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CAMPAIGN FINANCE DIRECTOR NOMINATION

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HEARING

BEFORE THE

COMMITTEE ON

THE DISTRICT OF COLUMBIA

UNITED STATES SENATE

NINETY-THIRD CONGRESS

SECOND SESSION

ON

NOMINATION OF CARL H. McINTYRE

TO BE DIRECTOR OF CAMPAIGN FINANCE FOR THE DISTRICT OF COLUMBIA PURSUANT TO THE PROVISIONS OF SECTION 301(a) OF PUBLIC LAW 376, 93D CONGRESS, APPROVED AUGUST 14, 1974

OCTOBER 8, 1974

Printed for the use of the
Committee on the District of Columbia



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CAMPAIGN FINANCE DIRECTOR NOMINATION

TUESDAY, OCTOBER 8, 1974

U.S. SENATE,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D.C.

The committee met, pursuant to notice, at 9:30 a.m., in room 6226, Dirksen Senate Office Building, Senator Thomas F. Eagleton (chairman) presiding.

Present: Senator Eagleton.

Staff present: Robert Harris, staff director and general counsel.

The CHAIRMAN. Good morning, ladies and gentlemen.

This morning we are holding a hearing on the nomination of Carl H. McIntyre by Commissioner Washington to the post of Director of Campaign Finance, a post which was created by the passage of Public Law 93-376, the District of Columbia Campaign Finance Reform and Conflict of Interest Act.

The person holding the post of Director will have the responsibility of implementing the provisions of the law regarding the following areas:

1. Registration and reports of expenditures of political committees and candidates;
2. Disclosure of financial interests by candidates and District of Columbia officials above GS-15 level; and
3. Registration of lobbyists.

These are important innovations in informing the public concerning possible conflicts of interest and ensuring that elections cannot be sold to the highest bidder. As the first person to be director and the man responsible for implementing this legislation, I hope that Mr. McIntyre will give the committee the benefit of his views as to how the law should be implemented.

At this point in the record I place Mr. McIntyre's biographical data and a letter from Commissioner Washington regarding the nomination.

I have also received some letters concerning Mr. McIntyre's nomination which I also make a part of the record.

[The biographical data, letter from Commissioner Washington and other letters concerning the nomination follow:]

BIOGRAPHICAL SKETCH OF CARL H. McINTYRE

Home Address: 1335 Quincy Street, N.W.
Washington, D. C. 20011

Business Address: Office of the Corporation Counsel
Superior Court Building
5th & E Streets, N.W.
Washington, D. C. 20001

Date of Birth: September 15, 1919

Marital Status: Married (Joyce L.), Children (Carlene 20
and Carl, Jr., 16)

Education: AA, Dunbar Junior College, Little Rock, Arkansas,
1941; BA, Philander Smith College, Little Rock,
Arkansas, 1943; LLB, Howard University,
Washington, D. C., 1947.

Employment: Chief, Law Enforcement Division, Office of the
Corporation Counsel, 1972 - Present - GS-15

Trial Attorney, Office of the Corporation Counsel,
Civil Division, 1966-1972 - GS-9-15

Law Enforcement Trial Attorney, Office of the
Corporation Counsel, Feb. 1966-Aug. 1966 - GS-9

Supervisory Investigator, D. C. Department of
Public Welfare, May 1963-Feb. 1966 - GS-11

Parole Officer, D. C. Parole Board, Oct. 1959-
May 1963 - GS-9-10

Welfare Investigator, D. C. Department of Public
Welfare, Oct. 1955-Oct. 1959 - GS-7

Counselor, D. C. Department of Public Welfare,
April 1955-Oct. 1955 - GS-3

Adjudicator Authorizer, Foreign Claims Commission,
June 1952-1955 - GS-5-9

Employment Cont'd:

Counselor for Delinquent Boys, D. C. Department of Public Welfare, 1947-1952 - GS-3

Interviewer, National Capital Housing Authority, Oct. 1946-July 1947 - SP-5

Clerk and Business Economist, Office of Price Administration, Sept. 1943-Oct. 1946 - CAF-2 - P-1

Honoraries and Societies:

Omega Phi Psi Fraternity; Member of the Bar, District of Columbia; Washington Bar Association; Boy Scouts of America.



THE DISTRICT OF COLUMBIA

WALTER E. WASHINGTON
Mayor-Commissioner

WASHINGTON, D.C. 20004

OCT 4 1974

The Honorable Thomas F. Eagleton
Chairman, Committee on the District
of Columbia
United States Senate
Dirksen Office Building
Washington, D.C. 20510

Dear Mr. Chairman:

In support of the nomination of Carl H. McIntyre to serve as Director of Campaign Finance I am pleased to submit the following information about the nominee.

Mr. McIntyre has lived in the District of Columbia for the past 31 years and has been an employee of the District of Columbia for 24 of these years. During the time of his employment, he has devoted his talents to dealing with issues that have prepared him for the position for which I have nominated him.

Mr. McIntyre is presently serving as Chief of the Law Enforcement Division of the Office of the Corporation Counsel. In this position, he is assigned responsibility for determining the adequacy of evidence to support prosecution, preparation for trial, and prosecution on behalf of the District of Columbia of all charges of violation of municipal regulations, Acts of Congress in the nature of municipal regulations, and Acts of Congress in which the Office of Corporation Counsel is named prosecutor, within the jurisdiction of the Superior Court for the District of Columbia. This totals approximately 50,000 cases each year and results in the imposition of fines and forfeitures of approximately \$1.25 million.

