

Abolish Pelosi's Racist OCE Hit-Squad—Now!

by Edward Spannaus

Aug. 9—When Rep. Marcia Fudge (D-Ohio) and 19 other members of the Congressional Black Caucus introduced a bill in June to curtail the powers of the Office of Congressional Ethics, she denounced the OCE operations as being inconsistent with America's "spirit of justice."

"OCE is currently the accuser, judge, and jury," Representative Fudge declared. "This isn't the case in the American justice system, and it shouldn't be so in Congress."

Similarly, in an Aug. 5 *Time* magazine profile on Leo Wise—the former Justice Department prosecutor who now is the OCE's staff director and general counsel—reporter Jay Newton-Small reports that "members of Congress complain that Wise's OCE reports are written more as an indictment than a straight reading of the facts," which simply provides fodder for the press to smear members of Congress.

Lyndon LaRouche denounced the OCE as unconstitutional in a July 30 statement, and called for it to be "uprooted" and abolished. (See "Obama Revives Frühmenshen," *EIR*, Aug. 6, 2010.)

How did it come to pass that the House of Representatives created such an "independent" political hit-squad, that can target Members of the House based on anonymous complaints or newspaper stories? Why did the House ever pass legislation creating such a monster?

The fact is that it *didn't*. A majority of House members actually voted down the legislation creating the OCE, before House Speaker Nancy Pelosi (D-Calif.) violated her own rules, in order to bully and threaten her own caucus members to ram it through. Here is the sordid, untold story of how it happened.

Pelosi's Evil Scheme

When the Democrats took over Congress after the 2006 mid-term elections, there was a groundswell—partly real, partly manufactured—to reform the House's internal ethics procedures, in the wake of Republican covering up and stalling on the genuine scandals revolving around Jack Abramoff and then-Speaker Tom DeLay (R-Tex.).

Using the public disgust over Congressional corruption as a pretext, Pelosi created a "Special Task Force on Ethics Enforcement" in January 2007, charging it with studying proposals to create an independent agency within the House to investigate House Members—all this on the assumption that the House could not police itself.

When it started considering these schemes to create an independent office run by outsiders, who were not Members of Congress, the Task Force quickly ran into a sticky little problem: the United States Constitution. Article I, Sec. 5, Clause 2 states clearly: "Each House may determine the Rules of its Proceedings, punish its



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House Speaker Nancy Pelosi (right) rammed through the unconstitutional creation of the Office of Congressional Ethics (OCE), which is now being used against African-American Congressmen. Accusations can even be anonymous, as in the Venice of the Doges, when denunciations dropped into the mouth of the famous lion at St. Mark's Square could lead to the victim's imprisonment—or worse.

Members for Disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.” And the House, of course, under Article I, Section 2, is composed *only* of Members who are elected every two years.

At the one public hearing held by the Task Force, on April 19, 2007, the constitutionality of the proposal for what was then called an “Office of Public Integrity” was the subject of much discussion. Of the hand-picked witnesses, mostly from self-appointed “clean government” groups, such as Common Cause, Judicial Watch, and the like, only one witness, Don Wolfensberger of the Woodrow Wilson Center, argued against the concept, stating: “I strongly oppose the creation of any independent entity that would take part in either part or all of the ethics process in the House of Representatives, and I do so because I think it would be a major abdication of your constitutional obligation to punish Members for disorderly conduct and also to protect the institution.”

Later, Republican members charged that the Task Force had been “hijacked” by outside groups that “got

to the Democratic leadership” sometime during August 2007. “These outside interest groups exist to chastise and press charges against Members of Congress,” said Rep. Todd Tiahrt (R-Kan.), speaking on the House Floor. “That’s how they raise their money. That’s why they exist.... [They] use any scrap of evidence they can find to try to press charges against Members of Congress.” Tiahrt didn’t name names, but he was undoubtedly referring to groups like CREW (Citizens for Re-

sponsibility and Ethics in Washington), funded by George Soros, and whose co-founder, Norman Eisner, became Obama’s White House “ethics czar”; and, “conservative” groups like Judicial Watch and the National Legal and Policy Center, funded by the likes of Richard Mellon Scaife.

The Republican members of the Task Force, who had been appointed by Minority Leader John Boehner (R-Ohio), refused to sign onto the report issued by the Task Force on Dec. 19, 2007. The Democrat-endorsed report did indeed recommend the creation of an independent Office of Congressional Ethics. Legislation to that effect was introduced the same day, just as the House was adjourning for the Christmas recess.

