign committees and advocacy groups resulted in millions of dollars in contributions. According to a newspaper article in April 2005, DeLay's wife Christine and his daughter Dani Ferro, received over \$500,000 during 2001-2005 from DeLay's political action and campaign committees.<sup>86</sup> DeLay claimed they had earned the money as members of his political team.

DeLay's involvement in the push for Congressional redistricting in Texas in 2003 to favor Republicans led to his indictment. After the 1990 census, the Texas legislature, then controlled by Democrats, redrew Congressional districts in ways that would help Democratic candidates. Following the 2000 census, Republican hopes to change the districts were blocked because the Texas legislature was split, the Democrats in control of the House and the Republicans the Senate. With the legislature stalemated, a three judge federal court redrew the district lines in a neutral fashion. DeLay was unhappy with this outcome, and during the 2002 legislative elections, his Texas political action committee (TRIMPAC) generated funds for Republican candidates who were able to win control of the Texas House. This allowed the Texas legislature in 2003 to redraw the districts again to assist Republican candidates.<sup>87</sup> In the elections the following year, five Texas Congressional seats switched from the Democrats to the Republicans.

In the past, Congressional redistricting had only occurred after a new census, so the effort by DeLay and the Texas legislature was considered blatant political manipulation. To try and halt the redistricting, a number of Democratic legislators went to Oklahoma to prevent a quorum and invalidate any vote. DeLay was outraged by this move and pressured some federal agencies to

locate the absent legislators, wasting personnel and resources on a partisan request.<sup>88</sup> He was subsequently rebuked by the House Ethics Committee for his actions, but no penalty was assessed. This was not the end of the matter however. In September 2005, DeLay was indicted by a Texas grand jury for illegally channeling corporate contributions to Republican candidates in violation of Texas law. It was alleged that TRIMPAC had laundered donations from various businesses through the Republican National Committee before distributing them to Texas legislative candidates. Another indictment was obtained for conspiracy and money laundering.

To keep DeLay as majority leader after he was charged, the GOP conference in Congress changed its rule stipulating that members had to surrender leadership posts if under indictment. However, the harsh reaction to this move by the media and general public forced them to back down, causing DeLay to surrender his post. In his Congressional district Republican primary in March 2006, DeLay won 62% of the vote though the information about his actions were well known. Political analysts however, believed he would probably lose the general election. In April, after his former staffers Scanlon and Rudy pleaded guilty to corruption charges, DeLay decided not to stand for re-election. He resigned from the House in June, announcing his intention to start a lobbying firm that would back conservative causes. A legal defense fund had been established to help fight the charges against him, with over \$600,000 having been collected by the beginning of 2006. Most of the contributions came from fellow Republican lawmakers and corporations that had pending business with Congress. In November of 2010, DeLay was convicted of money-laundering in a Texas trial and subsequently sentenced to three years in prison.<sup>89</sup> The conviction is being appealed.

The most remarkable aspect of Tom Delay's predations is not what he did, but that the majority of the Republicans in Congress and all of its leaders condoned his activities. His bullying tactics, ethical shortcomings and illegal conduct were disregarded by his peers. They were happy to receive the funds that he doled out, willing to see him browbeat independent party members, and supportive of his partisan attacks on the Democrats. The House Republican leadership, under the direction of Speaker Hastert, even went out of its way to make certain that DeLay would not run afoul of the House Ethics Committee. The chairman and two other Republican members were replaced by new ones who were more partisan and protective of DeLay.<sup>90</sup> The rules governing the committee were also changed, requiring a bipartisan majority

to launch an investigation, whereas previously, only a tie was necessary. This meant that one party could block a probe of any Congressional member, rendering the committee ineffective.

### **Congressman James Traficant**

Democratic Congressman James Traficant of Ohio, initially elected in 1985, was an old-style politician, the “king of the hill” in his district, who did not hide behind a polished veneer. Previously a county sheriff, in 1983 he was indicted for taking payoffs. He was then acquitted at a trial after successfully defending himself, claiming he took the bribes in an undercover operation.<sup>91</sup> In 2002, Traficant was charged in federal court with appropriating campaign funds for his own use and chose once again to act as his own counsel. Belligerent and argumentative at the trial, Traficant was found guilty on ten counts of bribery, racketeering and tax evasion, and given an eight year prison sentence.

### **Congressman Randy “Duke” Cunningham**

Republican Congressman Randy “Duke” Cunningham of California was a highly decorated fighter pilot during the Vietnam War. Two spouses accused him of abuse and obtained restraining orders against him in the 1970s.<sup>92</sup> Elected to Congress in 1990 from San Diego, he defeated the Democratic incumbent Jim Bates who had been tainted by sexual harassment charges.<sup>93</sup> Regarded by the Republicans as an authority on national security, he was given the chairmanship of an intelligence subcommittee and a coveted position on the House Appropriations Committee. In June of 2005, it was disclosed that two years earlier, Cunningham’s house in California had been purchased by defense contractor Michael Wade, the principal in the defense firm MZM, for \$1,675,000.<sup>94</sup> Shortly afterwards, Wade offered it for resale, taking a \$700,000 loss. During this period, MZM suddenly began acquiring defense and intelligence business, with several public oversight groups finding the transactions suspicious. Wade had paid off other real estate loans for Cunningham as well. It was also learned that Cunningham was using a yacht owned by Wade named the “Duke Stir” as his Washington residence where he would bring women for champagne trysts. Questionable relationships between Cunningham and other defense contractors also began to come out. Brent Wilkes, the head of a defense corporation called ADCS, had retired a half million dollar real estate loan of Cunningham’s. He also had a political action committee that contributed many thousands of dollars to Cunningham’s campaigns.<sup>95</sup> Over a period of a few years,

ADCS was able to obtain tens of millions of dollars in defense and intelligence oriented business. In addition to the various gifts and funds Cunningham was given by defense contractors, he was also set up with prostitutes and hotel rooms.

