

CREATING A SELECT COMMITTEE ON STANDARDS AND CONDUCT

HEARINGS 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

MARCH 7, 8, 14 AND 15, 1967

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CREATING A SELECT COMMITTEE ON STANDARDS AND CONDUCT

TUESDAY, MARCH 7, 1967

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

The committee met at 11:45 a.m., pursuant to recess, in room H-313, the Capitol, Hon. William M. Colmer (chairman of the committee) presiding.

The CHAIRMAN. The committee will be in order.

STATEMENT OF HON. JOHN DELLENBACK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON

MR. DELLENBACK. Mr. Chairman and gentlemen, I am Congressman John Dellenback from Oregon. I am appearing this morning as an individual and also as a representative of approximately 46 of my fellow Republican freshmen Congressmen. This is my first term in the Congress and I must confess that I feel a certain reasonable amount of trepidation in giving my first congressional testimony before a committee as senior and as critically important to the whole legislative process as the House Rules Committee.

The accumulated years of congressional service on the part of the members of this committee makes my approximately 2 months of service appear as brief as in truth they are.

And yet in part it is this very newness to the congressional scene that is a principal reason for my appearing before you this morning. I realize from my own period of service in our Oregon Legislature that, after one has spent a number of years in such service, one sees and understands the detailed operation of such a body as this much more thoroughly than when he first commences service.

Yet there were times in my last term in the Oregon House of Representatives that the thoughts which the newcomers to such body communicated to the rest of us were most helpful in causing me to recall attitudes that I had had as a freshman State legislator, and, more importantly, that reflected very clearly the outside view of the legislative process and of the legislature.

So it is that, in coming before you as I do as a freshman, my perspective is in many ways more that of the average citizen of this Nation than it is that of the experienced Federal legislator.

And I say to you as forcefully and urgently as I can that the prevailing view in the section of the Nation from which I come, and apparently in many other sections as well, is one of serious question

about this Congress of ours. In the minds of the rank and file of our citizens, we who serve in the Congress and the Congress itself are on trial.

It is critically important that not only our true and actual conduct be above reproach, but that this fact be clearly demonstrated to the average citizen in a manner that will wipe from his mind any lingering concern or question and leave him in a mood to accept as the action of dedicated men and women the laws we write and the actions we take as their representatives. The action of a very few Members of this Congress have raised doubts in the minds of many of our average citizens.

In my brief time of service here I have already become convinced that any fair analysis of the Congress would clearly demonstrate that, with relatively few exceptions, our Members are able, sincere, honest, and hardworking people who are involved in this business of Government because of what they have to give rather than because of what they might possibly get.

I am personally convinced, and our group of freshman Republicans is convinced, that the creation of a meaningful Standards and Ethics Committee, with capacity to set and enforce standards of conduct for all of us, is action which the average citizen of America will understand and strongly approve. If the Congress fails to take this action at this time, we are deeply concerned that such inaction will be misinterpreted by many of the citizens of our areas and quite probably of yours.

The other day on the floor of the House, as part of the special order in which some 20 members of our group spoke, I read the following statement in which 46 members of our group have now joined:

We newly elected Republican Congressmen feel certain that the Congress of the United States—possibly with a few rare exceptions—is composed of men and women who are honest, dedicated and prepared both to preach and to practice adherence to a code of high personal morality and conduct.

We feel strongly that no duly elected individual member of Congress should be singled out from our midst to be judged against any special standard against which we are not all ready and willing to be judged.

In an effort to cause these feelings to take solid form, a number of us have earlier in this session introduced, or are today introducing or supporting, bills and resolutions looking to these goals.

In order to demonstrate to the people of the United States in a clear and convincing manner the fact that these feelings are not ours alone, but are also the feelings of the entire Congress, we urge the entire Congress, and particularly the Members thereof sitting in positions of leadership in this Congress as Members of the majority Democratic Party, to insist upon immediate study of and action upon proposed changes in House Rules and in statutes that will incorporate these feelings as part of such rules and statutes. We intend to push as hard as we are able toward the earliest possible attainment of these goals.

Forty-six signatories, from Oregon and Washington in the West—to Connecticut in the East; from Alaska to the North—to Texas and Florida to the South.

The House has now acted on the matter of Adam Clayton Powell. The second point I make on behalf of our group of new Congressmen is to urge as strongly as I can that, particularly in view of House action in the Powell case, it is vital that we demonstrate that we are not singling out one particular individual for special judgment, but rather that our action in this case is part of a consistent program and pattern.

Surely this is what it was intended to be in the action taken on the floor. The fairness and fundamental justice of the action taken by the House will be judged by our demonstrating clearly that this was not the application of a special set of standards to one selected individual, but rather that it was action based on a finding that a particular individual had failed to meet the code of conduct expected of all of us.

It is of extreme importance that we demonstrate this fact to the people of America by acting swiftly and decisively in the establishment of this special committee on standards and ethics. We are already slow with such action. Our people will very much approve the establishment of this committee. Immediate action looking to its creation is imperative.

Mr. Chairman, if I may, I would add a few words other than the prepared statement I have already read.

Among the pieces of legislation that were introduced the other day were pieces of legislation and changes in rules looking to the creation of this sort of a committee and our group's unanimous stand with such a proposal.

We urge as strongly as we possibly can that you not, in effect, let this thing drag on as you study the question of whether there should be such a committee created so that, in effect, the idea dies and we would urge there be immediate action on this one point.

The legislation and change in rules proposed the other day by individuals of our group went into other questions. The question of nepotism, and the group varies as to whether there should be outlawing of nepotism or merely disclosure of nepotism. They went into the question of assets. There were those that said what should be disclosed, but the specifics here are also subject to variation.

I don't come on behalf of our entire group to push any one of these proposals in the area of nepotism and disclosure, but to push as strongly as I can, and this group can, the moving ahead with a meaningful committee that will get into these specifics, conduct analysis and couple the thinking of experienced members with the fresh thinking of some new members in moving forward and seeing what ought to be done.

I sat through prior hearings of this committee and one of the questions that was dwelt upon at some length was whether this should be a permanent committee. I think the chairman raised this question. Or should this be a temporary committee.

I defer to your judgment in this regard, but my feeling is ultimately this should be a permanent committee. Whether you get to this immediately, or over a transitional period, is something which you gentlemen know a great deal more about than I.

The question of whether this should be a new committee or placed in the hands of the present House committee is one I also heard a great deal of questioning of prior witnesses on.

On this I would urge you create a new committee. This is in no wise because the present House Committee on Administration could not study this. They possibly could and would do this particular thing. But if a portion of the reason for the creation of this committee is to demonstrate, as clearly and unequivocally as this House can, that we attach a high degree of urgency and high degree of importance to this particular study at this particular time, I think the message would come across to our people much more clearly if this

were a special committee created at this particular time for this purpose than it ever would come across by saying we already have a committee and we will ask this committee to do a certain study.

I would urge again that I do speak to you as a freshman and I don't mean to be presumptuous in doing so. I speak for a group of freshmen and for a group that stand strongly and vigorously behind the urgency of this appeal.

This is our Congress in a sense, but it is a Congress that belongs to the people and the people have some serious questions about this whole situation of congressional conduct.

In my opinion, much of their feeling is unfounded and yet this does not detract from the fact that the feeling is there and the obligation is here in Congress to act in such a way that there is no doubt left in their minds.

I thank you for the opportunity to testify and for your time and attention.

Mr. PEPPER. I think we can all agree that the first statement of the gentleman was excellent. You started off very well.

Mr. DELLENBACK. Thank you, Mr. Pepper.

The CHAIRMAN. I yield to you, Mr. Pepper, to compliment the gentleman. I had intended to do that myself so I associate myself with your remarks.

Mr. PEPPER. Well, I will withdraw mine and associate with you.

The CHAIRMAN. I also wanted to ask you a few questions.

First, I understand you are speaking for a group, I believe you said of the minority, the Republicans?

Mr. DELLENBACK. That is correct.

The CHAIRMAN. But that you do not necessarily urge all of the provisions that are in the resolution that your group has introduced?

Mr. DELLENBACK. There is actually a series of proposals. Actually, I tried to make a distinction between the points upon which our group stood solidly and unanimously and a series of other points on which there was, without doubt, some difference of opinion.

I tried to disassociate my stand as a representative of the group from my stand as an individual by making clear that over the range there was a series of questions and very possibly, at this early stage on certain specific questions I touched on, possibly a variation of opinion.

I am not authorized to speak for the group on what we should do about nepotism or disclosure because there is a variation of preliminary attitude on this. But I speak for the group in urging this committee to act on forming this proposed ethics committee.

The CHAIRMAN. That was my observation. If I got the gist of your testimony, it was for the urging of action to be taken and to be taken as speedily as possible consistent with getting something that would be meaningful; is that correct?

Mr. DELLENBACK. That is correct, Mr. Chairman.

The CHAIRMAN. Now, I, of course, cannot speak for this committee. I can only speak for one individual member of it and that is myself. I don't think there is any disagreement with the gentleman on that subject, on that phase of the subject.

I think the committee recognizes the situation that exists and the committee wants to report some kind of a resolution that would be meaningful.

Now, as the gentleman is aware, there has been a very large number of these resolutions introduced. There have been quite a few Members who have said that they want to be heard on the resolution, or on their resolutions, and this committee feels that it should hear all of those who want to be heard. If I have any policy as far as this committee is concerned, it is that any Member of Congress who wants to be heard on this or any other matter that comes before the committee should have the opportunity to present his views.

I don't think there has been any disposition to dillydally with this or postpone it. I think that something will come out of this committee.

The only question involved is what is the best thing to come out of it and there is, as you know, a considerable variance about how it should be handled.

The thing that bothers me about expediting the adoption of a meaningful resolution is whether it should be a resolution consisting of our statements and further study, or whether there should be some resolution reported with teeth, to use that common expression, and get through with it rather than having further study.

I think we all know what the problem is. And so far as I am concerned, I don't care whether it is a select committee or the rules are amended to give some standing committee jurisdiction. I do think that whatever is reported should be of a permanent nature rather than just a select committee that would expire.

Thank you for listening to my remarks.

Mr. DELLENBACK. I commend the chairman for a series of points. One, I think your demonstrated intention that this committee will not move too quickly but will listen to the other Members of Congress who wish to testify on this. I appreciate your listening to me this morning.

The CHAIRMAN. Will the gentleman agree with me that hasty and precipitous action would not obtain the best result?

Mr. DELLENBACK. I am sure hasty and precipitous action can directly lead to improper results, but I do at the same time urge as strongly as I can—on this I know I speak for about 50 of us—that we would urge you and the members of this committee to move on this with all the haste you can bring to bear on it so there is a meaningful action taken at the earliest possible date.

If we study this in too great depth, I think the rest of this first session of this 90th Congress could be used on it and I think this would be a serious mistake.

Mr. MADDEN. I want to commend the gentleman for his statement, but don't you think that, if a committee like this is created, we ought to include in these resolutions and recommend to the Congress that they go into what I think is one of the most unethical practices, creates more scandal, influences more Members—that is this outlandish practice that in late years has expanded to where Congressmen and Senators have campaign funds that they spend as high as \$3 million or \$4 million.

One Congressman spent \$250,000. Whether he spent it, or whether certain influences who wanted to have his ear if he were elected spent it for him, don't you think that has unethical overtones for the Congress when a man comes in with those obligations?

Don't you think in all sincerity and honesty the Congress should go into that angle of fabulous campaign donations and expenditures on the part of a Congressman or a Senator?

I think it was only about 25 or 30 years ago a Senator came in here from Pennsylvania by the name of Vayer. I think they ousted him from the Senate and I think he spent almost \$100,000. That is chicken-feed to what some of these Senators and, of course, prorated Congressmen, spend in a campaign.

Don't you think if we are going into ethics that is one thing this committee ought to go into? The people making some of these fabulous, inexcusable, scandalous, donations to candidates for public legislative offices are expecting something in return or they wouldn't make it.

I would like your opinion on it.

Mr. DELLENBACK. I have heard the gentleman express himself as he did again this morning very eloquently on that point that I do feel could be a point of serious concern.

On analogy, if I may swiftly touch on it, in my last two terms—

Mr. MADDEN. I would just like your opinion on my question.

Mr. DELLENBACK. I think it is possible that by trying to bring too much into one study—

Mr. MADDEN. We are going into ethics, and I think this is the biggest cloud over this Congress. There is a gentleman at the end of the table, Senator Pepper from Florida. I was down there some years ago and I could hardly see anything but billboards for his opponent, and newspaper ads. I heard friends of Senator Pepper then say, "My God, it is estimated they are spending \$1 million to beat Claude Pepper."

What year was that, Claude?

Mr. PEPPER. 1950.

Mr. MADDEN. If we are going into ethics, I think we should go into those donations. We had an example of that in Senator Douglas' campaign last fall.

Let us go into this and try to give all these American young people who would like to come to Congress and the Senate an opportunity to come to Congress, but they cannot come unless Congress does something about these fabulous campaign expenditures. The ordinary American has not got a chance to come to Congress as a Representative of the House or Senate if these moneyed interests, these people with special legislation they want to protect or introduce and have the money to donate, are working against him. I think we should go into that along with other things.

Mr. DELLENBACK. I can see there is a series of things—

Mr. MADDEN. I want you to answer that. Would you think the committee should go into that problem which I think is a scandal?

Mr. DELLENBACK. I think the committee should go into anything that is considered to be scandalous on the part of Members of Congress.

Mr. MADDEN. I want your opinion.

Mr. DELLENBACK. I think it is an area of operation.

Mr. MADDEN. Don't you think it is a mandatory area of operation?

Mr. DELLENBACK. If the committee is created to have a—

Mr. MADDEN. Do you recommend it?

Mr. DELLENBACK. I would feel the committee could well go into this but I would not see the committee hang up on any one area.

Mr. MADDEN. Do you think there would be too much opposition in Congress and the Senate if we included it?

Mr. DELLENBACK. I think the committee—

Mr. MADDEN. You can answer this yes or no and I would like to have you with me. You made a very nice statement and I approve of it.

Mr. DELLENBACK. Well, what I am saying—

Mr. MADDEN. You are not with me. How many Republican members met in this agreement to file this resolution?

Mr. DELLENBACK. About 50.

Mr. MADDEN. Was this scandalous method of winning elections by fabulous campaign contributions brought up?

Mr. DELLENBACK. No, sir; this was not a point discussed.

Mr. MADDEN. No further questions.

Mr. DELLENBACK. That is the reason I am not authorized to speak for them on that.

The CHAIRMAN. Any further questions.

Mr. LATTA. Let me, by way of entering this little colloquy between these two gentlemen, point out there already is a committee called House Administration empowered by the rules of this great body to get into this matter.

Mr. MADDEN. Will you yield?

Mr. LATTA. No, I won't yield. I will read the rule:

Measures relating to the election of the President, Vice President, or Members of Congress using corrupt practices—

This would come under corrupt practices—

in buying elections.

Federal elections generally. It might just be such that there are 50 Members of Congress that read this before they had their meeting and that is probably one of the reasons they didn't bring it up.

There is already the House Administration Committee to get into this. If the committee is derelict in its duties, perhaps we should amend the House rules and put this power in a new committee.

If the House did that, there would be no question of who would handle it.

Would you favor the select committee taking over that?

Mr. DELLENBACK. If this deals with standards of conduct by the Members and this has not been done and the committee in its wisdom felt the power should be given to this committee, I don't quarrel with any decision of the committee. But I don't know the areas at this point into which the committee should go.

The broad grant of authority I think the average American is looking for, is a group established in this Congress that will really look at this matter, so that we are not singling out particular Members but are talking about standards for our actions which we are all expected to adhere to.

I think at the present time there are a great many of our people who are not convinced that the Congress today has demonstrated a willingness to police itself.

What I am pleading for is that we come out of this Congress with early action that will set up a group that can and will say "these are standards to which all Members must adhere" so we know in advance and don't ex post facto everything.

This is an area of rules—I read this one to which you make particular reference—there should be some investigation and either the group charged with this responsibility should move forward with it or, if they are not doing so, you know the rules that should be changed better than I do.

But I would be very reluctant to see action in any one given area get in the way and block the early establishment of a committee that can really investigate and come up with broad standards of conduct to which we should all adhere.

Mr. LATTI. I am glad you clarified this point because I didn't want you going out of this room with the statement that some 50 Members of Congress were not doing something about corrupt methods of practice.

Mr. DELLENBACK. I appreciate your further questions on this, sir.

Mr. MADDEN. Will you yield?

Mr. LATTI. I yield.

Mr. MADDEN. The House Committee on Administration was in on ethics in the Powell case. If they have jurisdiction in that, and the gentleman thinks they should take the ethics away from that committee, don't you think we should take the problem of this fabulous, dishonest, malicious multimillion dollars being spent to get Congressmen and Senators elected away from their committee and put it in this gentleman's committee?

Mr. LATTI. I want to point out to the gentleman that Mr. Hayes, chairman of a subcommittee of that committee, did not have the authority to get into the matter of ethics under the House rules.

Mr. MADDEN. If that is true, they have not begun anything on it, so let us take it and put it in under this ethics committee and I am satisfied something would be done.

Would you go along with it?

Mr. LATTI. I would, if you are asking me.

Mr. DELLENBACK. I am merely distinguishing, but I want the job done.

Mr. MADDEN. You and I agree on that.

The CHAIRMAN. Thank you, sir.

STATEMENT OF HON. MORRIS K. UDALL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. UDALL. Mr. Chairman, this committee has heard much on this subject and I won't take time at this hour to rehash a lot of things that have already been said.

If you give me your attention for 3½ minutes, I can say what I want. I have a learned statement. Its author thinks it is brilliant. If I have your permission, I will just make three or four points.

Mr. ANDERSON of Illinois. Are you offering to include it in the record?

Mr. UDALL. Yes, sir.

(The statement follows:)

STATEMENT OF HON. MORRIS K. UDALL

Mr. Chairman, I wish to associate myself this morning with the resolution offered by the gentleman from Florida (Mr. Bennett). I feel very strongly that the House of Representatives has a responsibility to pursue the matter of ethical standards for its Members, and I believe H. Res. 18, of which my own H. Res. 102 is a companion resolution, is the vehicle best suited at this time to accomplish this end.

As you know, Mr. Chairman, I played a part in the debate on January 10 relating to the seating of a Member accused of violating ethical standards of this body. Because the temper of the country and the Congress demanded action, that Member was denied his seat. However, the fact is that the House has no operative and enforceable set of ethical standards, and except for the most flagrant and celebrated case of unethical behavior, there is no way that the House can enforce even the most minimal standards of conduct on the part of its Members.

Mr. Chairman, the eyes of the country are on the Congress today. I have received hundreds of letter from all over the nation commenting on the Powell case. A great many of these letters have made this point: "All right, you have punished Congressman Powell. Now what are you going to do about others who may have abused their public trust?"

This is a serious question, Mr. Chairman. I don't think we can afford to ignore it. To do so would be to convince many of the detractors of the Congress and of the House of Representatives that the action of last month was, in fact, racially motivated. And it would leave many wondering if the gentleman from New York was not, in fact, a scapegoat for the larger sins of the Congress as a whole.

Mr. Chairman, I do not suggest, as many do, that this House is full of crooks and thieves. On the contrary, I believe nearly all of my colleagues are men of the highest moral and ethical character. What I do not want is for us to relax in this conviction and thus leave our honorable colleagues open for the charge that they want to sweep the whole matter of ethics under the rug.

The proposal you are considering this morning is a modest one. It would simply continue the Select Committee on Standards and Ethics established by the 89th Congress, with one important change. That change would permit the select committee to investigate specific charges against specific Members and recommend action. I think this change is absolutely necessary if the committee is to do the job our many constituents would expect it to do.

In conclusion, Mr. Chairman, I want to make just one more point. Before Congress convened in January, a great many people misread the temper of the country. One of those who failed to read that temper accurately was the gentleman from New York (Mr. Powell). I think some of our own leaders failed to take note of this sentiment. The result was a sequence of actions wholly unexpected by many knowledgeable people only a few days earlier.

Mr. Chairman, my point is that the temper of the country, reflected in those actions in January, is still with us. It won't go away. I think it would be tragic to misread that sentiment again. The people of this nation have become aware, or at least more aware than before, that their servants in the Congress can do wrong. And they want to see the Congress put an end at least to the more flagrant abuses which may be going on.

The resolution you are considering this morning can be an important first step toward establishment of standards for the guidance of Members. I am confident that if your committee decides to re-establish the Select Committee on Standards and Ethics, meaningful progress will be made to establish such standards and clear the good name of the House as a whole.

I strongly urge that H. Res. 18 be favorably reported.

Mr. UDALL. Every day we hear statements on the House floor that Congress is asking for better policing of its Members conduct. One of the big reasons is we refuse to face our problems and meet the needs of modern times and take care of such things as congressional ethics.

I took a small role in this Powell case and I have a covenant with the people I represent and a lot of other people who say, "You are singling out Powell."

I say I am not, and this is why I am here today to see that we follow through with meaningful action on ethics. The cold, hard fact is, nothing would have been done about the Powell case had the House been left to itself without the outcry and the press pointing its finger at the Congress and the public asking for action.

I am satisfied no meaningful action would have been taken against Powell without this outcry from the public and press. I think we can curb this and prevent such cases as the Powell case from happening and we need not have ex post facto rules.

I introduced a companion bill and I commend the 46 freshmen for all they have done. They have a red-hot issue and as far as I am concerned this is going to be a bipartisan group. If my party is smart, we will get behind this, too.

I think we can prevent this sort of thing because the public is demanding action.

I cannot see the fears here about Members being harassed by such a committee; personalities are not important.

Of course, we have lawyers and judges here in whom everyone has confidence they could handle this committee. The bar association is particularly apt. These things worked for years and nobody claims the lawyers are harassed by the bar. They are a shield to protect the innocent, not just a sword to punish the guilty.

