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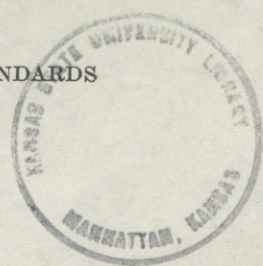
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CREATING A SELECT COMMITTEE ON STANDARDS AND CONDUCT

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



FEBRUARY 28, 1967

PART 2

Printed for the use of the Committee on Rules



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CREATING A SELECT COMMITTEE ON STANDARDS AND CONDUCT

TUESDAY, FEBRUARY 28, 1967

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

The committee met at 11:30 a.m. on the subject, pursuant to recess, in room H-313, the Capitol, Hon. William M. Colmer (chairman of the committee) presiding.

The CHAIRMAN. The committee will resume the hearing on House Resolution 18.

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

STATEMENT OF HON. ROBERT T. STAFFORD, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VERMONT

Mr. STAFFORD. Thank you, Mr. Chairman.

Mr. Chairman, so much has been said by the earlier witnesses on House Resolution 18 and so much has been developed in the dialog with this committee that I propose to make a very brief statement to the committee supporting House Resolution 18.

I appreciate this opportunity to appear before the Rules Committee in support of House Resolution 18 to establish a Select Committee on Standards and Conduct. On the opening day of this session I introduced identical legislation in the form of House Resolution 98. I did so as a member of the select committee established by the 89th Congress last fall to report on this matter to the present Congress. It was a high privilege to serve during the congressional recess on that committee on standards and conduct, even though our life as a committee was pretty short.

It seems to me that under the able chairmanship of our colleague, Hon. Charles Bennett, we did do the job we were authorized to do, resulting in House Resolution 18 which is now before you.

I sincerely hope and trust that the report issued and this resulting resolution will enable the House to give continued life to a permanent ethics committee. I strongly support this resolution for the following reasons:

It will be extremely helpful to Members and employees of the legislative branch to have the guidance of a code of standards and conduct reasonably to be expected of them. Such a code should only be enforced after adoption by the House itself.

Creation of a select committee with rules applying to all Members will help insure the confidence of the American public in the integrity of the Congress. As you know, the Senate has established a committee

to oversee actions of its Members and this committee has the power to recommend disciplinary action.

The conduct of Members of the House of Representatives should be exemplary. It is inconceivable to me that any of us would hesitate to give our full support to putting our own house in order.

I sincerely hope that this great committee will see fit to send this resolution to the floor for action as quickly as possible.

Mr. Chairman, I appreciate the opportunity to appear before the Rules Committee.

The CHAIRMAN. Thank you, Mr. Stafford.

Mr. Stafford, if I heard you correctly, you have stated that you favored a permanent committee?

Mr. STAFFORD. Yes, sir; I do, Mr. Chairman.

The CHAIRMAN. Now, of course, this resolution that is before us is not for a permanent committee.

Mr. STAFFORD. That is correct.

The CHAIRMAN. I agree with you, I think that whatever action is taken should go beyond this Congress, because, as I think I have said before, I don't think we have any reason to believe that the 91st Congress will be composed of more ethical membership than the 90th. And I certainly agree with the gentleman.

Any questions of Mr. Stafford?

(No response.)

The CHAIRMAN. Thank you, Mr. Stafford.

Mr. STAFFORD. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Dorn, the committee will be happy to hear from you.

STATEMENT OF HON. W. J. BRYAN DORN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF SOUTH CAROLINA

Mr. DORN. Mr. Chairman, members of the committee, far be it from me to judge my fellow Members of the House or the Senate or of my fellow men anywhere. I am the first to admit I am a sinner, I am not perfect, but I do think, Mr. Chairman, and I commend all of you for holding these long and no doubt tedious hearings because this is one of the major issues before the American people at the moment, along with Vietnam. I can report to you that it was my great honor to address five major high schools in South Carolina between the birthday of Lincoln and the birthday of Washington, in different sections of the State. And people are asking—particularly the young people are asking—what are you going to do about this?

This is perhaps the No. 1 issue in their mind, along with Vietnam, and their being subject to the draft. This is the subject I talked on in these high schools, based on the fact they are affected by the draft coming up this year and by Vietnam, and we can draft them. We are going to take \$1 out of every \$4 they earn throughout their lifetime.