In November 2005, in federal court in San Diego, the defense contractor bribery scandal began to unravel. Cunningham pleaded guilty to multiple criminal counts, including tax evasion, conspiracy to commit bribery, mail fraud and wire fraud.<sup>96</sup> He forfeited his new home in Rancho Sante Fe which had been purchased with bribe money. In addition, he received a prison sentence of eight years and four months, the longest ever for a congressman.<sup>97</sup> He also owed \$1,804,031 in back taxes, penalties and interest, along with \$1,851,508 for the money generated by his crimes. (Cunningham will still receive his congressional pension.)

In February 2006, Michael Wade pleaded guilty in federal court to four felony counts of bribery and election fraud. More than a million dollars in bribes were given to Cunningham by Wade for assistance in acquiring government contracts.<sup>98</sup>

In November 2007, Brent Wilkes was convicted of thirteen felony counts for his role in the defense contractors' bribery scandal and his involvement with Cunningham.<sup>99</sup>

### **Congressman William Jefferson**

William Jefferson, a Democratic Congressman from Louisiana was elected to the House in 1989 and was a member of the Ways and Means Committee. In January of 2006 a former aide of his, Brett Pfeffer, pleaded guilty to two counts of bribery in federal court, revolving around Internet and cable television services in Nigeria.<sup>100</sup> Jefferson was alleged to have sought bribes to provide assistance in that venture and another in Ghana. In May 2006, Vernon Jackson, a Kentucky businessman and head of iGate inc, pleaded guilty to bribing the Congressman. Jefferson had been asked to champion Jackson's business's line of electronic products with federal agencies and West African nations.<sup>101</sup> Over a four year period, Jackson had given \$367,000 to a firm run by members of Jefferson's family in return for his help. The F.B.I. believed that Jefferson had been involved in a number of other schemes. In May 2006, a raid on his home by the agency resulted in the discovery of \$90,000 in bills in the freezer wrapped in aluminum foil. Though Jefferson was removed from his seat on the Ways and Means Committee by a vote of House Democrats and the entire House, he subsequently won re-election from his district in 2006. In June of 2007, he was

indicted by a federal grand jury on sixteen counts of corruption.<sup>102</sup> He was subsequently found guilty in November 2009 and sentenced to thirteen years in prison.<sup>103</sup>

### **Congressman Dennis Hastert**

Dennis Hastert, a conservative Republican from Illinois, was elected to Congress in 1987 and ascended to leadership of the House in January of 1999. In June of 2006, concerns arose about the propriety of some real estate deals in which Hastert had generated a significant profit.<sup>104</sup> He had purchased land through an Illinois trust with partners in 2004, and another parcel in 2005. When they were sold, Hastert made \$1.8 million in profit on a \$1.3 million investment over two years. Hastert's financial disclosure form for 2005, required by Congress, did not list the trust. Of interest, Hastert had long supported a road in the region that would connect two major parkways and make access to the area easier. In 2005, he utilized an earmark to designate \$207 million in federal funding for the proposed "Prairie Parkway" near the land he had purchased. Hastert and his spokesmen denied any conflict of interest or ethical infractions. He did not stand for re-election in 2008.

### **Senator Harry Reid**

Democratic Senator Harry Reid of Nevada entered the Senate in 1986, became the Minority Leader in 2004 and Majority Leader in 2007. He was one of many legislators tainted by Abramoff and his operatives. His efforts included intervening with the government for Abramoff's Indian tribes and discussing legislation regarding the Northern Marianas with Abramoff's partners.<sup>105</sup> He also sent letters on tribal matters to try to sway decisions by officials in the Bush Administration. Reid received almost \$68,000 in contributions from Abramoff's clients, firm and partners. And the timing of these funds appeared to coincide with specific actions taken by Reid. One of Reid's staffers was also hired by Abramoff's firm as a lobbyist and hosted a fund raiser for Reid at the firm.

In October of 2006, it was reported that Reid was employing campaign funds to give Christmas bonuses to the staff at his hotel-condominium in Washington. This is illegal under federal election law.<sup>106</sup> Reid declared it had been a clerical error and his office said he would make personal restitution for the \$3300 taken by mistake. Reid was also under fire because of a real estate deal in Nevada. A \$400,000 investment in 1998 returned a \$700,000 profit several years

later, but these transactions were not listed on required financial disclosure statements.<sup>107</sup> (He was elected Majority Leader after the above information was available.)

### **Senator Bill Frist**

William Frist, a Tennessee Republican began his Senatorial career in 1995.<sup>108</sup> He had been a transplant surgeon whose family had started HCA, the multi-billion dollar Hospital Corporation of America. (HCA was the subject of a number of federal investigations because of alleged fraudulent billing of Medicare and Medicaid, resulting in \$1.7 billion in fines.) Though Frist deflected questions of conflict of interest, he repeatedly backed legislation that favored the family business, such as raising Medicare payments to for-profit hospitals like HCA. In December 2002, Frist became Senate Majority Leader replacing Trent Lott and the continuing investigation of HCA by federal agencies ended. After he entered the Senate, Frist announced that his HCA shares, worth more than \$10 million, would be held in a blind trust. But in June of 2005, as the stock attained a new high, Frist asked the managers of his trust to sell his shares.<sup>109</sup> This was fortuitous as several weeks later, lower than expected earnings caused the company's price to plummet. Concerns about insider trading and a cover-up were raised by the timing of the sale, which Frist and his spokesmen denied. He did not run for re-election in 2006.

