

D. Resignations of Officers, Officials, and Employees

§ 9. Procedure

Officers

§ 9.1 A Speaker has resigned “effective upon the election of his successor.”

On May 31, 1989,⁽¹⁾ Speaker James C. Wright, Jr., of Texas, was recognized by the Chair on a question of personal privilege. During the course of his remarks, the Speaker announced to the House his resignation as Speaker effective upon the election of his successor and his intention subsequently to resign as a Member of the House. Speaker Wright was the first Speaker to resign since Speaker Schuyler Colfax in 1869.⁽²⁾

QUESTION OF PERSONAL PRIVILEGE—JIM WRIGHT, SPEAKER OF THE HOUSE

THE SPEAKER PRO TEMPORE. (MR. FOLEY).⁽³⁾ The Chair recognizes the distinguished Speaker of the House.

Mr. WRIGHT. Mr. Speaker, I ask that I may be heard on a question of personal privilege.

1. 135 CONG. REC. 10431–41, 101st Cong. 1st Sess.

2. For a listing of Speakers of the House, see www.clerk.house.gov/art_history/house_history/speakers.html.

See also 1 Hinds' Precedents §225.

3. Thomas S. Foley (WA).

The SPEAKER pro tempore. The distinguished Speaker is recognized for 1 hour.

(Mr. WRIGHT asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. WRIGHT. Mr. Speaker, for 34 years I have had the great privilege to be a Member of this institution, the people's House, and I shall forever be grateful for that wondrous privilege. I never cease to be thankful to the people of the 12th District of Texas for their friendship and their understanding and their partiality toward me.

Eighteen times they have voted to permit me the grand privilege of representing them here in this repository of the democratic principles.

Only a few days ago, even in the face of harsh news accounts and bitter criticisms, they indicated in a poll taken by the leading newspaper in the district that 78 percent of them approved of my services, and that includes 73 percent of the Republicans in my district. I am very proud of that.

And you, my colleagues—Democrats and Republicans—I owe a great deal to you. You have given me the greatest gift within your power to give. To be the Speaker of the U.S. House of Representatives is the grandest opportunity that can come to any lawmaker anywhere in the Western World, so I would be deeply remiss if I did not express my sincere appreciation to you for that opportunity.

I would hope that I have reflected credit upon the people of my district who know me best, perhaps, and upon

the people of this House who, next to them, know me best.

I am proud of a number of things that we have done together while you have let me be your Speaker. I am proud of the record of the 100th Congress.

Many people feel that it was the most responsive and productive Congress in perhaps 25 years, and all of you who were here in that Congress had a part in that.

Many of the things we did were truly bipartisan in character. Together we made it possible for great leaps forward to be made in such things as U.S. competitiveness in the world. Together we fashioned the beginnings of a truly effective war on drugs—to stamp out that menace to the streets and schools and homes of our Nation.

We began the effort to help the homeless, and we still have work to do to make housing affordable to low-income Americans so that there will not be any homeless in this country.

We did things to help abate the financial disaster of catastrophic illness, to provide for welfare reform, clean water, and a great many other things that I shall not detail.

For your help, your great work, and for permitting me to be a part of this institution while that was happening, I thank you and I shall forever be grateful for your cooperation.

I love this institution. I want to assure each of you that under no circumstances, having spent more than half my life here, this House being my home, would I ever knowingly or intentionally do or say anything to violate its rules or detract from its standards. All of us are prone to human error.

The Speaker of the House is, in fact, the chief enforcer of the rules of the House. It is really a wonderful thing that any Member of the House may, at his or her will, bring questions against any other Member and under our rules the case must be investigated. I have no quarrel with that, nor do I have any criticism of the people who serve on the Committee on Standards of Official Conduct. That is a thankless job, and we have to have such a committee.

For nearly a year I have ached to tell my side of the story. True, the questions which I have to respond to keep changing. But today silence is no longer tolerable, nor, for the good of the House, is it even desirable.

So without any rancor and without any bitterness, without any hard feelings toward anybody, I thank you for indulging me as I answer to you, and to the American people, for my honor, my reputation, and all the things I have tried to stand for all these years.

For the past year, while the Committee on Standards of Official Conduct has had these matters under advisement, I have ached for the opportunity to speak. Almost daily I besought the committee to let me come and answer whatever questions the Members had on their minds.

Finally, on the 14th of September, 1988, they gave me 1 day in which to respond. I gratefully went and spent the whole morning and the whole afternoon, answering as candidly and as freely as I possibly could, any question that anyone asked. I believe when I left everyone was reasonably well satisfied.

Suffice it to say that the five original charges were dropped, dismissed. In

their place, however, came three additional charges. Well, some said 69. But the 69 are actually just a matter of multiple counting of the 3.

In April the committee said, well, the members thought there was some reason to believe that rules may have been violated in these three basic areas.

I owe it to you, and to the American people, to give a straightforward answer on those three areas.

While I am convinced that I am right, maybe I am wrong. I know that each of us, as Benjamin Franklin suggested, should be careful to doubt a little his own infallibility.

Before those charges were issued, press leaks filtered out almost daily, tarnishing my reputation and, by inference, spilling over to the reputation of this institution.

I pleaded for the privilege to come and answer those questions. Under the rules, that was not permitted to me. And the charges were formally made.

So let us look at them—one by one—dispassionately.