They listen, Mr. Chairman, when you talk to them along these lines. Then they ask you about this ethics business, and I just think that this Congress, in order to reassure not only the people of this country, but the young people particularly who are going all over the world, serving on the ramparts of freedom, should let it be known immediately that we here in the House of Representatives and in the U.S. Senate are

concerned about ethics and moral standards, and that we are doing something about it.

This is why I am here, Mr. Chairman. I would not take your time or the time of the members of this distinguished committee if I didn't feel deeply about this issue. I have introduced over the years, as you know, a resolution similar to the resolution of my good friend, Mr. Bennett, and I have introduced resolutions about campaign expenditures and various things, mostly for the consideration of the Congress. I trust the deliberations of this committee right here and I believe you will come up with something constructive that we can live with.

I think that perhaps a select committee would be better, because it would focus the attention of the American people in a democracy such as ours, of the republican form of government. It would focus attention on our own willingness and our own desire to do something about this very gnawing, very serious problem about representative government.

Now, we have a Sergeant at Arms in the House of Representatives. We cannot smoke on the floors of Congress, we cannot refer to our colleagues in any other term but the "gentlemen from Illinois" or the "gentleman from Tennessee," so it is not out of order. We are already under discipline, and I pointed this out to these young people, that we are a disciplined body. We operate under rules and regulations on the floor; otherwise, we couldn't have legislation. We would not get anything much done.

So I don't think we would be going afield at all to establish a committee that will go just a little further and be a committee before whom not only Members of Congress, but I would say responsible citizens on their own, could file a protest.

I know how the grievances committee in the bar works; I don't know of anything that works better in my district. After 19 years in Congress we have only had two instances of concern. I had a constituent contacting me and complaining about the conduct of a certain member of the bar. All I did was say, "Look, we are going to take this up with the grievance committee," and that ended it. In both cases it was straightened out.

So, Mr. Chairman, I feel that we should do something at this session of the Congress about this thing. We have been contacted by people all over this Nation and all over the world. It is reflected in the columns and editorials about the Congress that question its ability to discipline and police itself.

I might say, Mr. Chairman, that democracy, in order to exist, must be disciplined, more perhaps than any other type of society. Democracy has to be disciplined; we have to respect other fellow beings; we have to protect the image of Congress and our democratic ideals and principles. I just think this is one way to do it and I certainly want to stress to the committee the urgency of this situation. Very frankly, I am going out again to girls' states and boys' states in Virginia and South Carolina, and all over this country. I guess I have as many speaking engagements as any Member, perhaps more than any Member speaking to young people—Michigan, Harvard, Rensselaer, all over this country, the University of Virginia. These young people ask these questions, and I am more concerned about them than I am

about some of our old, hardened statesmen. But, Mr. Chairman, they do ask these questions and they are concerned about this thing. They want their Congress, their House of Representatives particularly, to be responsive to the people and directly represent the people.

I have five children, all in the public schools not too far from here this morning. They ask me, "Daddy, what are you going to do about these things?" Kids ask them the same questions in school. I think it is time for us to do something.

That is why I am here, Mr. Chairman. I don't like to take the time of this committee, but I do believe that a special select committee would reassure the American people. We can petition Congress right now—this is not going to bring up some of the difficulties that I hear during these discussions. Why, I can walk out here—as any citizen in the United States—and petition Congress this morning under the Constitution, so this thing of talking about bringing irresponsible charges against a Member, I don't think there is anything to that at all.

We are under discipline now. The Sergeant at Arms can keep us straight on the floor.

Mr. Chairman, I appreciate the kindness of this committee and the indulgence in hearing me.

The CHAIRMAN. Thank you, sir.

There may be some other questions.

Any questions of Mr. Dorn.

Mr. Anderson?

Mr. JOHN ANDERSON of Illinois. I would just like to join the chairman in saying that the gentleman has made his usual eloquent contribution to the record of these hearings and I am particularly grateful to him for bringing out one point that I don't think has been emphasized by any other witness, and that was the point of how the young people in this country feel, because we are worried now about a generation gap, a feeling of alienation on the part of young people toward the generation that is now in command. This is one of the reasons, I think, for the loss of faith that they feel, and I think your comments in that regard were particularly useful to the committee.