I expect many of you have a newspaper editor back home making charges against your Members. I think it would be useful to have a committee and submit these charges to the committee and have it cleared up. I think there is strong sentiment here and in the House now to get some action on this question.

As the chairman said, the main problem is which route do you go, and I want to come down strongly on the side of a new committee, bipartisan committee, a select committee, and I think we should get the very best people.

Perhaps the resolution could provide in appointing the members of this new select committee the Speaker shall select at least some from the standing committee on House legislation so you would have a strong cross-pollination and cross-benefit of the expertise and background some of these people have on this select committee.

Sometimes it isn't too important what you do as how you do it. While I have great admiration for Mr. Hayes and others, what appears to be necessary is a select committee as the resolution provides for.

I am proud to serve in this institution and thank you. I hope I didn't run too much over my time.

The CHAIRMAN. Mr. Anderson?

Mr. ANDERSON of Illinois. Do you think your resolution has any weakness, as I believe it does, when it says the complaint should be in writing and under oath, made by or submitted to a Member of the House, which, in turn, would submit it to the committee?

Mr. UDALL. This troubles me, but I think it is necessary that we should submit it in this fashion. So many people think this will be a roving committee, snooping into Members' affairs on the instigation of a crackpot back home. We know some Member will take the lead and make such a complaint when necessary. So while I might prefer as a purist and theorist not to have such a recommendation, I think it is necessary and I support it.

The CHAIRMAN. Thank you, Mr. Udall.

Mr. Mathias.

STATEMENT OF HON. CHARLES McC. MATHIAS, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND

Mr. MATHIAS. I will try to proceed with the same dispatch and same force as Mr. Udall.

If I may, I have a statement prepared which I would like to submit for the record.

The CHAIRMAN. Very well.

(The statement follows:)

STATEMENT OF HON. CHARLES McC. MATHIAS, JR., REPRESENTATIVE OF MARYLAND, SIXTH DISTRICT

Mr. Chairman, when you opened these hearings two weeks ago, you observed that the question of Congressional ethics had particular topical interest. I trust that this interest has not waned now that the immediate topic is behind us. Rather, I think that our difficult experience last week emphasized the urgent need for us to establish a Select Committee on Standards and Conduct, such as would be created under my resolution, H. Res. 204. I hope that in time this panel would become a standing Committee of the House.

This House has two important responsibilities which, in my judgment, are not now being met. First, we should encourage public confidence in the integrity of the Congress, by exercising that degree of self-control and self-discipline which the people expect from their elected representatives. Second, we should insure that, when questions are raised or allegations of misconduct are made, all Members of the House will receive fair and equal treatment. Neither of these objectives can be reached by delay and hesitation, by dodging the issues, or by improvising procedures when public outcries occasionally make some dramatic action unavoidable.

Our present concern with Congressional conduct is a product of this century and the conditions which now prevail. The public's expectations have risen tremendously since the days in 1833 when Daniel Webster reminded Nicholas Biddle, the Philadelphia banker, that "my retainer has not been renewed, or refreshed as usual." Where such tangible ties between legislators and special interests were once accepted as a matter of course, they are now cause for public speculation, suspicion and mistrust.

Second, the business of Congress has expanded to embrace nearly every field of American activity. There are unlimited temptations—not simply for blatant corruption, but for subtle exertions of influence in countless grey areas. Our legislative business has become so complex that the press and the public can no longer keep up with everything we do. Of course a few flagrant and spectacular cases of misconduct do come to the attention of the electorate. But generally our conduct is insulated from public scrutiny. We know that most of us are honest all the time, and that all of us are honest most of the time. But the confidence of the public may diminish, unless we give clear, visible evidence that we, individually and as a body, intend to discipline ourselves.

Our previous efforts to define and enforce ethical standards have not been consistent or energetic enough. Although the Congress did enact a Code of Ethics for Government Service on July 11, 1958, without House debate or a dissenting vote, some Members of Congress and most of our constituents have never heard of it. Yet many of its provisions are extremely relevant to last week's experience—such as item 3, that any person in government service should "give a full day's labor for a full day's pay," and item 9, that he should "expose corruption wherever discovered."

Mr. Chairman, we have applied this Code of Ethics to every Federal employee, including the most humble and least privileged. We should be willing to conform to it ourselves. Yesterday I went back to the Congressional Record to see whether, in passing the resolution establishing this Code, the Congress gave clear indications that it was intended to apply to Members as well as to everyone else in public service. I found, unfortunately, that the Code was passed by the 85th Congress by unanimous consent, and that it was sandwiched between action on a bill to benefit Council Bluffs, Iowa, and a bill to authorize a program of research in fish farming. My question was answered only by the resolution itself, which states:

"It is the sense of the Congress that the following code of ethics should be adhered to by all Government employees, including officeholders."

Mr. Chairman, we should do better than this. It is time—and past time—for us to establish a bipartisan Committee, not only to develop language and enforcement procedures for a comprehensive, more detailed code of ethics and conduct, but also to investigate—according to regular rules—any complaints, accusations or grievances brought to the Committee's attention. My bill would set up such a Committee, with meaningful powers and sufficient safeguards, including the proviso that the Committee could look into charges against any Member, officer or employee of the House only when such charges had been made or referred to the Committee by a Member of the House.

I would hope that the Members appointed to this Committee would represent a broad range of standing committees, and would include eminent Members well informed about House salary and travel regulations, and about questions of law and constitutionality. I hope that this panel would be a vigorous one, and would recommend to the House such definite and progressive steps as requiring each Member and certain employees to file with the Committee or another appropriate office a copy of their annual Federal income tax returns and an annual statement of assets. I am prepared to recommend such an advance as soon as the Select Committee has been created and chosen.

In conclusion, I would note that being a Member of Congress has been transformed from a seasonal occupation to a full-time job—the primary assignment of all of us and the only active position held by most of us. Just as medical associations and bar associations have grievance committees, so should we police ourselves, and take all appropriate steps to guarantee the integrity of our branch of the public service. I do not fear or anticipate recklessness, self-righteousness or invasions of personal privacy by a Select Committee—but I do fear the loss of public trust which has already begun, because we have so long delayed meeting our obligations to ourselves and to the nation.

Mr. MATHIAS. As the chairman noted when these hearings began, there was a certain topical subject which may have stimulated some of the interest. Although that topic is behind us for the moment, we ought not to let the impetus die down.

It seems there are two questions here that have to be resolved. One is the confidence of the public in this institution and the other is the fair and equal treatment that should be accorded to every Member of Congress when he comes under any scrutiny. I think that is the job before us, to accomplish those two purposes.

In doing it I think we have to shake ourselves clear of the past. A lot of water has gone over the dam since Daniel Webster could put in writing in a letter to Nicholas Biddle that, "My retainer has not been renewed or refreshed as usual."

The public expects more of us than that today.

I think the nature of the congressional job has changed in the last few years. Our activities are broader. We deal in areas of mediation in the executive branch in a much broader way than our predecessors ever did. There are a lot of opportunities for exertion of influence today which I don't think the yardstick of the past is adequate to measure.

I think most of us are honest all of the time and all of us are honest most of the time, but I don't think the public knows it.

Now we made some efforts, somewhat symbolically, I think. The day after the Powell debates, I was walking through the cellar of the House Office Building and picked this up out of the ash can. That is a fact, that is where I got it.

The CHAIRMAN. Would you identify it?

Mr. MATHIAS. It is the Code of Ethics enacted by the Congress in 1958 without debate or a dissenting vote.

I think Dick Bolling mentioned the other day such things as "Give a full day's labor for a full day's pay," and I think that is relevant to what is before us.

If we apply this Code of Ethics to every humble and lowly Federal employee, we ought to be willing to apply it to ourselves and yet to my knowledge we didn't mention it.

It was the sense of Congress as stated in the preamble at the time this code was adopted that it should be adhered to by all Government employees.

I merely bring this up to illustrate that we have to be a little more energetic than we have been.

I am for a bipartisan committee. I think it ought to in time become a standing committee. I think it ought to have plenary powers to look into travel matters and I would urge that once it is selected and chosen that it seek the further authority, after consideration as to how this will be handled, to require disclosure, whether to the committee or the public. I would like to see a little discussion and debate on this but I think disclosure power is a thing the committee should have.

Membership in the Congress is a full-time job and for most of us it is the only active position we hold. Medical and bar associations have all come to the practice of having grievance committees and I think we have come to it. I am sure you gentlemen will give it very serious and sympathetic consideration.

Let me just add one word to the previous statement. I am sorry Mr. Madden is not here because I was intrigued by the question he asked Mr. Dellenback—would he think the corrupt practice question should be within the purview or jurisdiction of this committee.

I do not, sir. I think the campaign or corrupt practice, whatever the word you want to use to describe it, is a problem of very great proportions for this country. But it is a problem which comprehends the Presidency and the other bodies and I would not like to see the campaign practice problem dealt with only by this House or Congress.

It is a national problem and a separate problem, although related, but a separate problem than the problem in the House.

Thank you.

The CHAIRMAN. Mr. Anderson.

Mr. ANDERSON of Illinois. The reference by members of this committee, the specific reference to the concurrent resolution in 1958, perhaps that should be stricken.

What is your feeling on that?

Mr. MATHIAS. I would suppose that the select committee when chosen, if it roughly conforms to the language of the resolution, would probably have other language that would apply.

Mr. ANDERSON of Illinois. We can dispense with the incorporation by reference to this code that you have?

Mr. MATHIAS. I think so.

Mr. ANDERSON of Illinois. It would be incorporated as part of the standards?

Mr. MATHIAS. The resolution antedated our chance to put it into practice when we did it.

The CHAIRMAN. Anything further?

Mr. Matsunaga?

Mr. MATSUNAGA. I am a little confused. You say we dispensed with the Code of Ethics for Congress, but we still have it in effect for Government employees?

Mr. MATHIAS. Maybe dispensed is not the proper verb to have used. We didn't very vigorously wave it around and enforce it, but it is still in force as far as Government service is concerned. I think that is our problem.

Mr. MATSUNAGA. It has been proposed here by some of the advocates of the resolution creating the select committee that we do away with double standards. Now, if Federal employees are presently required to abide by the Code of Ethics, don't you feel that Members of Congress ought to comply with the code?

Mr. MATHIAS. Absolutely.

Mr. MATSUNAGA. And yet if you study the code, it is so broad, so ambiguous that it really sets no standard of conduct. Don't you agree as a lawyer?

Mr. MATHIAS. I think it needs some refinement. That is why I didn't object to the suggestion made by the gentleman from Illinois that the reference to it might be stricken from the resolution and that a new code, in light of our experience with this, might be developed which is more practical.

Mr. MATSUNAGA. Don't you think at the same time we should make it applicable to Federal employees as well, to do away with double standards?

Mr. MATHIAS. I certainly agree that whatever code is adopted, it should be applied across the board insofar as there are no practical objections to it. Either this should be applied to us and all other Federal employees or we should have a new one which should apply to everyone.

The CHAIRMAN. Thank you, Mr. Mathias.

The committee will go into executive session.

(At 12:35 p.m., the committee adjourned, to go into executive session.)

CREATING A SELECT COMMITTEE ON STANDARDS AND CONDUCT

WEDNESDAY, MARCH 8, 1967

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

The committee met, pursuant to recess, at 11 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.

The committee will resume hearings this morning on House Resolution 18 and allied resolutions which I understand now have increased to about 75. The counsel advises me I am in error. It is around 100.

Mr. Goodell, the committee will be pleased to hear from you.

STATEMENT OF HON. CHARLES E. GOODELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. GOODELL. Thank you, Mr. Chairman, my colleagues. I am here today as a spokesman for the Republican leadership. I would ask, Mr. Chairman, that the resolution of the House Republican policy committee adopted February 8, with reference to a Select Committee on Standards and Conduct be made a part of the record, if that is an order.

I am here more importantly, however, as a Member of Congress who reveres this institution. I have great respect for the membership of this House. I think I can state unabashedly I have never been associated with an aggregate of men and women for whom I have more respect. Under those circumstances, I think it is a painful and difficult task to talk about the problem of ethics and misconduct in our ranks.

I think all of us have dealt with the problem in recent weeks with a great deal of anguish. But having such pride in the House of Representatives, I feel it incumbent upon me, and I think it is incumbent on the membership, to take action.

Recently, a poll indicated that 88 percent of the citizens of this country were aware of the affairs of our colleague, Mr. Powell. Another poll disclosed that 60 percent of the people consider misuse of Government funds as a fairly common practice by Congressmen. I think this reflects a crisis of confidence in the Congress which we cannot ignore. We cannot satisfy ourselves with the defense that the public is wrong in its judgment of the Congress. I think we must face the unpleasant fact, as bluntly pointed out in the recent editorial

of the Wall Street Journal, "that almost two-thirds of the people think there are quite a few crooks in Congress."

This is apparently based on the 60 percent in the poll who said that misuse of Government funds is a fairly common practice by Congressmen. I think what is at stake immediately is our collective reputation and ultimately the position of Congress in our system of government. Prof. Stephen Bailey of Syracuse University observed:

Public cynicism is not friendly to freedom. If Congress is to retain a position of strength in our federal system, it must retain the people's confidence.

Many of us deplore the declining influence of Congress. In my view, to win and retain the support of the people Congress must, like Caesar's wife, be above suspicion. Will Rogers, a long time ago observed rather wryly that "Politicians, after all, are not over a year behind public opinion." I am afraid that Congress in reference to the whole issue of ethics is more than a year behind public opinion.

I am also a member of the House Committee on Administration. I must say honestly to you gentlemen I have great respect for the members of the House Administration Committee, and I believe that if this committee in its wisdom assigned the task of enforcing ethics or a subcommittee of House Administration, that committee would do a workmanlike and thorough job and a fair job. I do not recommend that course, however.

In spite of my great respect for this committee, I think we must face the fact that the public might well interpret the assignment of this task to the House Administration Committee as an effort to bury questions of ethics. I think we have to be very much aware and should have in the forefront of our minds what the public's reaction will be.

The House Administration Committee has had partial jurisdiction of some of the matters that have come to issue in recent weeks. I think in fairness to the House Administration Committee it can be said they did not have full jurisdiction and there was some question about how far they could go. So a resolution that expanded and clearly gave them the authority would doubtless result in somewhat different action on the part of House Administration. I do not think that a subcommittee of any existing committee should be assigned this job. In the first place, I think the committee should have equal party representation. Once again, this is not intended in any way to imply that the members of either party would fail to uphold their obligations as members of the committee. I do think that matters of conduct of our colleagues are peculiarly sensitive and they are inevitably sensitive to political implications.

I think that a committee which investigates various allegations against a Member should be immune from allegations of political bias of any nature. I might say if a committee controlled by the majority party was examining allegations against a member of the majority party, and they determined that the allegations were not true and cleared our colleague of the charges, it would be much better if the committee were on a nonpartisan basis with equal representation. There could be no allegation that the chairman or any of the members were proceeding on the basis of party affiliation.

Finally, since the jurisdiction of the House Administration Committee has been limited, I think assignment to them of this task, even

with a broader resolution, would be subject to misinterpretation by the public. Perhaps the strongest reason for a Select Committee on Standards and Conduct in preference to other alternatives is that the establishment of such a select committee would clearly indicate that the House is serious about dealing with the problem of maintaining the highest standards of ethics.

Somebody said a while back that we need a symbolic gesture, and that the establishment of the House Ethics Committee would be such a symbolic gesture. I think we need more than that. I think we need a dramatic affirmative act by the House of Representatives. I might say that I think the House Ethics Committee, if established, or the subcommittee of House Administration, if that is the decision of this committee, should have authority that is prospective in nature as far as enforcement of ethics and standards is concerned. In other words, they should not look back and try to impose a new code of ethics on past performance. But I think in doing that, this committee should be very careful that it does not deprive the investigating committee of the right to investigate violations of House rules, House regulations, and the law in the past.

After all, we have just been through this process as far as Mr. Powell is concerned, and if allegations were made by someone that a sitting Member had violated the law or violated specific House rules, I think the Ethics Committee should have authority to investigate that matter and make recommendations to the House, as did the Select Committee on Mr. Powell.

I think the Ethics Committee should be formed with a very broad jurisdiction, but its authority should be to recommend action to the House. I would hope that it could enter into such fields as conflict of interest, of agency and contract influence, the writing of a detailed code of standards and conduct, employment of relatives by Members, the terms under which this would be proper, political contributions, and other matters. Where the House Ethics Committee, if that is the committee that is set up, makes recommendations that belong in the jurisdiction of another committee, I would suggest those recommendations be referred to that committee. In effect, the House Ethics Committee could be an advocate before a committee that had proper jurisdiction over matters that the Ethics Committee was recommending.

I think it is even possible over a period of time that an Ethics Committee could evolve to a stature where they could render advisory opinions for Congressmen. I do not think this would be advisable at the outset. We should test the waters and move forward gradually with reference to this question.

I think it would be helpful to many Members when there was a marginal situation with which they were faced if they could get an advisory opinion from an official unit of the House of Representatives.

I would like to make one other plea in conclusion. This last fall, as a member of the Education and Labor Committee, I went to Brazil for 2 weeks. I went with one staff member of the committee. In that 2-week period, I interviewed and talked to 121 Brazilians individually. I started at 8 o'clock in the morning and went until late at night. I had other meetings. I met with the President-elect, with cane workers, slum dwellers, educators, and so forth. It was the most educational experience I have ever had in my life. I want to say

to this committee that I think one of the unfortunate situations that has developed because of a problem of lack of proper control over foreign travel is that we are not doing enough legitimate investigation of programs that we are funding overseas. I have great respect for the members of the Foreign Affairs Committee, but I say to you gentlemen the money we are spending in foreign aid and the Alliance for Progress is primarily in fields of education and poverty and agriculture and other areas whose jurisdiction and expertise falls in other committees in this Congress, where members of those committees can go and be helpful in assessing the effectiveness of our aid program and making suggestions for improvement. I think that this Congress should reach the point where we make this kind of travel available to all our Members under circumstances of full disclosure and requiring a report, a full report in detail, of money expended and recommendations made and itinerary, perhaps.

I think this is perfectly feasible. In any event, I think the fact that a Congressman today travels overseas on legitimate purposes at considerable political hazard is another indication of the problem we have in not having standards of conduct and not having clear rules of the road by which we can all proceed with confidence and knowing that we will not be subject to unjustified criticism. I urge upon the committee the adoption of the resolution before you to create a Select Committee on Standards of Conduct. I thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Goodell. If I may, just briefly, I should like to say you have done your usual excellent job in testifying before this committee.

Mr. GOODELL. Thank you.

The CHAIRMAN. You favor the select committee over the proposal of the matter being taken up and handled by the Committee on House Administration. What about the permanence of this committee, Mr. Goodell? I do not think I heard you comment on that. Do you not feel that whatever is done, whatever comes out of this committee, should be upon the basis of some permanency? I repeat what I have stated here before, that we have no assurance whatever that the 91st Congress is going to be composed of any more ethical or more honorable men than the 90th Congress; therefore, whatever is done should be done upon a permanent basis. I am not quarreling with the gentleman's conclusions or his recommendations. I certainly agree that this thing should be and must be bipartisan, if it is possible to make it so, human nature being what it is. What about the permanency of it? I would like to hear the gentleman's reaction to that.

Mr. GOODELL. Mr. Chairman, believing as I do in the idea of an ethics committee, I certainly would believe in making it permanent. If this committee in its wisdom determines that it will set up a standing committee comparable to the proposal for a select committee, I think this would be very appropriate. Obviously, no committee is really permanent in that each Congress must reenact the rules and set up its committees all over again. I would only make one reservation with reference to making the committee permanent. If we make it permanent, I would hope it would be with the understanding that that does not mean that it is fixed and unchangeable. I think we should learn by experience and if changes in the jurisdiction or the

powers of this committee are indicated, that we would move to make those changes in subsequent Congresses or in this Congress.

The CHAIRMAN. Of course, I agree with the gentleman that none of them are sacrosanct. They can be changed. This committee can be and has been changed in the past. That certainly does not bother me. But the gentleman would favor that.

Mr. GOODELL. I would favor it, yes.

The CHAIRMAN. Mr. Anderson?

Mr. ANDERSON of Illinois. Mr. Goodell, how do you think the members of the committee should be selected?

Mr. GOODELL. I believe that the logical means of selection would be by the Speaker and the minority leader.

Mr. ANDERSON of Illinois. There has been some mention that in the case of other standing committees of the House the members are selected in the case of Democrats by the Democrats on the Ways and Means Committee, and we on the Republican side of the aisle have a committee on committees that makes these assignments.

Mr. GOODELL. I would say first of all I do not think that matter should be treated in the resolution beyond saying appointment by the Speaker and the minority leader. If the Democratic Party and the Speaker determined they preferred to have this choice made by the Ways and Means members of the Democratic side and the minority leader determined it should be made by the Republican committee on committees, I would leave this to their discretion. I would say this is a matter of the rules of the Democratic caucus, as I understand it, in the House, and the Republican conference, and can be changed by the Republicans or Democrats without consulting each other.

I would leave it that way.

Mr. ANDERSON of Illinois. That is all, Mr. Chairman.

The CHAIRMAN. Mr. Madden?