The committee has raised three basic questions. It does not say there is clear and convincing proof that I violated the rules; it does not say that the committee knows I violated the rules. The committee said it had some reason to believe I may have violated the rules. For these last few weeks I have been trying to understand that and get an opportunity to address it.

Now is the day; I am going to do it now.

The three questions are these: One relates to my wife Betty's employment at \$18,000 a year for some 4 years by a small investment corporation which

she and I formed with friends of ours, George and Marlene Mallick. Did the salary and the attendant benefits of that employment—the use of an apartment when she was in Fort Worth on company business and the use of a company-owned car—constitute merely a sham and subterfuge and a gift from our friend Mr. Mallick? Betty's employment and those things related to it—were they gifts?

□ 1610

Members have read in the papers the suggestion made by committee counsel that I may have received up to \$145,000 in gifts from my friend, Mr. Mallick. Half of it, \$72,000, was Betty's income, Betty's salary. The other half involved the use of a car and use of an apartment. The question is whether this is right or wrong. Let us look at it.

Betty's employment—was this a gift? The first question, I suppose Members might be asking, is why was Betty working for the corporation. Why did we put her to work at \$18,000 a year? The answer is very simple. She was the only one of the four of us who had the time and the inclination to handle the job—to look into the investment opportunities that our investment corporation was created to explore. George Mallick was too busy looking after his own interests. He has business interests of his own. Marlene Mallick was raising a family. I was busy being a Member of Congress and majority leader. I did not have any time to spend on it. Betty alone, among all of us, had the time, the opportunity, the experience, and the desire to give effort and energy to exploring and promoting investment opportunities.

She did, indeed, perform work. It paid off for the little corporation. She did it well. She studied and followed the stock market on regional stocks. I had brought into the corporation some that I had owned personally, in my personal estate. Betty advised us as to the best time to sell, the best time to buy, and the corporation made some money on those regional stocks. Not a lot of money by some people's standards, but we made some money. Betty's work paid for her salary, several times over.

She made very frequent contacts with a drilling company that was working on a series of exploratory west Texas gas wells, in which each of the partners had an interest, having all borrowed money from the corporation in order to invest. She visited the site of drilling and maintained contact with the company for us.

She went to New York and studied the gemstone business and the corporation made an investment in gemstones. We made some money on that. Betty also looked into the possibility of the corporation, Mallightco, building an apartment complex for young people but she concluded that the interest rates were unfavorable. Betty also spent a considerable amount of time studying the wine culture industry which was then just getting started in Texas. She made an economic study that concluded it was too speculative for a little corporation of our type.

She looked into other prospective investments such as a small and limited partnership in the movie, "Annie," and a prospective venture in sulfur extraction, but advised against both of those investments. It was lucky for us that

she did because people investing in them lost money.

Now I want to include for printing in the RECORD affidavits from several business people who know from their personal experience and attest to the work that Betty did in this regard. There will appear in the RECORD, at this point, an affidavit by Pamela L. Smith, one by Kay F. Snyder, one by John Freeman, one by Louis A. Farris, Jr., and one by J.B. Williams, all attesting to their personal knowledge of the things Betty did in working for the corporation at \$18,000 a year.

The affidavits follow:

AFFIDAVIT

STATE OF TEXAS,

County of Tarrant, ss:

Personally before me, the undersigned authority, a Notary Public in and for the County of Tarrant, State of Texas, duly commissioned and qualified, there came and appeared Pamela L. Smith, who being first duly sworn, did depose and say:

"My name is *Pamela L. Smith*, my address is 921 Holly, Crowley, Texas 76036. I am the Managing Director of The Mallick Company and its affiliates.

I have read in newspapers, magazines and hear on T.V. that Mr. Phelan has made the charge that Mallightco was a sham corporation and Mrs. Betty Wright did not do work or earn her pay. These charges are completely false and I have given testimony of this information to the Ethics Committee when I appeared before them.

I was first introduced to Mrs. Wright in 1973 by my employer Mr. Mallick. I was 23 years old. Through the years Mrs. Wright became a role model to me. Mrs. Wright encouraged me to join a professional business women's club. On her advice, I

joined Zonta International in 1978. I became the youngest President of the Fort Worth Chapter in 1982.

I became associated with Mrs. Wright professionally when she began working for Mallick Properties, Inc. in 1979. Mrs. Wright worked on the Mallick Concept from 1979-1981. The Mallick Concept was a small apartment unit designed for the young adult to be built throughout the Sunbelt area. Mrs. Wright, along with other staff including myself, studied approximately 10 different cities throughout the Sunbelt states. Mrs. Wright was excited about being a part of a team to develop and construct an apartment designed especially for young people. Mrs. Wright liked the idea of an apartment that was affordable for young people—first-time apartment dwellers and young married couples out on their own.

Mrs. Wright traveled often to many cities to discuss the concept with attorneys, city planners and engineers. Mrs. Wright along with others would survey the cities and locate building sites. She would return, complete her notes, and help prepare lengthy written reports.

In the latter part of 1979, I helped assemble and form the corporation Mallightco Inc. to be owned by the Mallicks and the Wrights. The Wright's contribution was \$58,127 in stocks and securities. The stock was delivered to me. As assistant secretary of Mallightco, the stock was under my safekeeping. Thereafter, I was in charge of day-to-day operations of Mallightco, Inc., under Mr. Mallick's direction.

In 1981, Mrs. Wright left Mallick Properties' payroll and went on the Mallightco Inc. payroll at \$18,000 a year.

