

Mr. LATTA. That is what I have reference to.

Mr. HAYS. I mean no derogation of this committee, but many members of this Rules Committee said that thing was reported out hastily. You remember it was called back once and an amendment was presented. When it was presented to the House in the form it was in, a great overwhelming majority of the House was troubled by the looseness of the legislation. That is why my amendment prevailed. I don't have any superpowers to get the House to go along with me. I did point out it was a loosely drawn thing. I said then and I say now that this matter needs careful study. I am a great believer that the Constitution was right when it prohibited ex post facto laws. I don't think that Members should be brought to book for something that they thought was perfectly legitimate when they were doing it, that some ethics committee later on decides was unethical.

Let me give you an example in my own case. I own a farm. I have owned a farm for about 14 or 15 of the 18 years I have been here. I am on my 19th year. I have never taken any kind of agricultural payment, lime or soil bank, for not planting, or what have you. Not because my farm was not eligible, but because I thought that somebody rightly or wrongly could say that fellow is down in Washington voting for these programs and then profiting by them.

I regretted I didn't a time or two because it would have been very helpful. Let me say I am not holding myself up as any paragon of virtue. I am just pointing out that I would hate, and I would not think any committee would, but I would hate for an ethics committee to come in and say it is unethical for a Member to own a farm and then call me in and try me for it afterward.

If they had said it was unethical to own one, I guess I would either have to make a decision about selling the farm or resigning from Congress. That is one of the things that was bothering me when I offered this amendment. There were many others.

Mr. LATTA. It bothers you if we create the select committee. What would bother you if we gave you the authority that you apparently need in your committee to do the same thing?

Mr. HAYS. I would say right off that we would not want any authority for any ex post facto legislation and we would not want anything that we might come in and say we thought ought to be made unethical or illegal that anybody would be called in to account for it before it became a law. Afterward, yes.

Mr. LATTA. A lot of these things Mr. Powell has been charged with took place prior to the 90th Congress.

Mr. HAYS. Mr. Latta, that is true. I don't know the constitutional implication of this. I didn't duck being on the special committee. I told the Speaker I thought it ought to be composed of lawyers who understood constitutional law. But if you remember we did all of our investigation and wrote our report and had it presented in public, publicized, before the 89th died. I don't know whether many of you know this or not, but a quorum of the House Administration Committee, this committee that won't do anything, came all the way into Washington on the morning of the 3d of January, 17 of them, I believe, and received the report of the subcommittee, examined it, discussed it, and approved it before noon on the third, before we went out of business.