In presenting the proposal, the Democratic members of the Task Force were compelled to acknowledge the fact that many Members of Congress, and Constitutional scholars, had questioned the constitutionality of establishing an independent entity to supplement the existing House ethics procedures. In addition to the “Disciplinary Clause” of the Constitution cited above, the report also cited the “Speech and Debate Clause,” Article I, Section 6, Clause 1, which grants immunity to Members of Congress from investigation or arrest for actions taken in the course of their official duties.

The GOP Task Force members cited the obvious Constitutional questions, and expressed their fears that

the proposed independent entity would be used by the Democrats for a partisan witchhunt. Little did these Republicans realize that Pelosi and her allies, including a yet-to-be-elected Democratic President Obama, would later collaborate with the FBI to wield the OCE process against targets in her own party, especially members of the Congressional Black Caucus, and other anti-Wall Street Democrats.

Pelosi Rigs the Vote

When lawmakers returned from their holiday recess in January 2008, the Democrats' OCE proposal hit a wall of opposition, so much so, that the Democratic leadership had to pull the bill back in February for minor changes. The Republicans offered an alternative, but one which, unfortunately, also contained a significant constitutional defect: rather than creating an independent OCE, the Republican proposal would have expanded the existing House Ethics Committee to include four former Members of the House—thus giving non-elected committee members a vote in official House proceedings.

After the bill was blocked a number of times, the only way Pelosi could hope to get the bill to the floor and passed, was by using what Rep. David Dreier (R-Calif.) called a “draconian process.” This was a procedural rule (H.Res. 1031) which allowed for only one hour of debate *on the rule*, with no amendments allowed; and then, if the rule were adopted, the underlying bill (H.Res. 895) was also *deemed adopted*—without any debate on the underlying resolution itself.

That wasn't all. When the rule came to a vote, at about 9:30 p.m. on March 10, 2008, Pelosi—in a maneuver that should have won her the Tom DeLay Award—held the vote open for 16 minutes beyond the allotted 15 minutes for a roll-call vote. Incredibly, when Pelosi became Speaker in 2007, she denounced similar maneuvering by Republicans, and she pushed through a rule prohibiting holding a vote open beyond 15 minutes “in order to manipulate the outcome,” i.e., to induce Members to change their votes.

But when push came to shove, and the OCE bill had already been defeated by a 209-204 vote after 21 minutes, Pelosi and Majority Whip James Clyburn (D-S.C.) held the vote open for another 10 minutes, using the illegal time to armtwist three Democrats into changing their votes, so that the outcome was 207-206. (After it was clear that the resolution would pass, about 30

cowardly Republicans jumped ship and changed their votes, so that they could not be accused later of opposing “ethics reform.”)

Unless you scoured the press with a microscope over the next day or two, you would not even have known how Pelosi rammed this through.

‘Invitation to Character Assassination’

Within the scant one hour of debate permitted by Pelosi, many speakers on both sides of the aisle challenged the constitutionality of the proposal. “The Constitution explicitly states that the House is solely responsible for punishing its Members for disorderly behavior,” said Rep. Dave Camp (R-Mich.), a Task Force member. “Creating an Office of Congressional Ethics calls into question our constitutional duties to discipline our own Members.”

Representative Tiahrt, also a Task Force member, charged that House Members are “abdicating our constitutional responsibility,” explaining: “In its 200-plus years of existence, Congress has never seriously contemplated handing over one of its most important responsibilities—that of regulating and disciplining its own Members—to an outside entity that is unaccountable to the American people, unlike elected Members of Congress.”

Of the 18 Democrats who opposed the OCE proposal, only Rep. Neil Abercrombie (Hawaii) was allowed to speak—and only for two minutes. He described the proposal as “an invitation to ideological mischief and character assassination,” pointing out: “Any referral to the Office of Congressional Ethics will be seen as tantamount to a guilty verdict. Any other conclusion by the House Ethics Committee will be seen as a cover-up. Mark my words, that is exactly what is going to happen”—which is, of course, precisely the way the news media and even President Obama are now treating the OCE reports regarding Reps. Charles Rangel (D-N.Y.) and Maxine Waters (D-Calif.)

“I can't figure out where the ethics complaints come from,” Abercrombie said. “Are they dropped off at the door? What criteria will be applied by the OCE? This is about the House, and its membership should decide whether any Member has failed to meet its standards, not appointees who have not served or are not currently Members of the House.”

Rep. John Dingell (D-Mich.), the “Dean of the House,” was prevented from speaking, but submitted a



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Porter Goss (left), who was CIA director under President Bush, is now co-chair of the OCE. He and Maxine Waters clashed in the 1990s over CIA involvement in drug-running; now he is leading the spurious “ethics” witchhunt against her.

written statement, in which he said: “I am concerned that granting the power and authority to investigate Members of Congress to an independent, outside entity cedes away too much of the power granted to the legislative branch by the Constitution of the United States. We need to be clear about what it is we are doing today; we are altering the scheme created by Framers of the Constitution in a way that weakens this body.”