Mrs. Wright pursued many business opportunities presented to Mallightco, including, but not limited to the following:

1. Barite and chemical.

2. Lou Farris—Chain Bank.
3. Everman Property.
4. Nigerian Oil Trading.
5. Matrix Oil.
6. Brazos River Vineyard and Winery.
7. "Annie"—the movie.
8. Oil and gas investments.

Additionally, Mrs. Wright met with Mr. Mallick and business associates on so many occasions that it is impossible to recall each, but I attended dozens of meetings with Mrs. Wright and Mr. Mallick from 1981 through 1984 on Mallightco business both in and outside of our offices.

For newspapers or Mr. Phelan to suggest that Mrs. Wright did not work is unreasonable and untrue. In addition to the above projects, I know that Mrs. Wright regularly tracked stock market/interest rate trends and discussed on the telephone by long distance Mallightco business affairs."

Sworn to upon my oath, this 15th day of April, 1989.

PAMELA L. SMITH.

Given under my hand and seal of office this 15th day of April, 1989.

DOROTHY C. WING.

Notary Public in and for the State of Texas.

AFFIDAVIT

STATE OF TEXAS,
County of Tarrant, ss:

Personally before me, the undersigned authority, a Notary Public in and for the County of Tarrant, State of Texas, duly commissioned and qualified, there came and appeared Kay F. Snyder, who being first duly sworn, did depose and say:

"My name is *Kay F. Snyder*, my address is 3813 Mattison, Fort Worth, Texas 76107. I am Director of Dining Enterprises, Inc. the corporate owner and operator of restaurants located in Fort Worth.

Beginning in 1978, I and my husband at that time, Armand Jones, began a vineyard in Parker County, Texas. Our vineyard was successful and in the early 1980's we then began exploring the idea of developing a winery project to produce wine at our vineyard and to market it in the restaurants we owned, as well as to conduct tours of the vineyard and winery.

Beginning in 1981, I had discussions with the Mallick group, initiated by Betty Wright. Although we never entered into a joint venture for the development of this project, I personally met with Betty Wright, Congressman Jim Wright and Mr. George Mallick and other representatives of their group over a period of several years to investigate the feasibility of this project.

The first substantive meeting was in July of 1984 and included Betty Wright, Jim Wright and I; however, all of the business that was discussed was between Betty and myself. Over the next year, Betty and I had numerous meetings at the vineyard, and telephone conferences regarding the project. Our meetings were lengthy, lasting from five to eight hours each. On one occasion, Betty Wright, Jim Wright and I spent a full day touring the vineyard and reviewing projections and proposals regarding the winery. Subsequent to my multiple meetings with Betty Wright, I had at least 8 meetings with George Mallick. After extended research, projections and negotiations, we were unable to reach an agreement and the joint venture was never consummated.

From the inception, this proposed joint venture was a project in which Betty Wright took an active part, contributing many hours of her time and her management and business skills to the analysis and development of the project. She initiated our negotiations and was active throughout the process. In all our meetings,

she was well informed on the subject, asked intelligent questions and was thorough in pursuing the details of the project knowledgeably and in a business-like manner. In fact, when I was in meetings with both George Mallick and Betty Wright, Betty led the discussion.

In summary, as regards the Mallick group's consideration of our winery proposal, Betty Wright was in charge and in control of the project. She initiated the contact, invested many hours of her time and had an active, meaningful and integral role in the Mallick group's analysis and evaluation of our proposal."

Sworn to upon my oath, this 15th day of April, 1989.

KAY F. SNYDER.

Given under my hand and seal of office this 15th day of April, 1989.

DOROTHY C. WING.

Notary Public in and for the State of Texas.

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AFFIDAVIT

STATE OF TEXAS,
County of Tarrant, ss:

Personally before me, the undersigned authority, a Notary Public in and for the County of Tarrant, State of Texas, duly commissioned and qualified, there came and appeared John A. Freeman, who being first duly sworn, did depose and say:

"My name is *John A. Freeman*, and my address is 5100 Crestline, Fort Worth, Texas 76107. I am an investor with interests in many different industries. I came to Fort Worth in 1967 and was introduced to Congressman Wright by Mr. Amon Carter, Jr. in 1968.

Shortly after Mr. Wright married Betty Wright I met them at a reception and continued to see them at irregular intervals. In 1978 and 1979 I mentioned to Congressman Wright

that I had enjoyed moderate success in investing in some shallow wells with Southeastern Resources. He said that he only had modest funds to invest but would like to invest in oil and gas exploration. I told him of a well that I had an interest in and he invested in a small percentage.

In 1979, at Congressman and Betty Wright's anniversary party, Betty introduced me to Mr. George Mallick and asked if I could meet with them at some convenient time to discuss business opportunities.

Shortly after that anniversary party, I met with Betty at Mr. Mallick's office and she explained that he was an investor as I was, and she was to assist him in looking for opportunities in the real estate, oil, or possibly other areas and that she would appreciate the chance to look at opportunities I might be interested in and that they in turn would do the same for me. I then met with Mr. Mallick and he discussed his various business experiences.