Mr. MADDEN. I want to commend the gentleman from New York for his statement. I particularly want to emphasize, if I remember right, that you were the first witness who has come before this committee since we have been holding these hearings who has really touched on what I think probably would purify ethics and the Government more than anything else. That is when you mentioned campaign contributions. When we look back at what has gone on in each election, year by year, we see that these fabulous amounts that are being spent by candidates for Congress and the Senate are growing and growing and growing. As I mentioned yesterday, there was a very distinguished Senator from Pennsylvania about 25 or 30 years ago who was barred from the Senate because he spent around \$100,000 to be elected to the Senate in the State of Pennsylvania. My gracious, that is just a bag of peanuts compared to what is being spent by candidates for the Senate—not all of them, but a vast majority. In my State I know of one instance about 8 or 10 years ago when there was something over a million spent. I mentioned several other instances which I will not repeat now, but that, to my mind, is one thing that this committee should go into, and it could be emphasized that it is one of the things it will go into. It costs the taxpayers a lot of money when a permanent committee is organized. That means an office force. It means an administrative assistant, maybe two or three of them.

I think if we are going to organize this Ethics Committee we should get into this. I was at the Veterans of Foreign Wars banquet last night and there were 45 youngsters. Every year the Veterans of Foreign Wars gives a prize in every State in the Union to the youngster who can write the best essay on Americanism and government.

When I saw these youngsters lined up there last night, the thought struck me that they would probably never come to the Senate of the United States to represent their State or the Congress unless they can get some influences with plenty of money to finance them. In order to come to the Senate or House of Representatives they probably will need to be financed as much as if they went into a major business. That applies to the Governor's job, too, but we have nothing to do with that. I want to commend you for mentioning that you would like to go into these campaign contributions because that pertains to ethics and real representative government more than any other one thing. Unless action is taken by the Senate and the House, it is going to get worse and worse as the years go by. They are starting right now. You can hardly pick up the paper but there is some big drive on for a \$500 dinner or a \$1,000 dinner to get money for the next campaign.

That means you have to be pretty close to the boys up there who can throw money around like you would confetti or you are not going to come to Congress, or you are not going to come to the Senate. Certainly that is one of the greatest tasks that this committee should undertake—and it will pertain more to ethics, I think, than any other one thing—it will purify our Government in the future. If we do not do it, there won't be many years before you will have to be a friend of multimillionaires or superduper big business, or these foundations that do not pay any taxes at all—you will have to be tied up pretty close to them—or you will not be in the Senate or the Congress. I want to commend the gentleman for his statement.

That is all.

Mr. PEPPER. Would the gentleman yield for a question?

Mr. MADDEN. Yes.

Mr. PEPPER. I thoroughly agree with what the able gentleman has said. What disturbs me is that the public no longer seems to be offended by any amount of money that is spent in a campaign. Nobody pays any attention to it. If you win, it doesn't make any difference how much money you spend, apparently.

Mr. MADDEN. I do not know. The money seems to pop out from all directions when a campaign gets rolling. I know in my district there were 90-some-odd thousand spent 2 years ago. It was almost impossible for me to buy billboards or radio time, and workers were out lambasting me on propaganda. I really do not know how I survived. I think I must have an exceptionally smart and intelligent electorate in my district. I am not speaking boastfully on that, Mr. Chairman.

Mr. GOODELL. I might comment, and I think it is a little bit off the subject, I have for some time been a very strong advocate of election reform legislation. I am very proud that Mr. Ashmore and I are now cosponsoring a strong election reform bill that came out of our subcommittee last summer unanimously. I would hope that the Congress would take this first step in the next year or two in this Congress. I think more does need to be done than is included in that bill. I might

say it does provide full disclosure so that the public would have the facts prior to the election, which is one protection that should be had here.

Mr. MADDEN. All they have to do is to go back to the last election. They do not have to wait for the next one. The next will be worse than the last one.

Mr. GOODELL. Now the public hears factually what is spent 2 or 3 weeks after the election when the report is filed. Our bill would require prior filing and have some teeth in it. I would hope that this Ethics Committee would go into that kind of question further and conceivably recommend legislation to the House Administration Committee and give it some push—good strong legislation.

The CHAIRMAN. Mr. Bolling.

Mr. BOLLING. Mr. Chairman, I hesitate to take the time of the committee to do this, but I want to furnish a target for some of the Brothers. Why would it not be equally as satisfactory as to set up a select committee to change clause 9 of rule 11 which deals with the Committee on House Administration, change the title of that committee to the Committee on Professional Standards and House Administration, to broaden its jurisdiction by adding at the end of the present Paragraphs (n) and (o) which reads, "Standards of Professional Conduct and Ethics for Members, Officers and Employees of the House of Representatives, (p) reporting to the proper federal authorities allegations of violations of any federal law by members, officers and employees of the House of Representatives, acting in these capacities." and Section 2, "The Committee on Professional Standards and House Administration is hereby directed within 90 days of the adoption of this resolution to recommend to the House such additional laws, rules and regulations as it deems necessary to insure proper conduct and standards of ethics for members, officers, and employees of the House of Representatives"—and this is the paragraph that I consider to be crucial—and I might say before I read it that I am the person who made the motion to report the Bennett Resolution out in the last Congress, so that my interest in the problem is of long standing.

The thing that has disturbed me increasingly as I have listened to the testimony, and I believe everybody that has appeared here has testified in good conscience and sincerely, everybody seems to ignore one fundamental thing, as I did last fall or last summer, and that is that we propose to set up procedures which are half baked at best and I propose in my proposal, in addition to saying that within 90 days they must come up with a report, that they come up not only with a report of laws, rules, and regulations additional as are deemed necessary, but with the necessary procedures, including procedural safeguards to enforce those laws, rules, and regulations. The thing that has disturbed me increasingly as I have sat here and listened, with all due deference to all the witnesses, I have yet to find procedural safeguards that I think are essential in the conduct of such a committee.

What would be wrong with doing it the way I have suggested?

Mr. GOODELL. As I indicated at the outset, serving on the House Administration Committee, and knowing and respecting the members of that committee, I would not be in a position to say that you would not have an effective instrument to enforce ethics if we put it in that

committee. I think it might end up accomplishing the same purpose.

I would prefer and would recommend that we have a select or a permanent standing committee independent of the House Administration Committee for several reasons. One reason is that, although there are many justifications as to why the House Administration Committee has not acted in the past in terms of jurisdiction and other problems, I think sending it to the House Administration Committee would be a move that could be and probably would be misinterpreted. Second, I think the Ethics Committee or the permanent standing committee should have equal party representation which would be difficult in a subcommittee of House Administration. With reference to your suggestion that there be a time limit of 90 days for a committee to come back with specific recommendations, that has considerable merit and should be considered by this committee and by the House. I think this, however, could be done by whichever agency you refer this jurisdiction to, whether it is the House Administration Subcommittee or a select or permanent committee on ethics. I would not say, in other words, that the 90-day requirement is an argument for or against jurisdiction in either place.

Mr. BOLLING. I would like to comment briefly on two points that you make. I believe that this committee, as all other committees, should be controlled by a partisan majority. I happen to believe, and this is not necessarily a popular thing to say, that the responsibility for ethical failures primarily lies with the majority party. I think it is unquestionably everybody's concern, but I believe in party responsibility to the point where I think clearly that the majority should have and take the responsibility.

Mr. YOUNG. Would the gentleman yield at that point?

Mr. BOLLING. Yes.

Mr. YOUNG. Would the gentleman agree that if you ever want to take something effectively away from the American people just make it bipartisan. Then they cannot do anything about it. If it is a partisan situation, it is a fixed responsibility.

Mr. BOLLING. The gentleman and I see the thing together. I agree with this. I think they can then fix responsibility.

I will repeat again I think the Democrats are responsible for the ethical problems of the House of Representatives just as the Republicans were in the 80th Congress and the 83d Congress; just as we all are, individually. There is one other point that seems to me important. I cannot find any reason to believe that the American public is going to exonerate us or not on how we title our committee. I think what we do is going to count. That is the reason for the 90 days, because I think that this will have a more effective impact in getting something done and done promptly than setting up two dozen select committees. So, frankly, I can hardly see where it makes really any difference except to encumber us with one more committee.

Mr. GOODELL. I respect the gentleman's argument. I respectfully disagree with him. I think the matter of party responsibility is a valid argument to make. I think, however, that in this area, most importantly, we should have the appearance and the reality of nonpartisanship. We talk about bipartisanship. I would distinguish it from nonpartisanship. I think this should be an unpartisan committee. As a practical matter, I think equal representation will give

the appearance to the public of what it is. I think in dealing with our colleagues we will be unpartisan, because all of us respect very dearly the rights of a Member of Congress.

I think it is important to have the appearance of nonpartisanship. I repeat once again, I think referring this to a subcommittee that is a part of the great Committee on House Administration will be misinterpreted. The House Administration Committee in some respects, unjustly, for the last 4 or 5 years has taken a great deal of abuse in the newspapers and the news media. I think we ought to make a clean start and set up a strong committee that is independent and can make its own rules and is subject to none of the problems of the past as far as public interpretation is concerned. I do agree very strongly with the gentleman that any act we take, if it is a mere gesture, whatever the name we put on the committee, it will not do the job. The committee will be judged and the action of Congress here will be judged on what that committee does. I hope very strongly whatever committee is set up will take firm and early action and we'll have some code of ethics and we'll have some other recommendations from that committee in a short time.

Mr. BOLLING. I do not propose, by the way, to set up a subcommittee. My proposal goes to the full committee.

Mr. GOODELL. You would have the entire House Administration Committee?

Mr. BOLLING. I think the subject is of sufficient importance.

Mr. GOODELL. I had not realized that is what you were recommending. I think that has merit over a subcommittee.

Mr. BOLLING. That is all.

The CHAIRMAN. Mr. Latta?

Mr. LATTA. Yes, Mr. Chairman.

Let me add my words of commendation to you for the wonderful job you have done. I think it is an outstanding job and one of the best presentations we have had on the subject.

Mr. GOODELL. Thank you.

Mr. LATTA. Also let me take this opportunity as one of those 100 Members of Congress who have introduced resolutions to respectfully disagree with my good friend from Missouri when he calls these proposals half baked. I don't consider them as such.

Mr. BOLLING. Fully baked.

Mr. LATTA. That is some concession. Let me ask you this: You mentioned at the outset that you are appearing here this morning in behalf of the Republican leadership. If I read my mail correctly, the Republican policy committee has adopted a resolution endorsing the creation of a Select Committee on Ethics. To your knowledge, has the Democratic leadership taken any position on this matter?

Mr. GOODELL. I am not aware that it has; no. I hope this would be made a part of the record, this resolution of the House Republican policy committee, Mr. Chairman.

The CHAIRMAN. Without objection, it will be made a part of the record.

(The resolution follows:)

HOUSE REPUBLICAN POLICY COMMITTEE URGES ESTABLISHMENT OF SELECT
COMMITTEE ON STANDARDS AND CONDUCT

The House Republican Policy Committee urges the immediate establishment of a select Committee on Standards and Conduct.

This Committee should be composed of twelve Members divided evenly between the Majority and Minority parties. It should be empowered to recommend rules and regulations that it deems necessary to ensure proper standards of conduct by Members and by officers and employees of the House. It should have the authority to investigate alleged breaches of conduct, recommend appropriate action and report violations of law to the proper Federal and State authorities.

In the closing hours of the 89th Congress, a select Committee on Standards and Conduct was established. This was an important first step. Now, without further delay, this Committee should be reestablished.

Over the past few years, a handful of highly publicized allegations of misconduct against a few Members of Congress and a few employees have cast a dark cloud of doubt over the entire Congress. As long as this House does not have an effective body that can investigate and resolve allegations of misconduct, the American people will continue to have serious questions regarding the integrity of the Members and their ability or willingness to ferret out those who are guilty of misconduct. Moreover, until such time as a Committee on Standards and Conduct is created and a code of ethics and standards of conduct are established, proceedings that are brought against an individual or a Member may be subject to attack on the basis that they are "witch hunts" or politically inspired.

Justice for those accused as well as the ever mounting public demand for the highest standards of personal conduct makes imperative the immediate establishment of an effective Committee on Standards and Conduct. We urge the Democratic Leadership to schedule this legislation without further delay.

Mr. LATTI. Speaking about the matter of the makeup of this committee, whether it should be partisan, bipartisan, nonpartisan, et cetera, you are probably familiar with the fact that the Senate Ethics Committee is composed of three members from each party. Have you had occasion to look into the operation of this committee as to how it has operated with this makeup?

Mr. GOODELL. I certainly am not qualified as an analyst of the operation of that committee. I do think that their precedent is good in terms of the impression and the appearance of nonpartisanship. To my knowledge this committee has operated on the Senate side in a nonpartisan fashion.

Mr. LATTI. The fact that it is a nonpartisan committee has not hampered its workings in the Senate to your knowledge, has it?

Mr. GOODELL. No. I would certainly not expect the equal provision of this kind of committee to hamper it in any way. I would expect the members would proceed apart from partisanship in this type of matter.

Mr. LATTI. We have had testimony in this committee on the point that perhaps we should only investigate violations of statutes. You would certainly not limit the scope of any committee to that extent?

Mr. GOODELL. No. I tried to make the point that in setting up this committee we should make it clear that they can look back and investigate allegations of clear House rules, regulations, or law, by Members. After all, this was established and the Members of the Congress should know what the laws and rules and regulations of the House are.

In terms of any new standards of ethics, areas that can be marginal and subject to interpretation, I think the jurisdiction of the committee should be prospective only.

Mr. LATTA. There have been some fears expressed around these Halls that perhaps this committee would become a witch-hunting committee, investigating everything under the sun. You do not have any doubts about this committee, do you? Do you believe it would act responsibly?

Mr. GOODELL. I have no concern about that at this point. I must say that I think if the committee trended in that direction the Members of the House would take action to control it rather quickly. Perhaps the greatest danger is the opposite danger, that they will be a little bit too chary about entering into investigations of their colleagues.

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

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

Mr. O'NEILL. Mr. Goodell, I want to concur with my colleagues; I believe you have made an excellent presentation, as you usually do. It is apparent to me that the Republican Party has made this a political issue from the outset of the day that 40 freshmen got on the floor. By all of their action and maneuvering, and by the policy committee so stating, they have put this in the realm of politics. That is my opinion. First of all, I would like to ask you this: The Senate has had a committee. What do you believe it has accomplished?

Mr. GOODELL. As I said at the outset, in answer to Mr. Latta, I do not qualify as an analyst on how the Senate has handled its problems. I have not looked into the matter of violations or alleged violations there. I think it might be worth while for this committee to inquire of the Senate to see how they feel their committee has worked out. To my knowledge, and my knowledge is limited to hearsay discussions with some Senators and to what I read in the newspapers, the committee could stand some improvement on the Senate side.

Mr. O'NEILL. Getting into the realm of ethics concerning elections, is there anything ethically different in a committee going out and raising a million dollars and giving its members ten, fifteen, twenty-five thousand dollars, as opposed to an individual Member of Congress running his own affair and raising \$20,000?

Mr. GOODELL. You say is there a difference?

Mr. O'NEILL. Yes, ethically is there a difference? One would be subject to investigation by this committee, apparently the other would be under the umbrella of an organization that went out and raised a million dollars.

Mr. GOODELL. Under my proposal and Mr. Ashmore's proposal for election reform, there would be no distinction. They would both be subject to reports. They would both be subject to investigation. I think that is the way it should be. I do not think there is a difference. I think there is a grave question involved here of how much the Congress can limit the right of a citizen to contribute to a party or candidate of his choice. My own feeling is that the strongest protection you have is full and open and timely disclosure. I think there are some other procedures and regulations that Congress could enact and I have recommended those. If I might say further with reference to the question of partisanship, this is a matter of definition.

One of our colleagues on your side of the aisle apparently yesterday said he thought it was a good political issue for the Republicans and the Democrats shall join in. I do not view this as partisanship. I

do not view the act of the Republican policy committee because we take a strong position on an issue as converting that into partisanship. I wonder where you can draw the line between party responsibility and partisanship. I think both parties and the Members of Congress in both parties have an obligation to take a position on this matter. Because the Republicans took the strong position they did doesn't convert it into a partisan issue. It will be the lack of action on the Democrats' part that would convert it into a partisan issue.

Mr. O'NEILL. Let me ask you this: What do you think the hue and cry would be against this committee if it went and made an investigation of either the committee to reelect the Democratic Congress or the committee to elect Republican Members, like your committee that raised a million dollars the other day. What do you think the feeling of the people would be if you attempted an investigation of that type?

Mr. GOODELL. I would not expect this committee to just go off in all directions investigating everything. I think the safeguards are fairly well stated in the Bennett resolution. I would expect them to recommend changes in the law or in the rules of the House or to make opinions on standards of conduct that they felt were proper.

I would not expect them to go investigating fundraising dinners of that nature. I do not think they would consider that in their immediate responsibility.

Mr. O'NEILL. There has been considerable talk here about elections and funds concerning elections. The individual who would try to run his own fundraising party, or a group of his friends, who would run such a party for him, would be investigated; while if a political party like the Republican organization, runs a party, the candidate is under an umbrella of protection.

Mr. GOODELL. I think this is in the jurisdiction of the House Committee on Ethics and would be a matter for them to make recommendations for changes in the law. Here again I would make the point that their jurisdiction in terms of new laws or new standards of conduct should be prospective—or in the future. I would not expect them to go out and investigate things of that nature if they were not violations of law or violations of the clear rules and regulations of the House.

They would then have the obligation of recommending changes in the law or in our rules, or perhaps adoption of very specific rules of conduct in this House that would cover this.

Mr. O'NEILL. Let me ask you one more question. With regards to the patronage of this committee, the chairman of the committee will be a real powerful man.

Under the procedure which we have here, the chairman authorizes the ranking minority member to pick his man and he (the chairman) then picks the balance of the staff himself. The chairman will be a tremendously powerful man. By a mere wink at his chief counsel he can cause an investigation of A or B and possibly destroy him. In view of that fact, how do you think the patronage ought to be handled?

Mr. GOODELL. I think the committee itself should make its decision on this matter. I would hope it would be a nonpartisan staff. I would hope that the Republican ranking member would be consulted by the Democratic chairman and that they would procede jointly in

the hiring of staff and see to it that it was not "patronage." It would be the highest caliber of professional people.

Mr. O'NEILL. Then you would recommend, or would it be your belief, that the chairman himself would not have that power, but whoever he recommended would be put to a vote of the committee itself and they would judge his qualifications.

Mr. GOODELL. That is what I would strongly prefer. The House Administration Committee in adopting resolutions—I was on the Subcommittee on Accounts that heard from each committee asking for its money for staff and other operations—normally places the money in the hands of the chairman. The House rules require the chairman of the committee to sign the various papers necessary for expenditure of money. I presume that would apply in this case, but I would hope as a practical matter it would be nonpartisan.

Mr. O'NEILL. Thank you.

The CHAIRMAN. Before we go any further, I would like to make the observation that we have a couple of resolutions on the floor to be handled by members of this committee. It is obvious that we are not going to be able to conclude the hearings on this matter today, plus the fact that I have a commitment myself at 12:30. I wonder what the pleasure of the committee is. Can we finish with Mr. Goodell in a few minutes? If not, we could go over and have Mr. Goodell come back.

Mr. ANDERSON. Could the Chair inform us at this point how many requests he has from Members who wish to testify, in addition to Mr. Goodell?

The CHAIRMAN. Yes, at this point we have Mr. Burleson, Mr. Gibbons, Mr. Curtis, Mr. Reid, Mr. Gude, and Mr. Riegle. I do not know whether there will be any others who want to be heard.

Mr. SISK. Mr. Chairman, if I could comment with reference to the time and procedure, if we have commitments shortly, I would suggest that, if it is possible, Mr. Goodell come back. I would like to examine Mr. Goodell at no great length but there are some questions that have been raised, in view of the fact he is speaking for the Republican leadership, that I would like to question him on. If he could return, I would appreciate it. I hesitate to limit myself to a short time because there are some matters I would like to discuss with him.

The CHAIRMAN. Very well. Under the circumstances, and without objection, the committee will resume the hearings on Tuesday.

(Whereupon, at 12:02 p.m., the committee was recessed to reconvene on Tuesday, March 14, 1967.)

CREATING A SELECT COMMITTEE ON STANDARDS AND CONDUCT

TUESDAY, MARCH 14, 1967

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

The committee met at 10:40 a.m., pursuant to recess, in room H-313, the Capitol, Hon. William M. Colmer (chairman of the committee) presiding.

The CHAIRMAN. The committee will come to order.

I am sure I express the sentiment of the committee when I say we are all happy and delighted that our friend, the gentleman on my left, Mr. Smith, is back among the living and with us.

Mr. SMITH. Thank you very much.

The CHAIRMAN. The committee will resume hearings on House Resolution 18 and allied resolutions, and the committee will hear Mr. Burleson, the chairman of the House Administration Committee, first this morning. We will get his views.

Mr. Burleson, the committee will be glad to hear from you.

STATEMENT OF HON. OMAR BURLESON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. BURLESON. Thank you, Mr. Chairman.

Mr. Chairman, I will be as brief as you wish me to be. I shall leave it up to you to determine how much discussion is desired. I know you have a great deal of testimony on this subject. I have an idea much of it is repetitious.

Probably you have heard quite a few verbal essays on what we need in the House of Representatives to conduct ourselves in the public sight, at least in a way to protect what apparently is an unfavorable image which more recent events have created over the country.

I come before you as objective as I ever was on anything. I do not feel strongly about who or what committee is assigned jurisdiction. I do feel strongly about what is meant to be done. Ethics is a very generic term, as you know. It could mean all things to all people, in a broad sort of way.

I am not too sure just what you have in mind, or what anybody else has in mind. On the floor the other day when we were asking for funds for operation of the House Administration Committee, this subject arose and led to considerable exploration. Does ethics mean a delving into an individual Member of Congress' personal conduct? This was the only line which made very much publicity. I repeat here what I said in the debate last week.

If it means looking into what a Member does, after 5 o'clock—whether he is taking a drink, playing poker, or whatever is meant by unbecoming conduct, I just want no part of it, and I cannot conceive that is what we are really talking about although it seems to be some people's idea we should so police ourselves.

