

CREATING A SELECT COMMITTEE ON STANDARDS AND CONDUCT

HEARING
BEFORE THE
COMMITTEE ON RULES
HOUSE OF REPRESENTATIVES
NINETIETH CONGRESS
FIRST SESSION
ON
H. Res. 18
and Similar Measures
CREATING A SELECT COMMITTEE ON STANDARDS
AND CONDUCT

FEBRUARY 21 AND 22, 1967

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TUESDAY, FEBRUARY 21, 1967

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RULES,
Washington, D.C.

The committee met, pursuant to call, at 10:45 a.m., in room H-313, the Capitol, Hon. William M. Colmer (chairman of the committee) presiding.

The CHAIRMAN. The committee will be in order.

The committee has before it some 40 resolutions. These, House Resolution 18 and about 39 others, deal with the subject of setting up a select committee to set up a standard of ethics, honesty, conduct of the office of Members of Congress and House employees.

It will be recalled that last year the House did set up such a resolution which was headed by the distinguished gentleman from Florida, Mr. Bennett, and that committee functioned for some month or two and made a report.

For some reason there seems to be a great interest in this subject right now and, hence, the large number of resolutions that have been introduced.

Mr. Bennett has reintroduced his resolution, No. 18, and I think it would be well for the committee to hear from Mr. Bennett as chairman of that committee in just a moment.

If the time permits and the desires of the members exist, we will hear from other members who have had similar or unsimilar resolutions.

Mr. Pepper, before we hear from Mr. Bennett, I understand that you have another commitment and if you would like to make a brief statement, you may go ahead.

STATEMENT OF HON. CLAUDE PEPPER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. PEPPER. Thank you very much, Mr. Chairman and members of the committee.

I am on the Powell committee which is meeting now and absented myself to come here because of my deep interest in the subject that is before this committee.

I have before me the Gallup poll of February 5 which appeared in the Washington Post, or rather the Gallup poll which appeared in the Washington Post of February 5. It said—the big headline is “Majority Favor Ouster of Powell, Fund Misuse Is Believed Common.” Then the first two paragraphs:

PRINCETON, N.J., February 4.—A majority of Americans believes Representative Adam Clayton Powell, Democrat, New York, should not be permitted to keep his seat in the House of Representatives, according to a Gallup survey completed within the last few days. The survey also showed that almost the same number think that misuse of Government funds, one of the charges made against Powell, is fairly common among Congressmen—

And then the last question propounded in that Gallup inquiry is the following:

Representative Powell is charged with misuse of Government funds for personal reasons. Just your own feeling or impression, do you think the misuse of Government funds by Congressmen is fairly common or not?

The results based on the total sample: Yes, fairly common, 60 percent; no, 21 percent; no opinion, 19 percent.

Now, having sat on the Powell committee and heard the testimony, I think I can say and I think when the report of this committee is disclosed, that there has been no instance in the history of this country where there has been such shocking misconduct, officially, as there has been on the part of Mr. Powell. I hope the House next week will deal either very severely with Mr. Powell or expel him from the body.

However, I don't think it is fair to say that any other Member of Congress has been guilty of comparable conduct. At least I have not heard of it or read about it. However, this is this opinion among the people and I think that the only way that we can dispel that opinion is to have a standing committee where there will be some sort of a generally accepted code of ethics and propriety to be observed on the part of the Members of this House and we all have our opinions about the propriety of such a thing for the other House. In fact, there is a Rules Committee or a specially set up ethics committee that is functioning in the other House, which is informed and conducting inquiries.

That standing committee would be in constant existence, so if anybody had any complaints that he presented to the committee, I think there should be safeguards. It should be under oath if it is submitted by a citizen, but if a Member of the Congress or a Member of the House had any complaint or any question or any matter of suspicion on that he thought should be given consideration by a standing committee, that material could be properly brought to the attention of such a committee and proper inquiry.

No doubt most of the cases would be disposed of without there ever being public hearings and just the very fact that there was such a committee would tend to discourage indiscretions or in many instances carelessness on the part of Members which may well be construed as acts of impropriety by the public.

Frankly, I think we have waited too long in order to set up such a committee and that it is imperative that we do so as soon as we can.

Now, I personally subscribe to the resolution offered by my distinguished colleague, Mr. Bennett. I did last session and had the honor to report that resolution from this committee to the floor. I think we have a better understanding of the whole subject now than we had last year when the matter came to the attention of the House.

Mr. Bennett has been offering this resolution or one of similar character, I think perhaps 14 years. So far as I have observed I believe he is senior in the number of Representatives who are now

Members of the House who have been constantly trying to get something like this established as a standing committee of the House.

He is here today to be heard; as I said, I introduced the same resolution as that offered by Mr. Bennett because I subscribe to it in principle and generally in form, although details of improvement may be suggested. Why, of course, I am sure that he, and certainly, I would be agreeable to their consideration.

Mr. Bennett is here today, he is accompanied by two of my other distinguished colleagues from Florida, Mr. Fascell and Mr. Gibbons, all of whom subscribe to these principles and are here to be heard before the committee.

I am sorry that I will not be able to be here to hear them, but I just did want to make that preliminary statement in view of the fact that I shall have to be absent probably during these hearings.

Thank you, Mr. Chairman and members of the committee.

The CHAIRMAN. Mr. Bennett, we will be pleased to hear from you.

Mr. ANDERSON of Illinois. Mr. Chairman, would it be entirely irregular to ask the gentleman to answer one brief question, because he may be the only member of the Powell committee to testify before the group? I think it is pertinent.

The CHAIRMAN. Go ahead.

Mr. ANDERSON of Illinois. I concur in your statement and I appreciate your statement, but I have this question: As a member of the ad hoc Powell committee do you feel that the investigation of the Powell matter could have been conducted more expeditiously and the committee could have worked its will more easily and in a better fashion if there had been in existence a select committee such as the one proposed by the Bennett resolution, which had already promulgated a set of standards of conduct so that the committee would have had fixed guidelines by which to proceed?

Mr. PEPPER. I am pleased to answer my distinguished friend from Illinois very strongly in the affirmative.

The committee determined to limit its investigation of Mr. Powell's alleged official misconduct to the beginning of January 1961. I think that's when he became chairman of the Education and Labor Committee, but this course of conduct which has been the subject of the committee's inquiry and was the subject of the House is concerned—had been going on for several years and building up, getting worse and worse—the cumulative effect of it.

If there had been a standing committee it may well be that the man himself would have been spared the tragedy of his case as it now appears and the Congress would have been spared the embarrassment of having to deal with a Member who has been here 23 years, as this committee is called upon by the direction of the House is going to have to do.

So, I think that the existence of this committee will do a great deal to keep these cases from building up into causes celebres, as it were. Of course, they are there all the time. As soon as the whispers begin to get around and reports begin to circulate, why, either somebody could be called in to have a talk with them and say we have had complaints about your committee and we thought you ought to be informed about these complaints and so-and-so and so-and-so. It maybe could

be squelched right there by proper, tactful cooperation between maybe the leadership and such a committee as that.

Mr. ANDERSON. As a watchdog committee?

Mr. PEPPER. That's right. It would have a deterrent effect and also an ameliorative effect.

Mr. O'NEILL. Senator, there is one thing that bothers me. A man could be brought before a committee because of innuendoes and whispers. The mere fact that a Member of Congress has been brought before that committee could leak out to the press and get home; it would ruin him. I agree with your statement. I think we ought to be careful on those we are going to bring before the committee. You should not bring a man before a committee because of a whisper.

Mr. PEPPER. I'm glad my able friend from Massachusetts gave me an opportunity to correct a wrong impression.

What I meant was that there not be any public hearing. I meant if reports kept coming to the committee, that such things as Mr. Powell was doing, for example, were occurring, that it might well be that the chairman of that committee, or the committee, in some informal way could just sit down in his office and have a talk with him and say, "I think you ought to know that these reports have been coming and we have investigated sufficiently to find apparently there is some basis for them," and give the man an opportunity to save himself and to correct the practices.

But I agree with you that the utmost of circumspection and discretion should be exercised not to embarrass a member and not to let rampant hearsay or evil people who want to destroy a Member come in with reports unless they are properly authenticated by oath.

All these safeguards will undoubtedly have to be worked out, but that is a problem in administration. We must, of course, protect the innocent. We are not going to allow the innocent to be pilloried here by that, but that will all have to be worked out, I think, in the details of the administration of the committee, and I am glad you gave me an opportunity.

I did not mean upon every whisper that a man should be brought before the committee. I thought maybe when they were well enough substantiated, that they should become a part of the official concern of the committee, then it might well be that the chairman or somebody, or the chairman and the Speaker, in the utmost of secrecy should just have a talk with the chairman and tell him, "We want you to know these reports have come in which we have found to be *prima facie*, creditable, and we thought you ought to know about."

Mr. ANDERSON. I knew you would want to correct that statement.

Mr. PEPPER. It is for the innocent as well as upon the guilty.

The CHAIRMAN. Mr. Latta.

Mr. LATTA. It is not often that we get a chance to quiz a member of this committee.

Let me just say that I have agreed with what you had to say up to the point when you mentioned that had we had this committee in existence for these 23 years, maybe Mr. Powell would not be in the "embarrassing end" position that he finds himself today.

How do you come to that conclusion? Do you mean it would have been such a deterrent to this man that he would not have done all these things he is charged with doing?

Mr. PEPPER. These things have been disclosed through the years. It was in the press when Mrs. Powell was here, 5 years being on her husband's payroll, she never got but two checks. Probably somebody would have found out about it prior to the end of 5 years and the amount would not have built up to such an amount as it is and this erroneous airplane travel where the chairman and one or more members of the committee traveled under assumed names, that is built up now to where it is quite a sum of money.

The scope of it would certainly not have reached, it seems to me, the proportions that it has today if there had been some committee that was authorized to have taken jurisdiction, but in this case it had to wait until an aroused country and an aroused House finally determined to do something about it and appointed a special committee.

All these years a lot of these practices have been going on and there wasn't anybody to do anything about them.

Mr. LATTA. One further question: Say you had this meeting you referred to and you call this individual in. You have gotten these reports. Take this case of Adam Clayton Powell, suppose this committee, the creation of which I favor as you know—suppose you call him in and he takes the fifth like he did. What are you going to do in that case?

Mr. PEPPER. That's up to the committee. I want to make it clear I was speaking for Mr. Bennett, Mr. Fascell, and Mr. Gibbons. I was giving my own ideas how the chairman might operate the committee. That seemed to me to be a proper thing.

In the case you put, the chairman would never have said anything to the Member unless he had conducted a quiet investigation and found that there was a *prima facie* justification for the criticisms that had been made.

Now then, if the Member scorns the factual and the kindly, cooperative inquiry from the committee, why then, if the case justifies it, the committee will have to decide whether to hold a public hearing and take the normal procedures of redress.

Mr. LATTA. Then if this committee does find that he has done these things like having people illegally on his payroll, outside the country, and so forth, would you think that this select committee ought to just tap his wrist and say, "You put the money back, that's all we are going to do to you"?

Mr. PEPPER. The resolution, the language, will provide the things that the committee may do.

Now, that is up to this committee to approve or not to approve and up to the House to decide whether this is the authority that the committee should have or not. I think it is a matter that should be given a lot of care, as my friend here from Massachusetts points out. We have to be careful to avoid abuse, to avoid extremism and that sort of thing.

But the committee would certainly have authority to hold a public hearing and to make recommendations in cases which it appeared justified affirmative action on the part of the committee just as this special committee is doing right now.

Thank you, Mr. Chairman.

Mr. YOUNG. Might I say, Mr. Chairman, before we get away from this point—

The CHAIRMAN. All right, Mr. Young.

MR. YOUNG. I hope that your committee will be careful to emphasize that the reprehensible aspect of padding the payroll is in padding the payroll, whether it be with relatives or nonrelatives. A lot of people around here—obviously I have none or I wouldn't be speaking like this—but there are a lot of people that have some relatives on the payroll that work hard and do good jobs.

It is very unfair to penalize them, but padding the payroll is wrong. It doesn't make any difference whether you do it with a relative or not.

MR. PEPPER. That is the reason I say that a standing committee like this would be a protection to Members. Well, a Member could say, for example, before a standing committee, "My relative is on my payroll. I ask this committee to make an investigation to see whether or not it is a padded payroll or whether service is being rendered." It would be a protection to the Member who observed the proprieties as well as the means of punishment for the one who does it.

Thank you very much, Mr. Chairman and members of the committee.

The CHAIRMAN. Now, Mr. Bennett, if there is anything left for you to say. [Laughter.]

MR. BENNETT. Mr. Chairman, as usual, very eloquent.

Before I get into the formal part of my presentation and relative to what has just been said, it seems to me that it would be a good suggestion, if I am on the committee next time, I would expect to recommend that it be set up as a first matter of business that a resolution be passed that no matter should be considered as under investigation by this committee until after the passage of a motion by the committee expressly stating that the matter is under consideration.

This would keep somebody from writing in to the committee and branding a person on the theory that they were under investigation by the committee and I think it would be a very proper thing to do so. It could not be used in that manner.

Of course, this could be done right now. Anybody can write a letter to the Speaker or the President and say he is under investigation, but I think this would be a good thing to do to forestall anything like that.

STATEMENT OF HON. CHARLES E. BENNETT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

MR. BENNETT. Mr. Chairman, I deeply appreciate the opportunity to appear before this committee in behalf of House Resolution 18 unanimously recommended by the House Select Committee on Standards and Conduct, which had a short life—from October 19, 1966, to January 3, 1967.

The House Select Committee on Standards and Conduct was directed by Congress to recommend to the House "such additional rules or regulations as the select committee shall determine to be necessary or desirable to insure proper standards of conduct by Members of the House and by officers or employees of the House."

In its report to Congress (H. Rept. 2338, 89th Cong., 2d sess.), the committee asked that the committee be reconstituted because there

was not sufficient time in the closing months of 1966 to make such recommendations and because such efforts should be made while Congress is in session so that the full membership of the House could be available for comments, recommendations, and hearings.

The only new power asked, over what the committee had in 1966, would be the power to make an investigation and recommend censure on a violation, by a Member, officer, or employee of the House, of a standard of conduct which had been established by the House by law or resolution previous to the act complained of.

The comparable Senate committee now operating has, incidentally, much broader powers than are requested here, as it is not restricted to recommending resolutions of censure, but is authorized in broad terms to recommend "disciplinary action to be taken" (sec. 2(a) (2), S. Res. 338, 88th Cong.).

It is believed that the ability to at least recommend resolutions of censure in a proper case is necessary for three reasons: First, to effectively handle any such matter that may arise; second, to help the committee in getting the attention and assistance of the whole membership of the House in drafting workable and practical rules; and third, to reassure the public that any improper conduct that may arise will be adequately and promptly looked into.

I would like to call attention to the Washington Star article of February 2, widely circulated by some Members in an effort to show that the Committee on Standards and Conduct should not be reconstituted.

A group of women reporters asked me to appear before them, and they interviewed me. I quickly sensed that they felt this committee was being set up as a "whitewash" committee. I felt that such an impression on the press would further unfairly damage the image of Congress with the public.

In reply to a question expressing disbelief that any Congressman would be willing to present to the committee any matter at all for investigation, I replied that in a case fully substantiated by competent evidence and reflecting on the Congress, it was my belief that 90 percent or all Members would be willing to do so in a serious case publicly reflecting on Congress.

The article gave the impression that 90 percent of Congress was waiting to present existing charges against other Congressmen. No other article coming from this well-attended interview gave such an impression as far as I know.

Further, in answer to a question on how narrow or broad the fields of study of new legislation might be, I replied they could cover "all matters of impropriety" covered by legislation that might be introduced and assigned to the committee for study. The article as printed implied to many readers that the committee would have power to investigate charges under legislation not yet enacted. This is clearly untrue because the proposed bill would not allow any case to be investigated unless it were based on a statute or resolution previously passed by the House; and then only under the additional safeguards set up in the proposed bill before you.

As I stated in the first hearing of the committee last year (and ap-

proved by the full committee); and I am reading from the minutes of the committee of October 20, 1966, what I said:

I do not think a man's private life is detrimental to the House. No one is perfect; and if he privately has weaknesses, it should not be something that should be before this committee, as it would not reflect upon the House.

Inaccurate press reports, only as far as I know, and opponents of the committee, have alarmed some members; but the record of actual statements and actions of the committee and its chairman give no grounds for any fear of "witch hunts" or snooping of any kind.

In fact, two complaints were received by the committee during the adjournment (based on the committee's ability to look into violations of criminal law); and in both, the chairman refused jurisdiction because the complaints were not in writing and under oath, as the statutory history of the act required. Moreover, the full committee would have to decide such matters, within the statute which empowers it; and clearly the legislative history as well as the terms of the statute rule out any abuses of the committee in such matters.