A statement was also read from former Congressman Louis Stokes, a one-time chairman of the House Ethics Committee, and a founder of the Congressional Black Caucus; he opposed changing the current Ethics Committee structure, declaring that, “Congress has a constitutional obligation to police its members.”

Rep. Michele Bachmann (R-Minn.) warned, accurately, that the OCE would become “a bureaucracy of smear and witchhunt.” She predicted that it “could create a place where potentially artificially manufactured scandal could be given a show trial ... all under the color of respectability, credibility, and authority.”

After the fraudulent vote, Democrat Abercrombie denounced the vote-rigging. “We did win,” he declared on behalf of the resolution’s bipartisan opponents. “This thing is totally discredited.”

Porter Goss? Ethics??

Discredited as she was, Pelosi went ahead and set up the OCE Board, to be composed of three persons nominated by herself, with the concurrence of the Minority Leader (John Boehner), and three nominated by the Minority, with the concurrence of the Democratic Majority. In the Summer of 2008, Pelosi and Boehner appointed former Rep. David Skaggs (D-Colo.) to chair the OCE, and former Rep. Porter Goss (R-Mich.) as co-chair.

The appointment of Goss—by agreement with Pelosi—was particularly outrageous, in light of Goss’s long history of conflicts of interest and abuse of office. In 1996-97, Goss ran cover for then-House Speaker Newt Gingrich (R-Ga.), not only refusing to recuse himself from the Ethics Committee probe of Gingrich, despite his own financial contributions to Gingrich’s GOPAC, but he even urged fellow Republicans to ignore the ethics investigation of Gingrich and to support

Gingrich for Speaker.

In return, Gingrich appointed Goss as chairman of the House Intelligence Committee (where Skaggs was already sitting), where Goss orchestrated a coverup of the CIA/Contra drug-trafficking allegations in the late 1990s, and then emerged as a primary defender of the Bush-Cheney secret-government operations, including torture and rendition. As a reward, and at Vice President Dick Cheney’s instigation, Goss was appointed as CIA Director in 2004—where he continued to cover up the torture policy and practices, even to the point of destroying evidence of CIA abuse of prisoners.

The Goss/OCE targetting of Rep. Maxine Waters is even more outrageous, in light of the bitter conflict between Goss and Waters over the crack-cocaine investigations in the 1990s. Representative Waters was one of the most outspoken in demanding Congressional hearings. In 1998, Waters testified before a House Intelligence Committee hearing, chaired by Goss, demanding that Congress use its subpoena powers to get to the bottom of the CIA drug-trafficking story. Later that year, when Part II of the CIA Inspector General’s report was issued, which confirmed that high-level of-

ficials in the CIA and White House had extensive knowledge of drug trafficking by their Contra allies, Waters wrote a letter to Goss demanding a full investigation—which Goss continued to block.

How corrupt is it, that this same Porter Goss, now runs the spurious witchhunt against Maxine Waters?

The Ghost of J. Edgar Hoover

Well-placed intelligence sources also point out that the OCE works in close conjunction with the FBI in its targetting of Members of Congress, especially those in the Congressional Black Caucus. In this light, it is worth noting that Leo Wise, the OCE's staff director and chief counsel, is a former Justice Department prosecutor who played a leading role in a number of high-profile "white collar" criminal cases. Others on the OCE staff also come from prosecutorial backgrounds—and unlike Members of Congress who sit on the Ethics Committee, these staff prosecutors have nothing to do with their time except to investigate—or cook up—charges against Members of Congress.

Remember how Abercrombie asked where the complaints come from. "Are they dropped off at the door?" In fact, that is exactly what happens. Under its internal rules, adopted by the OCE in February 2009, "information may be submitted anonymously or confidentially" (just as in Venice under the Doges). Or, the OCE staff or Board member can submit allegations received from "the press, third-party sources, or other sources."

And not to be overlooked, is that the OCE only got underway, as Barack Obama was assuming office. One of Obama's first actions in the White House was to appoint his old friend and Harvard classmate, Norman Eisen, as the White House "ethics czar." Before going to Harvard Law School, Eisen had worked in the Los Angeles office of the Anti-Defamation League—notorious for its targetting of civil rights and anti-apartheid activists, among others. In 2001, Eisen co-founded the Soros-funded CREW, which has targetted Representative Rangel, calling for Rangel to be investigated by the House Ethics Committee in November 2008, and most recently calling for Rangel to resign from Congress. One week after Eisen's CREW called for Rangel to step down, Obama himself echoed their call, demanding that the 40-year Congressman and war hero "end his career with dignity"—in a shocking display of his own Jim-Crow racism.