It seems to me it is like children, or men without responsibility. I have always felt that a man who comes to this Congress came here with a heavy respect from the people who sent him here, and that until he proves otherwise by obvious misconduct, his good character and integrity should be assumed.

Speaker Sam Rayburn used to say—and it always impressed me very much—that a man who came here, if he did not have integrity and if he did not maintain the respect of his colleagues, he is not going to stay very long.

Mr. Chairman, you have been here many years. You have seen many Members come and go. We are the severest critics of our own and soon learn about our colleagues. It is not particularly a conscious effort that we judge one another but by daily associations we reach understanding. "How can you formalize honesty and integrity?"—this was the subject of a column by Carl Rowan the other day. It is the heart and the fundamental question involved.

There are some other things about this whole question, which I assume we are going to have to decide some time or other. I assume specific legislation would be required on such matters as conflict of interest, nepotism, and to what degree, but ethics, good conduct, and so forth, is not clearly defineable.

Maybe we could measure the degree of conflict of interest by consanguinity as we could relatives on the payroll. Should we purge ourselves on certain legislation—walk down and disqualify ourselves on having a conflict of interest? Again it seems to me it has got to be up to the individual.

Should Members who have a farm or a ranch not vote on farm legislation? Should he disqualify himself or, as it was related the other day, he has an interest in some financial institution and a bill comes out of the Committee on Banking and Currency, should he disqualify himself on a conflict of interest?

It is hard to define, and again it seems to me it is a matter of individual conscience. Now, as to what committee this task should be assigned—if we are going to have it who should be given the responsibility and the commensurate authority?

I repeat that I am objective about it. In conversation a few minutes ago in the chairman's office I mentioned to someone, somewhat facetiously, that maybe it is a compromise to leave it right here in this committee. Maybe you should take charge of this issue. You have charge of rules, and conduct relates to rules and the decorum of the House.

Now, if a special committee is set up, call it the Ethics Committee or whatever you may call it, again what is its scope, what is it for?

If it is for the watchdog over the handling of money, then the House Administration has certain responsibilities which we expect to continue but some clarifying on that is needed. It is a little vague in places as to what our authority and responsibility is. I can find a great deal more responsibility than authority.

Again referring to Mr. Rayburn, we were in the Speaker's lobby, and a certain matter was up—it does not matter what—but it had been a little embarrassing to me. I thought it was clever on my part to say to Mr. Rayburn—I will not repeat the exact language—but the essence of it was that I did not mind being a goat, if there was authority to go along with it, but I sure hated to be one and not have the authority.

As I say, I thought it was clever. He didn't.

But there is a great area in the responsibility in the House Administration Committee that is a little difficult to find spelled out in the rules and in the law. Regardless of what you may do with this resolution, what direction it may take, and where it goes and to what committee, I think the House Administration Committee needs some clarification as to the responsibility of that committee. A long time ago I sought certain changes and amendments but it had little interest until things go wrong.

It has always been assumed that when a Member certifies that a person is on his payroll, and what their salaries are, their activities, and so forth, you take that at face value. The same is true of a committee chairman.

That was the case in the matter of Mr. Powell. There has been criticism that the House Administration Committee should have halted the illegal practices now revealed in this case and we did but it was after the fact. We had no way of going behind these activities to prevent their happening.

You do not catch credit cards and telephone charges until 60 days after charges. We have no such thing as a preaudit. We now propose that we have a preaudit, and that we hire an expert for that purpose in the committee.

We have tried to operate very modestly with a small staff, and we have had no investigators to go behind these things to determine what was right and what was wrong even if there was clear authority—I think the staff of this committee is very good—we send claims back to committees every day. I do not believe I am exaggerating in saying that every day there is some question to explain something. We have always done that.

Then, if the chairman of that committee makes a satisfactory explanation of it, it is approved. It always has been, it is the practice, and I think a good one, that when it is certified by the chairman of a committee I think you have a right to think it is justified.

However, clarification is needed if a proper job is to be done. We can have a more thorough examination, a preaudit of the accounts before it even gets into disbursing, and have a great deal more thoroughness. Even if it is necessary to go into a committee to inquire about it, maybe we should do that.

There should be a distinction, too, in the authority between committees and that of the Member's office. As you know, committee operations, all these investigations, are financed from the contingent fund. The House Administration has authority over the contingent fund of the House. We pay the bills.

It is different in a Member's office. Your offices, your clerk hire and all the things you are allowed to run your office, does not come out of the contingent fund.

The House Administration Committee has nothing to do with it. The nearest thing to do with it is paragraph 9, section C, of rule 11, which says:

Powers and Duties of Committees: All proposed legislation, messages, petitions, memorial and other matters related to the subject listed under the standing committees named below shall be referred to such committees respectively.

Now, the Committee on House Administration has certain authority for employment of persons by the House, including clerks for members and committees and reporters of debates. We have always assumed that House Administration was limited in its authority to the numbers of persons you can employ in your office and a ceiling on the salary you may pay any one individual. That is by statute. It is not a rule.

This is what we acted on in instructing the Clerk to drop Mrs. Powell off the payroll last fall. I am not too sure we had the authority to do it, but we proceeded on the basis, "If you don't like it, sue us." Incidentally he is. [Laughter.]

That is what we did, and this is the authority on which we acted. I have some doubt whether it is substantial enough. I think it should be clarified. I use this as an example—and incidentally it is a favorite of some of our news people and columnists, and particularly Mr. Pearson, and Herblock cartoons, to miss this distinction entirely.

I would like to come to this committee when definite language is formulated to get a clarification of the rules and the authority on these matters. It is necessary if circumstances as are involved in the Powell case are to be met. The press has said that nothing was done in the Powell case until we had to do it. We were looking into his actions and operations beginning probably as long as 2 years ago trying to find some handles to take hold of. The Clerk of the House was asked if he could remove Mrs. Powell from the payroll. The Clerk rightfully said, "I cannot go behind a Member's certification on what a member of his staff is doing." The law says that an employee must work in the Members office in the district, or in his Washington office or in the State.

Of course, it does not say whether that person has to be there 365 days out of the year, or 1 day. He can be there any time and probably meet the statutory requirement. The reason behind the provision "in the State" is because a great many Members in cities share offices. There are a number who have arrangements where offices are in a Federal building, and a number of Members in a State with their districts contiguous have offices in the building, and therefore a person would not be in the district, but rather within the State.

That was the first statute we approved 2 years, or 2½ years ago in 1964 in August as I recall. Later I brought a resolution to the floor which placed a penalty on this language, a year in jail and a \$5,000 fine. We did not pass it.

There is no penalty. This arises now in the case of a recovery of funds in the case of Mr. Powell in the opinion of the General Accounting Office.

We took it up with the General Accounting Office in a two-page letter. They said about the same thing. Finally, and I think this

might be interesting to you, about this time last year we asked the Secret Service in Puerto Rico to check on this individual to see how long she had been there and what she was doing.

They interviewed her and she told them the truth. She was living in Puerto Rico and not doing anything. We tried to find some handles and take hold of this thing, and not rush in with an accusation without any foundation having been built before.

Finally, when we did find a place to start, that is when the Hays Committee started early last fall, and finally got itself in operation and, as you know, produced the report on which the Select Committee then acted.

In all of these things, we have operated pretty much in the dark and with vagueness of authority, which should be clarified.

Just this other thing, Mr. Chairman. By having the responsibility of administering expenditures from the contingent fund, any other committee assigned to see that "ethics" was practiced would have to come to the House Administration Committee for its information regarding the use of funds. At least it would if it involved funds appropriated from the contingent fund.

If this committee assumed the responsibility of ethics, we would have to furnish you our records, which would be perfectly all right, but it would be a duplication.

Now, if it is a matter of personal conduct, then funds would not be involved necessarily, but certainly the tightest control should be exercised in the use of public money, how it is spent, and to see that it is used correctly and honestly.

That is what ethics means to me, that is what fair conduct means to me. Any other committee having anything to do with contingent funds is going to have to come to the House Administration Committee for its records, because that is where they are, unless you tell us to let somebody else assume these functions.

As I say, I think I am objective about this thing. I am not campaigning for the job because I do not particularly want it, but just in reason it seems to me the case is as I have tried to describe.

Mr. Chairman, I do not know of anything further I can add. I will certainly respond as best I can to questions.

The CHAIRMAN. Well, Mr. Burleson, I am sure the committee is indebted to you for your statement, and for clarifying some of the finer points of the duties of your committee and your jurisdiction.

I am going to be very brief here as far as I am concerned. Of course, you are aware of the fact that there is some criticism of your committee—that you should have been more alert, that you should have locked the door before the horse got out. What is it that your committee should have in the way of additional authority and jurisdiction, assuming for the moment that your committee is chosen to handle this matter?

Mr. BURLESON. I think under the present arrangement, Mr. Chairman, we need additional authority to be able to question the chairman of a committee, if this is what we want to do, more closely about the expenditures, preauthority for travel, prior authority for expenditures above a certain sum other than, we will say, supplies, pencils and paper and such which the chairman is not going to know anything about in the committee anyway. He has got to depend on people who do that,

and we have a lot of dedicated people around here. I have no criticism about it.

The matter of credit cards, expenditures that are going to show up, as I said, a couple of months later with no way of really knowing whether they were justified or not—all of this if you think about it will reflect on the chairman of the committee.

Are we the ones to say that a trip to the west coast is justified by staff people or some investigation, or are we going as we have heretofore done, depend on what the committee as a committee and the chairman of that committee thinks is necessary.

If we are to do otherwise, we would have to have some clarifying authority. I use that as an example. If we are to look at a Member's office to see how many employees he has and to see if a body goes with a name on the payroll, then we have got to have somebody to go around and ask questions.

Mr. YOUNG. They come around now and check on the typewriters.

Mr. BURLESON. Congressman Young, if I went into your office and said, "Where is J. Jones? You have her on the payroll," I think I know what you would tell me, and you should.

Mr. YOUNG. I have no comment.

Mr. BURLESON. I think I know, and that is the way I would feel. It seems to me that we just should not get real excited because there is a rat in the barn and, as we say out in the West, to burn down the barn to get rid of the rat is proved not to be the best method.

We are in an emotional period somewhat, and sensitive to what the press is saying and these letters we get and the attack on the Congress as an institution. That is the bad part of it. It is really sad. That is the only way I can put it, with so many people feeling that Congress as an institution is just no good.

I have had a few Members send me letters they receive from their constituents—of course I get enough of them—wanting to know what they say. I got a letter this morning enclosing a letter from a constituent. In effect it said, "You are a rotten bunch of bums down there in Washington." It said, "Look this fellow over in the Senate, look at him, and look what you have in the House. Here are a couple, and the rest of you must be that way." It is bad.

The CHAIRMAN. Mr. Burleson, I think I have demonstrated here that personally I think this is largely a matter for one's constituency. I do not see how you can spell out everything. You cannot legislate morals and ethics. Yet, I am sure that the gentleman agrees with me that there is some room for improvement in preventing and in punishing for these errors, really criminal errors, that are committed.

In the final analysis, the people pretty well get the type of representation they want. If a bad egg is elected to Congress people sooner or later find it out and get rid of him. There may be exceptions to that, but I think it would be rather rare.

I repeat. I think this committee, having original jurisdiction in this matter, has got to do something about it. There are over a hundred resolutions pending here that have been introduced by various Members. We have gotten down to the point now of a conflict between jurisdictions, although I am not attributing any eagerness to the gentleman to acquire these additional duties if additional duties it may be.

Jurisdictional questions are important when there is a conflict. I hope this will not provoke anything but sometimes I am a little apprehensive that we are getting to the point where we are also getting maybe a little partisanship in this thing. I make that observation for this reason: I just want to go on the record again in spite of the fact that there may be some differences of opinion, that if the effort of this committee is to be successful, it has got to be of a permanent nature and it has always got to be on a bipartisan basis.

In this field there is no room for partisanship. There are good eggs and there are bad eggs in both parties. I agree with the gentleman that the good eggs for outnumber the bad ones.

Thank you, Mr. Burleson. Are there any questions of Mr. Burleson?

Mr. SMITH. No questions.

The CHAIRMAN. Mr. Delaney?

Mr. DELANEY. Like yourself, I find it is very difficult to dot every "I" and cross every "T." I have employees here who have relatives on their payroll, and the relatives do a good job. In some cases a Member marries a secretary and she continues to work.

I have in mind another Member who has a daughter who works for the committee. She works there day in and day out and not only does a good job, but has a knowledge of everything that happens in the district because she happened to be brought up in the district.

That would work a hardship on the other side, and if you are going to be absolutely rigid, you might bar everybody within a certain degree of relationship. I think that would be unfair in many instances.

A great number of the Members of Congress are attorneys. If they have a conflict of interest it would be difficult. With a sizable estate you have got to deal with Internal Revenue. Appearing before an agency, is that a conflict of interest? And if you want to carry it to the ultimate, a man from a farm area is certainly affected by legislation dealing with farmers and subsidies, which would bar him on voting under those circumstances, and you could carry this on until almost everyone is included.

People connected with power: Would a person be a tool of the utilities if he voted for a power yardstick, or against it, one way or the other? It is a difficult thing, and I do not know how we can deal with this because there is no such thing as exact justice.

You have to rely a little bit upon the judgment of the Member. The more we delve into this the more it becomes apparent that this is not a good time. When we are publicly and emotionally upset at the moment, and maybe depressed, and I know very often you can do in haste what you later regret.

It is a difficult proposition. We all agree something should be done, but just how, and who will do the job? I am sure this committee has no desire to take on ethics as part of their duties, as was suggested here today.

We have differences with every committee of the House. We have had a conflict here in one of the committees, Banking and Currency, where they are coming to us for relief. There are complaints on nearly every standing committee of the House at one time or another. We have organized, and have a standing committee, because someone happens to be chairman of that committee and cannot control the com-

mittee and the members are up for relief. Should we abolish that committee and form a select committee?

My understanding of a select committee was only when there was conflict between two committees would a select committee be made. Then that select committee could recommend legislation. They could merely come up with their findings and give them to the appropriate committee for whatever action they see fit to take.

So there are so many questions here, and no yardstick. We have got to do the best we can under the circumstances, and to me it represents a rather unusual and difficult question.

I can understand very well how your committee acted. You were tied down, had certain restrictions, and I know how people react when they read the newspapers. Every one of my people back home, when they read about the salaries a certain woman was getting outside the mainland, would say, "Why am I not on the payroll? Even my wife who answers the phone from 7:30 in the morning until 11:30 at night. For 20 years she has been doing this. I never knew such a thing existed."

Certainly most political people never knew such a thing existed. It is a difficult thing. I do not know just how best to handle it, but I am not one of those who feel that it has to be done this exact moment and done in haste, because whatever we do I hope has a degree of permanency.

We are not meeting every situation as it arises.

Mr. BURLISON. And, too, Mr. Delaney, if I may interrupt, this reorganization bill is coming over from the other body. There have been changes. I do not know how that would affect the situation, but it is bound to, to some degree, and it might be well until we know how far reaching that is, and how it applies to our operation here before we jump off into something here we are not sure about.

Then, too, if I may add, going beyond what will be the rules and the law and the mechanics which would enable an investigation to be conducted on certain charges made against a Member. I do not know how many of you remember, but a few years ago there was an article by one of Mr. Pearson's men, Jack Anderson, entitled "Congressmen Who Cheat," or something like that.

I was wrapped up in a part of one of them. It declared that we had an expedient action at one time, an elections contest case—I will not bore you with the details of that—but it was known on both sides, the leadership on the committee. I think Mr. LeCompte, of Iowa, was ranking member.

Well, to shortcut it, we were criticized. You may recall that Mr. Anderson wanted to testify before the committee, and we accepted the challenge, which we should not have done, but nevertheless he came up with a lot of papers. He was sworn, and he was asked in the beginning if he had direct knowledge, personal knowledge of the charges he was about to present, and he said, "I have proof of it."

I asked him, "Do you have personal knowledge?" and this goes beyond, I thought, and still think, certainly the relationship between the newsman and his source of information.

But the point is he admitted that what he was about to present was hearsay, and under the rule of best evidence I said, "This committee will not permit hearsay evidence," and we adjourned the session. That is all there was to it.

We were not asking him to reveal his sources of information, but to have the individual who had firsthand knowledge—who purportedly advised him of the violation or misconduct of Members in handling certain funds and conflicts of interest.

One Member, and I do not think he is here now, who was accused of buying some property near here and selling it back to the Government when we were clearing this area near the Capitol. You remember some of that.

The point, again, I am making is that aside from the authorization that a committee may have, whether it is House Administration or a select committee or Rules Committee, or whatever it is, as to how that is applied, how it is conducted judiciously, is a highly important thing in this whole business, it seems to me.

It is not just a matter of who has the responsibility, and so forth. It is how it is done.

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

Mr. ANDERSON. I am sorry, Mr. Chairman. I was attending another meeting. I did not hear the gentleman.

The CHAIRMAN. Mr. Bolling?

Mr. BOLLING. You were here the other day when I outlined a proposal that I think might be an answer. Do you want me to repeat it?

Mr. BURLESON. I think I was here part of the time.

Mr. BOLLING. I would like to get your reaction to this proposal, which in effect is to change the name of House Administration to the Committee on Professional Standards. That makes pretty clear what we are talking about.

We are talking about professional standards, not personal standards, and then to expand the jurisdiction of the committee so that at least initially there would be no question of the jurisdiction of the committee to do what in my resolution I propose the committee do.

Obviously, while I talk about the full committee—I mean the full committee, but it could operate through a subcommittee. The main thing is to remember that “The Committee on Professional Standards and House Administration shall, within ninety days of the date of adoption of this resolution, recommend to the House such additional laws, rules, regulations, including necessary procedures for enforcement as it deems necessary to insure proper standards of professional conduct for members, officers and employees of the House.”

As I have said before, I am the person who first made the motion to move the Bennett resolution out last August. I have been thinking of this, and have become extraordinarily concerned about what I consider the looseness of the language of the resolutions I have seen, including the Bennett resolution.

There is no use belaboring the fact, but the Bennett resolution would get us involved in some things that are pious hopes, that resolution we voted for in 1958, which is now binding, I guess, on everybody.

But the thing that really disturbed me is that none of these resolutions specify, No. 1, the timing for at least initial action and, No. 2, they do not specify outlining clearly the procedures to enforce.

The reason I take this approach is that, for example, we have laws on the statute books today which are so patently unenforceable that nobody ever thinks of trying to enforce them.

For example, take the Corrupt Practices Act, which indicates how much a Member can spend in a political campaign. I do not know how many Members there are that do not evade that by having political committees so that they do not spend anything.

But it is an illustration of a law that is unenforceable, and therefore it has no force and effect.

Mr. PEPPER. Is it not \$5,000 under the law?

Mr. BOLLING. I believe that is correct, and I am interested in those who run a hotly contested congressional campaign on \$5,000. I would like to meet some of them. But the point is, this would give to a standing committee which already has a substantial amount of power in the area a specific responsibility and at the same time mandate them to come back to the House with whatever proposals they think are good, and how to enforce them.

Do you have any reaction to that?

Mr. BURLESON. I would react favorably to that. I do not know that there is too much in the name, but my personal choice would be to turn the title around—House Administration and Professional Conduct.

Mr. BOLLING. I do not like that.

Mr. BURLESON. As I said, I do not know that that would so so determining, but since House Administration has such a broad responsibility in personnel matters and all this conglomerate operation around here, including policy and printing and all of these things we do, I think it would be better if it were turned around.

But the idea I respond very favorably to.

Mr. BOLLING. Contrary to some of the views that have been expressed, I believe it is possible to come up with additional and helpful professional standards. Not being a lawyer, I have been looking over what they call canons of the law, canons of ethics, and I find them impressive. They are well thought out.

I believe what we do is a profession, and I do not see why we cannot develop standards for ourselves as a profession.

I gather from a few Members who are lawyers that it would be helpful if they could find out what they should do with their relationship with a law firm or a particular case.

I think it would be helpful, with the conflict of interest as foggy as it is, to know what you are really supposed to do.

Mr. BURLESON. I agree.

Mr. BOLLING. I think a whole variety of things could be spelled out that frankly would be helpful to Members, and not harmful. Thank you.

Mr. QUILLLEN. Will the gentleman yield?

Mr. BOLLING. I have yielded.

The CHAIRMAN. You have the floor, Mr. Quillen.

Mr. QUILLLEN. Mr. Bolling, getting back to your proposal for House Administration and Professional Ethics, or whatever the title might be; with regard to the partisan situation, have you given any thought to the subcommittee, whether it should be equally divided between Republicans and Democrats?

Mr. BURLESON. I would have not the slightest objection for it to be evenly divided. As a matter of fact, we have done that for a sub-

committee—five on either side. It is a 14-to-11 ratio in the full committee.

Mr. BOLLING. I will ask the gentleman to yield. I would repeat my objection. I think the majority party ought to take the responsibility by having a majority.

Mr. BURLISON. The committee we call a Subcommittee on Contracts was created to find methods to tighten up. You see, committees are permitted so many employees, clerical and professional staff and so forth, and they have got a limit on the number.

However, the chairman of the committee can decide he needs special advisers and special investigators. He comes in with a contract with an individual, 6 months, a year, and that contract must be approved by the Committee on House Administration.

Many of these things come in. There are some abuses in them, I think. I think some of them are not necessary, because there are just some people who like to employ a lot of people.

The committee had some other duties, but we particularly called it a Contract Subcommittee, and this is the committee we assigned the duty to last fall to look into the Powell matter. This is the committee we would expand, which we have already, on an equal number in the subcommittee, five on either side, to handle these matters.

These things we already have a responsibility for. We want to get a tighter check on it, to have, as I say, a preaudit and some other things needed to tighten up. We think we are going to have to come to your committee for a rule to clarify and tighten up some of these operations.