In his present position, Mr. McIntyre provides legal advice to staff members of the Superior Court on all matters arising out of their official duties and assists in preparing legislation pertaining to Juvenile Court matters.

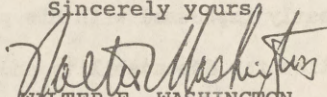
Mr. McIntyre works under the direction of the D.C. Corporation Counsel or Principal Assistant Corporation Counsel but has full responsibility for the operation of the Branch Offices of the Corporation Counsel in the Criminal Division of the Superior Court. Most significantly, his work is conducted without guidance or review and he consults with his superiors only when cases involve extremely wide public interest, either by reason of the nature of the case or because of the prominence of parties concerned, or if exceptionally difficult or unprecedented legal issues are involved.

I am also happy to inform you that Mr. McIntyre has given considerable thought to and has expressed support for the provisions and intent of the D. C. Campaign Finance Reform and Conflict of Interest Act. I note this because I am aware of the nominee's need to be fully cognizant of the ramifications of the Act and the significance of the responsibilities of the Director of Campaign Finance.

As you review Mr. McIntyre's record of service, I think you will be impressed by his qualifications and employment experience. I therefore request that you act favorably upon his nomination and recommend to the Senate that he be confirmed as the Director of Campaign Finance.

For your information, I am enclosing a biographical sketch of Mr. McIntyre. If additional information is desired from me please let me know.

Sincerely yours



WALTER E. WASHINGTON
Mayor-Commissioner

Enclosure

IRVING BRYAN
4501 CONNECTICUT AVENUE, N. W.
WASHINGTON, D. C. 20008

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October 3, 1974

The Honorable Thomas F. Eagleton
Chairman, Committee on the District of Columbia
United States Senate
Washington, D. C.

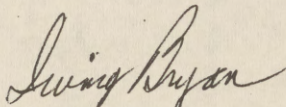
My dear Senator Eagleton:

Carl H. McIntyre, Esquire, presently Chief of the Law Enforcement Division of the Corporation Counsel's Office of the District Government has been nominated to be Director of Campaign Finance of the District of Columbia.

Having been an Assistant Corporation Counsel myself from 1940 through 1965, I became well acquainted with Mr. McIntyre and was greatly impressed with his professional excellence. His reputation for dependability and integrity is excellent.

With great confidence in Mr. McIntyre I commend him to the Committee. I am of the opinion that, if his nomination is approved he will ably and honorably perform the duties of the office.

Very sincerely yours,


Irving Bryan

Superior Court of the District of Columbia
Washington, D. C. 20001

William C. Pryor
Judge

October 4, 1974

The Honorable Thomas F. Eagleton
United States Senate
Washington, D.C. 20510

Attention: Mr. Robert Harris
Staff Director
Committee on the District of Columbia

Dear Senator Eagleton:

I am informed that Carl H. McIntyre is being considered for a post called Director of Campaign Finance.

I must candidly say that I don't know much about the requirements of the new position.

On the other hand, I welcome the opportunity to vouch for Carl H. McIntyre.

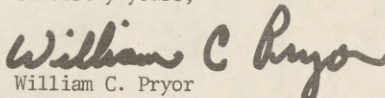
As you know, he has served with distinction for a number of years with the Corporation Counsel's Office and now heads the Law Enforcement Division.

Over the years, he has involved himself in countless community activities which reflects his sincere and real interest in the people of this city.

As a person, he is honest and wholesome and a pleasure to know.

In sum, I take this opportunity to support Carl because he has performed demanding work for the city in keeping with high professional standards, and more importantly because he is an honest person sensitive to the community's needs.

Sincerely yours,


William C. Pryor



GOVERNMENT OF THE DISTRICT OF COLUMBIA

CITY COUNCIL

WASHINGTON, D.C. 20004

JOHN A. NEVIUS
Chairman
STERLING TUCKER
Vice Chairman
W. ANTOINETTE FORD
ROCKWOOD H. FOSTER
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REV. JERRY A. MOORE, JR.
DR. MARJORIE PARKER
DR. HENRY S. ROBINSON, JR.
MARGUERITE C. SELDEN
Council Members

October 7, 1974

Honorable Thomas Eagleton
Chairman, Senate District Committee
Room 6235
Dirksen Senate Office Building
Washington, D.C. 20510

Dear Mr. Chairman:

This will advise you and your Committee of my support for the nomination of Carl McIntyre as Director of Campaign Finance.

Mr. McIntyre has always impressed me as a diligent, industrious and highly respected lawyer. My contacts with Mr. McIntyre, both professionally and socially, lead me to conclude that he is well qualified for this position and should be quickly confirmed by your Committee.

Yours truly,

EDWARD B. WEBB, JR.
Secretary to the Council.

The CHAIRMAN. We will now call our first witness, the nominee, Mr. Carl H. McIntyre.

**STATEMENT OF CARL H. McINTYRE, NOMINEE, DIRECTOR OF
CAMPAIGN FINANCE**

Mr. McINTYRE. Thank you, Mr. Chairman.