Mr. DORN. Thank you.

The CHAIRMAN. Mr. Sisk?

Mr. SISK. Mr. Chairman, let me say to my good friend from South Carolina, I agree with everything he had just said. I have just spent a week on the west coast and I join with him in assuring our committee that people are concerned about this and, as we know, they have been concerned certainly for some time. Lots of questions are being asked about it, and I don't find myself in disagreement with anything that the gentleman has said.

I would like to ask him a question. He heard the previous witness indicate that he favored a permanent committee. The gentleman has said he favors a select committee; in other words, one which would be created only for this Congress and it would die at the end of this Congress. Then a determination would be made as to a future committee.

Is that generally the gentleman's opinion?

Mr. DORN. I listened to the previous witness, Mr. Sisk, and I would favor a permanent committee.

Mr. SISK. You would?

Mr. DORN. Yes, sir.

Mr. SISK. That brings me, then, to the question really that I had in mind. I don't think on the basis of objectivity that there is really any difference of opinion among the Members of Congress, certainly none that I have heard discuss this subject. I think the 400 and what—434 Members we have at the moment, are almost unanimous on their objective here about the need. I think the method, the *modus operandi*, to achieve that may be where some of us differ.

Now, I have been concerned. I feel that we do need—I agree with the gentleman—I feel we do need the permanent committee. Of course this goes then to the point of my own feelings, that if we are going to consider the creation of a new standing committee, which is in essence what it amounts to, if we are going to amend the rules and make a permanent committee, then why not use an existing committee?

That is why I wonder about the charge, then, if we amended the rules to grant the type and kind of jurisdiction, the broad jurisdiction needed, let's say to the House Administration Committee because the gentleman is aware and we are all aware of what I am referring to, why is the proposal to move in that direction branded as a whitewash because this then would become a permanent committee.

I am not saying you have made any charges, but there have been some made.

Mr. DORN. I don't think for a moment it would be a whitewash. I think it would be a good alternative, but I do think it is best to hit this problem head on with a standing committee, as the people will be reassured much more than they would by the other method.

I realize there is a lot of room for debate and argument, but I do believe under these extenuating circumstances we ought to go ahead. I would urge this committee to go ahead and establish a select committee or permanent select committee to take care of this situation.

You even hear it overseas. I heard Mr. Madden the other day and I thought he made a splendid statement, Mr. Chairman, about the fantastic cost of campaigning. All of this is involved and I know you have to deal with one problem at a time, but I envision that this select committee or permanent committee could come up with recommendations about this fantastic expenditure and how we can deal with it.

I would like to say this. When I came back from the Army in 1946 after three and a half years—19 months overseas—I saved \$1,500 out of my corporal's pay, and I was able to run for Congress. Just wore out a lot of shoe leather and passed out cards. That is no longer possible, Mr. Chairman.

You have to kind of line up with somebody now, gentlemen, and maybe accept more contributions than we should. Maybe we almost subconsciously become tied up, but you couldn't make a hard campaign today in my district for less than \$50,000.

That's how situations have changed in the relatively short time I have been here. I just think it's getting to the point where you cannot run for public office unless you have a certain amount of wealth in your own possession or friends or certain pressure groups or organizations, so I just wanted to throw that out for the committee.

I could no longer run for Congress today on \$1,500. I did borrow a little that year. That total was about \$3,500 and I paid it back when I came to Congress.

Mr. YOUNG. How long ago was that?

Mr. DORN. 1946, but I didn't belong to labor, capital, or any particular group in my district. That's the way it should be, Mr. Madden, I just want to commend you for what I heard you say the other day. I couldn't do that today. It costs around \$50,000, maybe more if you had an opponent that really had it.

Mr. MADDEN. Will you yield?

Mr. DORN. Yes.

Mr. MADDEN. There has been no effort whatsoever on the part of the Congress or on the part of any of these resolutions on this so-called ethics committee to do anything about this scandalous operation that goes on every 2 years during these campaigns.

I know that my opponent 2 years ago and his committee accounted for \$94,000 in my district against me. I was out there trying to get around, and that money was being spent against me, and my opponent didn't know where the money was coming from.