### **Congressman Alan Mollohan**

Democratic Congressman Alan Mollohan of West Virginia succeeded his father in 1982 when the latter retired after sixteen years in the House.<sup>110</sup> He attained a seat on the Appropriations Committee and was the ranking Democratic member of the Ethics Committee. In February of 2006, the National Legal and Policy Center, a conservative legal group, charged Mollohan with ethics violations. The group reported Mollohan had inaccurately divulged his assets on financial disclosure documents, noting multiple misrepresentations, including failure to list assets and grossly undervaluing some assets.<sup>111</sup> His net worth, estimated as at least \$562,000 in 2000, grew to at least \$6,313,000 in 2004 (and as much as \$25 million). The report stated- "The bottom line is that Mollohan got very wealthy in a four year period. His account of his finances during this period is demonstrably false." In April 2006, Mollohan resigned from the House Ethics Committee under pressure after his earmarks were shown to have channeled \$250 million into five non-profit organizations he had created.<sup>112</sup> Over a ten year period beginning in 1997, nearly \$400,000 was

donated to Mollohan's campaign and political action committees by executives, board members, and firms doing business with these organizations. In June of 2006, Mollohan submitted revisions to his six previous financial disclosure documents, saying his accountant had come up with "a relative handful of unintentional and immaterial mistakes."<sup>113</sup> Though under investigation by the F.B.I. and other federal agencies, he was re-elected by his district to Congress in 2006 with 64% of the vote. Re-elected again in 2008, he lost in the Democratic primary in 2010.

### **Senator George Allen**

Republican Senator George Allen of Virginia lost to Democrat Jim Webb in 2006 after a series of blunders. In August, while on the campaign trail, Allen twice called a man of Indian descent in the crowd a "macaca," a racial slur.<sup>114</sup> This incident led a number of prior associates of Allen's to label him a racist, because of his past attitudes, behavior, and use of racial slurs. It was also discovered that Allen had failed to report stock options he held on his Senate financial disclosure forms. And on two occasions he did not notify the SEC promptly about insider stock sales at two corporations of which he was a director.<sup>115</sup> As governor of Virginia previously, Allen had helped two local companies with state grants and bonds. Coincidentally, he was given positions on their boards of directors with stock options when his term ended, making a windfall of \$250,000 on one of the stocks he received.

### **Congressman Jerry Lewis**

Republican Representative Jerry Lewis from California became Chairman of the Defense Appropriations Subcommittee in 1999 and Chairman of the full House Appropriations Committee in January of 2005.<sup>116</sup> He was rated one of the most corrupt members of Congress by a watchdog group, Citizens for Responsibility and Ethics in Washington (CREW). CREW noted of Lewis- "His ethics issues stem primarily from the misuse of his position as Chairman of the House Appropriations Committee to steer hundreds of millions of dollars in earmarks to family and friends in direct exchange for contributions."<sup>117</sup> A federal investigation alleged that Lewis directed lucrative defense contracts to clients of lobbyist Bill Lowery (a former Congressman) and his firm. Hundreds of thousands of dollars were donated to Lewis's PAC and campaign committees in return.<sup>118</sup> But the probe was subsequently dropped by the Department of Justice in December 2010.<sup>119</sup>

In October of 2002, Lewis criticized a proposed \$8.8 billion program, the Navy-Marine network, and it appeared as if money would not be allocated for it. However, in June of 2003, the Defense Appropriations Subcommittee, headed by Lewis, left the funding intact. A New York private investment company, Cerebrus Capital Management, had a major interest in the project and this was communicated to Lewis. In early July, after the appropriation was passed by the committee, Cerebrus generated \$110,000 at a fund raiser for Lewis. The next day, the House approved the defense spending bill which contained Cerebrus's project. An additional \$20,000 was raised for Lewis's PAC in the weeks afterward. The National Republican Congressional Committee received another \$70,000 from Cerebrus in April 2004.

### **Congressmen Richard Pombo**

Richard Pombo, a conservative Republican from California was also labeled by CREW as one of the most corrupt members of Congress.<sup>120</sup> The Congressman had a profitable relationship with Abramoff and received campaign funding from him.<sup>121</sup> And Pombo neglected to disclose the cost of travel abroad picked up by lobbyists, and paid members of his family from political accounts.<sup>122</sup> He went to the Northern Marianas as a guest of Abramoff's clients, who provided him with campaign contributions as well. Pombo also utilized campaign funds to compensate his wife and brother to the tune of \$350,000 over a four year period for their help with his campaigns. As an ally of Tom DeLay, he was elevated to the Chairmanship of the House Resources Committee, bypassing seven other committee members with seniority. Subsequently, he donated to DeLay's legal defense fund and supported the revision in House ethics rules to protect the Majority Leader. Favoring mining, timber and ranching interests, much of his campaign funding came from these groups. Pombo lost his bid for re-election to Congress in 2006.

### **Congressman John Doolittle**

Republican John Doolittle, a Congressman from California, was the Deputy Majority Whip and on the House Appropriations Committee.<sup>123</sup> Another ally of Tom DeLay, he was also cited by CREW as one of the most corrupt congressmen. Abramoff gave \$14,000 directly to Doolittle's campaigns with another \$50,000 coming from Abramoff's clients from 1999-2004.<sup>124</sup> Doolittle's wife Julie was used as an event planner by Abramoff and acted as a fundraiser for her husband. For the latter job, she received a 15% commission on whatever she brought in, about \$180,000 over a

five year period. The defense contractor Brett Wilkes sponsored a fundraiser for Doolittle in November of 2000. He and his associates also donated at least \$118,000 to Doolittle from 2002-2005. During this period, Doolittle directed defense funds of \$37 million to Perfect Wave, one of Wilkes' companies. This funding had never been requested by the military and there was no evidence of their interest in Perfect Wave's technology. But the money was earmarked by Doolittle to eliminate outside scrutiny and congressional debate.