If the Chairman pleases, I have a short statement that I would like to read to you.

Mr. Chairman, members of the committee, ladies and gentlemen, it is with sincere humility that I appear here today to ask you to support my nomination for this most important position of Director of Campaign Finance for the District of Columbia.

NONPARTISAN INDEPENDENT ENFORCEMENT

I have read the bill. I have read the House committee report, and the report of this committee, and it is clear to me that the Congress will settle for nothing less than nonpartisan independent enforcement of this law. Thus I assure this committee, that if confirmed, I will within the limits of my power under the act independently carry out the duties assigned to me, and that in the future my partisan activity will be limited to my vote.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. McIntyre.

SUMMARY OF EMPLOYMENT EXPERIENCE

What is your present position in the city government?

Mr. McINTYRE. I am chief of the Law Enforcement Division of the Corporation Counsel's Office of the District of Columbia.

The CHAIRMAN. And prior to that you held other positions with the Corporation Counsel from 1966 to 1972. You were in the Department of Public Welfare of the District of Columbia from 1963-66; a parole officer, District of Columbia Parole Board, 1959-63; in the District of Columbia Department of Welfare as a welfare investigator, 1955-59; counselor in the District of Columbia Department of Public Welfare in 1955 for several months; and an adjudicator-authorizer of the Foreign Claims Commission from 1952-55.

That summarizes your employment experience: Is that correct?

Mr. McINTYRE. Yes, sir.

The CHAIRMAN. You graduated from Howard University Law School in 1947?

Mr. McINTYRE. Yes, sir.

The CHAIRMAN. What did you do from 1947 to 1952, when you first went into Government service?

Mr. McINTYRE. I was working for the Welfare Department from 1947 to 1952.

The CHAIRMAN. I see.

So there was a continuation.

Mr. McINTYRE. Yes, sir.

The CHAIRMAN. To put it another way, did you ever practice privately in the private practice of law?

Mr. McINTYRE. My private practice was very limited. In the early days, after I passed the bar, I did a little, what we called moonlighting, and while I was a counselor, when I went to the Foreign Claims Commission in 1952, my practice ended then, and that was the end of my private practice.

TERM OF POSITION

The CHAIRMAN. Now, this position of Director of Campaign Finance, is a position under the statute that Congress passed that becomes an appointee of the Mayor-Commissioner.

Mr. McINTYRE. Yes, sir.

The CHAIRMAN. What is the term of this position—or is it at the pleasure of the Mayor?

Mr. McINTYRE. The way I read the bill is that unless a vacancy appears the term is indefinite.

The CHAIRMAN. By indefinite, it is at the pleasure of the Mayor, he can appoint or replace as he sees fit, there is no fixed term?

Mr. McINTYRE. There is no fixed term.

The CHAIRMAN. It does not come under the scope of the so-called protection of the civil service laws?

Mr. McINTYRE. No, sir.

PROHIBITION AGAINST ENGAGING IN POLITICS

The CHAIRMAN. What prohibitions would there be under law on the Director of Campaign Finance engaging in politics, as a matter of law?

Mr. McINTYRE. As a matter of law, I would say that he is "Hatched" completely. However, as a matter of intent of the statute—

The CHAIRMAN. Let us stay with the law.

What "Hatches" him? He is a political appointee. How is he "Hatched"?

Mr. McINTYRE. I think his duty is "Hatched", since he must receive and evaluate reports from campaign committees, from the nominees, and officeholders, and people running for office.

The CHAIRMAN. What you are saying is that the law maybe does not necessarily "Hatch" him, but as a practical matter, by the nature of those duties, he is "Hatched"?

Mr. McINTYRE. Yes, sir.

SCOPE OF POLITICAL ACTIVITY

The CHAIRMAN. Mr. McIntyre, what has been the scope of your political activity since 1947? It appears you have been in public employment in the District of Columbia.

What has been the nature of your political activity in those 27 years?

Mr. McINTYRE. My political activity, Senator, has been very limited. I was early a Democrat, and recently, in 1972, I changed my registration to a Republican.

The CHAIRMAN. What year did you do that?

Mr. McINTYRE. 1972.

The CHAIRMAN. You became a Republican in 1972?

Mr. McINTYRE. 1968 or 1972. I do not really recall the exact date, but I changed my registration.

The CHAIRMAN. Do you not remember what year you became a Republican?

In 1968, we had the Johnson-Goldwater campaign, and in 1972, we had the Nixon-McGovern campaign.

Mr. McINTYRE. It was in 1972.

The CHAIRMAN. You became a Republican?

Mr. McINTYRE. Yes.

The CHAIRMAN. Are you still?

Mr. McINTYRE. Yes, sir; I am still a registered Republican.

The CHAIRMAN. Then you were a Democrat until 1972, and you have been a Republican since then.

What has been the nature of your political activity, as either a Democrat prior to 1972, or Republican since 1972?

Mr. McINTYRE. The only activity has been to vote, and occasionally contribute to a campaign.

POLITICAL CONTRIBUTIONS

The CHAIRMAN. Going back, and I assume you do not have your books or records with you, we did not request you bring them, but going back through your memory, what has been the nature of your political contributions to candidates since 1947, as best you remember?