Such an investigation could be made only upon receipt by the select committee of a complaint based on competent evidence in writing and under oath, made by or submitted to a Member of the House and transmitted to the select committee by a Member. Even when so formally presented, the committee would have discretionary power not to act on the matter if it appeared to be trivial or otherwise improper. No such resolution would be effective unless approved by the House.

I would think there would be very few complaints about the conduct of Members of the House, but if a serious case, reflecting publicly on the House, were substantiated by competent evidence, it is my opinion that 90 percent, or perhaps all Members, would be willing to submit it for consideration.

The committee would not be a snooping committee looking into the private lives of Members. But serious charges, fully substantiated, reflecting on the U.S. House of Representatives, would or should be looked into. Moreover, the committee would devote its efforts to preventing, rather than penalizing and publicity.

The main purpose of this committee is to help improve the standards of the House of Representatives and also the public confidence therein.

The public image of Congress demands that the House establish a full, working, thoughtful committee working solely in the field of standards and conduct. Sixty percent of those answering a recent Gallup poll said they believe the misuse of Government funds by Congressmen is fairly common. Of course, we know that such abuses are, in fact, not common, but we have seen a number of such damaging polls showing the people's lack of faith in the integrity of Congress.

There is a need for a vehicle in the House to achieve and maintain the highest possible standards by statute and enforcement thereof. This can only be done after thorough study by a committee whose primary interests are in the field of ethics.

The House Select Committee on Standards and Conduct has wide support and adequate precedent for its reestablishment in the 90th Congress. It was the Rules Committee which brought the resolution

to the floor in the 89th Congress and gave the select committee its first opportunity to help lift and maintain the standards of the House.

This was the first time in history that the House of Representatives ever had such a committee. Prior to that the Senate Select Committee on Standards and Conduct was established. A House committee has been recommended by the Joint Committee on the Organization of Congress.

There are over, or at least in the House, 40 resolutions before the committee which call for a House Select Committee on Standards and Conduct.

Mr. Chairman, I must add to this positive statement in support of reestablishing the House Select Committee on Standards and Conduct, some comments concerning the recent action by the House Administration Committee. A Subcommittee on Ethics and Contracts was set up by the House Administration Committee apparently to kill the committee which I am supporting today before your committee—supporting along with dozens of other House Members.

I am not competent to look into the motives of this move, announced to the press as an action to “obviate” the broader House Select Committee on Standards and Conduct.

However, I do believe that neither a subcommittee of the House Administration Committee nor the mother, its full committee, is in a position to do what the public has a right to demand and is demanding. In the first place, that committee has only jurisdiction in the field of House accounts and Federal elections matters.

According to the rules of the House of Representatives (rule XI specifically), the Committee on House Administration can look into matters dealing only with elections, accounts, and other housekeeping matters. There is one section of the rules which says the committee can look into “measures relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; and Federal elections generally.”

The phrase “corrupt practices” in this section relates directly to elections, and cannot be construed to deal with general congressional ethics. The positioning of this phrase in the midst of provisions relating solely to elections is clear evidence of the legislative intent to restrict this phrase to election matters.

Also, I may say the legislative history in the background of how the House Administration Committee was set up shows this as well and the way in which they got their authority from the previous Elections Committee. Moreover, even aside from that, a long line of court decisions so restricts it. The only interpretation this phrase has ever had deals with elections.

The jurisdiction which the House Administration Committee does have is broad with regard to the expenditure of House funds, and I would assume for instance, that bills relating to nepotism in the House would continue to be handled by the House Administration Committee while ones of general application throughout the entire Federal employment would continue to go to the House Committee on Post Office and Civil Service.

Mr. Chairman, one of the main purposes of the House Committee on Standards and Conduct would be to reassure the public that matters

will be handled promptly in the field in which it will have jurisdiction. Within the past 2 years the Committee on House Administration, by virtue of its supervisory administrative functions in House accounts, has had knowledge of a number of situations involving very questionable activity; and it has failed to act promptly.

There may have been good and sound reasons for its failure to act promptly, but the records of the committee itself, the House Administration Committee, speak for what was actually left undone, and cannot be reassuring to the public without explanation.

Illustrations of the slowness of the House administration to deal with matters within their jurisdiction are replete in the hearings of the Special Subcommittee on Contracts held December 19, 20, 21, and 30, 1966. For examples: The matter of not cutting off the pay of Mrs. Y. Marjorie Flores Powell when paid in violation of law (see p. 44 of those hearings), and the matters of travel pay and per diem costs (see pp. 16, 17, 22, 113, 114, 115, 191, and 193 of those same hearings).

So despite the fact that there may have been good and sound reasons for these delays, the public could not be reassured by any action of Congress placing these new responsibilities in that same committee, without adequately documented and understood explanations of its past inaction. Moreover, clearly, any committee set up to do the broad task of raising and maintaining standards in the House should be a nonpartisan committee, with equal membership between Republicans and Democrats. The House Administration Committee is, of course, not so constituted as it should be for this purpose.

In conclusion, there is a need for the new Committee on Standards and Conduct to be established, a broadly based committee, but one devoted solely to the problems of raising and maintaining the highest possible standards in the House of Representatives. The House should come to grips with this need in an effective manner and in an important manner, and not just "sweep the problems under the carpet." We can do no less for our country.

The CHAIRMAN. Mr. Bennett, specifically, there seems to be no provision in your resolution for a termination of the study. I assume that, if this resolution is adopted by this committee and by the House, it would operate throughout the 90th Congress. It would be authorized to do so.

Then, projecting that further, is it reasonable to assume that the distinguished gentleman has in mind that the committee, if it proves effective or desirable, should be continued in the next Congress?

Mr. BENNETT. Yes, sir.

The CHAIRMAN. Of course, there would have to be a new authorization setting it up.

Mr. BENNETT. The resolution I am bringing to you now is the unanimous recommendations of the committee that has existed in the last session of Congress.

On further thought I, myself, and this was not brought before the committee, have come to a strong conclusion that the committee really should be a standing committee and the reasons for this are twofold:

One, by analogy to the bar association committee on grievances or

ethics, or whatever you want to call it, they have found it wise in that professional group to have a continuing committee through the years, and I think it would be a wise thing to do, because of the experience of other groups that have had this problem before them.

Secondly, in order to do a really good job in this field, there really should be a very good staff and it should not be overpaid. To get people to work in this field and not overpay them, an element which is going to arise is a question of how long their tenure is going to be; if that is going to be for only 2 years, I would say it is going to be rather difficult to get good men at a reasonable price to come and assist the committee in doing its research. So I strongly favor a standing committee, but I am now before you in the capacity of an ex-chairman of a committee which unanimously recommended a select committee and the matter of making a standing committee was not before the committee.

We never discussed it; although it's my personal view it ought to be a standing committee I am suggesting here only that it be a select committee.

The CHAIRMAN. That was what prompted my question. If this type of committee is desirable, then should it not be a permanent committee rather than just dip into the thing for one session?

Mr. BENNETT. I think it would be much better if it was a standing committee.

The CHAIRMAN. My second question has to do with the staff and the gentleman mentioned that himself.

How much staff did you have when you operated the last session?

Mr. BENNETT. The committee did not spend a single penny on a staff because I found the problem arising right there. To get really top flight people for a short period of time, the only way in which I could get them was from volunteers, and I got volunteers. I got in addition to my own staff, I got people from the Library of Congress who worked off-time and I got a Mr. William Norman, who is a general counsel, I believe, or head of the staff on the Senate committee, who used to be my administrative assistant, and others assisted me.

Mr. Dick Sewell, who is here, who is my administrative assistant, they all worked without additional pay, even the secretary that took the notes did it free. So the committee did not cost you anything.

It wasn't because I was trying to save money, it was because I couldn't find top flight people to come and work for this committee unless it was on a volunteer basis. They were willing to volunteer, but they were not anxious to go into a temporary situation like this.

The CHAIRMAN. Could the gentleman who has given much thought, I am sure, to this matter give us any idea about what staff he envisions for the future if the committee should be set up?

Mr. BENNETT. I think we could probably operate with one good man who would have to be well paid, a man with a legal background, and one or two secretaries, which would mean if you paid the man adequately, I don't think I could get the type of man I think this committee should have for less than about \$18,000 or \$20,000.

As a matter of fact, the people that came to assist us, I think Mr. Norman, in the committee position he has now, which is permanent, gets \$22,000 on the Senate committee and I don't know what the com-

mittee feels about him. But if they approved him, I would be glad to offer him this job, but I don't think he would want to take very much of a cut, because that's a permanent job and he has a lot of children and I just don't think he would be willing to take a deep cut to come to this committee although he is interested in the subject matter.

So I would think I could probably not offer him less than \$20,000 a year. He is a master of law from Harvard and a capable man. The committee would have to approve who is selected. They might want to take somebody else who is less experienced and less capable and pay them less money, but my own feeling is it is better to have a small staff composed of really competent people than to have a large staff composed of people who really have very little to offer.

The CHAIRMAN. Now, Mr. Bennett, I would like to go back briefly and then I am going to finish my part of this, as far as this witness is concerned anyway.

The question was discussed here between your colleague on this committee and others about what would have happened with reference to a certain other Member of this House and his alleged derelictions had your committee been in existence.

Do we not now have laws that cover all of these alleged violations?

Mr. BENNETT. Well, there are laws now dealing with things in the House Administration Committee's activities and those are the only laws that are being looked at as far as I know with regard to the Powell hearing. Of course, I am not on that committee, so I cannot speak to everything they looked at. But there certainly are vacancies in the existing laws.

If you read the report which this committee got out, about 10 pages in the report, I think, relate entirely to existing standards in this field.

The CHAIRMAN. And I read that.

Mr. BENNETT. Just by reading them, you will see they were enacted for particular circumstances and not a general look at the law at all.

A specific thing had to be cured and they wrote a law to cure that thing without looking at the broad picture at all.

The CHAIRMAN. Well, of course, any law that was recommended by your committee would have to be specific, would it not?

Mr. BENNETT. It sure would and it would also have to be passed not only in our committee and passed by the House of Representatives, if it was going to be a real law, it would have to be passed the Senate, too.

The CHAIRMAN. Well, I just come back to the basic question that bothers me about this, whether you can set up the standard code of standards or ethics that would be effective or would result in the desired results of making Members of the Congress, employees of the House, conduct themselves in an ethical manner.

Mr. BENNETT. This falls into two categories: First, the question of drawing a general statement of code of ethics, not criminal law; and, secondly, the bringing in of criminal law in this field, or specific laws which would say that certain things are prohibited and they could be taken to the courts if they were wrong.

I think it would be very difficult to draw a code of ethics which would be meaningful and helpful in the field of general House behavior, but that is not to say it cannot be done. I think it can be done

and I think it would be helpful both ways: To eliminate some bad behavior that might occur and to create a better image on the part of the public that these things are being looked into and that the standards are there.

The CHAIRMAN. Thank you, Mr. Bennett. What I am trying to say is this: I am trying to think out loud about it—is it possible to legislate ethics and morality and honesty? Is that matter not, in the final analysis, going to have to be settled by the constituency of the Representative or the employee?

Mr. BENNETT. Well, if you are referring to the second group of things I referred to, which is statutory law, you realize that most of this report that I referred to deals with statutory law. If you are referring to that, obviously you can make improvements.

The first law probably was a law against murder and to say that there are not fewer murders because of this law, I think, is to make an untrue statement. I don't know when that law was written, probably thousands of years ago, but to say that laws—I will put it this way: It is obvious that no law can make a man good, but it is also obvious that a law can make a man perform well or do things well and not do bad things because of the penalty which may be applied to him.

All of us here are members of some religious faith and I think we would all agree that the only way in which we can make ourselves better is to live by high spiritual standards, but we cannot enact anything like that into law. That could not be done.

So far as the second aspect of it is concerned, the bringing forth of new statutory law with specific penalties, obviously this committee can do that. People have been doing this for thousands of years, and successfully, to improve society. As to the first point of drawing a general code of ethics for Members of Congress and just leaving it in the gray area without any real prohibitions, I think your observations are well taken. I think it is very difficult to draw a general or even rather specific thing in this field.

I am sure it could be done and would do some good, but I am not saying it would be an easy thing to do.

I was going to say after it is done, if it can be done, and I believe it can be done, I think there would be two benefits, as I have already mentioned. One of them is to raise the standards of the House and the other is to allay the apprehensions of the public, which I think is a good thing to do. But this is not the main thrust of this committee.

The main thrust of this committee is not just to do that; it is to see wherever the deportment or activities of Members of Congress should be restricted in whatever fashion, by statutory law or whatever it might be. I am more hopeful that something can be done in the field of statutory law than I am in drawing a statement which is just going to appeal to people's higher principles.

Like you, I question whether, if you don't put some teeth in it, it is going to be very effective.

The CHAIRMAN. It was the question of standards, the code of ethics, I had reference to and was emphasizing particularly.

However, I recognize that, due to recent developments and events that have happened, there is a great demand for this Congress to do something and I assume that something will be done.

Mr. Anderson?

Mr. ANDERSON of Illinois. One question, Mr. Chairman.

Section 2(b) of your resolution, Mr. Bennett, refers to the power of the select committee to make an investigation of any violation by a Member, officer, or employee.

What would you do given the case of someone like the former secretary to the Senate majority who resigns before the full story of his misdeeds unfolds? Would the committee have jurisdiction to entertain charges in a case like that and conduct an investigation?

Mr. BENNETT. Well, the committee, after this legislation is passed, if it is passed, would have no jurisdiction to investigate unless it violated existing statutes at the time that the man performed the duties, not the duties but the improprieties.

I want an extra copy of this so I can give this to Mr. Anderson. So it is difficult for me to say what would be done about the former Secretary of the Senate, because I do not have all the facts before me. But if this was enacted and he had done this in the House and there was a law duly enacted by Congress, either in the future or in the past, as set out in the report, and he violated it, he could be given a censure. That's all he could be given under this legislation. He could just be censured for his act.

Mr. ANDERSON of Illinois. But you speak of employees. He would actually be an ex-employee if he had resigned. Do you still think the language is broad enough to cover that contingency?

Mr. BENNETT. Well, I think it is broad enough to cover an ex-employee providing he did the thing that was wrong after the law had been enacted and he violated the law. I think he could be censured. I don't know how easy it would be to censure him after he left the employment. I think that really has more effect upon the people who expect to continue their employment than it does those who have already left.

So whether the committee would waste its time to censure somebody after they left, I don't know. The only thing for this committee would be to bring a proper case, one reflecting upon the House, publicly, not a private matter, brought to the attention with all these safeguards to investigate his act, if his act occurred in violation of a law which existed at the time when he did the violation.

That is a very narrow field, but I do think it is a step forward.

Mr. ANDERSON of Illinois. That's all the questions I have.

The CHAIRMAN. Mr. Delaney?

Mr. DELANEY. At the conclusion of the hearings on this select committee, you would file a report with recommendations; is that right?

Mr. BENNETT. Yes.

Mr. DELANEY. And then, in order to have it effective, it would have to go to one of the committees of the House?

Mr. BENNETT. No, I think the committee would be able to take any resolution that was assigned to it by the Speaker and operate on it as if it were a legislative committee, could report it back to the House and the House and the House could act upon it. I don't think it would have to go through another legislative committee.

Mr. DELANEY. A select committee does not report directly to the House, does it?

Mr. BENNETT. I think in this field, I think when it has been given the powers that are in this field, it is my understanding they do.

Mr. DELANEY. We have a conflict. There is a standing committee with some powers, that is, on the election and so forth. Would it not be better to include all of these things under one committee?

Mr. BENNETT. I am not avaricious for jurisdiction; it's not me. The committee is not avaricious for jurisdiction. There is jurisdiction in the House Administration Committee which it has had for years with regard to its accounts which it supervises administratively, in addition to oversight. In other words, it approves the checks, and I don't see any reason to move that jurisdiction into this committee. I would think the things that they have had before under their jurisdiction they could well continue.

I think this committee is going to have plenty to do without getting into the House Administration Committee's functions. If you wanted to specifically spell it out in the resolution, this came up as a practical matter last fall because if this committee had been avaricious about jurisdiction, it might have raised the question with regard to House Administration Committee and its looking into Adam Clayton Powell.

It did not do so. It felt that the House Administration Committee had a jurisdiction in this field and it was proper for it to handle the hearings. It made no protest or effort to get into this act whatsoever. And I think this would be the experience in the future, but if you wanted to write something into the law to specifically preserve to the House Administration Committee the things that are within its powers, elections and accounts, this would certainly not in any way seriously affect this committee.

Mr. DELANEY. It seems there is such a close relationship between the House Administration and this select committee that it should come under one head rather than under separate heads.