I repeat, I have not a bit of objection to the subcommittee being equally divided and, mind you again that the ratio of the full committee is 11 to 14.

Mr. QUILLEN. The resolution under consideration here and all other resolutions which I have read equally divide the membership between the two parties. I thought that clarification coming from the chairman of House administration would be helpful.

I have been concerned about how matters of misconduct could be reported. The resolution I introduced stipulated that charges must be made in person.

I feel that back in the district charges could be made under oath; that anyone could go to a notary and make his statement under oath. The newspapers would air it before it actually gets to the committee, and damage might be done before action is taken.

Some precautionary measure should be embraced in any resolution, in my opinion.

Mr. BURLISON. I agree absolutely. I gave an example a little bit ago how, if these things are spread out, the man is convicted when his name appears. It harms a great many people. Then he must prove his innocence, and he will never prove it politically.

Mr. QUILLEN. The ranking minority member of this committee asked me to handle the rule when this matter was debated in the last Congress, and I handled it with Claude Pepper on the other side. The temper of Congress was not right for the resolution as it was presented, and it needs to be clarified and worked out.

At the beginning of this session, I introduced immediately a resolution which I thought would clarify the provision somewhat. All I have read, require an equal number of members from both parties.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Sisk?

Mr. SISK. Mr. Chairman, following along the line that Mr. Bolling questioned you on a moment ago, Mr. Burleson, with reference to a proposal to change the rules or to broaden the jurisdiction and even going to the point of changing the name, for example, of the committee on which you serve as the distinguished chairman, also keeping in mind the statement made by the gentleman from Tennessee Mr. Quillen, regarding the partisan aspect of this, because this has been one of the things that we have been confronted with that we attempted to, let us say, resolve in this situation, or let us say some of us who have desired to keep this in an existing standing committee, and I happen to be one of those who favors using your committee or some present standing committee rather than creating a select committee.

I was wondering if you would comment on any problems that could be visualized assuming for discussion purposes that we came out with some resolution in which a subcommittee of your committee on a strictly bipartisan basis, in line with Mr. Quillen's comments, would be made somewhat autonomous in that this subcommittee of the House Administration Committee would have the sole jurisdiction and authority as to those questions pertaining to standards of professional conduct and that the recommendations of that subcommittee could be considered as final for purposes of reporting to the floor.

Do you follow the point I am making?

Mr. BURLESON. I follow you, Mr. Sisk. We had a discussion of that, but under the rules I frankly do not see how the subcommittee could be autonomous and be a subcommittee of any committee.

They still would have to report on any legislation to the parent committee.

I would hardly see how the full committee——

Mr. YOUNG. May I interrupt you?

The ratio is almost even. It is more even than the ratio of this committee.

Mr. BURLESON. It is 11 to 14. But I do not know of any mechanics that would permit it, Mr. Sisk.

Mr. SISK. That is the reason I asked the question whether there are any precedents that you know of, because I have certainly not found any specific precedents in which a subcommittee as part of a standing committee could be totally autonomous. I am not altogether sure that the rules could be amended in this area.

Of course, I had in mind that it would be autonomous only from the standpoint of this one particular subject and, as I say, I am at a loss as to just how it may be done.

However, this is something that seems to me might be considered. I did not know whether or not you or any members of your committee had given this any thought in view of the fact of your recent statement, I believe last week, that this subcommittee, as far as I understand it, has been more or less delegated to handle problems of this kind and is now a five-to-five committee.

The CHAIRMAN. Will the gentleman yield to me?

Mr. SISK. I will be glad to.

The CHAIRMAN. I have had some interest in this same particular question that has been raised. I would just like to observe that this

committee is a committee of original jurisdiction in that matter, and if the committee and the House saw fit to amend the rules to do just what the gentleman from California has suggested might be done, and hopes would be done—if I am not putting words in his mouth—I think it could be done.

It would be a little precedent breaking possibly, but I certainly think this committee has the authority to recommend in an appropriate resolution such procedure, and that there would be nothing that would prohibit it if the House saw fit to do it.

I just throw that in for what it is worth. Thank you.

Mr. SISK. That is all I have, Mr. Chairman.

Mr. BURLESON. Mr. Chairman, if I may comment, I suppose we could do anything we wanted to insofar as rules are concerned. In this instance it would seem to me to be, as you say, precedent breaking and rather awkward.

I would not have any particular objection to the committee being divorced from the parent committee, but I would not agree that the full committee should have or be responsible for the subcommittee's actions. If there is responsibility there should also be authority.

The CHAIRMAN. What it would amount to would be the setting up a committee within a committee with certain specific jurisdictions, and it would certainly obviate the setting up of another standing committee. When we get into that I would just like to point out that this committee in its cramped quarters here tried some time ago to get additional space around here because we are too crowded.

Incidentally, we do not have filing room here now for all of the resolutions that have been introduced on this question, and I found there was no space available except I finally found a room over in the basement of the Rayburn Building where we could function as best we could, far divorced from this committee room.

There are questions of distance and convenience. I do not care to belabor that any further at this point.

Mr. Latta?

Mr. LATTA. Mr. Chairman, I would like for just a couple of seconds to go back and explore this change that was made in your committee after this matter of the ethics committee creation as a separate committee arose, and ask you if you had it to do over would you be a part of creating a committee well knowing that you did not have the jurisdiction to create that subcommittee, Mr. Burleson?

Mr. BURLESON. Let me understand you. On the Subcommittee on Contracts—

Mr. LATTA. Right.

Mr. BURLESON. If we expanded the subcommittee in anticipation that your committee would grant this additional duty to the House administration?

Mr. LATTA. Yes.

Mr. BURLESON. Probably not, by making it bipartisan or nonpartisan, probably not.

On the other hand, it has a practical aspect in the responsibility we already have. As I said, we expect to set up this preaudit operation, we are in the process of that now, and some other reforms which would expand its activity—not its authority, but activity—that we have not heretofore done.

By doing that, I think it is consistent with the work we already have.

Mr. LATTI. This raised a lot of eyebrows, and mine were among them. Wayne Hays testified, and you agree with what he said, that you did not have the authority to create an ethics subcommittee.

Now, after the fact you have come to this committee. If you are going to attempt to do the job you have to get additional authority. It seems to me you have the cart before the horse and I would hope in the future as these things arise that we get the horse before the cart.

Actually, as a member of this committee I felt a little bit slighted that you did not come before the committee and say, "We need new authority."

Mr. BURLISON. I would say we could create as many subcommittees in our committee as we wanted, without coming to this committee.

Mr. LATTI. This is on the matter of ethics. You agree you need the additional authority.

Mr. BURLISON. If you want us to do the complete job.

Mr. LATTI. That is the point I am trying to get across. You lack the authority to act which you need if your new subcommittee is to be effective.

Mr. BURLISON. That is part of it, and also the \$50,000 that was asked for the operation. That is true. I was asked that question the other day in the appropriation of the money to the committee.

We would not need that much money unless we do get this authority we would not expend it if we do not.

As I said, I am completely objective about this. I just say this, that from a practical standpoint with the responsibility our committee already has this added responsibility, with clarity, should be given it.

I do not mean to be facetious about it, either, but I would say this: With the responsibility we already have, another committee set up, an ad hoc or special committee, will have to come to the House Administration Committee for its information on expenditures from the contingent fund. That just follows. It would have to. That is the only place it is.

As I say, it is a practical matter, but I see nothing inconsistent with our having established this committee as we did. As it relates to this authority here, I see nothing inconsistent at all about our taking this action.

We could dissolve it if we find we did not need to do this additional duty, or we could drop it back to the three and four, as I think it was constituted, rather than five.

Mr. LATTI. Leading to the next statement, you have undoubtedly read, as I have, accounts that have been written saying this was merely an effort to head off the creation of a separate committee on ethics.

If we support your action the press will probably write that the Rules Committee went along with the idea not to create an ethics committee.

Now, getting to this matter of five and five on the subcommittee.

Mr. BURLISON. If I may interrupt you there, I am just assuming we are going to have one somewhere, and we ought to get ready for it.

Mr. LATTI. I assume that is right.

Getting to this five and five distribution, which I think is commendable. In answer to the question from the gentleman from California,

you should not set it up as a conference committee, so you have a subcommittee of five and five operating under a partisan committee of 14 and 11.

Let us assume that the five and five came out with a report on a given case and the partisan committee of 14 to 11 decided not to pursue the matter. Then where do you go from there?

Mr. BURLERSON. I would say that the full committee, if it turned down a recommendation of the subcommittee, would be like any other resolution, they just would not have one.

Mr. LATTI. Assuming this was done on a partisan basis, and this is hypothetical, you are defeating the purpose of setting up your five and five subcommittee in the first place.

Mr. BURLERSON. That could follow. It would be, but I do not know. That is the nearest way I would know to approach it, nonpartisan.

Mr. LATTI. Have you given any thought to making this entire Committee on House Administration a bipartisan committee with expanded powers, because your committee does get into matters that in my opinion should be bipartisan.

Mr. BURLERSON. Of course not. It is like any other standing Committee of the House. Maybe there have at times seeped in some partisan angles in the House Administration Committee, but most of it is of such nature that there is no room for partisanism, or very little of it.

We have had at times, I suppose, in election contests, where sentiments have shown up, of a partisan nature one way or the other, but the men who are on the Subcommittee on Elections are all lawyers and I think in the vast majority of cases an attorney can look at these things a little more objectively and possibly without partisanism than maybe those who are not.

But I have never seen that occur, and I believe that those who served on the committee on the other side—I believe Mr. Lipscomb would agree with this statement, as well as others I have experience with on the committee.

We have discussed the matter of staffing because the minority has been insisting on staff to be identified as minority and majority. We have an individual in the committee designated who has contact for the minority who will have the answers to their inquiries.

The committee is on a 14 to 11 basis, which on a 25-man committee is usually 10 and 15.

Mr. LATTI. One further question. You indicated that your committee was criticized in the Powell case for not moving quickly enough to get Mrs. Powell off the payroll, and you admitted that you questioned whether you had the authority to do it but went ahead and did it, and I commend you for it.

The question arises in my mind, since you knew that Corrine Huff was doing the same thing, out of the country and not in conformance with the regulations of the House that she work either in the district or in the State, why did you not remove her?

Mr. BURLERSON. She had been here in the offices, as I understand it, until she went fishing, and that was only the latter part of the year. But as far as I know, and I think it is pretty common knowledge, this Miss Huff was here on the committee staff, or his office committee.

I think she was committee staff. Whether she did anything or not is something else, but at least she was physically present, which met the statute.

Mr. LATTI. From what I read, she went fishing and she was still on the payroll up until very recently, until Mr. Pepper's committee got into this thing. My question is, when you found out she has gone fishing, and I put that in quotes, why did you not do something about that?

Mr. BURLESON. Well, it may have been a long fishing trip. [Laughter.]

But the statute says the employee shall be in the Member's office here in Washington or in his district or in the State.

So if she were here 1 day she could meet the statutory requirement, technically speaking.

Mr. LATTI. You mean 1 day during a month would qualify?

Mr. BURLESON. As far as the law is concerned, it does, and our attention was called to that by the General Accounting Office when we made inquiry as to the reimbursement of these funds.

But it did meet the statute. We assume technically, if she walked in the door 1 day a month, or 1 day a year, it technically meets the requirement.

Mr. LATTI. Have you given any thought to tightening that up?

Mr. BURLESON. Yes, we have. I introduced this resolution that would carry a penalty. Under the present statute there is no penalty. We should make a penalty for a violation. I think that should be a part of any reform legislation.

The CHAIRMAN. Mr. O'Neill?

Mr. O'NEILL. No questions.

The CHAIRMAN. Mr. Young?

Mr. YOUNG. Mr. Chairman, and Mr. Burleson, one thing that worries me a great deal is that it seems to me if this committee, and if the House in turn, places the authority and responsibility with your committee, which obviously you are not seeking, and that is understandable, I am just afraid that your committee will have taken on an enormous responsibility, one that no committee in this Congress has ever faced before.

Ever since we have been having these hearings we have seen your committee maligned, either in the press or out of the press, by statements that the committee either cannot or will not do its job, putting an X on you before you ever start.

I do not know how you go about doing all these things, and my frank opinion is that I think this business of the corruption of Congress is grossly overrated.

I think first of all you may be seeking something that is not necessarily there, and secondly, it has been brought out clearly around this table here by the testimony and by the questions, the great task of setting up a code of conduct that, in effect, is a keeper of a man's conscience which is the difficulty.

So I think it would be the most courageous thing in the world and, if you can, do something with it. I said the other day, and I am not going to belabor the point, that the quickest way to take something away from the American people is to make it bipartisan. If the House

wanted to sweep this under the rug, it would make a bipartisan committee to deal with it.

Then you would have no partisan responsibility for it. If this is as great a problem throughout the country, and I am satisfied it is, then it should be such an issue that Presidents rise and fall on, Congresses rise and fall on, something that the American people can get to, if they want to.

They are not going to do it with a bipartisan thing, because if you vote one party out and the other in you have more of the same. We have seen that in foreign aid.

I think under your plan you have sort of a compromise that might meet both ends and your subcommittee being a nonpartisan committee will act sort of as a trial court, and then your main committee, the parent committee, being a partisan committee, will still have to assume partisan responsibility for what it passes on to the House.

So we might be accomplishing both of these things. My disposition now, for many reasons, is to go ahead and establish this authority and responsibility with certain injunctions for your committee to follow.

We can create a special committee by the snap of a finger if we desire to do it, and we can do that at any time. My present disposition is to do that, and I just wish you a great deal of luck in what you are taking on.

That is all, Mr. Chairman.

Mr. BURLISON. Mr. Chairman, if I may comment briefly, this is something we would have to consider eventually, and maybe now: If it is the judgment of this committee that this matter should be placed in the House Administration Committee, we should be given a period of time, to come up with guidelines to define our intentions. Members of Congress should present their ideas as to what limitations should be placed around this thing and how to close some ends and build some fences and say, "This is the area in which you operate."

I think it is along the lines, John, that you are talking about. Let us not have the gates wide open permitting all sorts of tangents.

If we have the time to hear every Member of Congress who wants to come before that committee, with their ideas as to what should be done, what limitations, what authority, and measure of control, and all this sort of thing, and then come back to your committee for whatever change in the rules is necessary.

The CHAIRMAN. I would like to make an observation. We are committed, and the committee agreed to hear the Ways and Means Committee this morning.

We are perfectly willing to stay here, or we can go ahead as we are proceeding to do. It is what you want to do, but I am just going to suggest that if there is going to be further extensive questioning of this witness that possibly we had better cease this particular operation now and hear this other bill and then come back tomorrow.

The Chair is very much in hopes that we can wind up these hearings tomorrow on the Ethics Committee.

Mr. Pepper, did you have some questions?

Mr. PEPPER. I have some questions, Mr. Chairman, but in view of the desire to hear the Ways and Means Committee here, and other witnesses, I will defer until tomorrow. I think that would be best.

The CHAIRMAN. We would like to have the chairman of the House Administration Committee back again, and that goes for you, too, Mr. Goodell, as we had not finished with you yet.

Mr. GOODELL. Mr. Chairman, due to the death of a good friend and campaign manager, I will be at his funeral tomorrow and will not be here. But I will be back, if you do not finish tomorrow, at your convenience.

The CHAIRMAN. We hope to finish tomorrow. We understand your problem.

Mr. Burleson, we will excuse you.

(Whereupon, at 12 o'clock noon, the committee proceeded to the consideration of other business.)

(The following was submitted for the record:)

STATEMENT BY THE HONORABLE THOMAS J. MESKILL BEFORE THE HOUSE COMMITTEE
ON RULES

Mr. Chairman, I welcome this opportunity to testify before your distinguished Committee and compliment the Committee on moving so swiftly to act on proposals to create a Select Committee on Standards and Ethics.

I am the sponsor of H. Res. 166, similar in most respects to the legislation now before you. It is different in two respects, however, in that it incorporates features which I strongly urge the Committee to include in any bill it reports to the House.

My bill, like the others, continues the Select Committee on Standards and Ethics and gives it the assignment of drafting both a Code of Ethics for Members of the House, and the machinery for enforcing it. My bill has a deadline of December 31, 1967, for these tasks to be completed and reported to the House. I think this deadline is more than ample, but nonetheless needed, to assure the country that we intend to take prompt action.

Secondly, my bill would give to the Select Committee the specific power to recommend either censure or expulsion of any Member found in violation of the Code and the censure or discharge of any employee of the House found in violation of the Code.

This specific power is not provided in the other bills I have seen relating to this area.

In addition, I wish to second the proposal made earlier by the gentleman from Florida (Mr. Bennett) that the Standards and Ethics Committee be made a permanent, standing Committee of the House. This problem of ethics in the Congress will always be with us and it is only good sense to provide permanent machinery for dealing with it.

There is no doubt that this machinery is needed. Allegations concerning a few Members and a few employees during recent years have cast a cloud of suspicion over all Members and employees. It is a poisonous cloud which erodes public trust in the country's elected representatives as surely as air pollution corrodes everything it touches. We all see the suspicion reflected in the press, radio and television commentary. We hear it from our constituents. Only Congress can remove this cloud from itself. Let us do so promptly.

CREATING A SELECT COMMITTEE ON STANDARDS AND CONDUCT

WEDNESDAY, MARCH 15, 1967

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

The committee met at 10:44 a.m., pursuant to recess, in room H-313, the Capitol, Hon. William M. Colmer (chairman of the committee) presiding.

The CHAIRMAN. The committee will come to order.

Mr. Curtis, the committee will be glad to hear from you on House Resolution 18, or whatever other version you care to talk about.

STATEMENT OF HON. THOMAS B. CURTIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSOURI

Mr. CURTIS. Thank you, Mr. Chairman, and let me say that I am here as the ranking House Republican of the Joint Committee on Organization of Congress, which I emphasize is one of these bipartisan committees that someone suggested never produce any results.

It is composed to six Members of the House, three Republicans and three Democrats, and six Members of the Senate, three Democrats and three Republicans.

This committee has, as you know, issued a unanimous report and we have what I would like to call the Monroney-Madden-Curtis bill. It includes every member of the committee. We have all introduced this bill.

In this bill one of the features, of course, is the establishment of an ethics committee, and this was the subject of considerable study of this committee over a period of a couple of years. I am very happy to see Mr. Madden is in judgment on our own handiwork here, and I am happy to be here to support his position on it, or, rather, the committee's position and the position in the bill that this should be a new, independent, and permanent committee.

We talked about, of course, the possibility of using some of our existing structure, whether it be the House Administration Committee or whatever, although I will say the House Administration Committee was the most logical if we were to use any of our structure.

I would like to say this, that this committee would immediately have the function of establishing a code of ethics. This is one of our great needs because, indeed, who can say what the ethics are, and on these questions of ethics, what is ethical and what is not, we need some certainty.

I would suggest, too, that any code of ethics over a period of years needs changing, no matter how well it is conceived when it is first set up. **Experience shows in certain areas it needs to be changed.**

Second, and I was pleased to be present during some of the testimony to hear the questioning of Mr. Bolling and his statement, there is need to have the mechanism, practical mechanism, to enforce the code once it is established.

Then let me interject a third thing, which is part of this mechanism, and also calls attention to one of the great weaknesses in the present congressional structure on ethics and a whole lot of other things.

It is the fact that we do not have an independent audit of the congressional books. GAO does not audit the congressional expenditures. The GAO should audit the congressional books. They are an arm of the Congress, but nonetheless they are an independent organization by structure, inasmuch as the Comptroller General is appointed for 14 years.

This would serve the function of an independent audit. I think whatever is done that this ought to be done just as quickly as possible. Why it has not been done over the years is just inconceivable. It is the only large institution in the country, Congress, that does not have independent audit of its books.

The executive department, of course, does.

This has led, I think, to a great deal of, let us say the misunderstanding, perhaps, of how money is spent in the Congress, whether it is spent by the individual Congressman as part of his office allowances or part of the money that is allotted him, the stationery fund, or the manner in which the committees spend their money, or the manner in which counterpart funds are spent, and so on.

So I would urge that this third aspect be incorporated into this. Now, we could wait, of course, but I would not urge that we wait, for the Monroney bill, the Monroney-Madden-Curtis bill, to reach the floor. That bill has been referred, of course, to this Committee on Rules and in my judgment rightly so, if I may comment.

We had hoped that originally that bill would go directly to the floor of the House under a rule granted by the Rules Committee, but there were so many amendments put on that bill in the Senate which our committee, of course, did not consider and the House has never had an opportunity to consider, that I think very properly the Parliamentarian sent it here, to this committee.

This is not true, of course, of this specific area on ethics: here I would think it would be very wise under the circumstances for this committee to report out the bill, and I would urge the bill that would create a permanent committee—not a select committee that the gentleman from Florida, Mr. Bennett, is talking about. I would hope the rule for debate would be broad enough, of course, so that amendments to this could be considered on the floor and that we move as promptly as we can on this.

I think this is exceedingly serious. The integrity of the Congress under the present climate is very much involved.

Mr. MADDEN. Would the gentleman yield?

Mr. CURTIS. Yes.

Mr. MADDEN. You referred to the amendments offered on this in the Senate. I think that 99 percent of those amendments were pertaining to the Senate's procedures.

Mr. CURTIS. I think a great deal of them are. I do not know that it is 99 percent, but some of them were. According to the Parliamentary some bore on House matters.

At least that is the basis for his ruling, and I have always felt that this was a proper thing, when a bill came over from the Senate with nongermane material or material that a House legislative committee had never had an opportunity to zero in on, that proper procedure did indicate that it should come into the Rules Committee for the Rules Committee to determine whether this material was of such a nature that it should be referred back to the legislative committee for study.

In this instance, of course, the Rules Committee is the legislative committee to look into this.