Was the scope of your contributions primarily in those early years after you got out of law school, were they for the Presidential type candidates, or what were they?

Mr. McINTYRE. I believe they were for the Presidential type candidates in the early years, and all the way through 1972, sir. Very small.

The CHAIRMAN. \$100 or less?

Mr. McINTYRE. Less, sir.

The CHAIRMAN. Now, since there has been a greater participation in political endeavors in the District of Columbia in recent years, have you contributed to local candidates? Let us start with the School Board, those were the first races that I think were elected by the voters of the District of Columbia.

Have you supported a candidate for the District of Columbia School Board?

Mr. McINTYRE. To my best recollection, I have only given to three local candidates.

The CHAIRMAN. Will you specify who those three are?

Do you recall what the amounts were, and where you made the contribution?

Mr. McINTYRE. It was the Mayor, \$100; the Reverend Jerry Moore, \$50; and Mel Burton, \$25.

The CHAIRMAN. Were all those contributions made this year during the current election?

Mr. McINTYRE. Yes, sir.

The CHAIRMAN. Campaign of 1974?

Mr. McINTYRE. Yes, sir.

The CHAIRMAN. Prior to 1974—let us go back a bit, did you ever contribute to anybody running for the District of Columbia Delegate?

Mr. McINTYRE. No, sir.

The CHAIRMAN. And then prior to that, or subsequent, as the case may be, have you ever contributed to any candidate seeking election to the District of Columbia School Board?

Mr. McINTYRE. No, sir.

The CHAIRMAN. So you made three contributions this year to Mayor Washington, \$100; to Jerry Moore—he is seeking a seat on the Council?

Mr. McINTYRE. Yes, sir.

The CHAIRMAN. How much was that?

Mr. McINTYRE. \$50.

The CHAIRMAN. And \$25 for whom?

Mr. McINTYRE. Melvin Burton.

The CHAIRMAN. He was running for Councilman at large, and he was defeated.

Mr. McINTYRE. Yes, sir.

The CHAIRMAN. How were you approached, if you were approached, to make those contributions?

How did it come to pass you made those three contributions in 1974, this being the first time in your life that you contributed to the District of Columbia candidates?

Mr. McINTYRE. As the Senator knows, this was our Home Rule beginning.

The CHAIRMAN. Right.

Mr. McINTYRE. And the campaigns of the two Council members were solicited from me.

The CHAIRMAN. You were solicited?

Mr. McINTYRE. On a regular solicitation.

The CHAIRMAN. You were solicited by the candidates or by people on their behalf?

Mr. McINTYRE. By people on behalf of the candidates.

The CHAIRMAN. Was this solicitation in person, meaning verbally, eye to eye, or by mail?

Mr. McINTYRE. As I recall, it was by mail.

The CHAIRMAN. And you got a letter, or something, soliciting funds?

Mr. McINTYRE. For the campaign of both gentlemen.

The CHAIRMAN. Of Moore and Burton, and you responded to that letter, and you mailed a check, I presume?

Mr. McINTYRE. In Mr. Burton's case, the check was not mailed.

In Mr. Burton's case, it was an affair.

The CHAIRMAN. It was like a ticket to a reception?

Mr. McINTYRE. Yes.

The CHAIRMAN. And the Moore contribution—it was a check mailed to his campaign committee, or his treasury, something like that?

Mr. McINTYRE. Yes.

The CHAIRMAN. Do you recall when that affair for Mr. Burton took place, or when the check to Mr. Moore was mailed?

Was it prior to July 25?

Mr. McINTYRE. Sir, I could give the committee that. I do not recall the exact day.

The CHAIRMAN. The reason I selected the July 25 date, that was the operative date of the statute.

No; I am sorry. It was the August 1 date. That was when the House agreed to the conference report, which established this office of District

of Columbia Director of Campaign Finance, and the President signed it on August 14.

To the best of your recollection, we would like to have you submit to the committee, if you will, a photostat of the canceled check to the Moore campaign,¹ would it be to the best of your recollection, that that contribution was made prior to August 14, the day the President signed the bill?

Mr. McINTYRE. Yes, sir, it would be to the best of my memory.

The CHAIRMAN. Your contribution to Mayor Washington, you have already submitted that to us.

That check was dated July 5, 1974.

Mr. McINTYRE. Yes, sir.

The CHAIRMAN. For \$100.

That check was contributed well prior to the operative date of this law, and also well prior to it being agreed to in both the Senate and the House, the Senate agreed to the conference report on July 25, and the House agreed to the conference report on August 1.

RESTRAIN FROM POLITICAL ACTIVITY

Is it your firm intent, if you are confirmed for this appointment, whether the law is specific on it or not, as it might well have been, that you will totally and unqualifiedly restrain from any political activity whatsoever for any party, any candidate, or any cause in the District of Columbia during your tenure as Director of Campaign Finance?

Mr. McINTYRE. That is my statement, that I will do that Senator, if I am confirmed.

I think it is necessary. I have read the Senate report, and I believe that is the intent of this bill.

BASIC DUTIES OF DIRECTOR

The CHAIRMAN. In my initial statement, I spelled out the three basic duties that the Director of Campaign Finance is to perform, and I will repeat them:

1. Registration and reports of expenditures of political committees and candidates;

2. Disclosure of financial interests by candidates and District of Columbia officials above GS-15 level; and

3. Registration of lobbyists.

Is that a fair summary of what the principal duties of this position are, as you know them to be?