Mr. BENNETT. Well, I have already stated in my statement why I don't think this broad power should be given to the House Administration Committee. I must also add if you try to do so, you would have to have a two-thirds vote, as I understand it, because it would require an amendment of the rules.

It does not have the jurisdiction at the present moment and I think this is an important enough thing and I think the country wants this thing to be looked at importantly and handled importantly, an important enough thing to put it in the hands of a committee which is designed to try to improve this particular thing instead of just sticking it in another committee which has endless things to do as it is.

Mr. DELANEY. We have a joint committee here with Mr. Madden and Mr. Monroney. They recommend—

Mr. BENNETT. Yes, they did.

Mr. DELANEY. Well, if they recommended an ethics committee, then it would go through both Houses and we would have it as a joint committee?

Mr. BENNETT. The only difference between that committee recommended by the Joint Committee on Organization of the House and Senate, and this committee, is this very mild—but I think important—

provision that in proper cases reflecting upon the House with competent evidence submitted that they will have the ability to censure.

Now, of course, the Senate committee which already stands, and it is a standing committee, I believe, anyway it already exists—it has much broader authority than what is recommended in the joint committee recommendation and much broader authority than this resolution could give, because it could actually, I assume, expel a member. It could not itself; it could recommend impeachment or expulsion or recommend a lot of things which this committee cannot do.

All this committee could do would be in these very narrow cases properly safeguarded, based on a law which has already been passed, it could in those cases recommend to the House that a resolution of censure be passed.

Mr. YOUNG. Is that the Committee on Rules and Administration?

Mr. BENNETT. The House Committee on Rules.

Mr. DELANEY. This committee has been established and called upon to act on their recommendation. We are acting on their recommendation to the joint House and Senate on the organization of the committee.

In the meanwhile we have an amendment of their recommendations right here with a select committee for the purpose of ethics. I understand there is a recommendation in there.

Mr. BENNETT. Yes, but it does not contain this particular provision that I think is important to the committee. It does not contain it and I think it should contain it.

Mr. DELANEY. I don't know what the recommendations are, but I understand there is a recommendation in there.

Mr. BENNETT. It is virtually almost what our last year's bill was.

Mr. DELANEY. We are going ahead now and then we get a general reorganization. We are doing this piecemeal when we could do the whole thing together.

Mr. BENNETT. Well, of course, this measure is a highly important measure. If you took the testing of the people throughout the country on the things they are real interested in, this rates real close to Vietnam, and to say this thing has got to wait until that omnibus bill is passed, which may be defeated on something other than this entirely, and all the delays involved in it, to tell the public they will wait that long, I think, would frustrate the public and make them rather furious, because I think they feel this is something we could handle.

It is not a complicated matter. The bill we had last session was what was in the joint committee recommendation.

Now, the Senate itself, the Senate itself gave much more power than we are asking for here in their Senate committee. As I say, it has much greater power, but the joint committee recommendation was just exactly what we had in the last session.

Mr. MADDEN. Would you yield? Were you talking about the joint committee recommendation?

The CHAIRMAN. Yes, the question was asked.

Mr. MADDEN. For the information of the committee, the recommen-

dation of the Joint Committee on Organization of the Congress was, and I will read it:

The House of Representatives shall create a committee on standards and conduct. The Joint Committee heard considerable testimony with respect to the problem of the ethical conduct of members of Congress. It is the opinion of the Joint Committee that the House of Representatives should create a committee to be concerned with the standards and conduct of members of the House. The Senate has already created a committee to examine problems in this area and the House might explore profitably the organization and procedures of the Senate committee prior to implementing this recommendation.

Now, Mr. Chairman, that was the consensus of the opinion of the joint committee and the recommendation as far as the House was concerned, so I just thought I would read that for the information of the members.

The CHAIRMAN. If the gentleman from New York will yield to me to answer the gentleman from Indiana's question.

You state in your report, as you read it, this was to be a select committee. Is it to be a temporary committee or a permanent committee?

Mr. MADDEN. That is true.

The CHAIRMAN. Which is it?

Mr. MADDEN. It is the recommendation that the House create such a committee or explore the advisability of creating such a committee.

The CHAIRMAN. What committee; permanent or select?

Mr. MADDEN. It doesn't set that out.

Mr. BENNETT. I can answer that. Upon advice of Mr. Sewell here, he tells me the bill that has been introduced to implement these recommendations provides for a select committee.

I misunderstood him. It is select in both instances.

Mr. SEWELL. In the bill it calls for a standing committee.

Mr. BENNETT. In the bill they call for a standing committee.

Mr. MADDEN. As I understand, some of the resolutions call for a select and some permanent; is that true?

Mr. BENNETT. Yes; that is correct.

The CHAIRMAN. Anything further, Mr. Delaney?

Mr. DELANEY. Just on the adoption, say, of the Madden bill, we would have a standing committee of the House and here we would have in existence a temporary or select committee?

Mr. BENNETT. Of course, we could amend that to put in a provision about censure so you could use this procedure. The question is whether you want to occupy this kind of time since you are giving it a full hearing now, whether you want to do that and whether you want to occupy this kind of time since we have had this full hearing and the issues are all before us.

I would hope the Rules Committee would come forth with whatever committee they wanted to have, a standing committee, select committee, giving it power to censure or not power to censure, as you all determine is best for our country and the House.

Mr. DELANEY. Suppose the Madden bill were to pass now, and pass both Houses and you had a select committee here, then under this law, why, we would have a standing committee of the House. We would have a conflict then?

MR. BENNETT. I don't believe that would happen on the floor of the House. I believe an amendment would take place during the debate which would handle that. It would either take the standing committee we create by the Rules Committee here, and I do hope you create a standing committee, or you would change that provision of the Madden provision to make it a select committee, since that would be the normal way to operate, I would think.

THE CHAIRMAN. Of course, this committee has original jurisdiction in this matter. It could report out any kind of a resolution it saw fit.

MR. MARTIN?

MR. MARTIN. Thank you, Mr. Chairman.

I concur in your remarks, Mr. Bennett. I think you made a very fine statement. The feeling in the country today and the image of the Congress, I think, demands completely that a separate committee be set up in this area, not assigned to the House Administration Committee or any other committee that we have in existence.

I think this is most important for the image of the Congress itself. I think we need a strong piece of legislation in this area, or a strong resolution. I have a question or two on part of your testimony.

On page 3 under section 2, you state :

Such an investigation may be made only upon receipt by the Select Committee of a complaint, in writing and under oath, made by or submitted to a member of the House, and transmitted to the Select Committee by such member.

Do you not think there is a little weakness involved in that procedure? There might be cases of misconduct that occur outside the House which would not be known to the Members themselves, yet could be reported by outside people who, if they had the authority to report directly to this select committee, would do so.

Secondly, it seems to me that there is a weakness in that under this language a person would have to make his complaint to some other Member of the House and there might be a great reluctance on the part of the Member to file, under oath, a formal complaint against one of his colleagues.

MR. BENNETT. On that last point you make, it would not be envisioned that the Member of Congress would file anything under his own oath, unless it was his own information. The procedure of setting it up that way was done analogous to the prosecuting attorney referring things to the grand jury or things of this type.

I must say, speaking for myself and I think for every member of this committee, of course, I cannot speak for them because they did not vote on this particular thing, but looking at the careful minutes we took, which are available for anybody to read, the provision about making it under oath and in writing, and the provision about a Member of the House having to refer it to the committee were done entirely for the purpose of reassuring Members of Congress that trivial matters would not come in any way to the committee. The committee would still have the discretion to turn it down.

MR. MARTIN. Your staff could turn it down?

MR. BENNETT. I would much prefer having those provisions stricken, because the committee still does not have to hear these matters. If trivial, the staff or the committee can sift them. I don't think a matter should be considered under investigation unless the committee makes

a motion it is under investigation, so I think the committee can well protect Members in this field.

Analogous in the Senate, they did not put anything in theirs about being under oath and in writing and Members submitting it to the committee. If you remember in the last days of the last session of Congress, I am not perhaps the most belligerent Member of Congress available to carry on this kind of fight, but with the assistance of some stalwart men on both sides of the aisle, we were able to make a case, but we were under heavy attack from people who said this was an immolation committee and something to destroy Members of Congress and all kinds of protection should be set up to keep down this abuse, and, of course, there is no Member of Congress probably that has said—I will put it this way. As far as I am concerned, if I go back on this committee, I don't know whether I would or not, I have never said an adverse thing about any Member of Congress either privately or publicly and I am certainly not anxious to see anybody hurt.

All I want to do is help raise the standards of Congress analogous to the grievance committee and the bar, known by its anonymity, not publicity. It is known by its effort to prevent rather than its penalization of individuals.

So I think these provisions are entirely unnecessary and I would welcome them being stricken by the Rules Committee if it wants to do so, because I think it is a weakness I think it would be good to strike it, but if it makes some of the apprehensive Members of Congress happier, well, it is a rule which we could live with and we are not anxious to do anything but help, not to hurt.

Mr. MARTIN. Well, one other question, Mr. Bennett, in regard to protection of the Members of the Congress themselves.

The resolution reported by the Rules Committee last fall required a two-thirds vote, two-thirds of the total membership, eight of the 12 members, for a report or a censure of a Member to the House.

Now, as I read your resolution, it would require a simple majority?

Mr. BENNETT. That is true only because the House itself in working its will on this bill did this. You see, in other words, this resolution you have before you today has had only one thing done to it other than what the House did to it last fall.

The only thing done to it is to allow resolutions of censorship to be presented in proper cases for action by the House of Representatives. That was the only thing added. It was my thought and the committee's thought that the House had worked its feeling about what the House had decided.

As far as I am concerned, and I guess as far as the other members are concerned, the two-third requirement is not unusual. I said repeatedly in the hearings of this committee I hoped this committee could be a unanimous committee; I hoped that, there is no rule about that.

I hope we can do that. I served under Mr. Vinson for many years in the Armed Services Committee. That was his rule—we did not bring out things unless they came out unanimously. Of course, you cannot always do that, but you can have that as a goal, so I think two-thirds would not be a difficult thing to live with at all.

Mr. MARTIN. As I recall, the Rules Committee in suggesting that amendment last year, sought to safeguard the rights of the Members themselves.

Mr. BENNETT. That would be thoroughly acceptable to me. It would be acceptable to myself and I think it would be to the committee as a whole. The only reason it is the other way is because this resolution before you today is 100 percent the same resolution the House passed with the single tiny exception of inserting the ability to recommend censure in proper cases.

Mr. MARTIN. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Bolling?

Mr. BOLLING. Thank you, Mr. Chairman.

Mr. Bennett, at the bottom of page 2 of your resolution, the paragraph that begins—it is under section (b)—

The select committee shall have power to make an investigation of any violation by a Member, officer, employee of the House of standards of conduct established by the House of Representatives by law or resolution, including those standards provided as title 18, United States Code, and in the concurrent resolution passed July 11, 1958.

I would like to be reminded what was in that concurrent resolution.

Mr. BENNETT. That is the "Code of Ethics for Government Service."

Mr. BOLLING. And that includes the Congress? Do you have a copy of that around?

Mr. BENNETT. It is in the report of the committee. I usually carry a wallet-sized one in my wallet, but I don't have my wallet with me.

Mr. BOLLING. I was asking this because of something in the colloquy between the chairman and Mr. Bennett, and I think it is worth reading this "Code of Ethics for Government Service":

Any person in Government service should :

1. Put loyalty to the highest moral principles and to country above loyalty to persons, party or Government department.
2. Uphold the Constitution, laws and legal regulations of the United States and of all governments therein and never be a party to their evasion.
3. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.
4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.
5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.
6. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.
7. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.
8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.
9. Expose corruption wherever discovered.
10. Uphold these principles, ever conscious that public office is a public trust.

The thing that worries me today, as it did then, about this code of ethics for Government service is, first, its vagueness—because it really is, as I understand it, a re adoption of the Ten Commandments with a little addenda; and, second, the effectiveness it may or may not have had since its adoption.

Now, I am sort of curious as to what would happen, having studied this matter somewhat carefully, if there was an attempt to do as this section says, make an investigation of any violation by a Member, officer, employee of the House, particularly in connection with "loyalty to the highest moral principles above loyalty to persons, party, or Government department." That is what this says and that is what this would do in this resolution; is that correct?

Mr. BENNETT. That is correct.

Mr. BOLLING. I was curious about that.

Mr. BENNETT. Let me say this. This illustrates the difficulty of coming out with a code of ethics, because this code of ethics was drafted by about 40 or 50 Members of Congress and this was in 1949 or 1950. It took about from 1949 or 1950 to 1958 to get it passed, and it was worked over by several sessions of Congress. Extensive hearings were had on it, and commas put in, commas taken out, words changed here and words changed there, and it is not an easy thing at all to get a code of ethics for Government service or any other code of ethics for anybody drafted, which has this implication to try to help standards in the field other than statutory criminal law.

That is the reason when the chairman asked me about this, I said to him that I am not very sanguine about—very optimistic about drawing up codes of ethics.

This is not an easy thing to do at all, because when you have a code of ethics, unless it is criminal law, you have admittedly said it is going to be in a gray area and subject to all kinds of interpretations.

I know the chairman is looking at the clock. I would like to say one thing about this code of ethics. It has not been a useless thing. The Civil Service Commission has many times referred to this as being a very helpful thing in the executive branch of the Government, so it has been a worthwhile thing. It has never been applied to the House of Representatives, but if there is an objection to the vagueness of this, that would be easily done by just striking that language relative to resolutions and you could just say—just stop right there when it says the standards established by the House of Representatives by law.

That would be stopped at page 25 where it says "by law" and just strike the rest of that sentence after "law." This is not a law, this is just a resolution. It was passed by the House and the Senate, but it was not a law. So you could strike that and there would be no great harm done by that if you want to do that. I have no objection to doing that.

I would think, however, the committee might want to think about the possibility there might be a desire to leave some power of oversight in this field and if you do not have some general provisions like this, you would not have such oversight. But if you feel the committee might be likely to go down all kinds of cul-de-sacs and do things it should not do, it would be a simple thing just to strike all words after "by law," to strike out "or resolution including" and I don't think this would impair the activities of the committee. And I would have no objection to removing it if you want to remove it.

Mr. BOLLING. Mr. Chairman, I have one comment I would like to make.

The impression, I think, has been left in the record that there are only two ways of establishing a committee with full jurisdiction and directing that committee to do certain things. One would be through the Madden committee recommendations, and the other would be through the establishment by resolution of a select or standing committee, much like Mr. Bennett's.

There is a third way, a simple way, and it does not take two-thirds vote. All it would require would be a resolution from the Rules Committee to amend rule XI, section 9, which establishes the Committee on House Administration, and give it the same jurisdiction as was given to the select committee. That then would be reenforced in the same resolution by a directive to the Committee on House Administration containing, I think, somewhat tightened-up language, virtually identical, to all the language which appears in Mr. Bennett's resolution, starting with section 2 on line 11 of page 2, and proceeding as far as and much as one wished to proceed.

This would be a resolution from the Rules Committee. It would be privileged; it probably could be gotten to the floor faster than anything else. It could be acted on and you would have a directive to the Committee on House Administration which would be very clear and very specific. In this resolution, the select committee is only authorized. The third suggestion—the third possibility is for the Congress to direct the House Administration Committee to take jurisdiction.

Mr. BENNETT. If I might briefly respond to this.

The only reason why I said it took a two-thirds vote is because an opponent of this committee, the House select committee, who was trying to frankly work up some way to defeat this committee, told me he thought it would take a two-thirds vote.

I did not believe it myself; I felt if an enemy of the committee said it took a two-thirds vote, I figured it would. I must say in my main testimony, I don't want to go back over this, due to the record of the House Administration Committee over things it has had jurisdiction over for years, and has been directed to operate in this field, in my opinion giving this matter to the House Administration Committee will be an affront to the American public, because I think they want a full operating committee that will look into this matter fully and come forth with recommendations and operate in a way they should.

The record as it was written by the very able Congressman from Ohio is replete with illustrations of where this committee has known, it not only knew but had administrative responsibility in this field, it had to approve the checks, and the law was to the contrary and it approved the checks, so I don't think the American public is going to take very happily to sweeping this under the rug.

Mr. BOLLING. I would make a comment that the gentleman would certainly have his right to an opinion, but I would submit, though I have not firmly made up my mind on that, that I have been writing about reforming Congress a good deal more than most, excepting the chairman.

Mr. ANDERSON of Illinois. As you can see, however, with this directive, you have a committee composed along partisan lines, whereas the gentleman from Florida is suggesting the creation of a select bipartisan committee.

Mr. BOLLING. I excepted the bipartisan nature of the committee when it was up before last year; I happen to believe a certain element of party responsibility and I think standards of conduct and ethics are a matter of party responsibility, too.