In early 1979 or 1980, I was having dinner with Mr. Jim Ling in Fort Worth and discussing the formation of a company to acquire interests in the energy field. Mr. Mallick and Betty Wright were dining at the same club and came by the table and were introduced to Mr. Ling. The following day I called Betty and told her that I was discussing an investment in Matrix Energy with Mr. Ling and it might be something that Mr. Mallick would be interested in. She told me that her position was no longer that of an employee but that she and Mr. Mallick had formed a company that they jointly owned. I furnished her all the information I had on Matrix Energy. Approximately six months later, I received a call from Betty and she told me that they had no interest in Matrix.

In 1982, I met with Congressman Wright in Fort Worth and he informed me that George Mallick and

Betty were in New York working and that he was going to join them when he left Fort Worth. At that time, I was working with an institutional investor and was planning to meet with them in New York. As I was going to be in New York, I arranged to meet with George, Jim and Betty there. We met and I told them what I was presently working on in the real estate field and they asked to meet with me in Fort Worth to see if they had any projects that we might do together.

Betty, George and I met in Fort Worth approximately two weeks later and I was furnished a description of property that they either knew of or controlled to see if we had any interest. I submitted properties that I had and the other properties to my investor. It was decided that we should pursue one project that Betty and Mr. Mallick had submitted.

I called Betty and she referred me to Mr. Mallick. We then worked for a period of approximately 2 months on our feasibility study during which time I met with Betty and George on several occasions. As a result of our failure to pre-lease the project, we decided not to build the building. Betty was active throughout the development and consideration of this project.

Beyond the consideration of these two projects, I had numerous contacts with Betty and George in New York City where I ran into them while they were pursuing various business investments.

In summary, to my personal knowledge, Betty Wright was an active and hard working member of the Mallick investment group. She was the person who introduced me to George Mallick and she worked with George and me throughout our consideration of the Ling investment and the office building project in Fort Worth.

Based on my personal experience with Betty Wright and George Mallick, Betty was a full and equal partner in everything we tried to do together. She was the primary reason I was involved with Mallightco and she was involved every step of the way."

Sworn to upon my oath, this 15th day of April, 1989.

JOHN A. FREEMAN.

Given under my hand and seal of office this 15th day of April 1989.

DOROTHY C. WING.

Notary Public in and for the State of Texas.

STATE OF TEXAS,
County of Tarrant, ss:

AFFIDAVIT

Personally before me, the undersigned authority, a Notary Public in and for the County of Tarrant, State of Texas, duly commissioned and qualified, there came and appeared Louis A. Farris, Jr., who being first duly sworn, did depose and say:

"My name is *Louis A. Farris, Jr.*, and my address is 8214 Westchester, Suite 91J, Dallas, Texas 75225. I am President of Empire Financial Corporation.

Over a period of several months beginning in the summer of 1983, I had three meetings in my Dallas office with George Mallick and Betty Wright to discuss various investments proposals for which I was seeking partners.

At our first meeting, Congressman Wright was also in attendance. George, Betty, the Congressman and I discussed my group's interest in acquiring common stock of the First National Bank of Weatherford then held by Mallightco. As a result of our discussions, the First National Bank of Weatherford, bought the stock from Mallightco for approximately \$25,000.

Over the next several months George, Betty and I met two more times in my office. At the time I was attempting to assemble a chain of banks in several states and I was looking for partners and investors. George and Betty reviewed my proposal, but decided not to participate in that venture with me.

From the outset of our meetings, I was told that George and Betty were co-owners of an investment company and all of my dealings with them confirmed such an arrangement. George and Betty both participated in all of our discussions and negotiations. In every way, Betty was a full and responsible partner in all of their dealings with me.

Sworn to upon my oath, this 15th day of April, 1989.

LOUIS A. FARRIS, JR.

Given under my hand and seal of office this 15th day of April, 1989.

DOROTHY C. WING.

Notary Public in and for the State of Texas.

AFFIDAVIT

STATE OF TEXAS,
County of Tarrant, ss:

Personally before me, the undersigned authority, a Notary Public in and for the County of Tarrant, State of Texas, duly commissioned and qualified, there came and appeared J. B. Williams, who being first duly sworn, did depose and say:

"My name is *J.B. Williams*, my address is 6150 Indigo Court, Fort Worth, Texas 76112. I am Chief Executive Officer of Southeastern Resources Corporation, an independent oil and gas producer. Beginning in 1979, Congressman Jim Wright, his wife, Betty Wright, George Mallick and his wife, Marlene Mallick began a business relationship with our

company which led to the drilling of approximately 25 oil and gas wells over a period of 2-3 years, with the production from these wells continuing for approximately 10 years. The business relationship began with a meeting in 1979 in which Mr. and Mrs. Wright and Mr. and Mrs. Mallick met with our company and various personnel, George Jett, Vice President of Field Operations, Jean Williams, Executive Vice President, Dan Flournoy, Comptroller, Bill McCormick, Field Engineer and later on field people and other administrative personnel.

I had the perception that George Mallick and Betty Wright made the ultimate decisions to participate in the drilling of the wells with our company. That perception was simply because Betty and George asked more questions, and Betty in particular asked for and received the various contract forms and geological data of the intended area of drilling interest. Later on and for several years Betty made many visits to our office to gather information on the joint interest. She also made many telephone calls with regard to same.

To the best of my memory Betty made more than one trip to Brown County for on-site inspection of the joint oil and gas interest and on one occasion Congressman Wright, Betty, George and Marlene visited several wells with me and I was impressed by Betty's technical questions. My memory is not specific but the impression lingered that she, more than anyone else in the Mallick group, including George Mallick, attempted to learn the why and wherefores of the business in which the group was investing its money.