Mr. McINTYRE. Yes, sir.

CONDUCT OF ELECTIONS

The CHAIRMAN. Does the Director of Campaign Finance have anything to do with the conduct of elections in the District of Columbia, that is, the activities of the Board of Elections, do you have anything to do with the conduct of elections?

Mr. McINTYRE. No, sir.

¹ This is retained in committee files.

The CHAIRMAN. As to precinct places, whether we have machines, paper ballots, or anything like that?

Mr. McINTYRE. No, sir.

The CHAIRMAN. That is not within the scope of the duties of that office?

Mr. McINTYRE. As I see it; no, sir.

STAFF

The CHAIRMAN. If you are confirmed for this position, what kind of a staff do you envision would be necessary to assist you in the performance of these duties?

Mr. McINTYRE. Honestly, I have thought some about it, but I did not want to be presumptuous, but I would think that I would need a statistician, at least one investigator or two, and several office help.

The CHAIRMAN. Do you think you would need these investigators on a full-time, year-around calendar year basis, or would you need them on a part-time basis, more approximate to the time of when elections are being held?

Mr. McINTYRE. I probably could use one full time, as it was pointed out, there will be elections probably every year for something in the District in the future.

The CHAIRMAN. Also, of course, you have the registration of lobbyists, and that would go on, especially in this city, every minute of the day, I suppose.

Mr. McINTYRE. I would think I would need one.

SELECTION OF EMPLOYEES

The CHAIRMAN. Under the statute: Are those employees to be political appointees, that is without the scope of any kind of civil service, or by the personnel system, or how are they to be selected?

Mr. McINTYRE. I would hope that, as I read the bill, they would be civil service appointees.

The CHAIRMAN. I will probably get into this with Mr. Murphy, and I would like him to think about this before he comes up as a witness—how these assistants and workers would be appointed, under what system, and so forth.

STATUTE NEEDS TIDYING UP

As I have glanced at the law, and I admit, it is only a glance, it is not a very well drafted statute.

Maybe we ought to tidy it up a bit.

Do you not think the Congress should know, and more important really than the Congress, should not the people of the District of Columbia know: The circumstances under which the Director of Campaign Finance performs his duties; under whose control and authority he is appointed; how long he stays in office; who can remove him; what are the prohibitions on his political activity; and would not the same thing be determined insofar as his employees?

After all, you should be, as I review it, meticulously neutral.

Mr. McINTYRE. Yes, sir.

The CHAIRMAN. And not be a proponent of any one candidate or any one party.

You are in a position where you should render dispassionate judgment, and should not the law be such that it is required you so do, rather than just your voluntary admission that this is what you will do? And the same, should it not apply to the investigators and other people in that office? Should not they be able to investigate in a neutral, nonpolitical way, without the threat of political pressure, or the appearance, or the possibility of political pressure?

Mr. McINTYRE. I agree.

That is why I think they should be under the Civil Service Act. I think that was the intent that they would be regular Government employees—competitive.

The CHAIRMAN. Thank you very much, Mr. McIntyre.

Mr. McINTYRE. Thank you, Mr. Chairman.

The CHAIRMAN. We will now call Mr. C. Francis Murphy, the Corporation Counsel, and Mr. Donald H. Weinberger, the Director of Personnel of the District of Columbia government.

**STATEMENTS OF C. FRANCIS MURPHY, CORPORATION COUNSEL;
AND DONALD H. WEINBERGER, DIRECTOR OF PERSONNEL,
DISTRICT OF COLUMBIA GOVERNMENT**

Mr. MURPHY. Thank you for the opportunity of appearing, Mr. Chairman.

The CHAIRMAN. Mr. Murphy, do you have a prepared statement that you would like to submit or read, before we get into this?

Mr. MURPHY. Yes, Mr. Chairman, I do.

The CHAIRMAN. You may go ahead.

SUPPORTS NOMINATION

Mr. MURPHY. Mr. Chairman, it is a distinct pleasure for me to appear before you today to speak in support of the nomination of a most able and dedicated public servant, Carl H. McIntyre, for the position of Director of Campaign Finance for the District of Columbia.

In strongly urging the approval of Mr. McIntyre for this most significant public office, I do so mindful of a close personal and professional relationship of several years standing.

Mr. McIntyre has been one of my principal lieutenants in the Office of the Corporation Counsel since 1972, when I chose him to become the chief of what is undoubtedly the most sensitive unit within my office—the Law Enforcement Division where the District's prosecutorial powers are exercised.

Mr. McIntyre had by then served 6 years as a trial attorney in our Civil Proceedings Division where he rose steadily to become one of our senior trial attorneys. Earlier he had served briefly as a prosecutor in the Law Enforcement Division.

Throughout his service as a trial attorney—both while in the courtroom and as administrator of the highly active and visible Law Enforcement Division—Mr. McIntyre has remained a public servant in the truest sense of the word.

He has been regarded as a man of fairness, determined to seek justice without favoritism but always firmly intent upon the public interest.

This committee, Mr. Chairman, was quick to recognize the tremendous responsibilities to be placed in the hands of the person ultimately chosen to be Director of Campaign Finance.