The CHAIRMAN. Just a moment.

There are about a dozen resolutions from this committee down on the floor that are to be taken up and I am advised that, just as soon as the 1-minute speeches are over, the leadership will propose to take those resolutions up, and practically every member of this committee has one of them.

Now, what the Chair would like to ask the gentlemen of the committee is what the desire of the committee is.

Now we have, as I pointed out earlier, a large number of resolutions and a substantial number of Members of Congress who want to be heard on these resolutions. Would the committee like to come back after these resolutions are disposed of on the floor, or shall we meet tomorrow, or what is the desire of the committee?

(Discussion off the record.)

The CHAIRMAN. On the record.

Let me point out further to the committee that we have resolutions to be passed. I wonder if we could settle this in executive session and notify the people.

All right, the committee will go into executive session.

(Whereupon, at 12:10 p.m., the committee adjourned in order to go into executive session.)

CREATING A SELECT COMMITTEE ON STANDARDS AND CONDUCT

WEDNESDAY, FEBRUARY 22, 1967

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RULES,
Washington, D.C.

The committee met, pursuant to call, at 10:50 a.m., in room H-313, the Capitol, Hon. William M. Colmer (chairman of the committee) presiding.

The CHAIRMAN. The committee will come to order.

When the committee adjourned on yesterday, Mr. Bennett was testifying. We had reached Mr. O'Neill. So, Mr. Bennett, we will be glad to hear from you further, and Mr. O'Neill may have some questions he wants to propound to you.

Mr. O'NEILL. Mr. Bennett, I was mailed to my office three or four copies of a newspaper article that referred to you. Do you have a copy? Do you want to explain your thoughts with regard to the last paragraph as to how far you would go if legislation of this type were passed?

Mr. BENNETT. Yes; I think I best state this by repeating what I said yesterday, because it is rather brief on this article.

I would like to call attention to the Washington Star article of February 2, widely circulated by some Members in an effort to show that the Committee on Standards and Conduct should not be reconstituted.

A group of women reporters asked me to appear before them; and they interviewed me. I quickly sensed that they felt this committee was being set up as a "white wash" committee. I felt that such an impression on the press would further unfairly damage the image of Congress with the public. In reply to a question expressing disbelief that any Congressman would be willing to present to the committee any matter at all for investigation, I replied that in a case fully substantiated by competent evidence and reflecting on the Congress, it was my belief that 90 percent or all Members would be willing to do so in a serious case publicly reflecting on Congress.

The article gave the impression that 90 percent of Congress were waiting to present existing charges against other Congressmen. No other article coming from this well attended interview gave such an impression as far as I know.

Further, in answer to a question on how narrow or broad the fields of study of new legislation might be, I replied they could cover "all matters of impropriety" covered by legislation that might be introduced and assigned to the committee for study. The article as printed implied to many readers that the committee would have power to investigate charges under legislation not yet enacted. This is clearly untrue because the proposed bill would not allow any case to be investigated unless it were based on a statute or resolution previously passed by the House; and then only under the additional safeguards set up in the proposed bill before you.

So I didn't say what this newspaper report has given the impression to some people that I did say. As I pointed out, the things that I

have said, which are well shown by the record, including what I said when I first opened the meeting the day after the committee was created, and I stated at the first hearings of the committee last year—I am reading from the minutes of October 20, 1966, what I said—and this was approved by the committee, “I do not think a man’s private life is detrimental to the House. No one is perfect, and if he privately has weaknesses, it should not be something that should be before this committee as it would not reflect upon the House.”

But, of course, despite that statement, it is clear that the statute would not allow the committee to look into anything that was not approved by the House in law.

So I don’t know what the purpose of writing the article that way was, and I talked to the reporter about it the day after it came out. It was sort of paradoxical because I also talked to a member of the committee about it and told him how distressed I was. It is my understanding he then proceeded to send it to many Members of Congress despite the fact it was not, I told him, a portrayal of my thoughts at all.

The law requires that the committee would be restricted, it would have no discretion at all to set up standards and pass on standards for Members of Congress. It only has the authority to bring in the Congress standards which would have to be enacted by the House or if it is going to be a law, by the House and Senate and approved by the President.

Only thereafter would it be able to take any action with regard to any censure that would be brought forth by the committee.

Mr. O’NEILL. With regard to the case that is on hand at the present time, which most of this all stems from, the Constitution says, of course, you have to be 25, you have to live in the congressional district of the State, the question of residence and the question of citizenship, 7 years a citizen. How about the fact of the private life of the gentleman, that he had flaunted the courts in his own area? Do you think that would have been a matter for this committee?

Mr. BENNETT. No. The law constituting the committee would prohibit it.

Mr. O’NEILL. You have no idea of changing the basic concepts of the Constitution?

Mr. BENNETT. Not a particle. I don’t have the idea—not only I don’t have the idea, but I think if anybody has a lingering doubt about it, they should change the statute to make it clear. I don’t see how it could be clearer.

The CHAIRMAN. Mr. Bennett, you keep referring to the statute. What statute are you referring to? Do I get the impression you are talking about this resolution?

Mr. BENNETT. I am saying that if this law is passed, which I am asking to be passed, that the committee in the field of censure could only consider censuring a Member under the safeguards that are set up if the Member had violated a statute which had been enacted prior to the deed done by the Member.

The CHAIRMAN. You have reference then to existing law and not to this proposed legislation?

Mr. BENNETT. I have reference in this narrow respect only to existing law, not to the proposed legislation. The proposed legislation does not set up any standards at all.

Mr. O'NEILL. On page 3, line 7, "No investigations may be made—" Will you clearly state the effects of that sentence so that we can write it into the record here?

Mr. BENNETT. I am now reading what has been referred to:

No investigation may be made with reference to any complaint of a violation occurring prior to the establishment of the standards of conduct involved. After such investigation, the Select Committee may recommend to the House appropriate resolutions of censure for its consideration and action thereon.

Now, if this legislation is not amended in any respect, passed just as it is, the effect of this would be that a Member violating any law after it was enacted—these are laws in the past now we are talking about—could be brought up for censure for violation of that law or resolution. Now, there was some criticism yesterday in the hearing about the breadth and the vagueness of the existing code of ethics. That would, of course, be a standard.

However, I take no personal umbrage with this and if the members of the Rules Committee would want to strike that rather general statement of the code of ethics and just leave it to just law that had been passed by both the House and Senate, and approved by the President, this would not seriously affect the actions of the committee at all.

If they would desire to do that in view of all the apprehension people have raised about the vagueness of this, it might be a good thing to do. That would mean that you would strike on line 25, after the word "law," down to the period.

Mr. O'NEILL. That is all, Mr. Chairman.

The CHAIRMAN. Mr. Latta.

Mr. LATTA. Yes, Mr. Chairman.

Let me say, Mr. Bennett, that I introduced a similar resolution with few differences from House Resolution 18. In view of some of the answers that you have given us, and particularly the answer to the question by the gentleman from Massachusetts just a minute ago, I am a little bit in the dark as to what this committee is going to do. I hope you are not boxing yourself in to the extent that you are only going to investigate violations of law.

As I view it, if you are only going to investigate violations of law, there is no need for this committee's existence. Because, if a Member is violating the law, there is ample authority now to prosecute the individual. Would you agree with me?

He is not exempt as a Member of Congress from prosecution for such action.

Mr. BENNETT. No, I think the only additional value then to the committee would be whether they could bring in improvements of law. Plus the fact that I do think there is some reluctance—although I may be inaccurate in this, this is just a feeling on my part, and I can't substantiate it—I believe there is some reluctance in the regular legal procedures of the Department of Justice and in the States as well, to bring Members of the House before their bar for the simple reason they think we handle those things ourselves. But, of course, there is a provision even under the law that was passed in the last days of the last session which says that the committee can bring violations of the law to the attention of the courts and prosecuting authorities, and that was what was recommended by the joint committee.

However, the Senate committee is much broader. It does not restrict itself that way. I think there is a value even as suggested by

Mr. Bolling yesterday to leave out that provision just mentioned on line 25, I think the committee would still serve a useful purpose. I must admit I think it serves a less useful purpose.

Mr. LATTA. Let me say I am interested in the creation of a committee that will have authority to investigate acts of Members of Congress which bring disgrace on this body, whether it is by statute or otherwise. Let me give you an example of an individual who, through his personal conduct, disgraces the Congress. Let us assume this individual is a father; he does not support his family. He runs around with about 10 different women. This has become public knowledge; it is spread across the papers. He does not pay his debts; he has filed bankruptcy many times; he is a drunkard; he goes through the Halls of this Congress in drunken fashion; uses loud and boisterous language in the Halls of the Congress, and so forth, but he is not violating any law that you can put your finger on perhaps other than in being loud and disorderly.

Unless you can pinpoint that this man is violating a statute, even though this individual, in my humble judgment, would be bringing disgrace on this Congress, your committee would not have the authority to get in and say, "Listen, you are bringing disgrace on the Congress. Unless you do something about your personal conduct, we are going to censure you."

Now, as I interpret what you said yesterday, and what you said this morning, if you create this committee, cut out all powers that I think rightfully should be granted it, you are not going to be able to do that. But this individual would be bringing disgrace on the Congress.

Do you want to comment on this?

Mr. BENNETT. I certainly believe that the way in which you and I introduced this resolution and the select committee recommended is the proper procedure but it would certainly be preferable to have some committee make some step forward than to have no committee.

Very strong elements are opposing any committee in this field or at least urging that a committee be constituted which will not be a separate committee on a nonpartisan basis, a full committee to look into these matters. Being a practical man, I want to make some step forward. I am not saying that I prefer deleting it. I certainly do not prefer deleting it. I think the deletion of it closes all possibility of looking into things that perhaps should be looked into in extreme cases.

I think only in extreme cases. But there has been so much agitation among Members of Congress and despite the fact that every Member of Congress knows what it is to be in the busy life we have, inaccurately portrayed in the press—and I am not trying to blame the press, because it is partly our fault, I guess—despite that, there seems to be a desire to take the press over and above what the man actually said on the floor and in hearings and this sort of thing. Plus other things, they are making it quite a job to get any kind of committee born here.

Mr. LATTA. Let us take what you said here: you are interested in getting something. I am not particularly interested in just getting something. I want to see a resolution be reported from the Rules

Committee and be adopted on the floor, creating an ethics committee that has some power. I don't want to just see some headlines come out that the Congress has created an Ethics Committee that does not have any powers.

Now, we well know that this resolution that we have before us today is not the same resolution that was passed by the last Congress, because item B, under section 2, was stricken by the Hays amendment, and by adopting that Hays amendment we took all powers to investigate away from the Select Committee on Ethics.

But the general public thought that your committee had those powers. It is very difficult to try to operate. Now, you have been criticized by Mr. Hays, the very individual that offered the amendment for not doing something in 2 months.

I can refer to his remarks here of yesterday. It seems to me that you are just asking for more trouble and more criticism, not only by Mr. Hays and other individuals who are opposed to the creation of this committee, but by the general public, when you come before the Rules Committee here this morning and say that you want something rather than nothing. I think you ought to be taking a strong position and say that you are for the creation of the committee that will do the job.

Mr. BENNETT. That last statement I can certainly buy. I am in favor of the last. I am also in favor of the former, if that is all I can get, because I do think that there is some value in setting up a committee that would have the powers, even with the powers that we discussed a moment ago. I can see how you feel about it. I am disturbed that apparently some Members of Congress who feel that any Member of Congress, and particularly myself, who certainly has never opened his mouth in derogation of any individual at any time, would be thought to be a person that would do any witch hunting or snooping or anything like that. After all, I am 56 years of age. I have been in Congress 19 years. Nobody has yet pointed out any time when I have ever done anything like that. And I don't enjoy the stumbling of any of my brethren. I would hope that this committee, as I said yesterday, would be a committee that would be characterized by preventing rather than by penalization.

But if this is the opinion that my brothers have in Congress of me, then I would say it would be better if someone else were chairman of the committee. I have already offered not to be a member of the committee, if that is a stumbling block for this committee, because this committee is an important idea, it should go forward, there should not be personalities.

It ought to be on the basis of having a standing committee, if possible. There certainly ought to be a full committee devoting all its time to the field of ethics, improving standards. It ought to be a non-partisan committee and it ought to be done in an important manner so that this country will know that it is going to be given real attention to. I would much prefer it had all the things in it that are in this resolution before us today and I hope the committee will bring this out.

Mr. LATTI. Let me say, Mr. Bennett, that I am not one of those and I have not heard anybody say it, that feel that you would be too tough

in this case. I have not heard it. I think you would make an excellent chairman, one who would do the job that has to be done. But I feel you have to have the power to do the job that is expected of you and your committee. If you take all of the powers away from your committee, other than the fact that you are going to investigate violations of statutes, I think you are not accomplishing anything.

Mr. BENNETT. You may well be right.

Mr. LATTA. Because there are other means to getting at individuals—by criminal prosecution, not just through an ethics committee. If the general public thinks that this committee, as I have already indicated, has powers that it does not have, it is a reflection on the committee when it does not perform. I am certain you don't want any reflection cast on the committee. I also refer to this item in the Star on the matter of conflict of interest.

Now, from what you said, I don't know of any statutes against conflicts of interest, are there?

Mr. BENNETT. Yes, there are. The report shows some specifically relating to Members of Congress. It is a sort of piecemeal proposition. Apparently, something happened in history and they passed a law.

Mr. LATTA. Let me give you an example—

Mr. BENNETT. It is not a broad statute. There are several piecemeal statutes.

Mr. LATTA. I am an attorney, so let me take a case involving an attorney who is a member of a law firm. Let us assume that somebody goes to a member of this firm and wants to get a piece of legislation passed by the Congress and a Member of the Congress, a member of this firm, happened to be on a committee or even chairman of a committee. He has nothing to do with this, but he is a member of the firm that is being paid. This legislation comes out of the legislative committee and it is passed by the Congress. Is there any legislation on the books on such conflict of interest?

Mr. BENNETT. I don't think there is such a statute.

Mr. LATTA. You say that you would be willing to restrict this to matters involving violations of statute, is that right?

Mr. BENNETT. Yes, but you see this committee would be recommending after studying. Members of Congress would have an opportunity to be heard. We would have hearings on proposals to enact new laws of this nature. After those laws were enacted, after they were enacted, if then a Member of Congress, after the enactment of the law, violated that law, then you could go in for censure, but only after the enactment of the law. He could be brought in under a law enacted subsequently as a result of bringing it before the committee of the House, debate, and passed by the House and Senate and be signed by the President. He would have to do the act after the new law was passed.

Mr. LATTA. If your committee, though, would have some charges brought, say, by another Member, or by another constituent in the process outlined here, through an affidavit being properly signed, sent to a Member, and so forth, and he refers it, you really could not investigate that other than to investigate it for the purpose of making recommendations.

Mr. BENNETT. Well, if they left in the code of ethics for Government service, then you could, provided that was enacted before the misbehavior.

Mr. LATTA. What I have reference to is the fact that you have offered to delete these things other than the matters dealing with the statute.

Mr. BENNETT. It is the greatest reason, the only reason, really, why I think the code of ethics should be left in because it is the only thing that has any breadth to it at all.

Mr. LATTA. If you are talking about ethics, I think you should be talking about ethical conduct. I have not read until yesterday the code adopted for civil service employees some years ago, but if you are talking about ethics, I think ethics are ethics, and everybody ought to be required to abide by them.

If we are going to create an ethics committee, I think it ought to be involved with ethics. I don't think it ought to be necessarily involved with violations of statutes. If somebody is bringing disgrace on the Congress regardless of whether he is violating the statute, I think that it is the duty of this committee if it is formed to do something about it.

Mr. BENNETT. I do have great doubt in my mind why a fine group of men, as all the House of Representatives, should have any apprehension about unfair or snooping or witch-hunt type of activities in the private lives of anybody when most of us have a direct analogy in our own background.

Most of us were lawyers before we came here. I stopped practicing law when I came here in 1949, but most of us have this background and we have a grievance committee or ethics committee in the law. I don't think there is any lawyer in this country that would say this is not a good thing to have.

They have not expressed concern over the fact that the committee would do something that is improper. I don't know anyone that has a feeling like that. I think we ought to do this in the context of reality. After all, the Senate passed one with very broad powers, even, I guess, the power of recommending to impeach; all kinds of recommendations could be possible; expulsion and things of that type are possible under the Senate thing and nobody has had grave concern about that. It is like going into the dentist chair—the apprehension is many times much worse than the reality.

Mr. LATTA. Have you seen a copy of the Senate resolution creating this committee?

Mr. BENNETT. Yes.

Mr. LATTA. The powers given to them?