From 1999 to 2002, Doolittle, Pombo and Tom DeLay formed a troika of opposition to an investigation by banking regulators of the activities of Charles Hurwitz, a millionaire Houston banker.<sup>125</sup> The FDIC was pursuing Hurwitz for \$300 million, seeing him as liable for the failure of a Texas savings and loan that taxpayers bailed out for \$1.6 billion. DeLay sent a letter to the head of the FDIC in 1999 requesting a halt to the investigation. When the probe continued, Doolittle and Pombo subpoenaed confidential documents of the FDIC relating to Hurwitz' culpability. They then placed this data in the Congressional Record, making it public and available to Hurwitz' lawyers, destroying the basis of the case. The action was subsequently dropped by the FDIC with its spokesman describing Doolittle and Pombo's actions as "a seamy abuse of the legislative process."<sup>126</sup> Hurwitz contributed large sums to DeLay and his political committees, with lesser amounts to Pombo and Doolittle. Doolittle was re-elected to Congress in 2006 and 2008, but declined to run in 2010.

### **Congressman Doc Hastings**

Republican Congressman Doc Hastings of Washington State was appointed Chairman of the Ethics Committee by Speaker Hastert and the Republican leadership in early 2005. This was in spite of the fact that he had close ties to Tom DeLay and had contributed to his legal defense fund. Hastings was also involved with Jack Abramoff's lobbying team and made statements in the Congressional Record in 1996 supporting the position of Abramoff's clients against raising the minimum wage in the Northern Marianas.<sup>127</sup> For that he received more than \$14,000 in campaign contributions from Abramoff and his associates. Hastings also worked with lobbyists at a Seattle law firm that was linked to Tom DeLay and provided Hastings with extravagant trips abroad.

### **Congressman Harold Rogers**

Republican Congressman Harold Rogers of Kentucky has been serving in the House since 1981 and became chairman of the subcommittee that oversees the budget of the Homeland Security Department in 2003.<sup>128</sup> Over several years, in an attempt to help companies that donated to his campaigns, he directed work on a tamper proof ID card to some of these firms. This was even though the expertise existed elsewhere, delaying the card's introduction. About \$100,000 was given to Rogers by firms and individuals connected to the development of these ID cards. He also channeled government business to a company in Kentucky that had hired his son. Eleven trips, six of them to Hawaii, were paid for by a firm for whom he arranged no-bid contracts. Labeled the "Prince of Pork" by the Lexington (Kentucky) Herald Leader, he has been chastised by both liberals and conservatives for disregarding important national priorities in favor of his personal interests.<sup>129</sup> Rogers also received \$32,000 in contributions from Indian clients of Abramoff's. When the Republicans re-gained control of Congress in 2010, Speaker John Boehner appointed Rogers Chairman of the full House Appropriations Committee, one of the most important government posts.

### **Congressman Curt Weldon**

Congressman Kurt Weldon, a Republican from Pennsylvania, was reported under investigation by the F.B.I. in 2006. This was for allegedly using his office to assist his daughter's lobbying firm in acquiring work from foreign corporations and aiding certain businesses in obtaining government contracts.<sup>130</sup> In 2006, he was named by CREW as one of the twenty most corrupt congressmen and was the subject of a grand jury investigation as late as 2008. Weldon had arranged to have thirty congressmen attend a dinner at the Library of Congress in September of 2002 to fete the chairman of a Russian energy company. The company hired Karen Weldon's firm a few days later. Weldon also lauded the company in a Congressional speech that year and traveled to its headquarters in Russia. His daughter's business received almost \$1 million in lobbying fees from the Russian company and some other Eastern European corporations.<sup>131</sup>

Weldon was linked as well to the Italian defense conglomerate, Finmeccanica, and other Italian companies trying to obtain federal contracts. He aided a Finmeccanica subsidiary in its bid to build the Marine One presidential helicopter. The company engaged his daughter as its lobbyist shortly afterward. The largest donors to Weldon's 2006 campaign were executives at Finmeccanica subsidiaries in America and their spouses, who gave over \$20,000. A good friend of Weldon's,

Cecelia Grimes, was enlisted as a lobbyist by another branch of Finmeccanica and paid \$60,000, even though she had no lobbying experience. Finmeccanica rewarded Weldon for his help by having its American subsidiaries build their new plants in his Pennsylvania district. Weldon was defeated in his bid for re-election in 2006.

### **Congressman Rick Renzi**

Republican Rick Renzi was first elected to Congress in 2002 from Arizona. The next year, he promoted legislation that directed hundreds of millions of dollars to his father's firm, a communications company called ManTech.<sup>132, 133</sup> (His father, a retired general, was the executive vice-president.) Personnel from ManTech were major donors to Renzi's campaigns in 2002 and 2004. Renzi was also investigated for a land swap deal for which he initiated legislation in Congress that would benefit an investor friend.<sup>134</sup> He was indicted on charges related to this while serving as co-Chairman on John McCain's Arizona presidential campaign. Renzi did not run for re-election in 2008. In addition, it was discovered that Renzi embezzled hundreds of thousands of dollars from clients of the insurance firm he owned to fund his campaigns for Congress starting in 2002.<sup>135</sup>