FULLY QUALIFIES

In reporting to the Congress, the committee emphasized that the primary purpose in establishing such an office for the District is to guarantee vigorous nonpartisan and independent administration and enforcement of the election laws.

Carl H. McIntyre, in my view, fully qualifies for the vastly challenging office for which he has now been nominated.

Although the Office of the Corporation Counsel will lose his services as a prosecutor and administrator, we are assured that, if confirmed, he will bring to the office of Director of Campaign Finance that same sense of public service he has always displayed—and that he will provide the vigorous nonpartisan leadership that will be necessary in this new phase of self-government for the District.

Mr. Chairman, I most strongly urge that this committee report favorably on the confirmation of Mr. McIntyre for this significant office.

The CHAIRMAN. Thank you, Mr. Murphy.

STATUTE PROVISIONS

First, let us discuss what the present meager statute provides with regard to (a) the office itself, the Director of Campaign Finance; and (b) what it provides or does not provide with respect to employees of that office.

Mr. Murphy, and Mr. Weinberger, either one of you may answer these questions.

First, let us deal with the Director.

TERM OF OFFICE

As I read it, he is appointed by the Mayor-Commissioner, but there is no term to his office, is that correct?

Mr. MURPHY. That is correct.

The CHAIRMAN. And the language, at the pleasure of the Mayor, the Commissioner, that does not appear in the statute either?

Mr. MURPHY. Yes.

The CHAIRMAN. So on the bare reading of the statute, he is appointed in perpetuity, as it were.

Mr. MURPHY. He could serve, that is correct, sir.

The CHAIRMAN. Now, let us assume somewhere down the line, a Mayor, 5 years from now, or whenever it might be, decides he wants a new Director of Campaign Finance.

As the statute is presently written, how would he go about appointing a new Director? Would there have to be some kind of show-cause removal proceeding, or just as you read the statute, what could he do?

Mr. MURPHY. It is really not clear in my mind, Mr. Chairman.

My inclination would be that since the statute is totally silent as to term, that he would in effect serve at the pleasure. But I would really prefer if I could research that and furnish you with that information.

The CHAIRMAN. I wish you would, because there is a technical bill coming over from the House on Thursday of this week with some technical amendments that deals with Home Rule, police and fire, and what have you, that might be a good vehicle to tidy this thing up.

STATUTE NEEDS TIDYING UP

It appears to me it needs some tidying up, and so give some pretty quick thought to this. First, with respect to the job itself, and we do have a host of possibilities, it could be for a fixed term, renewable, but at least it would require that periodically, whether it be 4 years, 6 years, whatever the term might be, that the activity of the occupant of that office would be reviewable every so often.

That is a possibility, or it could be straight at the pleasure of kind of an appointment. It does not seem to me that this job ought to be perpetual, or with the third alternative, it could be perpetual, and he could be removed only for cause shown of dereliction of duty, failure to perform as prescribed of obligations, and so forth.

We have a whole host of possibilities, let us see which one is the best.

This will take some thinking about the office itself.

STAFF

Now, what does the statute say or not say, gentlemen, about the employees of that office?

Mr. MURPHY. The statute is silent there.

The CHAIRMAN. So do we not have to also give some thought to that?

Mr. MURPHY. I think that, again, without researching it, that the Board would have authority to appoint employees.

The CHAIRMAN. The Board of what?

Mr. MURPHY. The Board of Elections and Ethics, as it will be known.

The CHAIRMAN. Not the occupant of the office itself, not the Director?

Mr. MURPHY. No, sir.

The CHAIRMAN. Well, let us consider that. Who should appoint the employees?

Should the man in charge of the office be able to appoint people in whom he has confidence and trust, and be held accountable for their performance and duties? Or should he have foisted upon him employees picked by another agency in which he had no say in their selection?

Mr. MURPHY. I really do not know the answer to that one.

The CHAIRMAN. Let us think that one through also by Thursday. Mr. Harris and I will think it through with you, but let us see what the best procedure is.

Now, let us assume we decide to let the Director pick his employees.

Should they be under the system of personnel of the District of Columbia, or what do we think about that?

Mr. MURPHY. My immediate reaction should be that they should be under the personnel system.

The CHAIRMAN. And if they are under the personnel system, and they are then protected in a sense, if they perform their duties diligently and conscientiously, they are protected in their tenure?

Mr. MURPHY. That is right.

The CHAIRMAN. Regardless of whether the new Director of Campaign Finance comes along?

Mr. MURPHY. That is correct.

The CHAIRMAN. And if they goof off, then the way they would be discharged would be through the established procedures obtained under the personnel code?

ESTABLISHMENT OF POSITIONS

Mr. WEINBERGER. As an important factor, Mr. Chairman, that is, that once you establish a position within possibly a political system, you start getting the smack of patronage.

This I think can jeopardize the principles of the American system. It places employees in a position where they know their tenure is established based on somebody's term.

The CHAIRMAN. Right.

Mr. WEINBERGER. And in this way, there are many abuses that can result.

The CHAIRMAN. I fully concur. I think at first look, unless somebody argues me out, I think the employees of this office have to be about as nonpolitical as humans can be, in order for the public to have faith in the dispassionate judgments of this office in terms of filing of records, and lobby registration, how they handle the reports of expenditures, and the like. So, at first look, it appears to me that the employees for this office have to be nonpolitical, and thus under the personnel system.