Now, something better be done about that or our whole system of representative government is going to be shattered. Those people coming here with money like that being spent to send them to Washington are going to be under obligations to somebody. Here just the other day the district attorney was going into the New York situation where \$4.5 million was spent admittedly on the Governor's race up there on one side—on the successful side—and where members of his own party stated that instead of \$4 million, it was nearer \$14 million.

And if something is not done, you talk about ethics, to protect the representative government and the Congress of the United States and the State capitals, there's where the big danger is.

Now, children have said, "What are you doing about it?" The case we have here has caused a lot of excitement. My gracious, we have had two different committees already working on this situation. We are doing something on this case that has been causing so much publicity lately.

Since I have been in Congress there have been several committees that have stepped in and done something about it over the years and you know who they were. So Congress has acted and I am not opposed to any committee, you understand, I think that we ought to take action and if we are going to do a job, let's do a real job so that some of these kids getting out of college will have some ideas, can run for Congress or the U.S. Senate and will not face fabulous sums of money to keep them from taking part in their Government.

Now is the time to do something about it. Put some teeth into this law and have every person that contributes to a congressional or senatorial or State election right down there in black and white.

That's all.

Mr. DORN. Thank you, Mr. Madden.

Mr. YOUNG. Mr. Chairman, I don't have any questions.

The CHAIRMAN. I would just like to ask my friend, Mr. Madden, a question if I may, since he is the author of legislation that is now being debated over in the Senate and it will possibly come here.

Does he deal with that subject in the reorganization bill?

Mr. MADDEN. Yes; that was dealt with and I was very much in favor of affirmative recommendations but I was outvoted.

The CHAIRMAN. Then it is not dealt with.

Mr. MADDEN. It can be dealt with on the floor of the House, just as soon as the Senate finishes it over there; Mr. Martin and I are going to take care of that.

Mr. MARTIN. Speak for yourself, John. I have a bill in regard to that.

The CHAIRMAN. I am very much in hope that your committee and you will attend to that on the floor.

Mr. MADDEN. Yes; I want your help Mr. Chairman.

The CHAIRMAN. You will have it, sir, because I am afraid that these \$50,000 and these \$94,000 campaigns might spread down into my district and I don't want to get involved in that.

Thank you, Mr. Dorn.

Mr. Young?

Mr. YOUNG. Mr. Chairman, I don't have any questions really. I want to add my words of commendation to this Member, who I think is a very able Member of the House. I was particularly glad to hear him say there might be alternatives to this proposal. I was disturbed, Mr. Chairman, when early in this hearing it became immediately apparent that some were taking the view that these solutions had to be along the lines are recommended or else there was a whitewash involved.

Now, this is the sort of thing, in my judgment, that comes under the general head of legislation by labels, and I think it is one of the worst things we have ever run into in the House of Representatives and I commend the gentleman.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Pepper.

Mr. PEPPER. Thank you, Mr. Chairman.

One question: Does the able gentleman think that the *Powell* case has increased the need for the House to take some more or less spectacular, distinctive action to set up certainly a select committee to deal with other cases of official impropriety that might come along from time to time on the part of Members of the House?

Mr. DORN. Well, I would like to say to my distinguished friend that I very carefully avoided any mention of that case on purpose, but since it has come up, of course, Senator, it has focused the attention of the American people on this question more than ever, and it has stirred up, I think, the people.

Mr. PEPPER. In other words, to answer any charges that one man, one Member, might be singled out for excessive punitive treatment on the part of the House, you think it would be desirable to have another committee which would be constantly available for the consideration of other instances that might appear from time to time?

Mr. DORN. I think you are absolutely right, and avoid any embarrassment such as the Congress has undergone as well as the particular Member involved. I am a great believer in preventative medicine and I think this would prevent that.

I can say this about the gentleman from New York, that I don't think he has misled the American people. Everybody knows what he has done since it has been right on the front pages of the papers. Although I disagree with such things, I would like to throw that in.

Mr. PEPPER. Thank you very much. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Fascell, you have been around here ever since these hearings started. We would be glad to hear from you this morning. Give us your words of wisdom about what this committee should do.

**STATEMENT OF HON. DANTE B. FASCELL, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF FLORIDA**

Mr. FASCELL. Thank you, Mr. Chairman, gentlemen.