### **Senator Conrad Burns**

Republican Conrad Burns won a Senate seat from Montana in 1988, espousing term limits and promising to serve only two terms. Standing for re-election in 2000, he said that the circumstances had changed. Time Magazine in April of 2006 labeled Burns as one of the five worst senators and he was also listed as one of the most corrupt members of Congress by CREW.<sup>136</sup> Burns was given almost \$150,000 from 2001-2004 by Abramoff and his clients while Chairman of the Appropriations Subcommittee on the Interior, which handles funding for Indian tribes.<sup>137</sup> (He was also a frequent visitor to Abramoff's restaurant, Signatures, where he enjoyed numerous free meals.) Contributions by the Indians were further augmented over the next two years. Burns helped one tribe get \$3 million from the federal government for a tribal school through an earmark in a bill, and was given \$32,000 for this in political contributions. Burns was defeated when he ran for re-election in 2006

### **Congressman John Boehner**

Republican John Boehner of Ohio, elected Speaker of the House when the Republicans regained control in 2010, entered Congress in 1991. He was one of a group of conservatives outspoken in their opposition to Congressional perks. Elected House Majority Leader in February 2006 to succeed Tom DeLay, he painted himself as a reformer who would end ethics violations and corruption. Boehner himself, however, had a history of misconduct. As the House was debating a vote on tobacco subsidies in June of 1995, he gave out checks from tobacco lobbyists as campaign contributions to other Congressmen on the House floor.<sup>138, 139</sup> He also accepted over \$31,000 for his PAC from four Indian tribes who were Jack Abramoff's clients. But even more egregious was a fundraiser held for Boehner in October 2004 by a lobbyist for the student loan company Sallie Mae while Boehner was Chairman of the House Education Committee. Thirty four Sallie Mae executives wrote checks to his PAC at this event. At the time, Boehner's committee was considering a change in the student loan program. This would have enabled students to bypass Sallie Mae and the banks, and get the loans from their schools. Boehner told the executives he was going to sponsor a bill to impede the direct loan programs, in spite of studies that showed these programs to be less costly to the government than arrangements like Sallie Mae's.

After taking over for DeLay as Majority Leader, Boehner continued to court lobbyists to increase funding for his campaign and PACs.<sup>140</sup> He was able to generate over \$10,000 per day which exceeded DeLay's efforts. In addition to the Indian tribes, Boehner's largest contributors were lobbying firms, drug companies and cigarette makers, defense businesses, oil companies, banks and health insurance companies. In March of 2006, Boehner attended a convention of commodity traders at a golf resort in Boca Raton, Florida. These firms and individuals gave over \$100,000 to Boehner's political committees and were opposed to a proposed tax on futures transactions. At the gathering, Boehner assured the traders that the tax measure would not be enacted by Congress. Boehner has also enlisted two lobbyists from the financial and insurance industries for his campaign committees. One of these, Amy Hobart, worked at the Bond Market Association. The group gave \$50,000 to Boehner and lobbied for a bill he introduced undoing some of the limitations placed on pension fund managers in regards to their investments. Many of Boehner's aides have obtained jobs with lobbying firms, lobbying him and other congressmen for the special interests they represent.

When he was running for Majority Leader, Boehner drafted a document that went out to all Republican Congressmen delineating what he considered to be ethically permissible. Having close

relationships with lobbyists was felt to be reasonable by Boehner. Travel paid for by lobbyists or special interests was also listed as acceptable. Indeed, Boehner was noted to have taken thirty-nine trips from 2000 to 2006, while DeLay took eighteen and Hastert only two.

### **Congressmen Involved in Defense Contractors Bribery Scandal**

Though less far reaching than the Abramoff affair, a number of Congressmen and Senators were given funds by the defense contractors Mitchell Wade and Brent Wilkes, co-conspirators in the corruption conviction of Congressman Randy Cunningham. In an attempt to distance themselves from this scandal, many of the recipients of these funds donated equivalent amounts to charity.<sup>141</sup> Among those who gave away money were- Representative Virgil Goode, Republican of Virginia, \$90,000, Representative Jerry Lewis, Republican of California, \$60,000, Representative Katherine Harris, Republican of Florida, \$51,000, Representatives Duncan Hunter and Ken Calvert, Republicans of California, \$62,500, and Senator Larry Craig, Republican of Idaho, \$43,000. Representative Roy Blunt, the Republican Whip from Missouri refused to return the \$14,000 he received as did Representative Jerry Weller, Republican of Illinois who was given \$27,500. Wilkes has said that “he was a willing participant in what he characterized as a ‘cutthroat’ system in which campaign contributions were a prerequisite for federal contracts.”<sup>142</sup> He noted that the appropriations process was like a shakedown where lobbyists asked businessmen to donate money to PACs and campaign committees in order to insure government contracts. Many of these deals were realized through the use of earmarks by congressmen that were subject to little scrutiny.

### **The Foley Scandal**

The scandal involving Republican Congressman Mark Foley of Florida erupted shortly before the mid-term elections of 2006.<sup>143</sup> Two ethical issues were raised by Foley’s conduct. The first concerned the actions of Foley himself and whether they were criminal in nature, or simply inappropriate. The second pertained to the handling of the matter by Speaker Hastert and the Republican leadership, and whether any cover-up had taken place. Foley was at the very least guilty of ethical lapses and terrible judgment in sending sexually suggestive email messages to teenage, male congressional pages. The matter came to light on ABC’s Evening News at the end of September. Foley had been co-chairman of the House caucus on missing and exploited children, and had championed severe punishment for individuals who used the Internet for sexual

interactions with children. The Majority Leader, John Boehner, and the chairman of the National Republican Congressional Committee, Thomas Reynolds acknowledged they had been aware of the messages. And Reynolds insisted that he had spoken to Speaker Hastert about it.<sup>144</sup> Hastert on the other hand, denied knowing about Foley's conduct and did not recall any discussion with Reynolds.<sup>145</sup>

As soon as his messages became public, Foley resigned from the House and went into seclusion in Florida. In October, the F.B.I. began an investigation to learn if any federal laws had been violated, with the House Ethics Committee also looking into the problem. As the matter continued to unfold, Foley revealed that he was gay and had been sexually molested as a youngster by a Catholic priest. More evidence emerged as well about Foley's contacts and messages with other pages and his attempts to foster relationships with them. The inquiry by the House Ethics Committee concluded with a report in December 2006 noting that Hastert and other Republican leaders had been negligent, but had not broken any House rules. The Republicans lost the Congressional seat in Foley's Florida district in the 2006 election.