Mr. BENNETT. Yes; I have a copy. The major difference between this and that was set out in my testimony yesterday. The major difference is section 2(a) (2). It has the power to "recommend to the Senate by report or resolution by a majority vote of the full committee disciplinary action to be taken with respect to such violations which the select committee shall determine after according to the individuals concerned due notice and opportunity for hearing to have occurred."

That certainly is very broad power, much broader than this little resolution we have brought forth here. I don't think there is any ground for all this apprehension on the part of Members of Congress. There is nobody in this room that does not love the institution of Congress and does not want to help everybody to make it strong and make our country strong. Nobody in Congress differs with that objective. The apprehension I think is entirely unfounded.

Mr. LATTA. That is all, Mr. Chairman.

The CHAIRMAN. Mr. Young, do you have any questions?

Mr. YOUNG. Mr. Chairman, I don't have any questions at this time. Thank you.

The CHAIRMAN. Mr. Matsunaga?

Mr. MATSUNAGA. Thank you, Mr. Chairman.

Mr. Bennett, you stated in your prepared statement that you felt that the women reporters whom you talked with felt that the formation of this committee was to be nothing but a whitewash. If this be the feeling among reporters and they are the ones who tend to formulate public opinion, would it not be better not to form this committee?

Mr. BENNETT. Well, I paid the penalty with this newspaper story, of antagonizing many Members of Congress, but I assure you I did not antagonize the public. Perhaps if you look at this thing both ways, you will see that maybe it was a good thing that I tried to reassure the press and reassure the public that this was not going to be a whitewashing proposition. I will be very frank with you. I don't know whether I will be appointed chairman or not, but if I am appointed chairman, I don't think anybody will get the impression that the committee would be a whitewashing committee, but, rather, that it would be a committee which would try to raise the standards by prevention, if possible, and in extreme cases seriously reflecting on Congress, with competent evidence, properly presented, that censure-ship would be recommended. But it would be very carefully done to see that nobody is unduly hurt.

Mr. MATSUNAGA. You feel that a committee even without the powers that you originally asked for would still be considered as not a whitewash committee?

Mr. BENNETT. I think many people in the public would get the impression if the provisions are stricken with regard to the code of ethics for Government service, if that is stricken. I think many people in the public would come to the conclusion that it was a whitewashing committee.

I, myself, have not come to this conclusion because I think we would have tools with which we could do some good. But if Congress is so apprehensive that they would not want to go into that, that is up to them. I think they will pay a price for it. I think as between that and doing nothing, it is better to do that and the public image would be better to do that than it would be to do nothing.

Mr. MATSUNAGA. Now, referring to page 2 of the resolution, line 19, beginning at line 19, "to report violations, by a majority vote of the select committee, of any law to the proper Federal and State authorities."

By this is it intended that a committee or designated member of the committee shall be the complainant?

Mr. BENNETT. Of course, this was written on the floor of the House, you realize. This was not the resolution which I introduced last year. What we are doing here is bringing to you a simple package—very simple. It is exactly what the House of Representatives requested last time, and enacted with the simple exception of adding section 2(b), which is line 22; that is all that is added over what Congress did last time.

Mr. MATSUNAGA. My question is, in your opinion, does this mean that the committee or a member of the committee designated by the committee shall become a complainant?

Mr. BENNETT. I would think that it would not be that the member or that the committee would become complainant. I think it means in cases brought to the attention of the committee of violation of law, the committee could in whatever manner it thought best transfer this to the regular prosecuting authorities. It might merely buck it with a buck slip, "It has come to our attention,"—"For your interest,"—"After extensive hearings, we have come to the conclusion there seems to be some ground for considering that this ought to be looked into by the Justice Department."

There are all kinds of variations it might take. This is not language which I wrote. This is language written on the floor of the House last fall.

Mr. MATSUNAGA. In your opinion, would this subsection provide also for a recommendation on the part of the committee to the State or Federal authorities?

Mr. BENNETT. I don't think it would be precluded. I don't know that the committee is going to want to spend all its time, if it is going to be handled fully by the Justice Department, and go into extensive hearings on something that is going to have to be handled by the processes of law. Even if the committee is not very busy, I don't know that would be a very profitable pursuit.

Mr. MATSUNAGA. Don't you think then we ought to spell out that the committee shall make such recommendations as it deems proper?

Mr. BENNETT. I have some question in my mind as to whether or not when you are going to hand the thing over to the Justice Department, you ought to prejudge a man by making a preliminary court proceeding or semicourt proceeding in this committee. I think it would be very questionable in my mind whether that would be a proper procedure. That man is going to be tried by ordinary procedures in court. For some preliminary body to half-judge him, it seems to me, is rather questionable.

It seems to me he has his rights under the courts. I doubt that would be a sound thing to do.

Mr. MATSUNAGA. By recommendation, Mr. Bennett, I meant that an investigation should be had by the Federal or State authority, not that he should be convicted or be set free. That, of course, we know we cannot do.

Mr. BENNETT. Yes, but there are all different kinds of recommendations. If they merely recommend that they look into it, of course, I would agree with you 100 percent. If you painted him with an awfully dark brush and then say you recommend it be looked into, you have prejudged it.

Mr. MATSUNAGA. Isn't it only after we have half-judged the matter that we would report it to the Federal or State authorities to begin with?

Mr. BENNETT. Not necessarily. I didn't draw this provision.

Mr. MATSUNAGA. Even if you did not draw it, you are now the author of this resolution.

Mr. BENNETT. If you want to start to establish some legislative history—of course, this is the danger of establishing law by legislative

history, because I don't have the full committee. It seems to me some jurisdiction ought to be left in the committee to do something. I think one of the things it might do is study this and come out with a good answer instead of being imposed on by my frail intellect at this point to make legislative history which may be something we have to live with at our regret.

I personally feel that any recommendation coming forth from this committee regarding violations of law ought to be carefully couched in words which do not prejudge the man.

Mr. O'NEILL. I don't think it prejudices the case. There is plenty of precedent up here on the Hill for turning the files over to the Justice Department.

Mr. BENNETT. Turning them over, yes. I am talking about writing recommendations and saying from all we can tell he did X, Y, and Z, something like this. There are all different ways of recommending. If we gave the impression by our recommendation that we had prejudged the man and feel it is just a formality to convict him, I don't think that is fair to the man. He has not had all the regular procedures of constitutional courts. That is my opinion.

Of course, it is just my personal opinion. I can't speak for something today that does not exist at the moment. I do think the committee ought to be allowed to discuss at least such trivia when it gets into existence.

Mr. MATSUNAGA. As a lawyer, you know, and as a lawyer, I know, that we can refer matters which we have already prejudged for recommendation that the State or Federal authorities so judge. My question pertained merely to recommendation whether or not the Federal or State authorities ought to look into the matter.

Mr. BENNETT. In the first place, I would say it should be clear that the committee should not report anything to the Department of Justice unless it is going to recommend that they look into it. I don't see any point sending anything to the Department of Justice if we are not going to recommend that they look into it.

Mr. MATSUNAGA. The language here is "to report violations." Now it does not imply by the language as I see it here that we recommend that the authorities look into the matter. Sure, they can say, "We received the report," sure.

Mr. BENNETT. I certainly agree with you that we should report and recommend that the matter be looked into in any case that we report at all.

Mr. MATSUNAGA. No further questions.

The CHAIRMAN. Mr. Madden.

Mr. MADDEN. Mr. Bennett, did you ever find any angle connected with ethics and so on regarding some of these fabulous campaign contributions to Members of Congress and the Senate and so on, particularly from sources that have legislation pending in the Congress? Now that is an angle that I think probably should be given some real consideration. I know of cases right in my State where certain candidates have admitted spending around \$90,000 to \$100,000 for a congressional job through donations and otherwise. A lot of these donations are from sources, people, companies, organizations, that have legislation pending.

Don't you think that would be a matter that should be gone into from the standpoint of ethics? It has been reported in Chicago that

over \$3 million was spent to defeat Senator Douglas in this last election in Illinois. I saw in the New York Times where Governor Rockefeller admitted he spent \$4½ million to get the governorship. I think some of Tom Dewey's friends said it was nearer \$14 million. Now we know of the money that is being spent on elections. This thing has gotten beyond all bounds of judgment and commonsense as far as representative government is concerned, where millions are spent to elect Senators and Governors.

As far as Congress is concerned, that has been going on for quite a while. We have a case where a Member of Congress, who happens to be a member of a party organization, received a check for \$350,000 from a banquet down in Texas some years ago. The newspapers made so much rhubarb about it. I don't know what happened to the check, but those are things about which something should be done or the situation is going to be generating into a case where a man of ordinary means cannot be elected to Congress, can't be elected to the Senate.

You are talking about ethics. The American Medical Association, and this is no secret. The newspapers listed the names of candidates for Congress and what they received from the AMA. Some received as high as \$5,000, some \$2,500 in my State when medical legislation was pending in Congress. So I think if you are going to get into ethics, unless something can be done on the fabulous expenditures to be elected to Congress and that includes the Presidency, too, where it is going to take multimillions for a person to come to the Senate of the United States, and that has already been demonstrated, a poor fellow who has qualifications who wants to represent the common people, who doesn't have sources of money to get campaign funds is lost.

That thing happened in Illinois this year. It happened in your State a few years ago where multimillions of dollars were spent to defeat a Senator.

Mr. BENNETT. It costs a million dollars for anybody to complete a statewide contested campaign in the State of Florida today in my opinion.

Mr. MADDEN. Wherever there is a hot conflict, wherever there is interest involved, there should be something done as far as ethics is concerned to limit campaign expenses so that a man of ordinary means and a man representing the public that cannot accumulate multimillions to donate to a candidate can afford to run. There is something that has to be done about that, because it is getting worse every year.

Mr. MARTIN. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. MARTIN. I understand that the gentleman was the chairman on the House side of the Joint Reorganization Committee of the Congress. What were the recommendations of his committee in this regard?

Mr. MADDEN. We made recommendations on lobbying. That will correct some of that.

Mr. MARTIN. Did you do anything in regard to what you are mentioning?

Mr. MADDEN. The bill will be in the House in a few weeks. We will be glad to get an amendment from you on that.

Mr. MARTIN. But your committee did not make a recommendation on that?

Mr. MADDEN. They did on the lobbying angle.

Mr. MARTIN. I mean what you are talking about.

Mr. MADDEN. I think that would be a good thing for you to bring up. I will make an amendment if you will help me.

Mr. LATTI. Will the gentleman yield further?

Mr. MADDEN. Yes.

Mr. LATTI. I quite agree with the gentleman on these campaign contributions. Sometimes, apparently, they do become a little unethical. The amount that has been spent in some congressional races since I have been in Congress are just out of this world. I remember a case a couple of years ago where a Member from New York State was alleged to have spent \$250,000 to defeat a sitting Member. The attention of Congress was called to this matter, and they did absolutely nothing about it—nothing. So I think if this committee is formed, that would be a good area for them to examine more.

Mr. MADDEN. I think you are right.

The CHAIRMAN. Is there anything further, Mr. Madden?

Mr. MADDEN. No, that is all.

The CHAIRMAN. Thank you, Mr. Bennett.

Mr. MADDEN. I might say this in comment.

You, Mr. Bennett, made a statement in the beginning that you had a conference, a news conference, with women reporters, regarding this.

Mr. BENNETT. Yes. They invited me. I did not ask them to have this. I must say that I don't blame them at all. In the first place, I speak very fast as a general rule, and in the second place, these were not direct quotations. In the third place, after all I once was an AP writer, myself. So I know that we all have our problems about every business we have.

So, I am not blaming anybody.

The CHAIRMAN. Thank you, Mr. Bennett.

Gentlemen, we have about 40 resolutions, the majority of which are similar to the resolution of Mr. Bennett. There are quite a few Members who want to be heard on this subject. It is obvious that we are not going to be able to finish this today. Although, in the interest of good conduct of Members of Congress in both branches, we have met on Washington's Birthday, in the hope that we might get the truth. We want to expedite this matter as much as possible. As I say, we can't hear them all. Since the principal exponent of this type of legislation has been heard, it might be well to hear from the other side, so we might draw a picture in these first initial sessions of the committee.

Mr. Hays, I understand you are not altogether happy with this resolution. The committee will be glad to hear from you.

STATEMENT OF HON. WAYNE L. HAYS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO

Mr. HAYS. Thank you, Mr. Chairman. I don't know that I represent the other side, but I do have some views about it. I think I might best start out by sort of trying to defend myself and the House Administration Committee, which I apparently tried to do unsuccessfully yesterday.

I say "unsuccessfully," as a result of Mr. Latta's comments. I sat here and heard Mr. Bennett distinctly say in answer to a question by Mr. Bolling that if this matter were turned over to the House Administration Committee, with some strong recommendations, it would be an affront to the American public.

Maybe I am a little too sensitive, even though I have a reputation for a fairly thick skin.

Mr. Bennett also, in his testimony yesterday I distinctly recall, took two different positions on the House Administration Committee. First, that we didn't have any power, and, second, that we hadn't done anything.

I am summing it up and paraphrasing. I can agree to a degree with the first allegation that we didn't have much power. I can't agree with the second, that we didn't do anything. He also was quoted in the press as making a statement, I believe I heard him make it, that he had been around here for 20 years and we had not done anything. Now, it seems to me fair to ask, do you do something before there is something to do just for the sake of doing something?

Let me put this in context a little bit. There was a committee on contracts established some 4 or more years ago. It came about because there were two chairman who seemed to be using the contract system of putting employees on the payroll, which is not putting them on the payroll, but putting them under contract for a lump sum, to a degree which no other chairmen were using.

One of them was contracting with a good many college professors. I can understand this because this chairman thinks college professors know everything, and if you would give them a contract to do a study, you would get the right answers. The other chairman's contracts were with advisers and most of them turned out to be 18- or 19-year-old girls who did not come to Washington. By the very fact that this contract subcommittee was created, these contracts ceased to be signed.

Now, under the law, the chairman of the House Administration Committee was supposed to sign these contracts as he is supposed to sign every single voucher. If he did nothing else, that is all he would get done if he scrutinized, examined, investigated, checked out every voucher on every contract. We didn't get any fanfare in the newspapers. We didn't seek any. We sent out a letter saying from now on all contracts would have to be justified before this subcommittee, and they dropped down to nil. We have approved some contracts in the cases where the Veterans' Committee, for example, needs a man to work down in the Veterans' Administration, who is on retirement, to do a special task on a special bill. If they hired him, he would have to drop his pension, come in under salary, and then go back and try to get his pension reinstated after the month or 6 weeks is up.

Sometimes they contracted a man for a thousand dollars, \$1,500, whatever length of time it took to do this. I point that out because the committee did take action in this field when it became apparent that there were abuses.

Now, there is a lot of conversation about the Powell hearing. I want to say, Mr. Chairman and members, I didn't get any pleasure out of being chairman of that investigation. I wanted to be a lawyer. I am not one. I graduated from the university in the middle of the depression and I never had the money to get back. But I suspect if

I had had a law degree, I would not have been a prosecutor. I am not the prosecutor type. I did not get pleasure seeing these witnesses in here squirm around when they were confronted, to use the words of one of them "with either telling the truth or 'ratting' on the chairman."

Why do I bring this up, Mr. Chairman? Because Mr. Gibbons, who is a member of the House Administration Committee, and the author of one of these resolutions, first brought to the attention of the House Administration Committee the fact that apparently here were tickets being bought in the names of the staff which were being used by other people.

Secondly, there were an inordinate number of employees on the staff of that committee.

Mr. Chairman, the House Administration Committee votes money for these committees. Yesterday we voted in the subcommittee \$700,000-and some for the Government Operations Committee. That is a lot of money. They have 55 regular employees, I understand, from the testimony yesterday. We haven't checked every one of those employees out. Anyway, Mr. Gibbons brought the charges in late July as I recall it, and immediately within a matter of days the chairman, Mr. Burleson, had a group of GAO auditors going over all the vouchers of the House of Representatives. And they were still going over them on the first of December, or just about finished. Now, I made the remarks I made on the floor yesterday because Mr. Bennett said we didn't do anything. I merely pointed out that we conducted the whole Powell investigation in the same amount of time that his committee, which was to study this problem and come up with recommendations, had, and the one recommendation I understand they came up with is, put us back in business.

I would agree with Mr. Bennett that the field of ethics and a code of ethics is a very difficult thing. I would not castigate him for not getting the job done in 2 months or 3 months, but I didn't like the inference that the House Administration Committee had done nothing. I am not here seeking praise, Mr. Chairman, but I have had a good many Members, both in writing and verbally, tell me that they thought that we, and I use the word "we," because I could not have done it by myself, Mr. Devine, from my State of Ohio, Mr. Dickinson, from Alabama, Mr. Jones of Missouri, Mr. Nedzi, of Michigan, Mr. Waggonner, of Louisiana, were all on that committee, and we came out with a unanimous report. We didn't do it in one afternoon. We had some disagreements, but we resolved them. And we came out with recommendations.