On many occasions I made visits to the Mallick offices on Hulen Street to discuss some aspects of the group's oil and gas interest and in my memory George always called Betty into these meetings and appeared to rely on her for dates, re-

call, opinions and decisions. These are lingering and lasting impressions as opposed to specifics, but I can testify under oath that though I was not aware of any details of any employer-employee relationship between Mallick and Betty Wright, she was in my strong opinion an integral person in the on-going business affairs of the Wrights and Mallicks, and in regard to their investments with my company, she took a leadership role.

I have known George many years and greatly admire his entrepreneurial enterprise but like most of us business types his successes have been attendant with some failures. It is not more than a personal opinion but during Betty's years with George, I judged she helped him achieve a balance that he didn't have in the years before or after their association.

This affidavit is given on a voluntary basis. I have neither seen nor talked with Congressman Wright (except to see him on television) since May of 1988. I have not seen the Mallicks for several years, although I have spoken to George on the telephone as recently as last month and we did discuss the investigation. Congressman Wright, Betty Wright, the Mallicks nor anyone else has asked me to volunteer this information.

The purposes of this affidavit is to personally refute the Ethics Committee allegation and accusations that Betty Wright was a sham employee of George Mallick. I will be glad to testify before any authorized investigative body to the truth of these statements."

Sworn to upon my oath, this 15th day of April, 1989.

J.B. WILLIAMS.

Given under my hand and seal of office this 15th day of April, 1989.

DOROTHY C. WING.

Notary Public in and for the State of Texas.

The outside counsel employed by the committee has suggested that Mrs. Wright's employment somehow amounted to a gift. I do not know why, but he assumed that the services she rendered could not have been worth \$18,000 a year. How he concludes that she did not perform duties is to me a mystery.

On page 20 of the statement of alleged violation, there is a very strange suggestion that, "there was no evidence either supporting or establishing that the money paid to Mrs. Wright was in return for identifiable services or work products." Frankly, I do not know exactly what Mr. Phelan means by "work products."

Does he want so many pages of old shorthand notes? So many pages of typed manuscript? Betty was not a carpenter.

Is a woman's mental study, her time and her advice, not to be counted as a work product? How the committee could conclude that there was "no evidence" that Betty performed duties is very puzzling to me. There certainly is no evidence that she did not.

When I was before the committee, that was not one of the things that was being considered. The committee did not ask me to go into any elaborate details as I have just done—to tell them the things that she did.

The committee assumed—assumed—that there was no evidence. Oh, but there was evidence. Both the people of whom questions were asked, aside from myself, Mr. Mallick and Pamela Smith, testified that she did indeed work.

Mr. Phelan's report says that Pamela Smith could not identify any more than maybe 12 days in the whole 4-year period in which Betty worked. That is an inaccurate representation of what Mrs. Smith said. Pamela Smith, both in this affidavit and in her testimony before the committee, clearly said she saw Betty there from 5 to 7 days every month including weekends. Mrs. Smith spoke of her knowledge of Betty doing work in Washington and New York and elsewhere. So there was surely evidence.

Well, is one to conclude that my wife's services to a little corporation were worth less than \$18,000? For most of her adult life Mrs. Wright has been a business person. She has been an officer in a large hotel, an officer in a successful real estate and construction firm, and a professional staff person on a congressional committee. She was making more than \$18,000 when she worked for the congressional committee.

And here is the irony, the supreme irony: In 1976, when I was elected majority leader, Betty voluntarily left her job as a professional staff person on the committee so as to avoid any criticism of this institution or of her husband on the grounds that we both were on the public payroll. How many colleagues in the House and the Senate do Members know whose wives are on the public payroll, doing good work? Yet Betty did not want to be the cause for even unfounded criticism. She was legally entitled to continue. She had occupied that job before our marriage. But she chose to leave, to save the institution and her husband from unwarranted criticism. That is the kind of person she is.

Now it just seems to me that there is not any justification at all for any person even raising a question about whether she earned her \$18,000 a year. Should a Member of Congress have to prove that his wife earned that much money? Bear in mind, this money was not paid by Mr. Mallick. The money was paid by the corporation of which Betty and I were half owners.

In addition to charging that Betty's salary was a gift, the outside counsel contends, in summing up \$145,000 in gifts, that Betty had the use of the company car. That is true, she did. For the first 3 years it was used largely by Mr. and Mrs. Mallick. The next 4 years, Betty had most use of it.

It was not Mr. Mallick's car, it was the company car. The company bought and paid for it. We owned half of it. The next 4 years Betty had most of the use of it.

I have done what I can to resolve any doubt. I wanted to do the right thing—the honorable thing. I bought and paid for that car out of my personal funds.

The trustee of my blind trust, at my instruction, paid the corporation full book value for the car on the day Betty first started driving it on company business, plus interest. The interest amounted to about \$3,000.

What more can I do? Does that make it right? That has already been done.

Concerning the apartment, Betty and I have been more than anxious to do what is right and honorable about that. We did not think there was anything wrong with paying a per diem rate. The apartment was not held out for rent to anybody else. It was not owned for rental purposes. The Mallick

family did not want anybody also in the apartment. The family owned about six apartments in this unit or complex. They held those apartments out for their employees and their families. There would not have been anybody in the apartment paying any amount of money at all if they had not permitted us, when we were in town, to occupy the apartment. We paid on a daily basis for our use of that apartment.