APPOINTMENT OF EMPLOYEES

Now, as to who appoints them. It also appears to me they ought to be appointed by the Director, rather than by an ancillary agency that is unrelated, which is remotely or indirectly related to the Director of Campaign Finance, but is still another department, right?

Mr. MURPHY. If this is really within the Board of Elections.

The CHAIRMAN. Yes; it is within, but let us think that one through. But I usually like, as a matter of structured government, the person who is obliged under law to discharge the statutory function to have the authority of hiring. So that if somebody makes a mistake, he is the one that appoints the fellow that made the mistake, rather than have some other person appoint for him, and he is just saddled with him, and had no control over his selection.

Mr. MURPHY. In view of the statutory relationship between this office and the Board, it might be that an approach could be that employees could be appointed by the Board upon recommendation of the Director.

The CHAIRMAN. That is possible; yes.

Mr. WEINBERGER. And both would have a role.

The CHAIRMAN. That makes some sense.

Let us think that one through.

CONDITIONS OF EMPLOYMENT

Mr. WEINBERGER. There is one further issue that I think has to be faced, and that is if the Congress believes that there should be certain other conditions of employment, then that should be placed into the amendment to the Act. Because then it will be getting into the United States Civil Service Commission's consideration as nonmerit factors, and if you are going to require certain other conditions of employment, different than what you would require for others, I think that should be specified.

The CHAIRMAN. What other conditions we might require that we would require for others. What do you have in mind?

POLITICAL CONTRIBUTIONS

Mr. WEINBERGER. Well, how about contributions to a candidate?

These are going to be public, and should there be a limitation, or a restriction on their giving contributions.

The CHAIRMAN. How about an outright prohibition? What constitutional problems do we raise there?

Mr. WEINBERGER. Not being a lawyer, and certainly not a constitutional lawyer, maybe Mr. Murphy could answer that.

The CHAIRMAN. You get into the whole theory of law which comes under the Hatch Act.

I think it is a matter of principle that any employee there would be foolish to become involved in politics—either by supporting a candidate with a speech, or with a contribution—but I wonder if we could put an absolute prohibitor on it.

We will have to rummage around in our own minds about that.

Mr. WEINBERGER. There would be here a very limited situation.

We are only speaking of very, very few employees.

The CHAIRMAN. The Constitution even applies to just a few people.

Mr. WEINBERGER. That is true, but in balancing the need of government, for complete integrity and confidence, and so forth, and so forth, I would rather think that a limitation on things like that, they are in very restricted circumstances such as this, they could be sustained.

The CHAIRMAN. Let us think it through constitutionally.

From the point of view of employees themselves, I think they would be delighted to have a law that prohibited them from contributing.

Thank you very much, Mr. Murphy.

Mr. MURPHY. Thank you.

The CHAIRMAN. We will now hear from Ms. Ruth Henkins, president of the Washington Bar Association.

**STATEMENT OF MS. RUTH E. HENKINS, PRESIDENT, WASHINGTON
BAR ASSOCIATION**

Ms. HENKINS. Thank you, Mr. Chairman.

Mr. Chairman and members of the Senate District Committee, my name is Ruth E. Henkins.

I am president of the Washington Bar Association.

WASHINGTON BAR ASSOCIATION SUPPORTS THE NOMINATION

On behalf of the Washington Bar Association, I would like to say we endorse the nomination of Carl H. McIntyre as Director of Campaign Finance of the District of Columbia Elections Board.

At such time when all public officials are being scrutinized with the most critical eye, and for a new government emerging into existence, the Director of Campaign Finance must be one beyond reproach, possessing the highest degree of integrity, judgment, sobriety, and character. We find all these traits in Carl H. McIntyre.

As an attorney, actively practicing law in the District of Columbia for the past 15 years, I have had the pleasure of observing Mr. McIntyre in the various positions he has held in the District Government.

He has been well informed in the respective positions, courteous, and at all times performed the duties of the respective office with dispatch and dignity befitting the office.

Mr. McIntyre has been an outstanding lawyer at the Bar and a very dedicated and devoted public servant over a long period of time. He is endowed with the special talent of being able to give the same kind of attention to any matter coming to his attention regardless of the position or status of the person before him.

The members of the Washington Bar Association believe that Mr. McIntyre will bring to this position the experience, expertise, integrity, and concern befitting the task.

As President of the organization, I am honored to have the privilege to say Mr. Chairman, the Washington Bar Association endorses the nomination of Carl H. McIntyre for Director of Campaign Finance of the District of Columbia Elections Board without reservation and urge the speedy approval of the same.

The CHAIRMAN. Thank you, Ms. Henkins.

IMMUNIZE OFFICE FROM POLITICAL PRESSURES

May I ask you a legal, philosophical question, without causing you to refer to the statutes on the books, but as a matter of philosophy, should not we do our best to immunize this office from the political pressures, either real or implied?

Ms. HENKINS. Because of the nature of it, I think it would be the most expedient thing to do, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Is there anyone else present who would like to testify in connection with the appointment of Mr. McIntyre as Director of Campaign Finance?

Yes, sir?