I appreciate the opportunity to add some thoughts to the discussion on this subject. I think that there are several questions which need to be answered.

One of the questions is, Can we in the Congress tell the American people that it's all right to have a double standard? Can we lay down one set of rules for the executive branch of government and practically no rules for the legislative branch of government? Can we require a Cabinet officer or some other executive officer to dispose of all of his assets in order to hold public office, but make no mention with respect to the Members of Congress?

It is an unanswered question.

A committee, a permanent committee, a standing committee of this House, ought to have the opportunity to review that question along with others and reach some kind of a sensible recommendation which could be considered by the House.

Are we going to be able to answer the question as to whether or not the present statutes on conflicts of interest need to be codified, extended, or modified in light of present-day conditions? Is it all right for me to be a member of a law firm, even though I don't draw any money from that law firm or I draw very little money from that law firm, or I practice or don't practice law? Is it all right for a physician to run his clinic? Is it proper for a Member of Congress to have other sources of income? We ought to have a committee of the House knowing what our own problems are, in light of what the American people expect, at least study the issue, analyze it, and maybe come up with a recommendation that this House would have the opportunity to vote on.

Now as to the possibility that we would be subjected to irresponsible charges, I have not been in a campaign yet that my opponent didn't throw irresponsible charges at me. All of you have had the same experience. You handle them every day. I don't see that meeting the issue head on would cause a Member of Congress any more difficulty than he now has.

I think we would be a lot better off if we could specify, as far as possible, the rules for membership and then do our best to live up to those rules. We would be, as officeholders, in a lot better position. Specific rules and standards would help resolve the doubts and the reservations that the public has, plus there would be less opportunity for each of our opponents to confuse the public in a campaign.

Can we in the Congress ignore the fact that a trend has started in the executive branch of Government with respect to the establishment of trust funds for executive officers? Is that a good practice? If it is, what's wrong with suggesting that it is a desirable practice for Members of Congress?

I think that a committee of this House ought to examine that question and make a recommendation to us.

These are some of the questions which could be resolved by a committee suggested by the pending resolutions, and it is because of the scope of this work and because the committee would also sit as a "grievance committee," that I believe that it would be better for the Congress to set up a permanent standing committee.

I introduced a resolution for a select committee. However, I agree now with the chairman; I think it ought to be a permanent committee of the House.

I suggest this for the reasons I have outlined, and not because the House Administration Committee would not do a good job, because I know it would. But House Administration now has charge of House accounts, all of the election laws, including the Federal Corrupt Practices Act and campaign contributions. By the way, that is where that problem belongs. Campaign contribution questions under the Federal Corrupt Practices Act do not belong in this committee.

The House Administration Committee has enough problems, so I don't advocate as a first choice that it should be given additional jurisdiction and responsibility.

In fact, I want to emphasize the importance, as I see it, of showing and demonstrating to the American people that we are willing to act strongly and affirmatively. You are going to have to amend the rules regardless of what you do. So, from the standpoint of mechanics, it doesn't make any difference. In order to give it to the House Administration you are going to have to amend the rules.

I have no quarrel with the House Administration Committee or any other committee for that matter. I think any committee given the responsibility is going to try to do an outstanding job for Congress and the American people. I do believe, however, and I agree with Mr. Dorn, who preceded me, that because of the extenuating circumstances under which we find ourselves facing this issue in this Congress; because the jurisdiction which this committee would have is large enough to keep that committee busy without adding it to the already large jurisdiction which the House Administration Committee has, I would submit that the best course of action would be to amend the rules and set up a permanent Standing Committee on Ethics and Conduct.

One final statement. I do think that the resolution ought to be amended as the principal sponsor has already indicated he would agree to have it amended. We ought to knock out of the resolution any reference to a code of ethics adopted in a previous Congress which is not specific.

I think that we ought to start out basically on the fundamental law as it exists in the statutes. The committee would then, in the exercise of its judgment, with proper hearings begin to formulate precise standards or rules, either by modifying or adding to the conflict-of-interest statutes or setting up other specific House rules for the purpose. Those recommendations would come to the House, the House would vote on them. Then, and only then, everybody would be bound by the precise code, standard, or ethic.