I would hope, though, that the Rules Committee would tend to limit themselves to the area of these kinds of amendments rather than to reduplicate the work that we tried to do and hopefully we did do over a period of 2 years. Because, if the Rules Committee attempted to do that, I am afraid we would never have seen the Monroney-Madden-Curtis bill this year.

Mr. MADDEN. I think the procedure over there in the Senate, although it was on the floor for 3 weeks, about, was interrupted constantly, and the major part of the amendments adopted over there were from one Senator, who had about 50 amendments, and I do not think there were more than one or two of his amendments adopted.

Mr. CURTIS. Yes. Now, if I could discuss some of the substance of this issue as I see it, and why, at least I as a member of this committee felt that you needed a separate and permanent committee.

First, I have jotted down five areas that bear on this question of ethics. One is elections themselves. Here, very clearly, the House Administration Committee has a lot of expertise and has been in this area for some time, but notably they have never really developed a code of ethics in respect to elections.

I think they could as far as elections are concerned, the ethics part of elections could be handled by the House Administration Committee.

But it then moves into the area of financing of elections, and this gets somewhat out of the normal jurisdiction of the House Administration Committee. It moves on over into a second item that we have to establish a code of ethics on; namely, ethics in relation to lobbyists, and how Congressmen relate themselves to them. This involves this question of how do lobbyist groups—and this is a proper thing in my judgment—how do they contribute campaign funds in a proper way, and what would be improper.

This is one of the areas where we need the ethics spelled out, because a lot of us know there is a gray area here. We would like to conform to what is a considered judgment of the correct ethics, but no one really knows what these ethics should be.

So when we get into this lobbying relationship, I think we move out of the area of the House Administration's expertise in the past. They have had little dealing with this aspect.

Note what we have in the Monroney-Madden-Curtis bill respecting tightening up procedures as far as the lobbyists themselves are concerned. To my regret, we did not zero in on the question of relationships of Congressmen to procedures of lobbyists, particularly in this financing thing, but in our studies and discussions we certainly did

contemplate and did discuss the fact that an ethics committee would be concerned about this. This would be one of the areas that there would be developing ethics.

Now, a third area, the use of Government money, whether it be the committees of Congress using money, or whether it is the use of money of the Congressman's personal staff.

Here, again, I think the House Administration Committee, of course, has developed some expertise and to a large degree can handle this, and yet here is the area where you get into things like counterpart funds which I think has been so loose over a period of years that it is just a very, very bad situation and needs a new and deep look-see.

The House Administration Committee has had the opportunity to have developed some codes of ethics here and has not. This is not to say that I am trying to cast any personal blame. It is only comment on a fact, and an area that needs considerable study to again find out, well, what should the proper standards be.

Then I come to an area which is one of our most serious areas of ethics for Congressmen, which the House Administration Committee does not deal with, and really to get them into this kind of business I think would really divert their efforts from what are the big areas that they presently have jurisdiction over.

I am referring to conflict of interest, the relationship of a Congressman who, in my judgment ought to be part of his community—if he is a lawyer, I think that it is perfectly proper that he do practice law. If he is an insurance salesman, or whatever, but there is no question of the areas of possible conflict of interest that arise, whether a man is in the real estate business or whatever.

Again, here is an area where most all Congressmen would like to abide by a good code of ethics if one had been developed. We have none, no way to guide us to say what should we be doing and what should we not be doing.

This is an area that I think would require an independent committee, and is a subject matter with which the House Administration Committee has not dealt in the past.

The fifth area, the House Administration Committee itself refused to go further in it last year. This is the area of party financing, political party financing, apart from the financing the individual Congressmen's campaigns. The presidential fund, or as has been properly raised here, as I heard, the method of the Republican congressional campaign committee having these dinners to raise funds.

This, as we all know, ties into lobbying. There is not any question this is one of the major areas where you go to try to raise funds. It tends to be from those people who have an interest in what Congress is doing down here. But the House Administration Committee at the time last year when the presidential fund campaign issue rightly came into their jurisdiction, or the subject was brought in through a different kind of investigation. Then the House Administration Committee refused to go into the subject matter and to develop it further, or to broaden it, and I think they probably were right.

I would have liked to have seen them really zero in and come out with what kind of standards should be established in this area, but I am only pointing up arguments that I think indicate the need for an independent committee.

Now let me go to the permanency aspect. Once this committee has done this great work, which I think is going to take them a couple of years, to develop these codes of ethics, and I hope you will put guidelines in, the mechanisms to enforce the code of ethics, and I would hope we would include in here the independent audit of the GAO.

Once it has done this, it still is going to have a function which will require not a large staff—in fact, it would require a pretty small staff—but it would be needed constantly. I think the best comparison that comes to my mind and the one that I am familiar with is the grievance committee of the bar association. I served on our St. Louis Bar Grievance Committee for many years. Incidentally, I was also a member of the Missouri Board of Law Examiners, where we got into this area of ethics constantly.

The need for every profession to have a grievance committee or the technique to handle grievances is just basic. There are only two professions that I know of that do not have permanent grievance committees. We in politics are in one of the professions. The other profession is the news media.

I have been urging for years that the news media start getting a grievance committee so that people who think that they have received unfair or unprofessional treatment have a place to record their grievance.

My experience of years in the St. Louis bar is this: it turns out that well over 90 percent of the complaints that are received by a grievance committee prove to be unfounded, or really are misunderstandings on the part of the complainant, and sometimes on the part of the professional person who is involved.

This function of a grievance committee is all plus. It helps the profession, it helps the public that thinks that it has a grievance. There are less than 10 percent of the cases, again drawing on my experience in the grievance committee, that turn out to have something that is a little more than a misunderstanding.

But even of those, I would say 9 percent of those turn out not to be serious matters; but just talking-them-over kind of thing sets whoever was in error back on the right track.

It is less than 1 percent that get into the area where I think that possibly other actions are required, either where we had to issue a warning, which we would do. That would be the penalty in this 1 percent I am talking about.

Only in the unusual cases would you resort to disbarment. They are most unusual. But the fact that you have a permanent committee whose sole purpose is to handle these matters actually cuts down on the number of complaints. Really the committee was run by a small staff under the direction of lawyers. This serves an amazing function of keeping the reputation of the profession high in the eyes of the people. I think this is why I basically argue the need to make this committee separate and permanent.

The first 2 years of its operation probably you would have to give them a rather larger staff because they are going to be in the business, the difficult business of trying to spell out the codes of ethics in these various areas, build up the mechanisms to enforce the codes and then when that is done I think that you probably would contemplate some-

thing that would be a relatively small operation that would find that the bulk of its work was clearing up misunderstandings.

The public would know where they could register a grievance. We in Congress who felt one of our colleagues was in error and we did not want to make "a Federal case" out of it could pass the word around over to the grievance committee and maybe, again, it would be a misunderstanding, but these kinds of things could be clarified.

Well, I think those are the points I wanted to make, and I want to thank the committee for the opportunity to present these views.

The CHAIRMAN. Thank you, Mr. Curtis.

You have been articulate and you have done your homework. I just want to make this observation before we go into the questioning. Bearing in mind that we want to hear every Member of Congress who wants to be heard on this bill and all other bills for that matter, we had hoped that we could wind up this hearing today.

Now, we are going to have to give Mr. Aspinall some time today. There is an urgent request that we hear him on a matter out of his committee, and therefore this may continue on at the will of the committee.

Ask as many questions as you like, but bear in mind if we are going to wind this thing up today—well, use your own judgment. I am going to take some of my own medicine, but I want to ask Mr. Curtis, had you given any thought—you are recommending a permanent standing committee—have you given any thought to two things, bearing in mind that you and I share certain views about economy and running the Government as economically as possible and the Congress, of course, being part of the Government, the cost of setting up a standing committee?

That is No. 1, and No. 2, Where are we going to find space around here? We have got so many committees and so many subcommittees and subdivisions of committees. Where will we find room for a standing committee?

Mr. CURTIS. My response to that is this. Indeed I have thought about it. Let me suggest that whatever you spent, a hundred times over, merely to get on top of the misuse of counterpart funds would save considerable sums of money. And in an indirect way there would be further vast savings to the Government. I am not unaware that some of the loosenesses of handling the counterpart funds has been deliberate; I say deliberate, intentional on the part of some in the State Department—because it is through this kind of operation that I would suggest that some of the votes are obtained which results in Congress failing to look at foreign aid with an objective eye.

I am one who has favored the theory of foreign aid, but have argued for years that we ought to be at a level of below a billion dollars instead of around three to four.

I am just giving a big figure in here, in sizes of billions, in order to illustrate that I am probably understating the case when I say that money properly spent to look into the use of counterpart funds—and I do not think this would require much—would produce great savings. This would be part of putting the GAO accounting system over the congressional books, just to have an independent audit, but GAO would have to have a place to report, and this committee could be one place to report.

The cost of that is infinitesimal. Likewise, cleaning up a lot of things around here would make them more efficient, which a committee of this nature could do. This would again be a moneysaver. It is the clean house that is the efficient house.

I am not one who objects to spending money if I know how it is being spent.

The CHAIRMAN. I gave the demonstration of that to start with. The other thing is the space thing, and I should give you an opportunity to answer that if you want to take the time, but I just wanted to point out that that is a physical situation.

Mr. CURTIS. Someone said when they built the Pentagon Building how were they going to fill it, and some of the comments were the same when Congress built the Rayburn Building. How is Congress going to fill it.

That is the trouble with bureaucracy, and of ourselves with the bureaucratic habit. We can always fill it, but believe me, there are plenty of areas where space is available.

I know in my own committee, Ways and Means—I hate to confess on it, but I know areas that we have that are not fully used. I have no worry about space—

The CHAIRMAN. I do not want to burden the record with repetition, but this committee has been trying to find a little additional space and had to go to the basement.

Mr. CURTIS. Well, let me suggest that we need to establish some priorities on this, and I would be glad to appear before the House Administration Committee some time and go into this, but let me go into the real guts of it.

This is not a lecture. This grievance committee or this ethics committee is an absolute essential, and the longer the Congress goes without establishing one and understanding the essentiality of it, the more trouble we are going to be in. So my answer is, this is number one priority, and I would even say let the great Ways and Means Committee make room for them if that is what is necessary.

But the public would rightly laugh in our faces if we said the reason we did not want to establish an ethics committee was because we could not figure out where the space was after we spend—what was it, a hundred million or so on this stone monument, the Rayburn Building.

The CHAIRMAN. I hope the gentleman is not putting words in my mouth that we should not establish one. It was the approach to it.

Mr. CURTIS. We must always consider cost, but costs are an infinitesimal problem here.

The CHAIRMAN. The Madden-Curtis-Monroney bill, you have considered this matter?

Mr. CURTIS. Yes; and we have a unanimous recommendation.

The CHAIRMAN. And you think this committee should act on the present situation?

Mr. CURTIS. Yes; I do.

The CHAIRMAN. I just wanted to get that straight.

Mr. CURTIS. Yes; I do.

The CHAIRMAN. Mr. Smith?

Mr. SMITH. Mr. Chairman, I do not want to violate your request for brevity. Inasmuch as we have had hearings that have been transcribed, and I have not been here because of a heart attack, I would not

want them to be completed without making some comments, lest my constituents feel I am not sufficiently interested in the subject.

I got back yesterday, and I would like to make a couple of observations, having read the printed hearings and reached some conclusions.

The CHAIRMAN. All right.

Mr. SMITH. I read all the resolutions and the hearings, and I read the other types of resolutions and heard comments regarding granting new authority to House Administration and the Monroney-Madden-Curtis bills, S-355, Mr. Madden's bill, 2594, I believe it was, and I think yours is 2595, Mr. Curtis.

I have talked to a number of Members and a number have called me during this time. I have come to a few conclusions that I would like to place in the record.

I think the least desirable and the least efficient way to handle this problem would be to set up a select committee. I can see a number of objections to that, and I will set those forth when we get into executive session.

I think that if we give authority to House Administration, they will do a good job. There is some criticism heard from Members that it has not had any authority or directions in this area. I believe this is true as the rules now stand.

I am inclined to think, by the same token, that it has a lot of business now and might be policing themselves. So I have come to the conclusion that we should set up a standing committee. I think we should take our time.

I have heard some criticism that our committee has been slow in acting. I do not think that is true. I commend each and every one of you for the time you have put in in following the usual course of letting every Member come up and have his complete say.

I do not think this is something that had to be done last week. It is something we have to work out and insure that it works out fairly for every Member.

I believe on the basis of a standing committee, the staff itself could be thoroughly investigated; they will have to be investigated so that we will not have a staff member who will steal records and give them to the press, which might include a completely false accusation made by a fictitious individual with a fictitious address 3 weeks before election. This could be damaging to all of us; we must prevent it.

I do not think we are a bunch of crooks. Some of these resolutions I have read seem to say we have a bunch of crooks here. I do feel that if we tentatively decide in an executive session that we should appoint a subcommittee to sit down with the Speaker, the majority leader and the minority leader, and get the advice of the Parliamentarian on the language, let this committee study what is drafted, and come up with a resolution, we would have control of the language creating the standing committee.

Tentatively, my conclusions are that if we have a standing committee on professional conduct and standards with the Democratic Party as the majority party, their senior man would be the chairman, elected by their committee on committees and their membership, and on the minority side, our committee on committees would be able to get together and every State where there is a Republican Member would have a say on whom they felt were the most qualified Members to sit on this committee.

I apologize for taking the time, but as I say, Mr. Chairman, I have been gone and I wanted the record to show that I am interested in this important subject, and I am going to try to do everything I can do to work it out and on a bipartisan basis.

I do not think this should be partisan where we go to the floor of the House.

As you mentioned yesterday, the responsibility is here, and I think everybody on this committee will do the best he can to work it out fairly and equitably, so that we can have standards for the Members, known to them and to the public.

With that, I will stop and be quiet until the hearings are over.

The CHAIRMAN. The Chair would like to observe, in spite of the gentleman's modesty and his apparent, as far as the record is concerned, inability to participate in all of these hearings, that the Chair happens to know that the gentleman is very much interested, and has kept in touch with the Chair about developments as they went along.

Mr. Madden, any questions?

Mr. MADDEN. Well, in a followup to the suggestion of our distinguished chairman on brevity and terminating the meetings, I think that our good friend from California stated some very outstanding facts that I think the committee should give real consideration to, and to carry out the chairman's recommendation of brevity I think, on account of the absence of the distinguished gentleman from California on account of sickness, that I will yield my time to him if he wants to say something further.

Mr. SMITH. Nothing further. Thank you, Mr. Madden.

Mr. MADDEN. I have no questions.

The CHAIRMAN. Mr. Anderson?

Mr. ANDERSON. I, too, shall be brief.

I take it, in the recommendations of the Monroney-Madden-Curtis bill and the recommendations that you are making here today, Mr. Curtis, that you are not proposing that this standing committee would erode or eat away the existing jurisdiction of the House Administration Committee.

You do think that there is plenty of work for them still in the area of auditing the contingent fund of the House with respect to payroll matters and other matters under its jurisdiction, and this standing committee, which you recommend, would take on new responsibilities which are alien to the present jurisdiction of the House Administration Committee and would go into areas, such as conflict of interest and the creation of a professional code of conduct and related matters.

Is that substantially it?

Mr. CURTIS. Yes; the gentleman has stated it accurately. I want the House Administration Committee to continue on. This is work that would have to be—they would be using a lot of the work that the House Administration Committee did. They might even refer back a case to the House Administration Committee for further information and so on.

But the gentleman has stated quite accurately. I would not look upon this as taking anything from House Administration.

Mr. ANDERSON. That is all.

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

Mr. MARTIN. No questions.

The CHAIRMAN. Mr. Sisk?

MR. SISK. I was intrigued by your comments, Mr. Curtis, in reference to calling the committee a grievance committee, and I might say I can see some real benefit in considering that aspect of such a committee.

I want to join my good friend from California, Mr. Smith, in some of the comments he made, because I think they were very excellent. I, too, want to say that I have had some indication—I was called by some member of the press a day or so ago who wanted to know who was holding up this resolution. Nobody is holding up this resolution.

This particular member apparently did not know anything about what was going on. He seemed to think that the 110 resolutions we had here were all identical. Well, of course there are resolutions of a broad variety of approaches.

One, for example, calls for the creation of a 15-member committee in which you would have seven public members appointed by the President, and then of course there are a number of them calling for a joint committee of House and Senate, as I am sure my friend from Missouri knows.

There are others which go in the direction of having a committee that would hold hearings and develop a code of ethics and report back to the House, some within 90 days, some within 1 year, et cetera, and then go out of existence and the House would approve the recommendations.

Others are similar to the Bennett resolution, which go to the point of being the committee that would be the so-called watchdog of Congress.

So this thing is a serious matter, and I do not think that anyone is holding it up. I think we have a serious responsibility, and I particularly appreciated the comments by the gentleman from California on this.

Getting back to your comments on the grievance angle, and I simply wanted to, because the gentleman mentioned that there are only two professions that apparently have gotten by so far without them, and that is those of us in political life and the press——

MR. CURTIS. News media.

MR. SISK. News media, let us put it that way.

I agree with you, because that covers the whole scope. Let me ask the gentleman if he would visualize a situation in the way of a grievance committee such as may exist in the legal profession or others, where, for example, a Member of Congress was being maligned, let us say.

Unfortunately, the news media have among its members a few muck-rakers who seem to have not much else to do except to attempt to destroy some individual, apparently in some cases because of some personal dislikes.

Would the gentleman visualize that some Member of Congress might at some time find himself in a position, because of some wild accusations made against him, that he might want to come to the committee and request consideration?

MR. CURTIS. The gentleman has made a very fine point. Taking it affirmatively, a good grievance committee, and this is true in the bar, where you have a client who for one reason or another does not like what you have done and you say, "Well, why don't you take this to a grievance committee?"

It is a proper way of handling something like that. Someone who has been accused of something, if there is a standing grievance committee that has a fine reputation, can refer the matter to it, this is an immediate way to get the thing clarified, and from the affirmative standpoint. This is the way I look at it. This is a great thing, and I point up again that 90 percent of the complaints that we used to receive in the St. Louis Bar Grievance Committee turned out to be misunderstandings.

Let me say in behalf of the news media: I think 90 percent of the complaints we constantly hear, and I make them, against the news media turn out to be misunderstandings.

Mr. SISK. I agree.

Mr. CURTIS. It is an advantageous thing to have this kind of thing. I think any profession, and I regard the news media as a high and fine and a very difficult profession, has to have something like this if it is really going to move and perform its functions in a responsible and professional manner.

Mr. SISK. As I said, the gentleman brought out what I feel is a rather intriguing aside here which I admit I had not given much attention to, and I do not think it has been discussed in committee, that actually this could be a two-way street in which a member, because of, let us say, the unusual incident of being maligned rather in a malicious way, might find it convenient to appeal to the committee to set the record straight, because all of us, and I agree with the gentleman, I think a very substantial percentage, 90-plus percent, of the press is clean.

Unfortunately, we have got some lemons in there, as you have everywhere else, and they let personalities get away with their judgment.

As I say, I think this is an intriguing thought to examine as we dig in this further, but I did cite the differences in these resolutions to indicate that this committee does have a very heavy obligation here as to what we finally bring to the floor.

Mr. CURTIS. May I comment on this?

I would certainly urge this committee to take the time necessary to do a workmanlike job, and I will do everything I can to help. Of course, I do thing this is urgent; but on the other hand I felt this has been urgent for at least the past 10 years, and I have seen the mistakes made when a committee, any committee or any group, acts under the whip of emergency.

It is much more important, and I do not need to say it to this group of distinguished men, that you should take your time to do a thorough job.

Mr. SISK. That is all.

The CHAIRMAN. Mr. Quillen?

Mr. QUILLEN. No questions.

The CHAIRMAN. Mr. Young?

Mr. YOUNG. I have no questions.

The CHAIRMAN. Mr. Pepper?

Mr. PEPPER. No questions.

The CHAIRMAN. Mr. Matsunaga?

Mr. MATSUNAGA. I have one question. Did the joint committee consider the establishment of committees based purely on party lines? We have had some comments here that maybe we ought to make it

bipartisan, or the other political party might take it out on the member of the other political party.

What about the creation of a committee strictly on party lines? Let the Republicans take care of their rats and the Democrats take care of our rats.

Mr. CURTIS. We did not consider that. We did recommend it be a bipartisan committee because in discussing our point, ethics should never be a matter of partisan differences.

This is something that all of us in public life should share, and it gains this advantage. I heard Mr. Young's comment about bipartisan outfits never getting anything done, and I was going to comment, the Madden-Monroney committee is completely bipartisan, in other words six Democrats and six Republicans.

I think we did produce something; maybe not as much as I would have liked. I thought your points were well taken Mr. Young, but this is an area that I would argue with you that serves well to be on a bipartisan basis to get this element.

Mr. YOUNG. If the gentleman will yield, the committee has not reached the final finish line yet. Maybe it will be the exception.

Mr. MATSUNAGA. The only reason I bring this point up is that during the hearings we have had overtones of some apprehension that this might develop into an instrument for partisanship.

Mr. CURTIS. Let me say I think it will not, particularly if it is a bipartisan approach. I think the only way one party can take the partisan approach is if the other party refuses to move forward.

If both the Republican and Democratic parties' leadership moves forward to meet the problems in the field of ethics, then there is no issue, but if one lags—

Mr. MATSUNAGA. You do not think this idea is a good one, to have two separate committees?

Mr. CURTIS. No, because I do not think ethics in politics should be a partisan issue, and it can only become one if one of the parties lets it be by inaction on its part. I again emphasize, it can be such, but shouldn't be. I am really worried about this: If neither of the political parties moves forward in this area.

This is a very serious time in our history, in my judgment, where neither of the two political parties might move forward in this important area.

I am very serious about this, and we had better start thinking a bit whether the leadership in both the Democratic and Republican parties fail to move forward in an adequate way to meet this problem.