But in an effort to resolve any doubt, last year I told Mr. Mallick that I did not like the situation being criticized. He said "Ralph Lotkin, the counsel for the Committee on Standards, said it was all right." Mr. Mallick pointed out that 4 years ago, there was in the Fort Worth Star-Telegram newspaper a statement quoting the chief counsel of the Committee on Standards, Mr. Lotkin, as saying that he [sic] did not see anything improper with the per diem arrangement on the apartment. I relied on that.

Nevertheless, last year I said to George Mallick, "I want to buy the apartment, George. I want to pay you for it." I did. I paid the amount suggested as appraised by two real estate persons in Fort Worth, \$58,000. Now, if anybody thinks that is too low a price, I will sell it to you today for \$58,000.

Well, I just wanted to clear the air and remove doubts and say that if we made a mistake, we have done what we can to set things right. I do not think we violated any rules. I think you are entitled to know that, and my respect for you leads me to want to tell you that.

The second alleged violation is based on the assumption that Betty's employment and the job benefits that she had

were gifts, and the further assumption that George Mallick, our friend and business partner, had a direct interest in influencing legislation, which would make it a violation of the rules for us to accept gifts from him.

Now how does the committee arrive at that suggestion? I have known Mr. Mallick for more than 25 years. He has been my friend. He has been a good, decent, hard-working man, a man of Lebanese extraction. His father had a wholesale grocery store in Fort Worth. His grandfather came there with a wagon, a cart. George has been a moderately successful businessman.

Never once in all the years I have known this man has he ever asked me to vote for or against any piece of legislation—not once. That is not the basis of our friendship. That is not the way our relationship goes. You have friends like that; they do not ask you for anything. All they want is to be a friend. Not one time has he asked me to intercede with any administrative agency of government in his behalf or in behalf of any institution in which he has an interest—not once.

How do they say that he had a direct interest in influencing legislation? Well, on page 58 of the committee report, it is suggested that simply because he was in the real estate business and because he had some oil and gas investments, the committee might “infer”—that is the word—the committee might infer that he could be deemed a person with an interest of a direct nature in legislation.

The committee suggested he might have an interest in the Tax Code. Well, who does not? Every taxpayer has an interest in the Tax Code. Anybody who

ever expects to receive Social Security has an interest in the Social Security laws. All people have an interest of some kind in the results of legislation; do they not?

That is not what we are talking about. We are talking about whether or not they have an interest in trying to influence the course of legislation.

Now where would you go to find out what that means? If somebody wants to associate with you in some way and be in business with you back home in a perfectly legal way, where would you go to find out whether they have an interest in legislation or not? Whom would you consult if you were in doubt about it? I was not in doubt, but suppose you were. Would you think you could consult the publications of the committee or consult the people who wrote the rules?

Well, the people who wrote the rules do not think George Mallick had an interest in legislation. DAVID OBEY was the chairman of the committee that drafted those rules. He asserts clearly, unequivocally, emphatically, and unambiguously, both in an affidavit and an op ed he wrote for the Washington Post, the definition that does not fit George Mallick’s case. Mr. Mallick does not have an interest in legislation, as defined under the rules, the rules that DAVID and his committee wrote.

Harold Sawyer, a former Republican Member from Michigan, who served on that committee along with DAVID OBEY, says the same thing. I have an affidavit from Mr. Sawyer in which he states exactly that same conclusion.

And there is an affidavit of Donald F. Terry, who is currently employed by the Committee on Small Business, but

who was a staff member of the Commission on Administrative Review which was charged in 1976 with responsibility for drafting new rules of official conduct for the House. Most of what he refers to has to do with the question of book royalties, and I shall come to that next.

But in these matters, these three people who had a great deal to do with writing the rule say that is not what they intended when they wrote the rule. I offer these for printing in the RECORD, as follows:

[From the Washington Post, Apr. 25, 1989]

THE WRIGHT REPORT—THEY'RE
MISAPPLYING THE RULES

(By David Obey)

I would like to offer some thoughts about the manner by which Congress and the nation reach judgments on the ethics of public men and women.

My only particular credential is that in 1977 I chaired the commission that rewrote, reformed and strengthened the House Code of Conduct under which Speaker Jim Wright is now being judged.

Of course, the ethics of public figures should be judged in a broad context. It is ironic, as George Will has thoughtfully noted [op-ed, April 18], that in the '80s the ethics of public figures are being discussed solely in terms of personal or financial acts.

When I first unpacked my bag of Wisconsin progressive values 20 years ago, as an idealistic 30-year-old newcomer to Congress, I had the idea—and still have the idea—that public decisions which deny decent shelter to today's poor and steal from the living standards of tomorrow's families in order to continue the fiction that wealthy people are

undertaxed are at least as unethical as, say, Judge Ginsburg's smoking a marijuana cigarette or a Cabinet nominee's feeling a female knee in public. So is lying to Congress about financing an illegal war.

Of course, there must be a higher standard than that of the marketplace for those of us who serve in public life. That is why members of Congress disclose the amounts and sources of their outside income even though those who report our actions and shape public opinion in the process do not (disregarding Adlai Stevenson's warning that those who shape the public mind may do evil just as great as those who steal the public purse).

I will reach no final conclusion about the speaker's case until I have all the facts. My purpose in writing is to help ensure that House rules for which I have prime responsibility are correctly understood and applied by the House, which must live by them, and the public, which must be served by them.

