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Baton Rouge, Louisiana

### MANY GET BURNED IN THE CONGRESSMAN BILL JEFFERSON INVESTIGATION

Whatever final result is reached in the current high profile investigation of New Orleans Congressman Bill Jefferson, there are plenty of losers all around. Whether or not the six-term Congressman is indicted and convicted, his days of serving as a major Louisiana elected official seem to be on a track to come to an early end. But many others are tarred by the Jefferson investigation.

Whether there are constitutional justifications or not, the public seems unsympathetic to members of Congress creating a special zone where they can hide evidence of reported felonies. Key members of Congress are screaming “meddling and intimidation,” but the public overwhelmingly doesn’t seem to be buying the argument.

There is certainly legitimate concern of executive overreaching and intrusion into the legislative privacy. So how far can the FBI go? Can Jefferson’s home computer and home office be searched? Few members of Congress want to extend any immunity this far.

Here is what the Constitution says: A member of Congress “...shall in all Cases, except Treason, Felony, and Breach of the Peace, be privileged from Arrest during their attendance at the Session of their Respective Houses, and in going to and from the same, and for any Speech or Debate in either House, they shall not be questioned in any other Place.”

Nothing here specifically about prohibiting the search of a Congressman’s office, particularly if it relates to a criminal investigation that has nothing to do with his duties in the Congress. So we will be reading about this case in court for some time. The problem the Feds have is that the Congressman can no doubt stall off any trial of his case until this decision has been settled. And this process could go on for years.

The Justice Department defends itself by saying the actions of the FBI was approved by a judge. But a judicial warrant can never trump a core constitutional mandate. Federal judges are notorious for handing out such warrants in the blink of an eye.

From a practical point, the raid itself didn’t make much sense. Congress has been around for 219 years, and no such raid has ever taken place before. The Justice Department admits that there is no effort to reach an accommodation with Congress on the issue. The only retort was that the Feds were “tired of waiting.” So when all is said and done, failure by the Justice Department to negotiate out a settlement has raised a major constitutional challenge that will be litigated for years. No speedy justice here.

Again, whatever the outcome, Bill Jefferson’s dilemma is viewed as a tragedy by many who thought he was a quintessential American success story. Jefferson was raised along with eight

brothers and sisters, on the outskirts of Lake Providence, Louisiana in the northeast portion of the state. He is a sharecropper's son, with the family's life revolving around picking cotton. His father left school in the second grade to start farming in about as a rural an area as you can find.

The Congressman ended up graduating from Harvard Law School and clerking for a United States' District Judge. He seemed to have the world by the tail as he moved up through the political ranks, and became, through seniority, an important member of the U.S. Congress.

All the success that he has attained in his life now seems to be crumbling under his feet. The public will give an elected official the benefit of the doubt when the facts are unclear, particularly where there is no benefit received or cash involved. But a \$100,000 in the freezer? To most people, this just doesn't pass the smell test.

Jefferson's congressional district suffers because he has been removed from the powerful House Ways and Means Committee. Louisiana takes a hit, because they are stuck with another low political blow. Bill Jefferson's days are numbered. And the way his career is about to end will damage the Congress, his district, and his state for a long time to come.

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*"There are always too many Democratic congressmen, too many Republican congressmen, and never enough U.S. congressmen."*

**~Robert Orben**

Peace and justice.

Jim Brown

Jim Brown's weekly column appears each Thursday here at Politicsla.com, and in a number of newspapers throughout the State of Louisiana. You can read Jim's Blog, and take his weekly poll, plus read his columns going back to the fall of 2002 by going to his own website at <http://www.jimbrownla.com>.

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