I think it would be a fundamental mistake to go back and try to incorporate now a broad, general statement of ethics, as good as they are, and try to put on this committee or any committee the responsibility

ity of trying to enforce that broad code, because it is subject to too many interpretations and that is not fair to the American public and it is not fair to the Members of the Congress. What I see as one of the principal benefits to be derived by this proposed committee is to eliminate the area of doubt, to close down the area of questioning, to be as specific as possible with what it is that you want your Representative to do in the Congress by way of conduct, in action; in the removal of conflict-of-interest and campaign questions. This is a very important issue and the public on this question has to be satisfied that we are taking a strong, definite, and affirmative stand. We have to be overzealous in our efforts to insure integrity.

We are elected public officials and in a high position of trust, and therefore I feel it is incumbent upon us to act and in the course of action I have suggested with respect to a permanent committee seems to me to be the best course for this Congress.

The CHAIRMAN. Any questions?

Mr. O'NEILL. I have a question, Mr. Chairman.

The CHAIRMAN. Mr. O'Neill.

Mr. O'NEILL. Mr. Fascell, with regards to conflict of interest, say, for example, a Member of Congress owned a material supply house. Say under the Bureau of Public Roads the State of X received x millions of dollars and he sold supplies to the contractor, or say that an attorney of the Congress was an expert in the field of eminent domain, and I understand there are very few real competent attorneys in that field.

If the Government was taking part of your property for a highway with Federal Government moneys, who would set up what as a conflict of law, conflict of interest, and what is not conflict of interest? Are you going to have your fellow peers on the committee set up standards of conflict of interest?

Mr. FASCELL. No.

Mr. O'NEILL. How would you handle that?

Mr. FASCELL. I didn't suggest that.

Mr. O'NEILL. I didn't say you did, but I am curious.

Mr. FASCELL. How you would resolve that question?

Mr. O'NEILL. Right.

Mr. FASCELL. I agree with you those are some of the questions that need to be answered and the only way you can do it, in my judgment, is for a committee to sit down and study the problem. It might be that you have to leave it just like it is, but at least you would put the brains of the Congress to work on that problem and a decision would be made.

Let's assume, just for the purpose of discussion, that the committee would study this problem and come out with some kind of a recommendation. It would submit it to the House. If the House approved it, it would then become a rule by which we all lived by.

Now, it's just simply a question of interpretation as to whether or not it comes within the purview of the criminal statutes under title 18 or is otherwise improper. It doesn't have a thing to do with your right to sit in the Congress, nor is there a specific rule against which or by which a judgement could be made.

Mr. O'NEILL. That is what I am getting at. Is the House going to set up its own standards of conflict of interest or is it going to leave these matters open?

Mr. FASCELL. Mr. O'Neill, that is a question which the Congress ought to have the right to decide. This is the point I am making, without a committee, without somebody looking into it, you leave it where it is now, unanswered. That question you have posed is unanswered technically under the present statutes, as I understand them.

Mr. O'NEILL. Thank you.

Mr. FASCELL. But if you are going to have a rule, the point is the committee ought to study it, have hearings, recommend it to the House. The House ought to vote on it. If the House approves it, it becomes a rule. If they don't, it is no rule.

Mr. YOUNG. Mr. Chairman, I have a question. I was interested along the same lines as Mr. O'Neill. I don't think it is a question that the House has a right to decide.

With regard to the specific nature, and I appreciate the fact you laid emphasis on these regulations and codes being specific. Would it be your idea that, say, paragraph 1(b) would read something like this: That the congressional salary contemplates full-time employment, no Member of Congress can be a member of a law firm or receive any remuneration from law practice—period?

Would that be it?

Mr. FASCELL. I don't know. I am not ready to make that recommendation yet. I just say that that is an unresolved question as it exists today.

Mr. YOUNG. And it would be specific.

Mr. FASCELL. Because we now meet 10 or 11 months a year, we get paid a larger salary, it takes more to live, time is more demanding, more questions are being raised with respect to outside interests of Members of Congress, as well as in the executive branch.

A committee of the Congress ought to study this, make some kind of recommendation. Whatever the recommendation is, it has to be voted on by the House. The House would set its own rule. The House would have the opportunity and the option of deciding, for example, whether you wanted to write this into the Criminal Code with criminal penalties, or whether you wanted to simply set it up as a rule of the House with certain penalties attached to the membership in the House, such as violation brings censure, or violation brings fine, assuming that the constitutional questions can be resolved on that issue.