I do so with reluctance because rewriting those rules in 1977 was painful. Those rules changes cost some of my colleagues a lot of money—more than \$100,000—and while the vast majority have recognized that I was simply doing my job for the good of the institution, a few have never forgiven me.

The issue before the standards committee at the moment is not, as some have written, whether Jim Wright should remain as speaker. The issue is whether he has broken House rules. In my view, two rules cited by the standards committee in its initial report a week ago are being misapplied.

Book Royalties: In examining the meaning of the rule of book royalties, the committee report makes two mistakes:

(1) It asserts that the intention of my commission in drafting the House rule can be determined by

reading Senate debate. But the House rule was adopted before that Senate debate took place on the basis of testimony before us that occurred 77 days before Senate consideration.

(2) Committee Counsel Richard Phelan was “guided by the language of Advisory Opinion 13” in determining the royalty provision. That is wrong because the advisory opinion had nothing to do with the copyright exemption. It was drafted to distinguish between earned and unearned income from businesses. It was never even considered in the context of royalty income.

If today’s committee feels that the speaker violated House rules in his actions on book royalties, it must cite different rules and a different line of reasoning than the one contained in its erroneous report.

Interest in Legislation: The second misapplied rule is the committee’s new definition of who has a distinct interest in legislation. This is crucial because it would determine if or when the speaker received illegal gifts from George Mallick, a business associate and a 30-year close, personal friend. The committee report determined that Mallick had a direct interest in legislation “by virtue of the fact that he had large holdings and investments.” That interpretation is an absolutely arbitrary ex post facto rewriting of the rule.

In writing the gift limitation, we made no distinction whatsoever on the basis of a citizen’s economic status. Advisory Opinion 10, produced to guide members through this tricky thicket, spelled out four specific covered categories: a lobbyist, one who hires a lobbyist, one who maintains a separate political action committee, or one who the member knows has a distinct and special interest that sets him apart from others in his class. We specifically warned that members must be wary

of gifts over \$100 “unless such gift is from a close, personal friend.”

That language (and constant assurances I gave numerous members in 1977—that it would not be construed to require members to become accountants in their dealings with lifelong personal friends) makes it reasonable to assume that for 1981-1985 Wright could have concluded the rule did not cover Mallick. I do not know whether he was covered after 1985 because I do not have all the facts. The standards committee will, I am sure, review those events carefully.

I am confident that the House and the committee will be mindful of their public obligation and will do whatever is right. But T.S. Eliot also warned us that the greatest treason is to “do the right deed for the wrong reason.”

One other point: I am amused when some members of the press blithely dismiss as weak the rules under which Wright is being judged. Any reading of the congressional debate that took place at the time would leave no doubt that they were regarded as far too strong by many thoughtful members. And they were also regarded as being too tough by some members of the press, including a highly respected reporter for *The Post* who wrote an op-ed piece the day we adopted these rules, urging their defeat because they were too meddlesome. I do not mind the change of opinion expressed by some in the press today, but I do mind the sanctimony that occasionally accompanies that change of opinion.

No branch of government in our 200-year history has so thoroughly and excruciatingly examined the conduct of anyone within it as has the House in this instance. That should bring credit, not condemnation, on the House in which I proudly serve.

[U.S. House of Representatives before the Committee on Standards of Official Conduct]

AFFIDAVIT OF HAROLD S. SAWYER

IN THE MATTER OF SPEAKER JAMES C.
WRIGHT, JR.

STATE OF MICHIGAN,
County of Kent, ss:

I, Harold S. Sawyer, am competent to give affidavits at law, and testify as follows:

1. I am a partner in the Grand Rapids law firm of Warner, Norcross & Judd. I served as a Republican Member of Congress from 1977 to 1985.

2. In 1978, I served as a Republican Member of the House Select Committee on Ethics (“the Preyer Committee”), which drafted and later issued a number of Advisory Opinions implementing and interpreting the House’s Rules of Official Conduct.

3. During my service as a member of the Preyer Committee, our Committee had occasion to consider Rule XLIII, Clause 4, which prohibits members from accepting gifts from persons with a “direct interest in legislation.” We were very concerned with who would be considered to have a direct interest *for purposes of the Rule*, since virtually anyone who holds property, belongs to a profession, receives Social Security or any other form of government assistance, or works as a farmer has a “direct interest” in legislation before Congress. In the broad sense, any citizen does, but that certainly was not what the Rule intended.

4. In my opinion, Rule XLIII is specifically limited to the three classes of individuals described in the Rule: lobbyists, officers or directors of lobbyists, and any person retained by a lobbyist. Under the legal principal of *expressio unus exclusio alterius*, persons not falling within

one of these specific three categories is not covered by Rule XLIII and does not have a “direct interest” in legislation for purposes of the Rule. To avoid the application of this rule, a draftsman normally states “including but not limited to” or words to this effect. This was deliberately not done.

5. My understanding from public reports is that Mr. Mallick—the person from whom Speaker Wright is charged with having accepted a gift—is not a person who falls within any of the three categories delineated in Rule XLIII. If he is not, then in my opinion Speaker Wright cannot have violated the Rule.