STATEMENT OF MELVIN J. WASHINGTON, HOWARD UNIVERSITY
LAW ALUMNI ASSOCIATION

The CHAIRMAN. Would you please state your name and your position, sir, for the record.

Mr. WASHINGTON. My name is Melvin J. Washington, I am currently employed in the District of Columbia Government as Assistant Corporation Counsel.

HOWARD UNIVERSITY LAW ALUMNI ASSOCIATION URGES CONFIRMATION

I would like to give you views on behalf of the Howard University Law Alumni Association, and which we urge confirmation of Carl H. McIntyre for the position of Director of Campaign Finance, for the District of Columbia.

He has the integrity, honesty, ingenuity, and industriousness to fulfill the task which he will undertake if confirmed by the Senate.

To repeat his many qualifications and assets would be redundant and time-consuming, but we would like to suggest that mere contributions to various candidates seeking office in and of itself should not disqualify him for an appointment to this position.

It should be noted he has contributed very generously to the School of Law at Howard University, supported very well the District of Columbia Youth Orchestra, the United Fund, and other causes that people have actively solicited from him.

We believe he will bring to this office a degree of expertise and ability that is needed to get the office off the ground, and we suggest, sir, and urge his confirmation be made speedily and forthwith.

In summary then, we recommend without qualification, and urge very speedy confirmation of Mr. McIntyre for this position.

The CHAIRMAN. Thank you very much, sir.

Mr. McIntyre, I have one other question.

SOLICITATION FOR CAMPAIGN CONTRIBUTIONS

I did inquire as to how you were solicited for the Burton contribution—that was a party or something you went to.

The Moore contribution was by mail—it was \$50.

How were you solicited to contribute the \$100 to Mayor Washington's campaign?

Mr. McINTYRE. As I recall, it was only canvassed.

I live at 1335 Quincy Street NW., and it was a canvas through that area.

I guess I realized that if I was going to do something, I should do something for that area.

The CHAIRMAN. You mean by somebody, it was a door to door solicitation, somebody came to your door, solicited a contribution for Mayor Washington's campaign, and you wrote out the check on July 5 for \$100 for that campaign?

Mr. McINTYRE. I did not give it to them. I thought about it.

The CHAIRMAN. I see.

Mr. McINTYRE. I thought about it, and then I decided I would give. I carried it directly to his campaign headquarters.

The CHAIRMAN. Carried it to his headquarters?

Mr. McINTYRE. Yes, sir.

The CHAIRMAN. And you gave it to somebody you knew there?

Mr. McINTYRE. I did not know anyone there.

The CHAIRMAN. And you handed the check for \$100?

Mr. McINTYRE. Yes, sir; I filled out the forms.

The CHAIRMAN. Did you know the name of the individual who came to your door soliciting?

Mr. McINTYRE. I do not know, sir.

I do not even remember the person. I did not get the lady's name I gave the check to.

The CHAIRMAN. Were you ever asked by Mayor Washington himself, or his campaign manager, or his campaign treasurer, or anybody in his organization, for a contribution?

Mr. McINTYRE. No, sir.

The CHAIRMAN. Thank you very much.

Mr. McINTYRE. Yes, sir.

The CHAIRMAN. Does anyone else desire to testify on Mr. McIntyre's nomination?

Come forward, sir.

STATEMENT OF WINNEFRED R. MUNDEL, PRESIDENT, CAPITAL CITIZENS REPUBLICAN CLUB OF THE DISTRICT OF COLUMBIA

Mr. MUNDEL. Thank you, Mr. Chairman.

My name is Winnefred Mundel, and I am President of the Capital Citizens Republican Club here in the District of Columbia.

QUALIFIED PERSON

Mr. Chairman, I have known Mr. McIntyre professionally, politically, and socially for more than 16 years. On behalf of the Capital Citizens Republican Club and myself, we recommend him to you most highly as one of the most qualified persons that Mayor Washington could have nominated for Senate confirmation to the position of Director of Campaign Finance for the District of Columbia.

Mr. McIntyre is a legal scholar, excellent trial lawyer, and he has extensive training and background in general investigations.

As a prosecutor, he has earned the respect of both the Bar and bench, and yet he is most capable and yet fair in all of his dealings.

We worked together on a number of occasions in the field of law, as well as elsewhere.

I first met Mr. McIntyre back in 1957, or when I came to the job of Public Welfare Investigator. He broke me in along with several others, into the field of general investigation, and then I left in 1962, and I went into the full practice of law—full time.

I followed and observed Mr. McIntyre, and we submit that this individual is highly recommended for the job.

Mr. McIntyre, within the limitations of the Hatch Act, joined our club a couple of years ago. Prior to then, I was a Democrat, and I knew him as a Democrat.

We feel that with the city—predominantly a Democratic city—that with Mayor Washington nominating Mr. McIntyre, and in addition to his being most qualified, he certainly avoided any idea of cronyism, and what have you.

He picked the best man he could get, and that he had available in this town, and that is Mr. McIntyre.

Mr. Washington, we commend him for that, and we commend Mr. McIntyre to you, and we ask you to support his nomination.

The CHAIRMAN. Thank you very much.

Anyone who desires to testify?

If not, that will conclude the hearings on this nomination.

The committee stands adjourned.

[Whereupon, at 10 :20 a.m., the committee adjourned.]