I don't know. Or it might be possible that the committee might recommend in a more serious type of case that you have both a criminal-type of statute which would provide for prosecution under the general law as well as providing some penalty within the Congress itself.

Maybe there should be no change, but at least the question ought to be reviewed and resolved in light of current-day demands, practices, and knowledge and see whether or not any changes ought to be recommended. This is the way I see it.

I am not recommending a particular code at this point. I am not recommending any specific rules at all, but I am saying that these are all questions; for example, Mr. Madden is concerned about excessive campaign contributions. I humbly submit that is in the jurisdiction of another committee, and ought not to be in this committee at all—

Mr. MADDEN. Would you yield there?

How long has it been in their jurisdiction?

Mr. FASCELL. I suppose ever since the passage of the Federal Corrupt Practices Act.

Mr. O'NEILL. Since the reorganization of the House, I would presume.

Mr. FASCELL. I don't know. But the fact is, I agree with you, that this is a vital issue and it ought to be studied and something perhaps done with that. I am not too happy with the present form of reporting under the Federal Corrupt Practices Act. I think maybe that ought to be reviewed and sometime I would welcome the opportunity of going before the House Administration Committee and discussing that. But I don't think that is a matter for this committee as I see it.

The CHAIRMAN. Mr. Sisk?

Mr. SISK. Mr. Chairman, I want to commend my colleague from Florida on a very excellent statement and I might say one which I would find myself basically in agreement with.

However, it seems to me that he has made a good argument for the position, of course, that I have somewhat been leaning toward and yet, as I understand his position, he would basically oppose what I was proposing.

This would be the upgrading of an already existing committee. Here again I go back to the House Administration Committee, because some of the very things that the gentleman is discussing, as I understand, that would be under the jurisdiction of this new committee and should be looked into, are now under the jurisdiction of the House Administration Committee.

Mr. FASCELL. Mr. Sisk, not any of the new authority. You would have to rewrite the rule to give it to the House Administration.

Mr. SISK. I would agree that in order to give House Administration this authority we would have to amend the rules.

Now, here is the thing. I think to give this the consideration and the prestige and so on, it should have, that it should be a permanent standing committee of the House. And I believe the gentleman has about the same position.

Now, my thinking has been moving along the line of, let us say, a revamping of the existing committee which, for example, you might call the Committee on Ethics and Administration, because basically it is dealing with accounts, it is dealing with corrupt practices. There are certain areas, for example, in election procedures in which the Committee could get into, it seems to me, as a logical thing. I unfortunately missed last week's hearings because I had to be out on the west coast. I am not sure, has Mr. Burleson appeared before the committee, Mr. Chairman?

The CHAIRMAN. No, sir.

Mr. FASCELL. Mr. Sisk, we cannot quarrel because this is a matter of judgment and discretion. As I pointed out, this is my opinion based on a desire for emphasis. I am sure any committee will do the job if you give them the jurisdiction. I am not concerned about that. This is too important a matter and no committee would treat it lightly.

Mr. SISK. I agree completely, and this goes to this point.

Mr. FASCELL. But I am of the opinion that the House Administration has enough to do already.

Mr. SISK. I would raise a question about that. Here again this is not to be critical of anybody. I am not a member of the committee and I believe the gentleman is not a member of that committee.

Mr. FASCELL. No, I am not.

Mr. SISK. I know very little really about the committee. It has been my understanding it has been considered, as we class committees, one of the so-called minor rather than major committees. Jurisdictional areas should be considered in setting up a so-called code of ethics, and in consideration of conflicts of interest, in consideration of so-called corrupt practices and how we might be affected by them. All this lends itself toward at least consideration of reorganizing and upgrading an already existing committee rather than further proliferation of activities and jurisdiction in the House, because we tend, it seems to me, to be going back after losing ground over the Reorganization Act.

Now, the Reorganization Act came about to consolidate and eliminate what at that time was some 80 committees. We brought it down at that time, I think, to 17 committees, 16 standing committees. Now already we are back up to 20.

Mr. FASCELL. Mr. Sisk, I know your point and I recognize its validity as far as the Reorganization Act is concerned.