There has not been anything developed by the ad hoc committee on this matter that we didn't develop except they were able to get Mrs. Powell up here. We were not. I don't know whether you Members consider it pertinent and appropriate or whether you would like to know or not, but we did a lot of things to get Mrs. Powell up here. She came out of this hearing before the ad hoc committee as something of a heroine. I don't quite concur in that judgment. In the first place, the Secret Service went to Puerto Rico early in the game in August and said, in effect, and I will have to paraphrase this and make it brief, I have it all in writing, "Mrs. Powell, if you in fact did not authorize your husband to sign your checks, if you in fact did not give him

power of attorney, and you will make an affidavit to that effect, we are prepared to write you a check now for some \$30,000 which you should have got, which he appropriated, and we will undertake," under some law or another, which I can't cite because I don't have it in front of me, "to recover this from Mr. Powell."

Now, the report in effect and in a couple of sentences said this, and Mrs. Powell's reply was, "Wait until my lawyers meet Adam's lawyers and see what he is going to do for me." She didn't answer the subpoena and her statement before the radio out here and the press that she only had a matter of hours' notice is not true, because the record shows that we received service on the subpoena several days before she first did not show up, and in three other instances, we gave her alternative dates and that was a matter of hours or a day or two because time was running out.

But she was advised that we could not bring her up because when the Congress expired, our power to punish expired with it, because, as you know, you can't punish a person for contempt of the 89th Congress in the 90th Congress.

Another interesting little side play that the press seemed to have missed about that is the fact that Mrs. Powell, as a result of our testimony, brought out in the committee, immediately wrote a letter to the Clerk and asked him to send her the November check which he did, and the December check. She made a big deal out of the fact she had not done any work and she wanted to be taken off the payroll, but when it became obvious from the answer to the question, and I will tell you what that was, that she could get the checks, she wrote and got them, but she still was not doing any work.

The question was to the assistant of the Clerk, "to whom do you send the employee's check?" and he said, "To whom they designate."

We asked, "Did Mrs. Powell say to whom to send the check?" He said, "We have nothing on record from Mrs. Powell. We have a letter from Mr. Powell saying to send them to his office." I asked the question, "If she wrote you a letter and said she wanted them, what would you do?"

He said, "We would send them to her." And in a couple of days, they got the letter.

I merely point that out to indicate that not everything that happened was accurately reported and perhaps in that case it was not reported at all.

Now, Mr. Bennett made the point that we didn't take Mrs. Powell off the payroll for a year and a half. Gentlemen, this may surprise the members of the press as well as you. I believe, and everybody on the committee believes, that we didn't have any power to take her off the payroll—period.

So that is one of the things that I think you ought to consider recommending, that the House Administration Committee have this and that it have certain powers.

Now, why did we take her off without the power? Because she was in violation of a law which was passed by the House as a result of this very case, but it didn't have any penalty. We debated in the House Administration Committee about what to do and the consensus was, we will take her off and if she thinks or he thinks we don't have the power, let him go to court and find out whether we do or not.

Now, that is how she got off the payroll. So what I am trying to say here, Mr. Chairman, very briefly, without a prepared statement, is that the House Administration Committee is the committee which has the responsibility for checking vouchers. We have tightened up our procedures. But let me point out to you, Mr. Chairman, that I believe that Congressmen are as good or maybe a little better than the average constituency which sends them here. Are we worse than the boys we appoint to West Point, Annapolis, and the Air Force Academy? They operate on the honor system and occasionally it breaks down: then something is done and the matter is adjudicated and a few of them get kicked out.

The House Administration Committee, because it could not operate any other way, Mr. Chairman, has operated on the honor system. We assumed that when a chairman sent over a voucher saying that this service has been performed or that this person had worked or this trip had been made on committee business, it had been made in that way.

Let me enlighten you a bit about these airline tickets—and we got a lot of criticism about that as a committee. Do you realize you can go and buy, by check, by credit card, if you have one, or cash, down here a ticket in anybody's name and nobody asks you when you get on the plane—you have all traveled—"Is this you?"

If somebody at the airline counter knows you, they will say, "Have a nice trip, Mr. Harris," "Have a nice trip, Mr. Coleman"; but they don't say, "This name is Jones here, what is your name, and produce identification."

We had no knowledge this was going on until a member of that committee brought a rumor to us that this was going on. Then we didn't act precipitously and rush to the press. We brought in the vouchers and we had them audited. The only vouchers we asked any questions about, Mr. Chairman, were vouchers which were made to points on weekends for which no per diem was asked. We found after proper auditing that we believed something was wrong and we had hearings.

They were not television spectacles and there were not photographers crawling around under the table photographing the witnesses from all angles. I have been criticized because my name got in the paper as a result of this. I don't guess the press was altogether happy, but we gave the witnesses the option of being heard in executive session or public session. They all chose to be heard in executive session.

Exactly so nobody would say we were sweeping it under the rug or trying to cover it up, I appeared after each hearing before the press with a minority member, ranking minority member in most cases, and tried to answer their questions as much as I could and as honestly as I could. If I made a mistake there, well, I will argue about it.

There is one thing more I want to say and then I will submit to questions. I am getting a little tired of some people in Congress, not many, and a great many out, saying, "Well, all Congressmen are pretty bad and they all do this, why don't you investigate them?"

I answered this to the press on numerous occasions. I said:

I don't know or have not heard or no charge has been placed that any other chairman was using tickets with somebody else's name on them. I don't know or I have heard no charge made that any other Member had a person on the payroll who was in fact not complying with the law of either being in the District of Columbia or in his own State and if such is brought to our attention, we will look into it.

It is pretty easy to malign Congress. A newspaper article which Mr. Bennett now disavows said one of the things he was going to look into is nepotism. That is a dirty word. But there is no law against employing a relative. As a matter of fact, and I just happened to see Mr. Reid here and I mean nothing personal about it, and I was not thinking of the newspaper he was formerly connected with, but the newspaper in my district and the New York Times, to name one, are family businesses. I see nothing wrong with it.

The people who have owned the New York Times for years have trained their sons or their sons-in-law, or some other relatives to run that paper and that is all right with me. I have a chain of papers in my State in which the family, there are four brothers, every one of them edits a paper, and now the sons and grandsons are moving into the business.

We haven't done anything about nepotism, Mr. Chairman, because there is no law against it. It did happen in Mr. Powell's case that the employee who was not working happened to be legally his wife, but it was not because it was nepotism. It was because she was not complying with the law of either being in New York or in Washington, D.C., that we took her from the payroll.

There are a lot of other things that I could say in defense of this committee, Mr. Chairman. I don't want to drag this out.

I do think that however you handle this, there should be some safeguards written in. I don't think, as Mr. Pepper said yesterday, and then retracted, that when there is a whisper there should be an investigation, because, as I said on the floor, Mr. Latta said my amendment changed it, I don't know whether he also remembers that it was a vote of 25 to 1 showing how the Members were worried about it, that if you were to set up a committee which could entertain charges without them being sworn and by rumor or by unsigned letter or even by signed letter, that you would be setting up a self-immolation bill, those are my words, for Congressmen, because I have had personal experience of a nobody being paid \$50 to make charges against me which later were withdrawn before they would have been thrown out.

I know that Congressman are fair game. I remember a column that was written about me, and maybe I am stupid for bringing this up, but, as I have said before, any trip I have taken my name has been on the ticket, and if anyone went with me, their name was either on the ticket or on the manifest. I remember a column that was written by a columnist, now deceased, castigating me for taking Mr. Petinard along as one of a volunteer staff to the NATO meeting. That same columnist's father-in-law, who is also deceased, was a Senator, and I have seen this columnist all over Europe traveling in Embassy cars and living in the Ambassador's residence. But that was not wrong; he was a reporter.

Well, I have been pretty serious. In a lighter vein, I had a lady write to me from my district the other day saying, "I haven't seen this gentleman's column lately. Where can I get in touch with him?"

I said, "Knowing him as I did, the best place I would think to try for the late so-and-so would be Hell."

There are a lot more things I could say in defense of the House Administration Committee, Mr. Chairman, but I will submit to your questions.

The CHAIRMAN. Mr. Hays, thank you for your statement and your forthrightness. You usually are forthright. I would be interested in what suggestion or recommendation you have to make to this committee as to what it should do about this resolution or these resolutions.

Mr. HAYS. Mr. Chairman, I will be very specific. The House Administration Committee has set up a Subcommittee on Ethics and Contracts. It could have any other name. We have asked for \$50,000 which the Subcommittee on Accounts unanimously granted yesterday and I assume the full committee will, and I doubt if the House will turn it down.

I would think, and I am forthright and I am blunt and my character does act as an abrasive on some people, I will join Mr. Bennett if they think I am too abrasive. I am not seeking to be chairman of this subcommittee. I will be glad for the chairman to appoint anyone else that he cares to. But I would think the proper thing, since the House Administration Committee is supposed to check these vouchers and we have adopted eight rules that this investigatory subcommittee recommended, which I think will tighten it up to the point that this cannot happen again, that this committee order the House Administration Committee, if it feels like ordering it or suggest or recommend or however they do it, that we do set up this committee, that we proceed to draw up some rules and regulations.

If that code of ethics which Mr. Bolling read yesterday is not about the vaguest thing for anybody to try to enforce, then I will give up.

And let the Members know specifically what is expected of them. If this is done, the committee with this money is prepared to make a study and to come into the House and to the Rules Committee with specific recommendations, have the House vote on them and to enforce them. That is my recommendation.

The CHAIRMAN. Very well, Mr. Anderson.

Mr. ANDERSON of Illinois. Thank you, Mr. Hays. I don't and I am sure the committee does not, regard these hearings as constituting any actual or implied criticism of your subcommittee or the House Administration Committee.

Mr. HAYS. If I may interrupt you, I did not mean to leave that impression, but there was some criticism of our committee from the previous witness and some implied criticism which I am sure Mr. Latta and I will thrash out when he gets down to impaling me here.

Mr. ANDERSON of Illinois. The question I have is this: I think what you have just described to the chairman is fine as far as it goes, to perhaps broaden and clarify the jurisdiction of the House Administration Committee in this realm of ethics, particularly as it relates to payrolls and expenditures from the House contingent fund.

As you know only too well, in all of the furor that has erupted around Mr. Powell, a great part of that deals not merely with airline tickets or with the employment of his wife and some of these other things involving audits of House funds, but is his contemptuous attitude with respect to certain orders of the New York courts of last resort.

You would not contend, I take it, that any recommendations that would be drawn up by this subcommittee pertaining to ethics would be broad enough to take in matters of that kind which would tend to reflect on the integrity of the whole House?

Mr. HAYS. I will say to the gentleman that any order of regulations that could be brought up by any committee, select, permanent, or House Administration Committee, could be just as effective in the House Administration Committee if the House adopted them as coming from any other committee.

Now, I think we might get into a philosophical discussion here as to whether or not the House wants to lay down regulations about how it handles a case like the one you mentioned, but at the moment in my opinion either the House Administration Committee or the select committee which would be set up here would be or would have the power, lacking a definitive action of the House, to go into that.

Mr. ANDERSON of Illinois. I take it you agreed, that rule XI, clause 9, the subparagraph that deals with the Committee on House Administration, as presently written, does not contain that broad jurisdiction?

Mr. HAYS. That is right.

Mr. ANDERSON of Illinois. You would have to amend the rules of the House?

Mr. HAYS. That is why we are talking about the resolution here. I don't think anybody has the broad jurisdiction at the moment.

Mr. ANDERSON of Illinois. Not even including this new subcommittee that you have described?

Mr. HAYS. No. What we propose to do is to study this matter and come into the House and ask for some rules and for some guidance.

Mr. ANDERSON of Illinois. There is also the question that most of the resolutions that we have before us refer to a bipartisan select committee which would be composed of six members of the majority and six of the minority. I believe that the subcommittee which you chaired, the subcommittee of the House Administration Committee, has 5-to-3 ratio.

Mr. HAYS. At the moment, it would be constituted four and three, which is about as close as you can get in a majority and minority situation. But I would say to the gentleman that there are arguments—I don't like the word "bipartisan"—well, I don't mind the word "bipartisan," but I think Mr. Bennett used on a couple of occasions the word "nonpartisan." There is no such thing around here. We are all fish or fowl, we are all Republicans or Democrats. We are not nonpartisan. There can be a philosophical argument about whether you have a balanced committee in this case.

But I would like to point out one thing to you. We came out with a unanimously agreed report. I would ask you before you make any judgment, to ask the men on your side whether they felt that they had every opportunity to cross-examine, every opportunity to make their views felt, and every opportunity to do whatever they thought they ought to do.

In addition, yesterday, in the subcommittee, when the money was voted, Mr. Divine said would they have the right to have minority employees? Nobody was prepared to answer, because the committee has not definitely been set up. I said:

Well, the chairman has told me that he wants me to chair this. If I do, the minority can hire whomever they please within reason. Certainly not more employees than the majority have. But if they feel they have to have a minority counsel and minority clerk, I have no objection in any way, shape, or form.

Mr. ANDERSON of Illinois. I still am not clear about the \$50,000 appropriation that you are going to request. What will be the scope of the investigation that you will make? Do you contemplate that you will come back with recommendations for the formulation of a code of conduct, ethics?

Mr. HAYS. Exactly.

Mr. ANDERSON of Illinois. Broader than the one that would merely relate to employees of the House or expenditures from the House contingent fund?

Mr. HAYS. We would envision making a study of this and coming back with whatever was thought would do the job and it would refer to employees and Members.

Now, let me say this: the resolution asks for the money for the House Administration Committee. We have an understanding that if this is not enough, we will come back. But one portion of this money, perhaps about \$12,000, or maybe \$15,000, I don't know the act amount, will go to hire an additional permanent auditor for the full committee to watch these vouchers as they come in, because one of the rules that we had set forth is that these committee chairmen shall report monthly on the travel made by their members and staff and we will not pay the bill to the airlines or railroads or whomever until we get that report and we intend to circulate it among every member of the committee so that nobody on the committee can say, "Well, the chairman was doing this, and we didn't know about it."

That is one of the reforms that came out of this hearing, and one of the things that we see we have to do.

Mr. ANDERSON of Illinois. Just let me say in conclusion, Mr. Chairman, I certainly applaud the committee for revising its procedures and for suggesting changes that will result in a tightening of procedures as they relate to the auditing of House funds. I am still disturbed by the fact that I can't see where the mandate of the committee would be broad enough to cover some of these other violations that have been unearthed in the Powell case that go beyond just employees of the House.

Mr. HAYS. That is what I am saying, that this committee, if you should decide to handle it that way, should mandate the committee just the same as apparently you are going to mandate a select committee, if you set it up. Apparently, you are not going to take these resolutions as I gather from the questions exactly as they are.

So if you are going to write a mandate, I am saying we would like to be mandated. If we don't think it is enough, we will come back and tell you so with proposed legislation. But the thing that bothers me and irritated me yesterday was the fact that as I said, we were accused on the one hand of not doing anything.

On the other hand, the statement was made that we didn't have the power to do it.

Mr. ANDERSON of Illinois. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. O'Neill, do you have any questions?

Mr. O'NEILL. Section 2, Mr. Hays, says:

To recommend to the House by report or resolution such additional rules or regulations as the select committee shall determine to be necessary or desirable to insure proper standards.

Is there any committee that has that authority at the present time, to make a recommendation? Does your House committee have it?

Mr. HAYS. I would say we do have that authority. As a result of this hearing, we have had, we have already incorporated eight rules which we believe we can do on our own without further power. We propose to probably come in with some more requests or a request for some specific legislation. But again I will plead the same thing, that Mr. Bennett pleaded yesterday, that we didn't have much time after this thing came up and the time we did have we spent in trying to find out whether this was fact or fancy.

Mr. O'NEILL. But this is to recommend to the House.

Mr. HAYS. That is right.

Mr. O'NEILL. You are making rules for yourselves, for your committee to follow with regard to that. But don't you have any right to make recommendations to the House on specific legislation on matters of this type?

Mr. HAYS. Yes. I don't think there is any doubt about that.

Mr. O'NEILL. This would be a sort of duplication.

Mr. HAYS. It would seem to me so.

Mr. O'NEILL. That is all, Mr. Chairman.

The CHAIRMAN. Mr. Martin, do you have any questions?

Mr. MARTIN. Mr. Hays, you stated that you were reluctant in your position as chairman of this subcommittee in December that went into this Powell case, to be in the position of a prosecuting attorney. But yet you are here, I gather from your testimony, wanting it set up within the jurisdiction of your committee, and I assume under your chairmanship, a subcommittee, so that this puts you in the same position that you have stated you are reluctant to assume.

