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POLITICS

Angry lawmakers demand FBI return seized documents

Search of congressman's office unconstitutional, they say

Wednesday, May 24, 2006; Posted: 2:17 p.m. EDT (18:17 GMT)

WASHINGTON (AP) -- House Speaker Dennis Hastert demanded Wednesday that the FBI surrender documents and other items agents seized on Capitol Hill in what lawmakers said was an unconstitutional raid.

"I think those materials ought to be returned," said Hastert, adding that the FBI agents involved "ought to be frozen out of that (case) for the sake of the Constitution."

The Saturday night search of Rep. William Jefferson's office on Capitol Hill brought Democrats and Republicans together in rare election-year accord, with both parties protesting agency conduct they said violated the Constitution's separation of powers doctrine. ([Watch how the FBI constructed its case against the congressman -- 1:28](#))

"Not anyone here is above the law," Minority Leader Nancy Pelosi, D-California, said Tuesday. But, she added, "I think you've seen abuse of power of the executive branch over this weekend."

A day earlier, Hastert, R-Illinois, complained personally to President Bush about the raid. Other House officials have predicted that the case would bring all three branches together at the Supreme Court for a constitutional showdown. ([Watch why the raid raises constitutional issues -- 2:57](#))

But while most leaders of both parties stand together in opposition to an executive branch raid of a legislative branch office, party leaders are acting on different political agendas.



House Speaker Dennis Hastert says the FBI should surrender the seized documents.

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Democrats, hoping to exploit Republican scandals on Capitol Hill and regain control of Congress, are asking Jefferson, of Louisiana, to resign his seat on the House's most prestigious panel, the tax-writing Ways and Means Committee.

Pelosi sent a letter Wednesday to Jefferson asking him to step down from the committee.

"In the interest of upholding the high ethical standard of the House Democratic Caucus, I am writing to request your immediate resignation from the Ways and Means Committee," the letter said.

For his part, Jefferson, who has denied wrongdoing, remains defiant.

"I will not give up a committee assignment that is so vital to New Orleans at this crucial time for any uncertain, long-term political strategy," Jefferson said Tuesday. "If asked, I would respectfully decline."

His spokeswoman, Melanie Roussel, added that Jefferson will not resign from Congress.

Lawmakers predict a long dispute over the FBI's search of Jefferson's office last weekend. Historians say it was the first raid of a representative's quarters in Congress' 219 years.

FBI agents searched Jefferson's office in pursuit of evidence in a bribery investigation. The search warrant, signed by U.S. District Court Judge Thomas Hogan, was based on an affidavit that said agents found \$90,000 in cash wrapped and stashed in the freezer of Jefferson's home.

Jefferson has not been indicted and has denied wrongdoing.

"My opinion is that they took the wrong path," Hastert said of the FBI, after meeting with Bush in the White House. "They need to back up, and we need to go from there."

White House officials said they did not learn of the search until after it happened. They pledged to work with the Justice Department to soothe lawmakers.

"We are hoping that there's a way to balance the constitutional concerns of the House of Representatives with the law enforcement obligations of the executive branch," White House press secretary Tony Snow said. "Obviously we are taking note of Speaker Hastert's statements."

Attorney General Alberto Gonzales tried to strike a conciliatory tone, saying, "We have a great deal of respect for the Congress as a coequal branch of government."

But he also defended the search: "We have an obligation to the American people to



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[Raid raises constitutional issues](#)
(2:57)



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pursue the evidence where it exists."

Justice Department officials said the decision to search Jefferson's office was made in part because he refused to comply with a subpoena for documents last summer. Jefferson reported the subpoena to the House on September 15, 2005.

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