If they do not, I do not know what is going to occur. All I know is that somebody has got to grab the ball here, but this could not—

Mr. MATSUNAGA. Then we will be at the mercy of an even greater ethics committee, our constituents.

Mr. CURTIS. And this goes back to the news media. If the news media do not adequately report, and they have not reported the debate which occurred in the Powell case, and have permitted the word to get back to Harlem that this was a racial issue and that the debate was the result of panic and not deliberation, yes, we can have a constituency respond in an inadequate way.

The responsibility in representative government in reporting to the people is twofold: On our shoulders first, we are the people's representatives, but it is also on the news media.

If the Congressmen fail to talk and speak up, of course we cannot blame the news media for not reporting, but when they do speak up, then the news media—and as I look at you here, you people may report, but who on the cutting desk, the editor's desk, cuts it out? When you get onto television and they cut it on the floor and it is not viewed? And when you report it for the wire services and it never goes out on the wires? The net result is there. And the net result is there on this issue, the Powell case.

I have seen a shameful example of news reporting here. And if the constituency, mine and elsewhere, does not get the true message, what happened—not drawing your conclusions, but what happened then the constituency cannot judge well. For example, the New York Times had a full page and a long part on a back page, reporting the debate in the Powell case and not one word that I said in the 4 minutes that was granted to me to debate the position on the floor was reported. Yet I was the one who offered the resolution which was adopted.

The Washington Post, and so on, not one word. Plenty was said about Mr. Celler's expressed views, and other points of view. Not one word, though, by, or about, the arguments advanced by the person who offered the resolution that prevailed. When you have this kind of inadequate reporting, believe me we are in serious difficulty, and we are in serious difficulty in my judgment, very, very serious.

If anyone reviewing the record of that debate thought that there were racial tones in it, let them say so. Anyone reviewing that debate and thinking that it was not conducted on a high level of discussing issues, let them say so.

Regretably we have had Members of Congress make statements to the effect that this was a hysterical kind of debate, and that this had racial overtones, and I have got the news clippings of their statements, too. This was a considered debate and racism was not in evidence.

The CHAIRMAN. Anything further?

Mr. MATSUNAGA. No.

The CHAIRMAN. Thank you, Mr. Curtis.

Mr. Reid, the committee will be glad to hear from you.

STATEMENT OF OGDEN R. REID, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. REID. Thank you, Mr. Chairman.

I am very appreciative of the opportunity and privilege of testifying before your committee. I will be very brief, because I know Chairman Aspinall and members of his distinguished committee are here and I am not unmindful of your injunction.

Permit me, Mr. Chairman, to say that I also have had the good fortune to attend not a few of these hearings of the Rules Committee, and I would like to commend you and the members of this committee for the thoughtfulness, the diligence, and the time that you have given to this very important subject.

Mr. Chairman, in my judgment it is imperative that the Congress act decisively and with dispatch to restore public confidence in the integrity of the Congress.

I think all of us are not unaware that we have enacted comprehensive conflict-of-interest provisions to apply to the executive branch and yet have not seen fit to test our own conduct by comparable standards.

The public is not unaware that by Executive order each officer and employee of the executive arm is subject to a comprehensive code of conduct. Yet we have not seen fit to enact a code to govern our own conduct, nor that of the officers and employees of the legislative branch.

The public is not unaware that the major officers of the executive branch are obliged to make disclosure of their financial associations. Yet we have not seen fit to require that for ourselves.

As members of the committee are aware, I introduced three bills at the beginning of this Congress, and others going back to preceding Congresses. House Resolution 87, House Concurrent Resolution 42, and H.R. 1162 have been introduced this year.

Since the introduction of those bills, Mr. Chairman, and in the light of some of the testimony that I have heard here, I do have a few brief additional thoughts, some new thoughts on the subject.

First, I feel very strongly that there should be a permanent and preferably a joint committee, a standing committee to deal with congressional ethics.

I think that it is important that this committee be empowered to take significant action and have powers of enforcement and be able to receive complaints, properly verified, from any citizen.

Second, Mr. Chairman, I think it is imperative that we consider, and I seriously hope that this great Rules Committee will consider, a strong full disclosure bill, quite aside from what action you may take with regard to a separate ethics committee.

I am introducing today a unified package of six bills which I hope will be given some consideration and will sketch the perimeters of a broad approach. I am sure that they are going to require very careful consideration, but first I would urge a bill providing for full disclosure of income, gifts, real estate holdings, creditors, business enterprises in which Members own stocks, bonds, or other securities.

Third, the establishment of a permanent House-Senate committee on ethics and conduct.

Fourth, the formation of a comprehensive code of ethics for Congress including rigorous conflict-of-interest provisions.

Mr. Chairman, I think there is some concern in the Congress and in America generally that concern over the formulation of an ethics committee may result in action on disclosure legislation being deferred, possibly unnecessarily, or indeed totally sidetracked.

I believe that full disclosure is the most effective vehicle for guarding against conflicts of interest in Government service. The refusal to act decisively and with dispatch would constitute, I think, a serious dereliction of our public trust.

I think that in terms of conflict-of-interest legislation that the type of rule that should be set would hold that it is indefensible to have a double standard. I think it is indefensible not to make clear that any Member of this body, or of the Senate, must uphold standards similar to those which we insist that the executive maintain.

I would hope the committee would consider a broad conflict-of-interest standard which would apply to all Members, prohibiting

them from participating in matters in which official duties have, or could have, a direct and predictable effect upon a private interest, as distinct from a public interest.

I also would urge consideration, and I know that this is something of a broad gaged approach, that Senators, Representatives, and employees of the Congress earning more than \$15,000 a year would file public statements revealing gifts, real estate holdings, creditors, and business enterprises in which they own stocks, bonds, or other securities, or are otherwise associated.

In the case of Members of Congress, these statements would also be published in hometown newspapers. A complete statement of income, I believe, including dividends and interest, could be filed with a joint committee charged with enforcing the code of ethics.

I think, further, any American citizen or Member, officer, or employee of Congress must be able to file charges of misconduct with a joint committee, and hopefully there would be counsel to such committee that would be independent, an individual who has distinguished himself in public service.

I think the principle here is that every American should be insured a sound forum for presenting allegations of misconduct of a serious nature.

In a still broader aspect, Mr. Chairman, I think what we must be concerned with is the right of any American to run for public office, regardless of his financial means, and I hope serious consideration will be given to election reform.

I think this is basic to ethics, and I think it is basic to the broader ethic that any American can serve.

Second, once a Member is elected, I would have much hope that he would be in a position to devote virtually full time to that office, and in one of the bills I am introducing today I would provide for increased allowances, where I think Members of Congress have not had adequate allowances, and in addition I would encourage an increase in salary.

I think a reasonable amount, something on the order of \$50,000, would help insure that no Member of the Congress would have to rely unduly on outside income.

I have had some privilege in serving in other areas, both in our Government and in private life, and I feel very strongly that we have no more important business before the Nation and this Congress. I think it is vital that the Members of this Congress have adequate salaries so that they can fairly discharge and devote their energies to the good of the Nation.

By way of summary, Mr. Chairman, I hope the committee in its wisdom will report out a bill providing for a separate and standing committee, preferably a joint committee of the House and Senate, but in any event a House committee.

Second, I hope this bill will provide clear conflict-of-interest provisions.

Third, I hope this committee will in addition, in its wisdom, decide to work out a reasonable and sound full-disclosure bill. I think this will go as much as anything to the heart of the problem. Again, Mr. Chairman, I want to thank you for your courtesy.

The CHAIRMAN. Thank you.

Are there any questions of Mr. Reid?

Mr. Sisk?

Mr. SISK. Mr. Chairman, I know the gentleman wants to move along, and I know my good friend, the chairman of the Committee on Interior and Insular Affairs, is waiting, but I did want to examine one aspect again because I think this seems rather serious to me that in the consideration of what we do that we do not create a Frankenstein that will literally become a self-perpetuating body.

In the final analysis, our constituents, the right of those 400,000 or 500,000 people to elect their Representative, and to elect the man they want to elect, from whatever walk of life, is very important.

For example, going into the matter of disclosure, and I have not fully made up my mind on it, I have some reservations on it. For example, a Member of Congress came to me just the other day and was talking to me about it, a man whose name I will not mention.

He said to me, "In my opinion full disclosure would put me in a very tough position."

I said, "What do you mean?"

He said, "I am a poor man. I do not have a thing in the world but my salary. I would be open target for every lobbyist in the country because of the temptations they might feel, because I am struggling trying to make ends meet."

I differentiate a little bit between appointive jobs vis-a-vis a man who can be seated in a body only by the votes of his constituents. And we are the only body that is in this position, because even the Senate, a Senator has been appointed under a certain set of circumstances.

A House Member has to be elected by his constituents. I would be a little concerned about some of the things that the distinguished gentleman from New York proposes in hoping that we consider the fact in the final analysis, where we are not moving so far in this field that we are taking away the right of constituents to make their own determinations, and whether we like exactly the type of business he is in or the fact that he continues that business, or how much or how little money he has would become more important, and that we in the final analysis would become the determining factor as to who would represent these people rather than themselves.

I only bring this out as a matter of concern that I think this committee has to be concerned with, and certainly the Congress, in how far we are going to go in things like disclosure, things like conflict of interest, and matters of these kinds, because I am somewhat concerned.

I would like to have the gentleman's comment on this aspect of it.

Mr. REID. Yes, I think it is a thoughtful question, and an excellent one. Very simply, I believe if we could have election law reform, including the possibility of contributions being tax deductible, so that there would be a number of contributors and no one would rely on the fat cats, I think the day would come when any American could run for office.

I think Mr. Madden has been persuasive and eloquent on this point.

Once a Member is here, I think pay and allowances should be adequate to the job. There are some Members of Congress who are under some difficulty financially, whether it is because they maintain a second residence or travel back to their constituency to keep in contact.

I think we should provide adequate salaries, and I hope that that would relieve some of the pressure on individuals, where that exists.

I think full disclosure could be worked out so that it is fair, and the man would be greatly respected by the American people. I think that the very fact that anyone willing to serve would say that, in essence, "I am prepared to put the facts of my life on the record, with some circumspection," is desirable. Some of this materials I have presented in the bill would be held by a joint committee, confidentially. It could be released by the committee, but would be held confidential in part.

I think there are ways of protecting certain matters that should be confidential, but I think the principle of full disclosure, saying that he is willing to have basic facts before his constituency and the Nation would remove suspicions that could exist, and some of it is largely unfounded; but to say it does not exist would be unfounded.

Mr. SISK. That is all.

The CHAIRMAN. Mr. Pepper?

Mr. PEPPER. I want to commend the gentleman on the very excellent statement he has prepared. I am strongly in favor of setting up a special committee to deal with this matter of ethics, because I think this matter of money and political campaigns today, so far as the public interest is concerned, is the overshadowing matter in the public interest in this country.

It is not only the demand for money to run a campaign that is likely to be successful, but the callousness in late years on the part of the public on how much you spend. I know of campaigns that cost a million or two dollars, and if you tried to unseat the man who spent it you would not get anywhere with the people.

I conducted a campaign once for a man. I got him into the State senate, and it was 20 years before he got anywhere else.

There is a legitimate demand for the spending of money—radio, television and news coverage and that sort of thing. You have got to be a rich man not only to be in public life, but to stay in it, so I commend you on putting emphasis on that thing.

Mr. REID. I think the distinguished gentleman from Florida, and I think America could make it plain—

Mr. MADDEN. Could I ask this: I want to commend the gentleman for the statement. I was reading in the paper—and I think the news media might help us on this—you always read about a Congressman retiring on a big pension. I think they should eliminate that word "pension," because a Congressman pays in every month on that so-called pension.

It is not a pension, it is a retirement, and I think that the news media could help us on that score, because so many people think the Government is just turning this money over to a Congressman when he retires or is defeated, and it is not a pension at all, it is something he purchased, and he is entitled to it.

Mr. LATTI. Would the gentleman yield there?

Mr. MADDEN. Yes.

Mr. LATTI. The amount should be put in the record; I think it is \$184 a month.

Mr. MADDEN. Yes; but nine out of 10 constituents in the country think it is something the Government is giving Congressmen or Sen-

ators when they retire. As a matter of fact, they are purchasing it. It is retirement. That is all it is.

That is all I have.

Mr. REID. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Gibbons?

(There was no response.)

The CHAIRMAN. Mr. Burleson, I do not think we finished with you the other day. I think there were questions that members of the committee wanted to propound to you, and if you would resume your seat we will proceed.

STATEMENT OF HON. OMAR BURLESON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. BURLESON. I have nothing else to present, Mr. Chairman. I present myself for any further interrogation.

The CHAIRMAN. Mr. Pepper?

Mr. PEPPER. Thank you, Mr. Chairman.

There were a few matters that I wanted to call to the attention of the able gentleman. You made a good statement, and we all have great respect for you and your committee, but I was just thinking over some of the cases that I have known about which have been of the character to bring discredit on the Congress and the sort of thing that naturally would be the subject of consideration by an ethics committee.

One was, there was a Member of the Congress who was convicted a few years ago of kickbacks from his employees. As I understand it, that was probably not in the regular routine something to come before your committee. I do not know, but that, of course, is covered by law, that is a violation of law. But it seemed to me that if there were an ethics committee, if there is an employee who is being required to kick back by some employer, that would be the place where the criticism would anonymously, or otherwise, go.

In other words, they would know whom to go to if they were being pressured by some employer about a kickback.

In the Ames and Smith cases of bribery, censured by the Senate a good many years ago—or by the House—that was a case where these men solicited their colleagues to buy stock at a reduced price as part of the credit mobilier, which was considered as an attempt to bribe them to give aid to legislation for railroad construction.

That would not come within the scope of your committee unless we were to give express authority to the committee, but that sort of thing would have been whispered about and would have become knowledge to a great many people that that was going on, and in the absence of some kind of a committee to report to it might have been difficult to bring it out into the open.

Of course, there was a case in the Senate where a Member of the Senate got appointed to the staff of the committee that was writing tariff legislation a representative of the manufacturers' association of his State, with whom he had a close relationship.

Now, that kind of thing could happen here in the House, and there again that would not, as I understand it, that kind of a case would not come to your committee unless it were given special jurisdiction.

We do have legislation in the conflict-of-interest field that was developed, I believe, in 1961, where we cannot represent any client before an administrative agency of the Government, anything except the court.

But at the same time there are border cases, like whether a Member of the House who is a lawyer, for example, should handle a case, an application for a bank charter or a savings and loan charter.

There are a number of cases that are borderline cases that may not be covered literally by the language of the act.

What about the case that is going on in the other body now about the alleged misuse of campaign contributions? It is only elections, as I understand it, that your committee has authority to regulate or observe whether a misuse of campaign funds occurs. I realize it might properly be a subject for the Bureau of Internal Revenue to investigate, but if a thing of this kind comes to be well known, or perhaps notoriously known, it is a subject of embarrassment, and the ethics committee in the other body is now considering that.

But there is a glaring example that would not normally come before the House Administration Committee, as I understand it, if that committee did not have additional and general authority.

And we have the Baker case over in the Senate where they discovered that an employee of the Senate was engaged in notorious operations leading to personal profit by him, the use of his power and contacts there to make money on the side.

I realize if somebody had heard about these growing activities on the part of this employee, they could have told his employer about it, and no doubt he would have done something about it. But it finally came to a committee for disclosure. I believe, that was set up especially in the Senate before the regular ethics committee was constituted.

But a case like the Baker case would not normally, as I understand it, have come before your committee because he was drawing his Senate salary. It was these outside activities that came to be notorious.

And there was a case that came before the House where there was an exclusion of a Member who was duly elected and an expulsion of this Member, the Whittemore case in 1870, where a Member was found guilty of selling appointments to one of the military academies.

I do not know whether that would come within the jurisdiction of the Military Affairs or the Armed Services Committee, but if a report like that got around, if somebody found out that a Member was selling appointments and they knew about the existence of a committee, somebody at home could write back and say, "I just found out my son did not get this appointment because this representative had sold it to a fellow who gave him \$5,000 for it."

Mr. YOUNG. How much?

Mr. PEPPER. \$3,000, whatever you want to say. "So my son did not get it." But he would know there is a committee here to which he could write. That would not normally come before your committee would it?

All of the cases that I recall for the moment, or most of the cases that I recall for the moment that have brought discredit on one of the Houses, only one of them, and that is the Powell case, actually involved the misuse of funds, which did come within the jurisdiction of your

able committee, the misuse of committee funds and the misuse of his own clerk hire funds.

Would you agree that these cases that I have spoken of would not normally, without general jurisdiction being given your committee, have come before your committee?

Mr. BURLESON. I think I am historically correct that in 1858 the first complete codification of the criminal statutes was made. That came up to the time when a commission was formed by the President in 1909.

From 1909 to 1936, I do not believe there was a complete codification, but growing out of that is title 18 of the Federal Statutes, which of course a Member of Congress is subject to, just like any other citizen.

These situations, as you have cited here are, of course, a violation of the law. Now, as I understand the things we are talking about, certainly a violation of anything under title 18 of the Federal Statutes would be a violation of ethics. I think we could agree to that.

On the other hand, there may be many tributaries to this thing, so to speak, that would be a violation of ethics which would not per se be a violation of those offenses listed under title 18 of the Criminal Code.

So I agree with you that an outright violation such as the cases you referred to, coming under title 18 of the Federal Code, and every Member is subject to it. But a vehicle is needed to surface it. The wording Mr. Bolling used yesterday—professional conduct, which I think is a descriptive term and a proper one.

So I think that in the matter of unbecoming conduct of a public official, coming under ethics, or as a vehicle to violations under the criminal statutes, would be a duty of such a committee as may be constituted.

It is not now. I agree on that part.

Mr. PEPPER. Thank you, Mr. Chairman. That is all.

The CHAIRMAN. Thank you.

Thank you, Mr. Burleson.

Mr. BURLESON. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Bush, you have been around here a good while. We have to hear another committee here, and we have to go to the floor most any moment; that is, some members of this committee do.

How long is your statement?

STATEMENT OF HON. GEORGE BUSH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. BUSH. Mr. Chairman, I could simply suggest that if it would be agreeable to the committee, since it is similar to Mr. Reid's statement, I will submit it to the committee and have it made a part of the record; that would be agreeable with me. It simply endorses the proposal for a select committee and goes a little beyond that on a bill I have personally introduced, I recognize time is a real problem.

The CHAIRMAN. Without objection, the distinguished gentleman's statement will be incorporated in the record.

(The document referred to follows:)

TESTIMONY OF THE HONORABLE GEORGE BUSH, SEVENTH DISTRICT TEXAS, BEFORE
HOUSE RULES COMMITTEE, REGARDING ESTABLISHMENT OF SELECT COMMITTEE ON
STANDARDS AND CONDUCT

Gentlemen, I am appearing on behalf of House Resolution 18, introduced by the Honorable Charles Bennett. I realize that it oftentimes is presumptuous for a freshman member to push hard for new legislation. But I strongly feel that the field of ethics goes way beyond seniority, party politics, or regional differences.

Mr. Bennett's resolution is a sound one in my opinion as it proposes a Select Committee on Standards and Conduct. I feel we must have a committee formed for this specific purpose because no matter how good the intentions of any other committee are, the fact remains that only a Select Committee will devote its full time and energies to the problem, and only a Select Committee will assure the public we are taking a new and forthright look at the problem. In fact, I would like to see us go even further than Mr. Bennett's resolution and, for that reason, on February 27, I introduced House Resolution 279. It calls for a Select Committee, just as House Resolution 18 does, but it requires the committee to recommend a code of ethics by August 31 of this year. My bill also requires certain disclosure provisions. It asks for specific disclosure of assets, liabilities, and sources of income. It asks for revelation of relationships with lobbying organizations. It requires disclosure of ownership in any concern whose right to conduct business is regulated by the federal government. And it requires a full disclosure by the member and spouse of their relatives on the Congressional payroll.

In the past, none of us felt that any of these provisions should be required of us as members. But I don't think our feelings are of paramount importance right now. I don't think it is a question of what you or I want. I think the issue is—what do the American people want? And I am convinced that they want a full and accurate accounting by us—financially, kin-wise, and business-wise, and they want to see a code of ethics adopted and enforcement provisions voted which require us to live by this code.

I feel this is one area where we can give the American people what they desire. I urge this committee to vote the resolution to the floor for action. Let us once and for all show the public that our only obligation as a duly-elected Representative is to the people and to no one else.

Mr. BUSH. I am not familiar with your rules, but two other members asked me to bring statements to be included in the record, if that will be in order.

The CHAIRMAN. That is in order, and it is so ordered. You can leave them with counsel.

(The documents referred to follow:)

STATEMENT OF REPRESENTATIVE DONALD RUMSFELD SUBMITTED TO THE HOUSE
COMMITTEE ON RULES IN SUPPORT OF HOUSE RESOLUTION 18, TO CREATE A SELECT
COMMITTEE ON STANDARDS AND CONDUCT

Mr. Chairman, I am pleased to have an opportunity to present a statement in support of the establishment of a Select Committee on Standards and Conduct in the House of Representatives. It is my hope that the committee be reconstituted so that it can continue the work I consider to be so important to the statute, and ultimately, to the effectiveness, of the U.S. House of Representatives.

All would agree, I think, that the recent action by the House to exclude a Member-elect for misconduct does not represent the conclusion of our responsibility. Rather, that action requires us to face the need for a definitive statement of standards for the entire membership in this body, and should serve as an incentive to the House to assure that a committee is established to deal with such problems in the future. To accomplish this goal requires not only the development of reasonable criteria and standards, but, also, and equally important, the establishment of a standing committee to deal with such matters.