Mr. HAYS. Mr. Martin, I don't envision it that way at all, if I may say so. Yet me tell you a little incident that happened. One of our legal counsel was cross-examining a witness. I leaned over and whispered to him that I would like him to ask him so-and-so. He whispered back, "Let us have a little recess, I want to talk to you about this."

So we declared a recess, and sent the witness out.

He said:

Mr. Hays, you are not an attorney, and you perhaps don't understand that we never ask any question that we don't know what the answer is in a courtroom.

I said:

Well, Mr. Attorney, you are not in a courtroom. That is exactly why I want to ask the question, and why I am going to ask the question when the witness comes back, because I want to know, and I don't know the answer.

I don't envisage this committee as being a prosecutor, sir. I envision it as being a factfinding committee.

Now, one of the big disputes we had in drawing up our report is, should we recommend to the Department of Justice that they prosecute?

I took the position, which seems to be the same position that Mr. Bennett took, that we should not recommend prosecution. But under the law and under a bill that I sponsored some years ago, three times it passed the House before we got the Senate to take it up, the so-called

Depository Library Act says that every department of Government and every Cabinet member gets a copy of every congressional report. Under that law, we send a copy of our hearings down to the Justice Department, but I didn't think we were a prosecuting body and I don't think we ought to be put in the position of recommending prosecution. I am not a lawyer, as I told you, but I think I can understand a little bit about what goes on around here.

I think if we did that, it could very well be upset by the Supreme Court on the ground that the thing was prejudiced before it ever went to trial. I don't know, but they have handed down to me, as a layman, some peculiar decisions. I didn't want to be put in that position.

Mr. MARTIN. You have stated that you changed the name of this subcommittee.

Mr. HAYS. We created it. We didn't change the name. It was the Subcommittee on Contracts. We broadened it and called it the Subcommittee on Ethics and Contracts.

Mr. MARTIN. Under the rules of the House, your committee is primarily responsible for auditing?

Mr. HAYS. That may be true, but we were also castigated in the press because we didn't do anything about these matters. So we thought we would try to do so. I think, sir, as I have said before, that before we can become very effective in any committee we are going to have some kind of mandate from the House laying down some ground rules.

Mr. MARTIN. I assume from your testimony that you are opposed to setting up a select subcommittee. Do you oppose this because you feel it is within the jurisdiction of your committee?

Mr. HAYS. I do, sir. I think it is within the jurisdiction of our committee. I think it would be plowing the same ground over. I don't think a hypothetical Congressman who is a lush and a drunk and a few other things that Mr. Latta described that exist—

Mr. LATTA. Did I leave any out?

Mr. HAYS. I didn't think you did. But if such a person did exist, I think we would be coming within the violation of some of the things that the House Administration Committee has jurisdiction over.

Mr. MARTIN. One other question. About the poll recently taken concerning the feelings of the public over congressional misconduct and the conduct of Mr. Powell, as brought out by your hearings and others, do you think that the temper of the people in the United States would go along with assigning this problem to a present committee of the House rather than setting up a new committee? Don't you think that it would be more effective as far as our public relations are concerned with the people to create a new committee?

Mr. HAYS. I don't necessarily think that. I have about 5,000 letters in my office that came addressed to me as a result of the hearings we had. I haven't read them all. I had my staff go over them. I think there are about 11 that are critical. The others are all laudatory or commendatory or some of each. Some saying we did a good job as far as we went. Some people said we ought to have built a gallows in front and hanged him. You can't satisfy everybody all the time. Maybe I am a little vain, but I sort of thought that that committee

did a fairly objective job and created a pretty good image for the Congress.

I can't quite buy Mr. Bennett's statement that assigning further matters of this kind to that committee would be an affront to the American people.

Mr. MARTIN. My mail indicates the opposite. They feel that we should set up a completely new committee in this area of ethics and standards of conduct, with broad powers to check into this entire field.

So my view evidently is a little different from what you have received.

Mr. HAYS. I haven't had a single letter saying we should set up a separate committee.

Mr. MARTIN. That is all.

The CHAIRMAN. Mr. Matsunaga?

Mr. MATSUNAGA. Thank you, Mr. Chairman.

It is your view that the proposed select committee is not necessary, that it would be duplication?

Mr. HAYS. That is correct.

Mr. MATSUNAGA. It has been proposed by one member of the committee, I think, that one way of accomplishing the intended purpose would be to put section 2, beginning on page 2, as powers granted to the House Administration Committee. Has any proposal in writing been made to that effect by way of a resolution?

Mr. HAYS. I know of none for certain, Mr. Matsunaga. I understand one member of this committee has a substitute resolution prepared. He told me this but I did not see a copy of it, which would do that very thing.

Mr. MATSUNAGA. What is your view, that this would accomplish what is intended by this resolution?

Mr. HAYS. Yes, that is my view. You can get in personalities and it has been said that referring it to us would be sweeping it under the rug. I can't quite see how anybody can in good conscience say that when we did not sweep the Powell matter under the rug. We could not have had any hearings. That would have been the easy way out.

I again say to you, gentlemen, that this was not an easy task and it was not a pleasant task and it was not one that I think that anyone would want. It was a necessary task as I viewed it and as the subcommittee viewed it, and we did it.

Mr. MATSUNAGA. No further questions.

The CHAIRMAN. Mr. Latta, do you have any questions?

Mr. LATTA. Just a couple, Mr. Chairman.

Let me say first of all, Wayne, that I join all these Members around this table in commending you and your subcommittee for the tremendous job that you did in the very short time that you had on this Powell matter.

I think, as you have indicated, that if the committee had not taken the steps that it did when it did, this mess would really have gotten out of hand and we would not have had the ad hoc committee established.

You have answered today a couple of questions that I had in my mind as to why your committee should not have the authority that you are requesting.

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. LATTI. 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. LATTI. 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. LATTI. 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. LATTI. 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. LATTI. 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.

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.

Please don't try to get me into a position of saying what the 90th Congress ought to do about this, because that was what we have the ad hoc committee to make the recommendations for. I don't know.

Mr. LATTA. Now, another question you raised, I think, when this matter was being debated on the floor for consideration of a special committee on the 19th of October last was the question of this committee not having any rules or regulations to follow. You raise that again today. If we gave your committee this power, would you have any rules or regulations or guidelines to go by?

Mr. HAYS. We already have some in existence. I would assume we would establish whatever we thought was necessary. When we went into the Powell investigation, we did establish rules and regulations to go by. One was that the meetings would be held in either executive or public session as to witnesses requested.

Another was that all the witnesses would be sworn and would testify under oath.

Three, a rule that I don't think the press reported very much. We didn't call these people in. Again we didn't act as prosecutors and say, "Where were you on the 17th of May 1966?" We notified them in writing and in prehearing conferences with the attorneys of what questions they would be asked relative to travel.

We told them that their names were on tickets bearing a certain date and they were alleged, according to these tickets, to have traveled to New York, Miami, Chicago, whatever it was.

"If you have a diary or anything else, that will be helpful to you to answer the question, whether in fact you did take the trip or didn't, you bring it along, because we are trying to get at the truth."

I don't know if that has been done here before or not, but we thought it was objective and fair.

Mr. LATTA. Are these the rules and regulations you had in mind when you were raising objections to the creation of the select committee?

Mr. HAYS. Those were some of them. The ex post facto was another. The main thing that bothered me, I didn't want the committee to draw up a vague set of ethics and resolutions. I commend you read the ones that Mr. Bennett got the Congress to adopt. I don't know how many times he got before our committee and asked us to get them printed for which I later got castigated, but they are pretty vague. I don't know how you go about enforcing them. If I have anything to do with them, they will be much more specific and people will know pretty surely that they are either in violation of them or not.

Mr. LATTA. I think that is a good statement. Congressmen should know something about them, know whether or not they are violating the rules.

Mr. HAYS. There is one of them you can't quarrel very much with. Do an honest day's work for an honest day's pay. I am for that a thousand percent.

How do you enforce it? Do you go around each Member's office and set up a time card system? I have had a little going over in the press. I made the statement—you know, some of the press in some of these interviews were saying, "Well, there are plenty of people on the Hill that don't do any work and what do you have to say about that." I said, "Gentlemen, I have always felt that the people who work up on

the Hill work harder than they do anywhere else, in town." I said, "Frankly, I have walked through a good many of these agencies downtown and I have felt tempted to paraphrase Churchill and say as far as Government employees in general are concerned, never have so many done so little work for so much money."

But how do you enforce this?

MR. LATTA. If a new Select Committee on Ethics and Conduct is created by the House, do you firmly believe that they could not come up with rules and regulations that would be to the satisfaction of Members of the House?

MR. HAYS. No.

MR. LATTA. That is all, Mr. Chairman.

THE CHAIRMAN. Mr. Hays, if I understand you correctly, you think that there is a necessity for something to be done or some additional laws, precautions to be taken—I don't like the word "guidelines"—that would tighten up the situation?

In other words, there is a demand for something to be done but that you think that it should be done through a standing committee rather than as a select committee?

MR. HAYS. That is correct.

THE CHAIRMAN. I hope I don't overstate you.

MR. HAYS. No; you are exactly right. I think, Mr. Chairman, that we have already done about 90 percent of the things that need to be done in the recommendations and rules that we have put through, outside of the Members' private lives. I don't know how far the Congress wants to go in that.

Mr. Bennett says he does not want to go at all, and I am in accord with that. I think the rules that we have already set up as to auditing procedures, payment of vouchers, and so forth, will make it absolutely impossible for anybody to do what was done in this case, because they have to send a record in before we pay the bill, and if the travel seems out of line or any member of the committee says it is out of line, we are not going to pay the bill until we look into it.

Before, it was pretty much a matter of pro forma business.

MR. LATTA. I have one further question.

THE CHAIRMAN. Go ahead, Mr. Latta.

MR. LATTA. This pertains to the duties of your committee, not just the ethics business. Do these chairmen have the power, if they want to just sign a voucher or whatever needs to be signed, to take off to go to San Francisco, to Seattle, or any place else and say "Well, I am going on business," any time they want to?

MR. HAYS. Certainly. You and I and the rest of us gave it to them. We gave to the Operations Committee \$725,000 over and above their statutory amount. You know the law says they can have four professional and I believe it is six stenographic employees.

Anything over that, they have to get special permission for. We have given them \$725,000 to hire extra people and to take trips or do whatever they want within their area of jurisdiction.

I don't see any way, short of what we have done which now requires a monthly report, if you don't trust the committee chairmen to see that he sits on this. Now, you know that the practice varies among committees. The Committee on Foreign Affairs of which I have the honor to be a member, and chairman of one of its subcommittees,

is chaired by my good friend and yours, and my good personal friend and neighbor, Dr. Morgan. If I recall correctly, the Foreign Affairs Committee, which has jurisdiction over aid, over State Department personnel, and foreign operations, foreign buildings, USIA, and to some degree, if anybody does, over the other agency, which I will not mention by name because they are not supposed to exist, although they have gotten in the press, we spent \$147,000 in the last 2 years.

Maybe we could be accused of not doing our job. But you are in a bind there. I am chairman of the Subcommittee on State Department Personnel for Foreign Operations, including foreign buildings. If I did the job of oversight the way it ought to be done, I would be out of the country 10 months of the year.

You can imagine what my friends from the press would say if I were out of town 1 month out of the year.

The CHAIRMAN. Thank you, Mr. Hays.

The committee will go into executive session for a moment.

(Whereupon, at 12:30 p.m., the committee went into executive session.)

APPENDIX

STATEMENT OF REPRESENTATIVE CATHERINE MAY, FOURTH DISTRICT OF WASHINGTON ON HOUSE RESOLUTION 71

Mr. Chairman and my distinguished colleagues, I wish to go on record in support of the pending resolutions before the Committee on Rules which would re-establish a Select Committee of the House of Representatives to be known as the Select Committee on Standards and Conduct.

My bill, H. Res. 71, was introduced the opening day of the new Congress, January 10, 1967.

Mr. Chairman, public office is a public trust, and I am sure that most Members of Congress recognize this by maintaining the highest standards of personal conduct. They recognize that the office a public servant holds belongs not to that individual but to the nation or state, as the case may be.

One of the greatest concerns which we all share is the damage done to the public image of the Congress by the questionable practices, intentional or not intentional, of a few. These actions of the few have, quite understandably, resulted in a great public indignation, and if we neglect what I consider to be the real problem—a need to tighten up Congressional standards and procedures out of which abuse of public office tends to grow—the public would have the right to be even more indignant.

A committee similar to the one proposed in the pending resolutions was created in the waning days of the last Congress and I was privileged to have been appointed to serve on that Select Committee. It was recognized, however, that the creation of that Select Committee came so late in the year that time was insufficient to carry out its responsibilities.

I have high hopes, Mr. Chairman, that this new legislation to create a Select Committee on Standards and Conduct will meet with swift approval.

STATEMENT OF HON. G. ELLIOTT HAGAN, MEMBER OF CONGRESS, FIRST DISTRICT OF GEORGIA

Mr. Chairman and gentlemen, I wish to take the occasion of this meeting of the House Rules Committee to reaffirm my wholehearted support of the current move to establish a permanent "Select Committee on Standards and Conduct" of Members of the United States House of Representatives.

In the opening days of the 90th Congress, I introduced a measure, House Resolution 197, which is now before this Committee, calling for the establishment of such a select committee in this Session of Congress. I personally believe that the urgency in this matter cannot be over-emphasized. Unfavorable allegations and disclosures in recent months involving certain Members of Congress have only added to the general public's growing disillusionment with Congress. The American taxpayers have an inherent right to expect and demand the most exemplary standards from their elected representatives at the highest level of government. The aims and goals of such a select committee, as I visualize them, would be of a preventive, rather than a punitive nature. I concur with my colleague, the Honorable Charles E. Bennett, in his contention that any part of the House Administration Committee, because of its partisan complexion, could not properly function in this critical area. I urge your expeditious consideration of this vital matter.

STATEMENT BY HON. HORACE R. KORNEGAY, SIXTH DISTRICT, NORTH CAROLINA

Mr. Chairman, and members of the Committee, it is a distinct honor for me to have the opportunity and the privilege of presenting a statement to this Committee in regard to the matter now before you.

I am grateful to you for your courtesy in allowing me to present my views and I shall ask your indulgence for only a brief period to offer some of my observations on the most important subject any of us in the 90th Congress now face: the public image and the character of the Congress and the self respect of those of us privileged to serve in the Congress.

The reputation and the respect for the Congress and its members have suffered a reversal in the court of last resort, public opinion, and we are all now on probation in the eyes of the American public.

A much celebrated case of one particular elected Member of Congress has reflected to the discredit of every single member of the House of Representatives—and to every good public servant, everywhere. The public opinion polls—and certainly the correspondence that you and I receive—bear out the low esteem now held for as individual members and the great body we have the honor to serve in.

The American public has been shocked by public revelations concerning the apparent lack of ethics and morality in some areas of our Government including the Congress.

The American public wants and deserves a Congress composed of individuals whose conduct is both ethically and morally proper. I also subscribe to that philosophy for it is my opinion that those of us in the Congress who are responsible for passing upon laws that we all must follow should be as clean in our own personal conduct as Caesar's wife.

Therefore, I ask you to give your usual considerate attention to House Resolution 64, which I have introduced, and I commend this measure to you for your deliberation. H. Res. 64 is similar to H. Res. 18, offered by the Gentleman from Florida (The Honorable Charles E. Bennett) who has worked long and tirelessly in this endeavor, and to several other resolutions now pending before you.

Passage of legislation, such as H. Res. 64 which bears my name, or of similar legislation, would help restore the confidence of the American public in the Congress. Establishment of a Select Committee on Standards and Conduct in the House of Representatives is the very minimum the public expects of its elected representatives. The Congress enacted a Code of Ethics in 1958, but the code needs enforcement authority. The 89th Congress enacted legislation setting up such a committee, but gave it a short span of life, which died with the formation of the current Congress. It is my fervent hope and my humble plea to you on this Committee that this Congress will make this committee permanent and give it the tools it needs to do the job that is long behind schedule.

Again, I thank you for your time and your courtesy.

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 20, 1967.

HON. WILLIAM M. COLMER,
*Chairman, House Committee on Rules,
The Capitol.*

DEAR MR. CHAIRMAN: I regret that previous commitments prevent me from appearing before the Rules Committee on Tuesday, February 21, 1967 at which time the Committee will hold a hearing on all bills to establish a House Select Committee on Standards and Conduct. I request that this letter be made a part of the record of that hearing.

On February 15, 1967 I introduced H. Res. 255 to establish a House Select Committee on Standards and Conduct. This legislation is identical to resolutions introduced by Congressman Charles E. Bennett and other Members of Congress. In my view, it is vital that this legislation be approved by your Committee and enacted by the House of Representatives. Although a Select Committee on Standards and Conduct was established pursuant to H. Res. 1013 in the 89th Congress, it never really had time to commence its assigned task.

