chatterbox

Who Tried To Bribe Rep. Smith?

Stop protecting him, Congressman.

By Timothy Noah

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Rep. Nick Smith, R-Mich., says that sometime late Nov. 21 or early in the morning Nov. 22, somebody on the House floor threatened to redirect campaign funds away from his son Brad, who is running to succeed him, if he didn't support the Medicare prescription bill. This according to the Associated Press. Robert Novak further reports,

> **On the House floor, Nick Smith was told business interests would give his son $100,000 in return for his father's vote. When he still declined, fellow Republican House members told him they would make sure Brad Smith never came to Congress. After Nick Smith voted no and the bill passed, [Rep.] Duke Cunningham of California and other Republicans taunted him that his son was dead meat.**

Speaking through Chief of Staff Kurt Schmautz, Smith assured Chatterbox that Novak's account is "basically accurate." That means Smith was an eyewitness to a federal crime. United States Code, Title 18, Section 201, "Bribery of public officials and witnesses," states that under federal law, a person commits bribery if he

> **directly or indirectly, corruptly gives, offers or promises anything of value to any public official or person who has been selected to be a public official, or offers or *promises any public official or any person who has been selected to be a public official to give anything of value to any other person or entity*** [italics Chatterbox's], **with intent to influence any official act. ...**

Promising to direct $100,000 to Rep. Smith's son's campaign clearly meets the legal definition of bribery. The only question, then, is who to prosecute. The AP had Smith attributing threats to support his son's opponent to "House GOP leaders," but that was a paraphrase, and it is possible Smith meant someone else when he spoke of an actual offer of $100,000. We know House Speaker Dennis Hastert spent a lot of time that night trying to win over Smith. The trade publication *CongressDaily* spotted Hastert around 4 a.m., about an hour into the extended Medicare roll call, placing his arm around Smith and gesturing. Twenty minutes later, *CongressDaily* saw Hastert work Smith over again, this time with Health and Human Services Secretary Tommy Thompson. At 5:30 a.m., with less than half an hour left until the final tally, *CongressDaily* saw Hastert and Thompson give it one final try. The *Washington Post*'s David Broder, in his Nov. 23 column, wrote that House aides "recounted that Hastert said Smith's help was vital to the party and the president—a fitting gift at the end of a long career—and suggested it would also help Smith's son, who plans to run for the seat." That's pretty close to Novak's version.

But according to Hastert spokesman John Feehery (as quoted by the AP), Hastert merely said "that a vote on this would help him and help his son because it would be a popular vote." Ordinarily, Chatterbox would consider that a laughably weak denial. But Feehery told Chatterbox that Smith had *personally assured* the speaker that he wasn't the individual he'd complained about. Schmautz, Smith's chief of staff, said Smith had further clarified that the perpetrator not only wasn't Hastert; it wasn't Thompson or House Majority Leader Tom "the Hammer" DeLay, either.

Obviously Smith doesn't want to alienate the GOP establishment by hurling criminal accusations at whoever this phantom bribe-giver may be. But it's a little late for that. If Smith witnessed an attempted

bribery, he has an obligation as a citizen—and even more so, as member of Congress—to make that person's identity known to law enforcement officials. Marc Miller, a Washington attorney who advises clients on ethics issues, told Chatterbox that what Novak described not only looked like "a slam-dunk violation of the bribery law" but probably also included "a smorgasbord of other criminal violations." Rep. Smith, Miller said, "should really be sharing the specifics with the Justice Department."

So, Congressman. Enough with the guessing games. Who tried to bribe you?

[*Update, Dec. 2*: In a Nov. 28 commentary in the *Lenawee (Michigan) Connection*, Rep. Smith himself made reference to "bribes and special deals" that "were offered to convince members to vote yes," though he shed little further light on who, his own case, the perpetrator or perpetrators were:

> **Other members** [i.e., not Hastert] **and groups made offers of extensive financial campaign support and endorsements for my son, Brad, who is running for my seat. They also made threats of working against Brad if I voted no.**

If the Bush Justice department hasn't made inquiries about this yet, it isn't doing its job.]

Timothy Noah writes "Chatterbox" for ***Slate****.*

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