It is clearly the responsibility of the House to examine promptly and thoroughly allegations of abuses by Members, officers, and employees of the House not only to ensure that the established standards are honored, but, also, to disprove unfounded allegations. Both functions are important if the House is to have and maintain the respect of the American people. And this it must have if it is to fulfill its important constitutional responsibilities.

The publicity attendant upon the recent exclusion proceedings in the House of Representatives illustrates the problem which we face. Some have said—and probably more have thought—that this body is rampant with corruption and that politics is synonymous with wrongdoing. Certainly, this is not true. And yet, by a hesitancy to act or a reluctance to deal with this question, we may encourage public distrust. I believe this, in part, can be traced to an historical neglect of procedural safeguards, rather than simply to apathy on the part of the membership.

The crisis in public confidence with which we are faced must be met head-on by the establishment of a permanent investigative body to resolve allegations of misconduct. If a Committee on Standards and Conduct should be approved and recommended by the Committee on Rules, the Committee could begin to develop a clear body of standards of conduct for the House and procedures to assure that such criteria would be consistently and equitably applied, and that such regulations would be subject to periodic review and updating.

The Constitution assigns an important role to each branch of our Federal Government. Only if each branch of the Government fulfills its assigned responsibilities well will the system stay in balance. The Judicial Branch, by its very nature, can abide no deviation in ethics. The Executive Branch, by its corporate-type structure and power pyramids has the machinery for dealing with violations. The Legislative Branch is unique in the independent status of each of its elected Members. It is from this relative independence of each Member that the Congress draws much of its strength. Further, it is this independence of each Member that makes the problem of ethics so sensitive and difficult to deal with. However, if the Legislative Branch—the people's branch—fails, fails in any way, the balance in our system of representative government is upset, and our way of life is diminished by just that much.

If the Congress is to function responsively, as an efficient and effective instrument of Government, it must have the support and respect of the people of this Nation. Respect is earned, and we can have that respect only if we merit it. The problem of ethics is a difficult and a personal one, but it is more important than any one Member. And it is, I submit, urgent. I strongly recommend the prompt establishment of an appropriate Committee on Ethics so the House can get on with its job. Finding the best solutions to the problems facing the nation is a big enough task that it will take the best of all of us—unhampered by the difficulties of operating under a cloud of public distrust or by the necessity of dealing with problems of unresolved allegations of misconduct.

I do not pose as an expert on how this problem can be solved. The members of your Committee have had long experience in dealing with problems relating to House Organization. Further, I recognize the difficult problems which could arise by a false step in this sensitive area. I know that you cannot legislate goodness or expect perfection. For this reason, I am reluctant to set forth a firm recommendation. Rather, I would merely express the hope, in closing, that this Committee will act to show the people of this Nation that the House of Representatives recognizes the need for standards of conduct and that we are working to deal with this problem.

STATEMENT OF HON. SAM M. GIBBONS, U.S. REPRESENTATIVE, 6TH DISTRICT OF THE
STATE OF FLORIDA, BEFORE THE HOUSE RULES COMMITTEE

Mr. Chairman, since this Committee has been holding hearings on legislation to establish an Ethics Committee for the House of Representatives, I have heard many witnesses present impressive testimony highlighting the need to establish such a committee. Although I do not wish to present a detailed statement which, in some respects, would duplicate previous testimony, I do want to express my support for the establishment of a strong, independent Ethics Committee.

During the past few months, public attention has been focused on the question of unethical behavior by Members of Congress. We all know that the misconduct of any Member reflects discredit on all Members and undermines the public trust in the integrity of our government.

In any undertaking involving human beings there will always be questions regarding behavior. As long as these questions exist, there is a need to establish an Ethics Committee to deal with the problem. I hope this Committee will give prompt consideration to the ethics proposal, and I urge that it be approved promptly.

The CHAIRMAN. I understand we have another witness.
Mr. Evans?

**STATEMENT OF HON. FRANK E. EVANS, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF COLORADO**

Mr. EVANS. Mr. Chairman, I had indicated I would like to appear before the committee, and I can reduce it to less than a minute.

The need for a lengthy statement on my part is mitigated by the excellent testimony you have had here. I would like to subscribe to the idea of a permanent standing committee on ethics, I think it is extremely important, not only for us but for the people of this country as a whole.

I am delighted to see the seriousness with which this committee is ably addressing itself to this issue, and I think the whole country is going to have a better understanding of our problems, which will in turn benefit us by what you are doing now.

I would like to commend you, and I would like to ask for permission to file a statement in the record at this point.

The CHAIRMAN. Without objection, it is so ordered.

(The document referred to follows:)

**STATEMENT OF CONGRESSMAN FRANK E. EVANS (COLORADO) BEFORE THE RULES
COMMITTEE ON THE MATTER OF CONGRESSIONAL ETHICS**

Mr. Chairman and gentlemen, I deeply appreciate the opportunity you have granted all of us to appear before you on the question of Congressional ethics. While I am a relatively new member of the Congress, I believe all Congressmen are in the same predicament when it comes to the understanding or misunderstanding of our ethics by the general public.

I do not believe it is enough that our standards of conduct be high. I believe it is essential that we do all we can to acquaint the general public and the news media with what we believe to be proper standards of conduct so that those who judge us will also have an understanding of our ethics and our reasons for them.

With these thoughts in mind, I would like to mention a few problem areas where I believe it is important for the members of the House to have a clear understanding of proper conduct because of the frequency with which complaints arise surrounding them.

From time to time all Congressmen are confronted with the problem of gifts of one sort or another. These gifts can range from cash to tangible property having a wide variety of values. Such gifts can be given out of gratitude, friendship, or with a thought to influence a Congressman. I believe it would be wise to have a rule that Representatives should not receive gifts having a real or intrinsic value exceeding \$25.

Since Representatives are allowed only four trips home per year at government expense, the great pressure on most Congressmen to return to their Districts as frequently as possible often produces offers of free transportation. Free transportation can come from political parties, interested individuals, special interest groups, unions, or businesses having great interest in pending legislation.

While I do not have a satisfactory answer that could be written into a rule of conduct, I am sure that this Committee or another committee could produce a reasonable standard of conduct in regard to such "free" transportation.

Many times each month most Congressmen have dealings with various departments and agencies of the Government such as the SBA, the ICC and the FCC. Most frequently these contacts involve constituents having a particular interest in the outcome of a question pending before such agency or department.

I believe a proper standard of conduct in dealing with such departments and agencies could go far in not only guiding each Representative, but also in advising the public-at-large that there are areas in which "political influence" should not be brought to bear upon determinations requiring skill and judgment of the personnel in such agencies and departments.

It is my understanding that some Congressmen accept honorariums for speaking engagements in order to augment their income. Some feel this is a necessity in view of the costs of campaigning and of maintaining two homes, while others may simply see this as a means of increasing their total income. Whatever the reason, I believe it would be most helpful for a standard of conduct to be proposed to govern all Representatives regarding honorariums.

Many problems arise in regard to the former business or occupation of a Congressman and his continuing interest in such business or occupation during the time that he serves in Congress. I believe that we should have a provision in our Code of Ethics which will be easy for the public and the members of Congress to understand that will guide members away from any possible conflict in interest while serving as a Congressman.

While I do not subscribe to the necessity of all members of Congress filing a financial statement with the Congress each year, I do believe it would be reasonable to have a standard of conduct requiring all Congressmen who have income produced by businesses that are federally regulated to file the appropriate declaration.

The hiring of relatives by Congressmen has long been the subject of public criticism. In this regard, I do not believe such hiring practices can be compared to a private business for in the Congress we are dealing with public funds when we pay salaries to family members. Personally, I think the wisest course of action for the House to take would be a provision in our Codes of Ethics against the hiring of members of our own immediate family to work anywhere on our own staffs.

ESTABLISHMENT OF AN ETHICS COMMITTEE

The foregoing itemization is not intended to be complete. However, they seemed to me to be some of the most troublesome areas in which I think both members of Congress and the public need to have the confidence of knowing there is a standard of conduct agreed upon to which members of Congress are expected to adhere.

I also hope that the House of Representatives will be able to devise a means of disciplining its members so as to increase the public's confidence in us, as members, and as a legislative body, with enforcement procedures which would not fall prey to misuse politically or by the public or the press. While some people would be prone to misuse an Ethics Committee for sensationalism, news stories, political advantage, and so forth, and while such misuse may well be hard to prevent because of the great public interest in all claims of misdoings of Congressmen, it is my hope that a means can be devised for policing ourselves similar to the Grievance Committee procedures of the bar associations throughout this land.

There has been considerable discussion in regard to the question of whether or not a special committee should be formed for the purpose of handling congressional ethics or whether a standing committee or subcommittee should have such responsibility. Having heard some of the testimony before this Committee, it would be my feeling that it would be proper to have a special subcommittee of the House Administration Committee charged with original responsibility and jurisdiction for grievances against Congressmen. I believe such subcommittee should be represented equally by both parties so that in its job of fact-finding and making of recommendations to the full committee there would be an absence of partisanship. The subcommittee's recommendations would be accepted, with or without amendments, or rejected. If accepted in any form by the full committee, the full committee could then recommend action to the floor of the House where the House would work its will. Obviously, whichever party has a majority in Congress will have a majority in the House Administration Committee and in the House of Representatives itself and, therefore, party responsibility may attach to any final decisions made.

The CHAIRMAN. Mr. Gude?

**STATEMENT OF HON. GILBERT GUDE, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF MARYLAND**

Mr. GUDE. I have submitted a statement, and have seen the due deliberation with which you all are pursuing this problem. I have submitted a statement, and I would like to just mention several aspects of it. Whatever is done, adequate funds must be provided for a permanent professional staff which is certainly necessary for a truly effective committee, where backup research can assure that partisan and personal vendettas do not influence the committee.

Without this, the committee would just be a front, and I believe it is significant that the large number of resolutions introduced specifies this problem be dealt with by a select committee structure. This would make it possible for the committee to concentrate exclusively on matters of ethics and conduct and it would help insure its continuing independence and impartiality.

The very act of creating such a committee would be a symbol of congressional concern, that standards of conduct should apply to all Members of Congress.

There is a pressing need for speedy approval of the resolutions such as I have introduced, No. 286, and the other resolutions, because I believe the credibility of the House of Representatives is at stake. I think it should be a bipartisan committee.

(His statement follows:)

**TESTIMONY ON SELECT COMMITTEE ON STANDARDS AND CONDUCT BEFORE HOUSE
RULES COMMITTEE BY HON. GILBERT GUDE**

During my previous legislative work, I have devoted considerable effort to the area of ethics and conflict of interest legislation. I am testifying in support of House resolution 286 which would provide for a select committee on Standards and Conduct. I would like to urge that the following aspects be kept carefully in mind.

1. Adequate funds must be provided for a permanent professional staff, which is the *sine qua non* of a truly effective ethics committee. Thorough back-up research can insure that partisan and personal vendettas do not influence the committee. Without adequate appropriations to provide for a permanent professional staff, it would become nothing more than an elaborate front to fool the public.

2. I believe that it is significant that the large number of resolutions which have been introduced specifies that this problem be dealt with by a select committee outside of the existing committee structure.

3. The very act of creating such a committee would be a symbol of Congressional concern that standards of conduct should apply to *all* members of Congress. There is a pressing need for speedy approval of this resolution; the credibility of the House of Representatives belief in equality is at stake.

The CHAIRMAN. Thank you very much, Mr. Gude.

(The following statements were submitted for the record:)

TESTIMONY BY REPRESENTATIVE SEYMOUR HALPERN

In this year of Adam Clayton Powell's arrogant disregard of the Congress and the people he represented, the question of the establishment of a Committee on Standards and Conduct—in common parlance, an Ethics Committee—has become a burning question throughout the land.

Mr. Powell asked for the action which was finally taken by the Congress. Now, the people of the United States are asking for immediate action by the Congress to keep its house in order. They must get this action. It is their right.

Through the years I, and other members of the House, have introduced a number of bills and resolutions which would have required the establishment of an Ethics Committee.

In the second session of the 89th Congress, such a Select Committee was created, but the Congress allowed this Committee to be stripped of investigatory powers which must be one of the principal reasons for its existence.

At the close of last year, the Committee issued its final report showing significant achievements, despite this basic lack of power. The report also asked that action be taken early in this session to reconstitute the Committee.

Representative Charles E. Bennett the gentleman from Florida who headed the Select Committee in the 89th Congress, introduced such a measure at the very start of this session. I also introduced a similar resolution calling for the establishment of a Select Committee on Standards and Conduct.

Gentlemen, the prestige of the entire Congress is at stake. The people we serve have expressed doubts, and whether they are well founded or completely unfounded, we must move speedily and decisively to end them.

This can be done only by the establishment of an Ethics Committee, armed with the full powers it needs to establish rules of conduct, and to determine if they are being followed, or where they are being circumvented.

I urge you to use the power of your Committee to make certain that the people of the United States be given the assurance they need to maintain their trust in their elected representatives.

STATEMENT OF HON. DONALD W. RIEGLE, JR.

I appear before the committee today to support the Bennett bill and to speak in behalf of the people of the 7th District of Michigan in favor of a permanent congressional committee on ethics.

The need for new initiative in the area of congressional ethics and objective standards of personal conduct for congressmen is self-evident. While the case of Mr. Powell has been in the spotlight, public opinion across the country is nearly unanimous in its opinion that Mr. Powell, at the very worst, is only symptomatic of a bigger problem. The integrity of congress is what is at issue—and the growing public cynicism about the congress and its conduct is due to what has been our own ponderous inability to develop some tough, but fair, objective standards of ethical behavior.

I am here testifying today because I believe this committee is handling the most important issue before the House at this time. We've got to restore public confidence in the congress, and that requires some real initiative.

I salute Mr. Bennett for his leadership in ethics reform and I believe that a permanent committee on ethics is an absolutely essential first step.

In the face of growing public cynicism about the personal conduct of members of congress, I believe that it is *first* in the *national interest* that we act decisively to restore what is left of our public respect. When serious doubt arises in the public mind about our conduct here in congress, then our ability to provide the very highest form of national leadership is eroded.

Second, it is in our own self interest to act decisively to lift the standards of congressional conduct well above the level of public doubt. Under the present situation, the many suffer for the indiscretions and bad character of the few. The respect and integrity of congress can only be strengthened by a forthright step to establish a permanent ethics committee.

Let me now address the question of why we need a permanent ethics committee. What are its advantages? *Number One*: Is ethics above partisanship? I think the answer is yes. So I think an ethics committee has to be constructed on a basis that places it above partisanship. For this reason, I think it is essential that the committee be composed of an equal number of Republicans and Democrats without reference to the partisan composition of the House.

Now, it has been argued that the majority party ought to have the responsibility of policing ethical behavior in the House. I disagree. One reason for disagreeing is that ethical behavior ought to be above party considerations. A second consideration is that opportunity for abuse of privilege is greater when a member belongs to the majority party in the House, irrespective of which party may be in the majority. Mr. Powell's bad conduct was due, in part, to the fact that he belonged to the majority party in the House and, as such, had special discretionary power on the Education and Labor Committee. While the great bulk of the discretionary power in the House accrues to committee and subcommittee chairman—who by definition are members of the majority party in

the House—it seems unsound to expect that same majority to have the policing responsibility over the use of this discretionary power.

Number two: A permanent ethics committee offers a clear advantage of avoiding the existing committee structure. If an existing standing committee, or sub-committee, is given the ethics responsibility for the House, then the chairman of that committee or sub-committee would be in the impossible position of having to police himself—I speak in reference, of course, to the great discretionary power which accrues to committee and sub-committee chairmen. The soundest approach would be to select for membership on a permanent ethics committee, members not presently in chairmanships elsewhere in the House. It also seems advisable to have the chairmanship of a permanent ethics committee *filled on a rotating basis* so that one man would not dominate in this position for a period of years. An ethics committee must have complete flexibility to act and, as such, I think it needs to be completely free of any relationship to the existing committee structure, which, as in the case of Mr. Powell, often gives rise to questions of abuse of power and unethical behavior.

Number three: A third advantage to a permanent ethics committee is that it gives the question of ethical conduct front rank consideration by the congress. In my judgment, no more important question comes before the House than questions relating to the ethical conduct of House members. There is tremendous public interest and concern about problems of this type. The Powell case is also instructive on this point in that the House took great pains to assign its best talent to the Powell select committee. The assignment of the most senior member of the House, Mr. Celler, who also serves as the chairman of the Judiciary Committee, is partial evidence of great care the House took in probing a question on a member's ethical conduct.

In recognition of the graveness of an ethics inquiry and its importance to the general public, I believe we need an *independent* ethics committee—concerned *just* with ethics. Not burdened by the need, as would be the case with a sub-committee, to work through a full committee. And with ethics not considered as just one of many duties and functions of a standing sub-committee, or for that matter, a full committee. This matter is too important. The matter of congressional ethics, and personal violations of these ethics, ought to be the *sole* responsibility of a *full* committee—which can devote its entire attention to this vital matter.

Number four: A fourth advantage, is that the U.S. Senate has already taken this needed step. I think we are no less a body and ought not to make the mistake of according this problem less importance than the Senate accords it. To attempt to pre-judge a House ethics committee on the basis of the record of the Senate ethics committee, makes no sense. That would be as senseless as judging one member of congress by the actions of another member. A House ethics committee will be as effective or ineffective as we make it.

Number five: A fifth advantage to the establishment of a permanent ethics committee has to do with a restoration of public confidence in the integrity of the House.

If we fail to act decisively in establishing a permanent ethics committee, I believe the public—rightly or wrongly—will view this as a whitewash, and as an effort to give the ethics question back-burner treatment. Personally, I think congress has little to hide and I think we will be a better, stronger body if the question of ethical conduct is given maximum attention and is fully exposed to the white light of open public review.

STATEMENT BY HON. WILLIAM A. STEIGER, SIXTH DISTRICT, WISCONSIN

Mr. Chairman: As a freshman member of this great body, the Congress of the United States, I hesitate to question or recommend changes in the functions of this body. The subject we are examining today, however, that of ethics and conduct, transcends party lines, party traditions, and traditions of this body.

Because of the importance of this subject to our election process and our governmental process, I submit this statement in favor of establishing an Ethics Committee in the Congress.

There are two areas that I think are most significant in this matter and which I would like to discuss briefly.

The first is the matter of the public disclosure of a member's financial status. It is my feeling that such disclosure is important if we are to be able to ade-

quately study ethics and if we are not to just give lip service to this problem. None of us likes to disclose our financial interests. Nobody in America wants to tell other people how much they have or don't have. We, the members of Congress, don't want that kind of second class citizenship thrust upon us. Yet, we must accept this if we are to be equipped to study the efforts and effects of the influence peddlers on Congress. We must accept the responsibility for public disclosure with the responsibility that comes with our election.

The second point is that in the establishment of an ethics committee it is inherent in their duties, in their examination of the ethics of members of this body, to examine the expenditure of campaign funds or funds received for campaign purposes. In order to carry out that function, this Congress must soon also consider the implementation of legislation regarding the disclosure of campaign expenditures. Present laws are obviously inadequate.

In establishing this committee, however, let us not forget that one of its functions, and perhaps one of its primary functions, must be the examination of campaign expenditures as they relate to ethical standards. In order to strengthen this point I need only point to the present examination being conducted in the other body in regard to the expenditure of campaign funds by one of its members.

Mr. Chairman, I think legislation of this kind is vitally important. I respectfully urge this committee to act favorably on an ethics proposal. I have introduced two proposals to which I call your attention, H. Res. 297 and H.R. 6185. In both cases, you'll note, these proposals call for starting fresh with the creation of a separate committee for handling these matters. This new, fresh approach is, I am convinced, the best means of approaching this problem.

I am of the belief that public office is a public trust. We must, however, be worthy of that trust if we are to maintain our strength, effectiveness and purpose.

Thank you for this opportunity to offer my views.

STATEMENT SUBMITTED BY HON. GEORGE A. GOODLING

Mr. Chairman: I have introduced H. Res. 368 to the Congress, legislation designed to set up a Select Committee on Standards and Conduct for the United States House of Representatives.

It is my firm belief that there should be a separate Committee especially charged with the responsibility of guardianship over the House Membership and provided with the authority and facilities to carry out this responsibility.

I do not feel that an assignment of this nature can properly and effectively be accommodated by any existing Committee in the House of Representatives that has other areas of responsibility, because the delicate nature of the assignment requires the concentrated attention of a single Committee especially constituted for this sole objective.

An especially established Select Committee on Standards and Conduct would serve as a guardian over the membership of the House of Representatives, having power to recommend to the House such rules and regulations deemed necessary to insure proper standards of conduct by members, to carry out investigations on alleged breaches of conduct, to recommend appropriate censure proceedings on House Members, and to report violations of any law to the proper authorities.

Such a Committee would, Mr. Chairman, serve two valuable services, one corrective and the other preventive. For one thing, the Committee would be able to quickly take care of those cases where there was evident abuse of Congressional authority and privileges. Over and above this, however, the Committee also would serve as a kind of helpline for the House Membership, helping to clear away some of the confusion and uncertainty that sometimes exists among legislators engulfed by a vast amount of complex issues and technical details, as well as a great variety of intricate parliamentary functions.

All of us know that most Members of Congress maintain the highest standards of personal conduct; however, all of us know, too, that Members of Congress are human beings and, as such, are subject to error.

It is quite generally agreed, Mr. Chairman, that some type of ethics unit should be established during this session of Congress. The question to be resolved is what form this unit should take.

If it is going to be done, then let it be done right. Anything less than a fully concentrated effort toward guardianship and guidance by an especially estab-

lished separate Committee would, in my considered opinion, be a disservice to the Members of the House of Representatives and a deception to the people.

Mr. Chairman, I deeply appreciate having the opportunity of presenting this statement for the consideration of the Committee.

(Whereupon, at 12:03 p.m., the committee proceeded to the consideration of other business.)