### **Sex Scandals of 2007**

Two Conservative Republican Senators who are staunch supporters of family values, David Vitter of Louisiana and Larry Craig of Idaho, were involved in sexual transgressions during 2007, eliciting different reactions from their peers. Vitter's name turned up on a list of patrons of an escort service in July that the government had alleged was a front for prostitution.<sup>146</sup> Admitting serious past sins, Vitter issued a statement saying he had asked for and received forgiveness from God and his wife, and continued his duties in the Senate with no repercussions. (Interestingly, Vitter had been elected to Congress in 1999 to replace Bob Livingston who had resigned in an adultery scandal. In 2002, Vitter had dropped out of the race for governor when a local newspaper ran an article about his involvement with a prostitute. Then in 2004, he had been elected to the Senate in spite of similar accusations which he had denied.) He was re-elected Senator from Louisiana again in 2010 notwithstanding the prostitution scandals.

Larry Craig was arrested in an undercover sting operation in a Minneapolis airport bathroom, accused of soliciting sex from a police officer. Pleading guilty to disorderly conduct, Craig was shunned by his Republican colleagues in the Senate and asked to resign when his

actions became public.<sup>147</sup> Though initially it appeared he would comply, he later decided that he would serve out his term in spite of G.O.P. pressure.

### **Alaska Politicians**

Alaska Republican Senator Ted Stevens, a major supplier of pork and earmarks to his state, was investigated by the FBI in 2007 because of his relationship with a businessman who received millions of dollars in federal contracts and remodeled Steven's home.<sup>148</sup> Stevens was involved in other corruption probes as well. In October 2008, Stevens was convicted by a jury of perjury, but remained in the Senate until he was defeated in his bid for re-election. His guilty verdict was eventually overturned because of prosecutorial misconduct, though some of Steven's actions remain questionable. He died in a small plane crash in Alaska in August 2010 before any other legal action could be taken.

The other Alaskan Senator, Republican Lisa Murkowski, sold back a parcel of land to a businessman that she had purchased for about half its value, after the issue was raised with the Senate Ethics Committee.

Republican Congressman Don Young has been named a number of times as the subject of investigations for corrupt activities, including possibly accepting bribes and illegal gratuities.<sup>149</sup> This is the same congressman who was one of the congressional leaders in generating pork, including a \$230 million dollar bridge in Alaska to be named after him. He also placed a \$10 million earmark in a bill in 2006 for a road improvement in Florida that would benefit a real estate developer who delivered \$40,000 in funds for Young. Young has been repeatedly noted by CREW to be one of the most corrupt congressmen but is re-elected regularly by his constituents.

### **Corruption in Dismissal of Federal Attorneys and Selective Prosecution**

The dismissal of seven federal attorneys by Attorney General Alberto Gonzales should be considered acts of political corruption. These regional federal attorneys, who had been appointed by President Bush, were supposed to be neutral servants of the people. They had been given excellent assessments by their superiors prior to be fired and there was no obvious cause for their dismissal. However, evidence subsequently mounted showing that the firings had been politically motivated. They were fired because they had pursued Republican politicians too vigorously, had not gone after Democrats, or had not followed through on voter fraud cases that might have

damaged Democratic candidates. Gonzales' testimony about this matter before Congressional investigating committees was contradicted by several of his subordinates, yet he refused to explain the discrepancies. Eventually, he resigned from his position still lauded by President Bush.

There were also questions raised of selective prosecution of Democratic political figures by other federal attorneys to aid Republican candidates.<sup>150</sup> Don Siegelman, a former Democratic governor of Alabama, was unable to run for the post again in 2006 because of an indictment by a U.S. Attorney and a trial that began one month before the Democratic primary.<sup>151</sup> Siegelman was subsequently convicted on one charge of corruption for appointing a local businessman to a state hospital board who had contributed to a campaign backing a state lottery to fund education. (Appointing campaign contributors to various government positions by elected officials is common practice and generally does not warrant prosecution.) A Republican lawyer in Alabama testified that she overheard "prominent Republicans plotting to use the United States attorney's offices to remove Mr Siegelman as a political threat."<sup>152</sup> Fifty-two former states attorney-generals have asked Congress to investigate what they feel is a miscarriage of justice.<sup>153</sup>

Attacks on the Democratic governor of Wisconsin, Jim Doyle, resulted from a case brought against a state civil servant, Georgia Thompson, by the U.S. Attorney's office, involving a contract given to a Democratic supporter. This occurred during the governor's re-election campaign and damaged his effort. Wrongly convicted, the case was thrown out by an appeals court and Thompson was freed after the election.

Republican Richard Thornburgh, who was Attorney General for Ronald Reagan and the first George Bush, also charged that the Justice Department under Alberto Gonzales was targeting Democrats in Pennsylvania for corruption investigations for political reasons.<sup>154</sup> Thus, a number of different sources with no partisan objectives accused the Justice Department during the Bush administration of using its power for illegal political ends.

## **The Obama Years- 2009 On**

### **Representative Charles Rangel**

In November 2010, action was finally taken against Democratic Representative Charles Rangel of New York who had evaded taxes, failed to make accurate statements on his Congressional financial disclosure forms, was involved in improper fund raising and other unethical activities.<sup>155</sup> He was censured by the House Ethics Committee and then the entire House, but was not forced to resign. At present, it appears that no criminal prosecution against him will be forthcoming. He was re-elected to the House in 2010 by his constituents.

