

No. 1 was that I have read the rules of the House, and I could not see the word "ethics" found anyplace under your Committee on House Administration's jurisdiction. You have indicated today that we would have to amend the rules of the House so that you could go forward with this committee. Is that a fair statement?

Mr. HAYS. Yes, I think so.

Mr. LATTA. The action then by your subcommittee in creating this new Committee on Conduct and Ethics actually was outside the rules of the House?

Mr. HAYS. Well, what we intended to do there, Mr. Latta, which I maybe have not made clear, was to study this matter and come in with a proposal for legislation to do whatever the subcommittee and full committee thinks is necessary. And to give the committee whatever powers it does not already have.

Now, as you well know, as I outlined in the case of Mr. Powell, we assumed some powers and we were not challenged. I would think it would be a brave Clerk of the House of Representatives, indeed, who would issue a check to anybody when he was ordered by the House Administration Committee not to, even though I can't find anywhere in the law or the rules or the statutes that says we can do this.

Mr. LATTA. Also, then in answer to a question by the gentleman from Nebraska, you indicated that you did not favor the creation of a new committee because your committee had jurisdiction in this area. From what you have just said that is not quite correct, is it?

Mr. HAYS. Our committee has whatever jurisdiction is in the area. We are charged with doing certain things. A lot of people say it is an auditing committee. It is more than that. In the first place, we give these committees their funds. As I tried to explain, we sort of run the thing around here on an honor system basis, and in one instance, that didn't work. I think maybe I might speak to one thing here that has not been spoken to.

Can you imagine any other Congressman in this body who could have done the things that the press reported he did, that they allege Mr. Powell did, and gotten reelected?

Mr. LATTA. I cannot.

Mr. HAYS. This is a peculiarly special case. I think your constituency acts as a sort of ethics committee, too. You have to go before your constituents and if your area is anything like mine, you have to face some unfounded charges, whispers, rumors, and this big ethics committee out there in my district make up their minds about this.

Mr. LATTA. Apparently, in this case, from all we read in the press, if the House does not seat this individual, his constituency will reelect him. His constituency, if this is true, is different from the ones that you represent and the one that I represent in Ohio. We would not be back under the circumstances.

Mr. HAYS. I have been charged with a number of things. Nobody has been able to prove it. I think if they did, I would have trouble with my constituency in getting back here.

Mr. LATTA. In coming to this matter that I mentioned, Mr. Bennett was testifying about your amendment. You did offer the amendment in the House on October 19, which took away the investigative powers of this select committee. Is that not true?

Mr. HAYS. That is right.