Legislation establishing standards of conduct for Members of Congress and employees of the Congress is long overdue. Disclosures of questionable actions by some Members of Congress and congressional employees during the past sev-

eral years have seriously undermined public confidence in the integrity of the Congress and those who serve in it.

We in Congress apply a very strict standard of conduct to the executive branch in an effort to avoid possible conflicts of interest. We certainly should do no less to avoid conflicts of interest within the Congress.

I would hope that one of the first tasks of a Select Committee on Standards and Conduct would be to recommend to the House of Representatives a code of ethics with enforcement provisions that would ensure compliance.

I urge the Committee on Rules to give prompt and favorable consideration to the resolutions to establish a Select Committee on Standards and Conduct.

Sincerely,

RICHARD L. OTTINGER,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 16, 1967.

HON. WILLIAM M. COLMER,
*Chairman, Rules Committee,
House of Representatives,
Washington, D.C.*

DEAR MR. CHAIRMAN: On January 10, 1967, I introduced House Resolution 55, which has been referred to your Committee. This Resolution would create a Select Committee on Standards and Conduct.

I respectfully request that top priority consideration be given this resolution. It is important, I feel, that Congress now establish definitive standards of conduct and provide safeguards against their abuse. We must assure the people throughout the country that their trust will not be violated.

I would hope that the Standards and Conduct Committee could be made a permanent committee by including it under Rule 11 of the House of Representatives.

Your kind cooperation is appreciated.

Sincerely,

DANTE B. FASCELL,
Member of Congress.

STATEMENT BY CONGRESSMAN E. S. JOHNNY WALKER, IN SUPPORT OF HOUSE RESOLUTION 154

Mr. Chairman, it is a great pleasure for me to appear here today before this Committee, and I wish to thank you, Mr. Chairman, and all the other distinguished Members for this opportunity. I would like to apprise you of my opinion regarding the establishment of a House Select Committee on Standards and Conduct.

I have just returned from a brief visit to my home state of New Mexico. The three most frequent topics of conversation were Vietnam war, taxes, and Congressional behavior and ethics.

We Congressmen are the victims of what sociologists call "stereotyping." If we were asked to describe ourselves, we would probably give the description generally reserved for boy scouts—decent, hardworking, loyal, honest, etc. However, if we asked the general public to describe us, I fear we would get an answer which would more closely describe a cartoon character—inept, dishonest, loud-mouthed, opportunistic, etc.

About one out of every 400,000 people in this nation is a U.S. Representative at any given time, and I believe we are truly a representation of the entire population.

We are neither all virtuous, all the time, nor all totally lacking in virtue, all the time. Naturally, we would say we are more often than not doing what is best for our country.

In order to be most effective, we must have the respect and confidence of the people we represent.

Stereotypes are usually grossly unfair and inaccurate. But there is an apparent need or desire on the part of people generally to neatly categorize and label nationalities, races, religions, professions, sections and a multitude of other items.

Fortunately, stereotypes can be changed. But it is a slow and laborious process.

I believe a move is long overdue on the part of Congress to start chipping away at a belief that is both unfair and untrue and which has been in the making for more than 150 years.

Recent adverse comments by our constituents and in the news media are not something new. Congress has had during its history frequent crises, during which a Member or group of Members have been accused of wrongdoing.

Some of the charges made were true and some were based on emotionalism and some were of a more dubious nature. I do not intend to recount the history of this legislative body. Suffice it to say that we are all more or less familiar with the subject.

The resolution calling for establishment of a Select Committee on Standards and Conduct is a good start toward the goal of giving the American people a picture of Congress which is closer to the truth.

Since we are the only ones authorized to take action against our own Members, it seems to me that it makes sense to have a bipartisan committee, which I hope will act in a non-partisan manner, to investigate allegations of wrongdoing and more important, to make recommendations to prevent actions which will sully the name of Congress.

At the present time, it seems to take a great deal of public outrage to force Congress to act upon such allegations. It is my hope that such a committee as is suggested will take the lead and initiate corrective measures before the public makes a demand.

Even the creation of the Select Committee on Standards and Conduct will be criticized by some. No doubt, in creating this committee, we are admitting that it is needed. I don't think we should be afraid to make such an admission.

I thank the Chairman and the distinguished Members of this committee for giving their attention to this very important subject and for giving me this opportunity to express my views.

STATEMENT OF HON. SILVIO O. CONTE, ON HOUSE RESOLUTION 43

Mr. Chairman, I want to thank this distinguished committee for affording me the opportunity to present my views on the very important legislative proposals now under consideration, namely the establishment of a Select Committee on Standards and Conduct in the House of Representatives.

As we have learned with striking force in the past few months, this issue is one of the most important to come before the 90th Congress.

I introduced House Resolution 43 on the first day of the present session in the belief that the establishment of such a Select Committee could no longer be ignored. Events of that day have only confirmed and strengthened my own convictions on this point.

Under the provisions of House Resolution 43, the Select Committee would be given power to investigate alleged violations of established standards of conduct by a member or employee. Such standards, in turn, would be established by the House independently, or at the recommendation of the Select Committee.

Most importantly, any allegations of misconduct or violation of the standards of the House would have to be submitted to the Select Committee in the form of a complaint, either in writing or orally under oath, made by or submitted to a Member of the House.

The Select Committee would then undertake an investigation in accordance with the complaint and subsequently make recommendations to the House for possible resolutions of censure for its consideration and action.

I might remind the distinguished Committee that I had sought on several occasions during our debates in the matter concerning Adam Clayton Powell on the first day of the present session to introduce an appropriate amendment to the rules of the House. At first I sought to reestablish the Select Committee, and later to set up a Standing Committee on Standards and Conduct.

Because of the parliamentary procedures under which we conducted our debates that day, I was not given the opportunity to present either of these amendments. I subsequently redrafted my proposal and introduced it as House Resolution 43.

It was clear to many in the House in the previous Congress that such a Select Committee was necessary, primarily to solidify an ethical and moral code based on the solemn oath each of us takes as members of the House of Representatives. It was deemed necessary as a means of establishing uniformly accepted and understood standards to govern our own conduct and to evaluate the conduct of

our colleagues. It was advocated as a means to reaffirm public confidence in our elected officials and in the Congress of the United States.

Within the last several months, serious allegations concerning ethical misconduct have been voiced against a member of this House, and a member of the other body.

In the ensuing publicity, much concern has been voiced in the press and among the public over the conduct of all our Members and of the salaried employees of the Congress, of the ethical foundation and moral commitment of the Congress as a whole. The public, hearing the charges and weighing them against our reluctance to act on them for so long, has not been entirely without justification in voicing those anxieties and doubts.

There is no question that the great majority of us who are honored and privileged to serve in this great body, do so under the strictest self-imposed moral code. We do so quietly and without notoriety, because that is, as it should be, the normal and accepted standard. That is the rule rather than the exception.

When exceptions do occur and they reach the public eye, as indeed they all will sooner or later, the shock and dismay is such as to create a major national issue, a virtual crisis of confidence.

It behooves us in this body therefore, as duly elected representatives of the citizens of this country and as solemnly charged Members of Congress, to take every feasible step to remove the unjust stigma that attaches as a result of the misconduct of a single colleague or employee. In short, it is high time we established principles which will serve as a guide for all members of this body and its staff and employees, and upon which swift and fair action can be based in answer to formally presented charges.

Establishment of a bipartisan committee, acting on an accepted code of ethics, and having full investigative powers, will serve not only to uphold the integrity and prestige of the House of Representatives, but will also provide the means to confirm or, most importantly, immediately deny the veracity of any charge or allegation brought any Member or employee.

In this sense, such a Select Committee, functioning within the guidelines suggested in House Resolution 43, would serve primarily as a safeguard against unjust and unfounded allegations that might be suggested from time to time and which, through character assassination, misinterpretation, and untruth, can wreck the career of the most gifted and distinguished public servant.

If a Member or employee is accused of wrongdoing, either by the press or by his political enemy, he need only rely on the Select Committee to give the lie to the accusation. If the charge prove true, then the Committee is empowered to act accordingly, for the good of the House and the good of the country.

I respectfully urge the distinguished Committee on Rules to consider favorably House Resolution 43 for the establishment of a Select Committee on Standards and Conduct and to report favorably thereon to the House so that it might be approved and such a Select Committee be established as soon as possible.

Thank you, Mr. Chairman.

STATEMENT OF CONGRESSMAN DANIEL E. BUTTON, ON HOUSE RESOLUTION 18

The much and overly publicized case of a single Congressman whose conduct has been so overt as to attract public scrutiny and to obligate his Colleagues to inquire into it, naturally has raised innumerable questions in the minds of almost all Americans. These questions, and their implications, are reflected in many letters from my own constituents, who have been asking about the Congressional basis for disciplining Mr. Powell and also about the suspicions and rumors of misbehavior elsewhere, perhaps widespread.

I believe that the public deserves reasonable answers to such inquiries. I believe that the time has come when further delays in enacting a realistic and workable code of ethics will have several adverse and undesirable effects.

First, to discipline Representative Powell (in fact, even to consider the question of disciplining him) without providing the rationale for doing so, and prospectively doing so in the case of allegations against any other Member, will unmistakably leave many people of goodwill with the distinct impression that he was improperly and unfairly singled out for punishment, perhaps because of his race. To permit this thought to take shape would be to do a grave disservice to the credibility and honor of the Congress. I cannot believe that it is the will of

Congress that such an unjustified and discreditable policy or practice could prevail in this House.

Second, such failure would seem to be avoiding the very well-intentioned questions put to individual Members by their constituents who somewhat fearfully seem to be asking for a forthright and believable refutation of scandalous rumors about misconduct of some or even many Members.

None of this is new to any Member of the House, even to those newly seated Members such as I who find ourselves appalled at the prospect of having this House needlessly and sadly compromised in actuality or in a general impression.

The House of Representatives can do justice to itself, its Members, Congressman Powell, and not least to all Americans, by adopting forthwith a viable Code by which we can all be judged and which can be impartially and equitably administered by an appropriate committee.

I have introduced H. Res. 223 which deals with this need, and I speak on behalf of it and similar legislation to accomplish the purpose.

STATEMENT OF HON. SAMUEL S. STRATTON, OF NEW YORK

Mr. Stratton, Mr. Chairman, I strongly support the efforts to reestablish the Select Committee on Standards and Conduct and have introduced legislation, H. Res. 220, for this purpose. I commend our colleague from Florida, Mr. Bennett, for the leadership he has taken in behalf of this legislation.

I have been convinced for some time that a separate Committee should be established to develop standards for the conduct of Members and investigate reported violations in a calm and consistent manner. The committee should have as its sole purpose this important and delicate task so that it remains free from any other involvement as a Committee.

I believe the integrity of Congress and the confidence of the American public in their elected representatives is at stake. We cannot postpone exercising this responsibility any further.

Recent developments have demonstrated a need both for established standards of conduct and an established method of investigating reported irregularities. But this must be done on the basis of an established machinery, not on an ad-hoc or hit and miss basis. To help prevent unfortunate situations from developing and to deal with them before they so seriously threaten the public confidence in this foremost legislative body in the world, we should take this action without delay.

By establishing this Select Committee on Standards and Conduct these difficult matters can be handled in a way that will not impugn the integrity of Members wrongly accused but at the same time will deal effectively with violations that are clearly not in keeping with standards that should be adhered to by Members of the House.

I strongly urge the Committee to favorably report this legislation.

STATEMENT BY HON. RICHARD T. HANNA

Mr. Chairman, I think we all know that House consideration of the legislation now being heard by the Rules Committee is long overdue. I am sure I'm not alone when I express my pleasure at the Rules Committee's early consideration of this housecleaning measure.

Democratic institutions by definition must find their foundations in the confidence of the people they represent. When an institution no longer commands the respect of the people it serves it should no longer play a meaningful role in the affairs of the society that created it.

While Congress is still a long way from total institutional alienation from the people it serves, we are, however, in the grips of a severe crisis of confidence. For example, a recent survey by Parade Magazine indicated that on a credibility scale of 10 of the people ranked Congressmen at level eight, one step above car salesmen.

The unfortunate circumstances surrounding the Adam Clayton Powell affair have pointed up our poor public image. Few issues in recent memory have pro-

duced the flood of mail as has the Powell incident. With rare exception, the tone of the mail has indicated that the Congress is on trial.

Had we been willing to face the issue of House conduct and ethics in the past the Powell issue possibly would not have been raised in the context in which we must consider it today. Adam Powell would long ago have been punished for his blatant misconduct.

The Committee has the chance to take that all important first step forward insuring that Powells of the future will not put the institution of Congress on trial everytime we consider a Member's conduct. We are on trial today. We have been judging a man on arbitrary one-time standards. Because we have been lax in the past, there are no precedents or rules to proceed on, and how we account for ourselves will be carefully and closely scrutinized by the public.

While I cannot condone the actions of Powell, neither can I condone Congress' past unwillingness to create standards and subject itself to periodic review. Ironically, Adam Powell may well be the spark that produces a Congressional code of standards and ethics.

If we are to expect and merit our constituents' confidence, it is absolutely necessary that they have faith in our integrity. We hold an important public trust. We have been chosen by our respective communities to make the decisions on the public affairs of the day. If this trust is only offered in a cynical acceptance of expected corruption, the fabric of the institution can only deteriorate.

Mr. Chairman, I am asking the Committee and the Congress to take a step toward closing the present confidence gap. I am asking that in your deliberations you consider recommending a Select Committee that will have both the support and respect of the American people as well as the Congress. I am asking that you produce a mechanism that will have meaning and teeth. I am asking that Congress show the Nation that it has enough faith in itself to command the faith and confidence of the Nation it serves.

To fail to act during this Congress on the question of conduct and ethics would to this great institution represent a most damaging setback.

STATEMENT OF HON. CHARLOTTE T. REID, 15TH DISTRICT OF ILLINOIS, IN SUPPORT
OF HOUSE RESOLUTION 162

I appreciate this opportunity to submit a statement in behalf of House Resolution 162, which I introduced in the House of Representatives on January 19, 1967, to establish a Select Committee on Standards and Conduct.

As provided in my bill, such a Select Committee would have a bipartisan membership, consisting of six Majority and six Minority members to be appointed by the speaker. It shall be the duty of the Committee to recommend to the House appropriate rules and regulations to insure proper standards of conduct by Members of the House, and by officers or employees of the House, in the performance of their duties and the discharge of their responsibilities. Furthermore, the Committee would have the authority to report violations, by a majority vote, of any law to the proper Federal and State authorities.

Such a Select Committee would also have the power to investigate any violation by Members, officers, or employees of the House of any standards of conduct established by the House of Representatives or already in effect. This investigation would be made upon receipt by the Committee of a complaint, in writing and under oath, made by or submitted to a Member of the House and transmitted to the Committee by such Member. Upon the completion of such investigation, the Committee may recommend to the House appropriate resolutions of censure for its consideration and action thereon.

I am immensely pleased that the Committee on Rules is considering this legislation so early during this Session. Certainly there is widespread interest throughout the country in the question of ethics and credibility in government, and I feel it is most essential that public confidence in the integrity of the Congress be maintained at the highest possible level. After all, a Representative in Congress has the unique role of providing the most direct link between the people and their Government—and if our people lose confidence in the objectives and goals of those they elect to public office because of a few highly

publicized improprieties, then our system of representative government is impugned and endangered.

I personally am confident that the great majority of our legislators already observe standards of personal and professional conduct far beyond reproach but nevertheless feel that an established Select Committee such as is under consideration today is preferable to the necessity of appointing an ad hoc committee to judge charges of improper or illegal activities by any Member whenever they arise, infrequent as these charges may be. We cannot escape the fact that under the Constitution the House has the specific responsibility of judging the qualifications of any Member to sit in this body—and by the same token, I believe we have the corresponding responsibility for insisting upon the highest standards of conduct in the exercise of their official duties after they are seated. Unless we do this, we find ourselves in the position of demanding higher standards from others in government than from the people's representatives themselves—and under these circumstances, public indignation is readily understandable. In my judgment, standards of conduct for those in government should apply equally to the Executive and Legislative Branches—and the very existence of a Select Committee on Conduct and Standards would have a salutary effect on the public image of Congress. If this public image is deteriorating, as some contend, then we who serve in this body have only ourselves to blame for the lack of remedial action.

Properly constituted and administered, a Select Committee would make it clear to the American public that we in the House of Representatives do not condone unethical conduct or double standards for our membership. I am hopeful that the Committee on Rules will take prompt and favorable action on this legislation so that a Select Committee can be established during the 90th Congress.