### **Senator John Ensign**

Senator John Ensign, Republican of Nevada, carried on an affair with the wife of one of his staff members, Doug Hampton, during 2007 and 2008.<sup>156</sup> After Hampton confronted him, Ensign admitted the affair. He then helped Hampton find another job as a lobbyist with Ensign's campaign donors though it is illegal for aides to lobby for a year after leaving their positions. In addition, Ensign's parents gave the Hamptons \$96,000 they claimed was a "gift." Going against the advice of their lawyers, the Federal Election Commission voted in November of 2010 not to pursue charges that Ensign violated campaign finance laws.<sup>157</sup> Subsequently, the Justice Department dropped the case, leaving it up to the Senate Ethics Committee to take action against Ensign. As of July 2011, nothing had been done. Ensign will not run for re-election to the Senate in 2012.

### **Representative Maxine Waters**

The House Ethics Committee has been investigating Representative Maxine Waters, Democrat of California, for several years on charges of corruption.<sup>158</sup> The Congresswoman, who serves on the House Financial Services Committee, pushed a bailout bill for a bank in which her husband had a substantial interest. This was in spite of being warned by the committee's chairman not to get involved. A hearing on the matter by the Ethics Committee was delayed in November of 2010, without a specific date being given on when it would take place. The investigation was apparently continuing with new email evidence having been uncovered.

### **Representatives Mike Fitzpatrick and Pete Sessions**

The Republicans, who re-gained control of Congress in 2011, pledged to eliminate earmarks and rein-in unethical conduct. However, Republican Representatives Mike Fitzpatrick of

Pennsylvania and Pete Sessions of Texas on the first day of Congress, failed to appear for the swearing-in ceremony.<sup>159</sup> The reason for this “oversight” was a campaign fund raising party they were holding at the Capitol visitor’s center, an event that is prohibited by House rules. In addition, they voted on a number of measures before taking their oaths of office, their votes subsequently nullified when it was realized that they had never been sworn in. No action has been taken against them by the Republican House leadership or the Ethics Committee.

### **Sexual Improprieties 2010-2011**

In March 2010, Democratic **Congressman Eric Massa** of upstate New York’s 29<sup>th</sup> Congressional district resigned after being accused by male staff members of sexual harassment and inappropriate groping.<sup>160</sup>

Republican **Congressman Mark Souder** of Indiana, a married evangelical Christian, resigned from Congress in May 2010 following an extramarital affair. The eight term Congressman used his district office for sex with one of his staff members.<sup>161</sup>

Married Republican **Congressman Chris Lee** of New York’s 26<sup>th</sup> Congressional district resigned from the House In February 2011 after soliciting sexual relationships on Craig’s list. He had sent shirtless pictures of himself to women, lying about his occupation and marital status.<sup>162</sup>

Married Democratic **Congressman Anthony Weiner** stepped down from Congress in June 2011 after it was revealed that he had been sending semi-nude photos of himself over the Internet to a number of women promoting sexual relationships.<sup>163</sup>

### **Bush Administration’s Office of Political Affairs**

In January 2011, the Office of the Special Counsel, an independent government agency, found that the Bush administration’s Office of Political Affairs operating under the aegis of Karl Rove, regularly violated the Hatch Act prohibiting the use of tax dollars for political activities.<sup>164</sup> In actuality, this White House office had acted as an arm of the Republican National Committee. It had been deeply involved in election campaigns and partisan political activities, with federal employees working for the party on government time. Since those responsible, including Karl Rove, no longer hold federal offices, it is uncertain whether or not the Justice Department will pursue charges, though the conduct of the participants was clearly illegal.

### **Department of Justice Inaction in Corruption Cases**

Subsequent to the Department of Justice's reversal of its case against Senator Ted Stevens of Alaska because of prosecutorial misconduct, the agency has appeared reluctant to seek indictment in other cases of congressional corruption.<sup>165</sup> In December 2010, the Department dropped charges against Republican Senator John Ensign of Nevada who had seemingly violated lobbying laws. In addition, Republican Congressman Jerry Lewis of California who had helped campaign donors acquire government contracts was let off the hook. Federal corruption investigations were also terminated against former Democratic Congressman Alan Mollohan of West Virginia, Republican Congressman Don Young of Alaska and former Republican Tom DeLay of Texas. However, the latter had been convicted on state corruption charges. Another case, regarding Indiana Democratic Congressman Peter Visclosky, who had been subpoenaed in 2009 about helping defense contractors obtain federal business in return for campaign contributions, was still in abeyance.

The Department of Justice has also not been aggressive about going after the major culprits involved in the financial meltdown, though some of the lesser figures have been indicted or convicted.<sup>166</sup> Men like Angelo Mozillo of Countrywide, Richard Fuld of Lehman Brothers, Richard Prince of Citibank, Franklin Raines of Fannie Mae, along with numerous others have escaped unscathed, with tens to hundreds of millions of dollars or more in assets. None of the top executives from any of the investment banks have paid a price for any wrongdoing. This is in spite of the fact it is obvious that significant manipulation of corporate finances, misleading statements and outright lying occurred. (Angelo Mozillo's case was dropped by the Justice Department in February of 2011 though email messages revealed that he knew about the toxic mortgages that were being issued by his company and did nothing to halt them or warn investors about them.<sup>167</sup>)

### **Presidential Pardons**

Presidential pardons amount to a sidestepping of the judicial process. For various reasons, individuals are absolved of illegal activity by a decision of the president, overriding a judge and jury, or avoiding a trial. Two recent presidential actions appear particularly egregious. The first occurred in the waning days of Bill Clinton's administration in 2000 when he pardoned the fugitive financier Marc Rich. Rich had fled the United States in 1983 and had been living in Switzerland. He had been indicted for evading over \$48 million in taxes, multiple counts of tax fraud, and

illegal trading with Iran at the time of the hostage crisis.<sup>168</sup> Though he had never served jail time nor taken responsibility for his actions, Clinton pardoned Rich just before he left office at the urging of Rich's former wife Denise. Because the latter had been a major fund raiser for the Democrats and Clinton, and had made a large donation to the Clinton presidential library, the pardon drew heavy criticism across party lines. Needless to say, nothing ever came of it and the matter soon receded from public consciousness.