I think that here you have to face the issue straight out. Is this an important enough subject, new enough, vital enough, and broad enough to require the establishing of a new standing committee or—

Mr. SISK. It would deal, you agree, with House administration, because basically that is the subject we are talking about?

Mr. FASCELL. No; I disagree altogether. I don't think the subject has anything to do with House administration as far as keeping of accounts is concerned.

Mr. SISK. As I said, I can understand the reason for difference of opinion and I value the gentleman's judgment in the matter. It does seem to me, though, to some rather basic extent the program which the gentleman has outlined has at least a potential conflict of jurisdiction. It would deal to a large extent with things falling in the administration of the House.

Mr. FASCELL. The truth of the matter is, it depends on what kinds of jurisdiction you gentlemen give any committee before it will do anything.

Mr. SISK. Thank you; that's all, Mr. Chairman.

The CHAIRMAN. The committee will have to go into executive session. Mr. Pepper?

Mr. PEPPER. I just wanted to compliment my distinguished colleague on his splendid statement.

Mr. FASCELL. Thank you, Mr. Chairman and gentlemen. I appreciate your time and attention.

The CHAIRMAN. The committee will go into executive session.

(Whereupon, at 12:20 p.m., the committee adjourned, to reconvene at 10:30 a.m., Tuesday, March 7, 1967.)

(The following was submitted for the record:)

STATEMENT OF HON. DONALD G. BROTZMAN, A MEMBER OF CONGRESS FROM COLORADO, ON H. RES. 18, TO CREATE A SELECT COMMITTEE ON STANDARDS AND CONDUCT

Mr. Chairman, I am pleased to submit this testimony to the Rules Committee in support of H. Res. 18, a resolution introduced by the distinguished gentleman from Florida, Mr. Bennett, for the purpose of establishing a Select Committee on Standards and Conduct.

Mr. Chairman, the American people have the right to demand the highest conduct from their public servants. Recent events have shaken the public confidence in the Congress. The publicity of the Dodd investigations last year in the Senate, the entire matter of the Bobby Baker investigations and his subsequent conviction on several counts, including income tax evasion and fraud, and the present investigation into the affairs of Adam Clayton Powell—all have contributed to a failing confidence in the conduct and behavior of Members of the United States Congress.

The Congress has demanded high standards of conduct from other government officials, particularly members of the Cabinet. It is time that those Members who are concerned, those Members who make up the vast majority of honest and hard-working congressmen, those Members who are striving to serve their constituents in an effective and meaningful way—it is time that these Members not only ask but demand that this House be put in order.

The unfortunate publicity attracted to this Body by the unworthy actions of a few Members reflects upon us all. We cannot wait, we cannot put it aside, we cannot sweep it under the carpet. We must take strong steps to correct any situation which may stain the reputation of this Body.

Under the Constitution, the House of Representatives has the responsibility of overseeing the conduct of its Members. Article I, Section 5 clearly indicates that responsibility. It states in part, "Each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member."

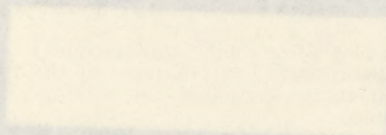
H. Res. 18 represents an important step in restoring the shaken public confidence in the Congress in general, and the House of Representatives in particular. The resolution would establish a Select Committee on Standards and Conduct with the powers to (1) recommend to the House additional rules and regulations to insure proper standards of conduct by Members of the House, and officers and employees of the House; (2) report violations of any law to the proper Federal or State authorities; and (3) to make an investigation of any violation by a Member, officer or employee of the House, of standards of conduct established by the House of Representatives by law or resolution.

We cannot afford to drag our feet, or put aside charges, or bury them in some subcommittee. The public has seen too much of this kind of operation. It is important that we go to the heart of the matter of standards and conduct. H. Res. 18 does just that because it will provide the means to recommend legislation and investigate charges of conflict of interest.

Mr. Chairman, the public confidence in Congress needs to be bolstered. We owe it to the public as well as to ourselves to restore that confidence and to demonstrate that we, too, are concerned; that we, too, recognize our responsibilities. H. Res. 18 meets that responsibility.

Mr. Chairman, I urge the Rules Committee to give favorable consideration to H. Res. 18.

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