In July of 2007, George Bush commuted I. Louis Libby's two and a half year prison sentence after he was convicted of perjury and obstruction of justice in the CIA leak case.<sup>169</sup> Libby had been Vice President Cheney's chief of staff and had apparently lied to investigators probing the way CIA agent Valerie Plame's cover was blown. While not issuing a full pardon, Bush overturned the results of a jury trial, saying the sentence was excessive. The Republican federal prosecutor, Patrick Fitzgerald, rebuked Bush, declaring in a statement, "It is fundamental to the rule of law that all citizens stand before the bar of justice as equals."<sup>170</sup> While many conservatives applauded Bush's action, it reinforced the belief of others that Bush and his administration thought they were above the law.

### **The Current Climate for Ethics Reform**

Democratic Speaker-Elect Nancy Pelosi trumpeted ethics reform by Congressional Democrats after the November 2006 election victory. Yet both candidates for Majority Leader had questions raised about their past conduct.<sup>171</sup> Pelosi supported Congressman John Murtha over Steny Hoyer for the post in spite of Murtha's involvement in the Abscam scandal and questionable deals on the House Appropriations Committee. Murtha had also opposed serious ethics reform in the past. Hoyer had been cited by the oversight group Public Citizen for accepting more than \$5.6 million from lobbyists and PACs since 2000; one of the Congressional leaders in that category. Murtha had received about half of that amount. Hoyer won the election by the Democrats in the House and became the new Majority Leader.

With Republican ascension in the House in 2011, Speaker John Boehner appointed people to leadership positions of questionable ethical stature. The most prominent of these was Harold Rogers of Kentucky who was given the chairmanship of the powerful House Appropriations Committee. Of course, as previously noted, Boehner himself was guilty of significant ethical missteps before he became Speaker.

The New York Times noted in a June 2006 editorial that in “over just five and a half years, lawmakers and members of their staffs went on 23,000 ‘fact-finding’ trips worth almost \$50 million, with the tab picked up by private sponsors intent on capturing legislative access and favors.”<sup>172</sup> Expense-paid fact-finding proved particularly irresistible in Paris, the destination of more than 200 trips, Hawaii (150) and Italy (140). Food and wine were included along with expensive hotel rooms and travel at times on corporate jets. This abuse is one of the few activities in Congress that had bipartisan support.

The Congressional session in August of 2007 produced an ethics reform bill to eliminate travel infractions, but did not address the hard issues like limiting earmarks or increasing the period that elected officials must wait before becoming lobbyists. And as soon as the measure was passed, members of congress and lobbyists were looking for methods to subvert the intention of the bill and trying to find ways to hide their earmarks.<sup>173</sup> In addition, members of congress began boasting of their ability to generate earmarks as a sign of their power in Washington.<sup>174</sup> The top producer of pork was Democratic Representative John Murtha of Pennsylvania, chairman of the House Appropriations subcommittee on defense, who delivered \$163 million in pet projects, topping his previous record by over \$60 million. Though Democratic spending on earmarks was much less than the Republicans in 2005 when they controlled Congress, it far exceeded the levels of ten years earlier, with funds for projects that seem ludicrous. Among these were \$50,000 for the National Mule and Packers Museum in Bishop, California, \$150,000 for the Burpee Museum of natural history in Rockford, Illinois, \$750,000 for the Alliance for NanoHealth in Houston, Texas, and numerous others that should be outside the purview of the federal government. (Rahm Emanuel, the chairman of the House Democratic Caucus at that time, defended the use of earmarks by members of Congress in an Op-Ed piece in the New York Times in August 2007 in response to criticism of the newly passed ethics bill.<sup>175</sup>) The Republican dominated House in 2011 promised to eliminate all earmarks, but it remains to be seen whether House members won’t find some other ways to dispense pork.

Reform of lobbying and campaign financing need to go hand in hand, but any attempt at effective measures are met with resistance from legislators who are already elected and know how to play the game to raise funds. Though the reform bill of 2007 makes life slightly more difficult

for lobbyists, they do not block the avenues used to corrupt the two established parties and influence government action. While lobbyists are prohibited from giving gifts, meals and trips to members of Congress and have certain reporting requirements, there are no restrictions on fund raising or bundling of contributions. There has also been no change in the one year hiatus before a former member of Congress or senator can go to work lobbying his or her ex-colleagues, with the big paydays this generates.

No matter what they say to the press and their constituents when Congressional misconduct is in the headlines, it is obvious that the vast majority of senators and members of Congress in both parties are content with the system the way it is. While they are willing to approve cosmetic measures, they don't want stringent oversight of ethics, true campaign finance reform, or constraints on lobbying. Having failed repeatedly in the past, it is highly unlikely that the necessary changes will ever come from within the ossified structure of America's political system which needs a bone-rattling shake-up. A centrist third party entering the scene and threatening the status quo can provide the impetus for change. *Resurrecting Democracy- A Citizen's Call for a Centrist Third Party* explains how this could be done.

These two addenda were brief examinations of the ethical disarray and corruption in Washington involving America's two political parties and the legislative and executive branches of the federal government.

America is waiting for clean government and honest politicians.

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