6. While I was serving on the Select Committee, we adopted Advisory Opinion No. 10, which interprets Rule 43. The Advisory Opinion indicates that an individual who “has a distinct or special interest in influencing or affecting the federal legislative process which sets such individual . . . apart from the general public” is, for purposes of Rule XLIII, an individual with a “direct interest” in legislation. In my opinion, the Advisory Opinion was intended to describe, not expand, the scope of Rule XLIII. Indeed, an Advisory Opinion cannot lawfully expand the scope of a House Rule.

7. Even to the extent some members of the Select Committee might have believed that Advisory Opinion No. 10 expanded the scope of Rule XLIII, Mr. Mallick still would not constitute an individual with a “direct interest” in legislation, assuming that the media description of his activities is accurate. No one serving with me on the Select Committee ever even suggested that, under Advisory Opinion No. 10, an individual would be deemed to have a “direct interest” in legislation simply because he had real estate investments, oil and gas investments, or loans from federally insured lending institutions. Indeed, if such a person

has a "direct interest," then Advisory Opinion No. 10 has rendered Rule XLIII essentially meaningless, since virtually anyone would have a "direct Interest." This was *not* the purpose or intention of the Committee on which I served.

8. As I previously have advised this Committee, I do not believe that Speaker Wright's conduct relating to the sale of books and the receipt of royalties can possibly have violated House Rule XLVII, the limit on Outside Earned Income. The Rule expressly excludes copyright royalties from the earned income limit. This was a blanket exemption. In my opinion, any qualified lawyer with whom the Speaker had consulted as to whether he could sell books on which he was paid a royalty without having the annual 30 percent limit apply, in lieu of accepting honorariums, certainly would have advised him that he could do so under the plain terms of Rule XLVII. While this Committee may conclude that the blanket exemption of copyright royalties is unwise, it cannot fairly or lawfully reinterpret that Rule and apply a new definition retroactively in the current proceedings against the Speaker.

9. Since Speaker Wright plainly has not violated the letter of the Rule, it would be grossly unfair, in my opinion, to conclude that he has violated the "spirit" of the Rule. It is difficult to perceive what the "spirit" of the Rule is. It cannot be the restriction of outside income per se, since unearned income is unlimited, as is earned income from farming, ranching, or any other family-controlled business. Nor can the "spirit" be to limit the time spent by members on outside activities, since a member is permitted to give four times as many \$500 speeches as he is \$2,000 speeches, and since there is no limit at all on unpaid speeches. Indeed, my understanding is that the Speaker gave hundreds of

speeches for which he received no honorarium and in connection with which he sold no books. I point this out only to illustrate the danger and unfairness of attempting to enforce the "spirit," rather than the letter, of a House Rule. Lawyers, after all, spend much of their time advising clients as to how to comply with the letter of the law while neither attempting nor even being able to make any sense of the law or determine its "spirit."

10. I do not know the Speaker well, and have no partisan interest in this matter, as should be obvious from my political affiliation. However, as a lawyer and as one who served on the Select Committee during the relevant period, I feel obliged to note the extremely serious legal shortcomings in the Committee's preliminary interpretation of the House Rules the Speaker has been charged with violating.

Further affiant sayeth not.

HAROLD S. SAWYER.

Subscribed and sworn to before me this 22nd day of May, 1989.

BARBARA J. CALLAN.

Notary Public, Kent County, Michigan.

[U.S. House of Representatives before the Committee on Standards of Official Conduct]

AFFIDAVIT OF DONALD F. TERRY

IN THE MATTER OF SPEAKER JAMES C. WRIGHT, JR.

DISTRICT OF COLUMBIA.

I, Donald F. Terry, am competent to give affidavits at law, and testify as follows:

1. I am currently employed by the House Committee on Small Business. I was a staff member on the Commission on Administrative Review, which was charged in 1976

with the responsibility for drafting new Rules of Official Conduct for the House. I also am the former Staff Director of the House Select Committee on Ethics, which interpreted and implemented the House Rules of Official Conduct, once they were adopted by the House on March 2, 1977.

2. In my capacity as Staff Director of the Select Committee, I drafted Advisory Opinion No. 13, which was adopted by the Select Committee to clarify the application of House Rule XLVII (the Rule dealing with limitations on Members' outside earned income).

3. My understanding, and—to my knowledge—the understanding of all members of my staff and of the Select Committee at the time, was that the express copyright royalty exclusion contained in Rule XLVII was a blanket exclusion.

4. During the course of drafting Advisory Opinion No. 13, I had several meetings and conversations with Douglas D. Drysdale, a member of the law firm of Caplin & Drysdale, who had been retained by the Select Committee to provide expert counsel and technical assistance concerning issues relating to the application of House Rule XLVII. One provision proposed by Mr. Drysdale for inclusion in Advisory Opinion No. 13 was a subparagraph entitled "Real Facts Controlling." The subparagraph, which I accepted for inclusion in my draft of the Advisory Opinion, provides that "The limitations proposed by Rule XLVII may not be avoided by devices designed to circumvent them. In all cases, the real facts will control" My understanding of this provision and the basis on which I included it in the draft was that it principally related to the concern that a Member might try to mischaracterize earned income (which is limited under Rule XLVII) as unearned income (which is not limited). To my recollection, there was no discussion either between me

and Mr. Drysdale or in my conversations with members regarding the specific application of this subsection to Rule XLVII's exclusion of copyright royalties from the earned income limitation.

5. Mr. Drysdale and his law firm did submit proposed language specifically relating to copyright royalties, which language arguably would have restricted the otherwise blanket copyright royalty exclusion in Rule XLVII. I rejected this proposed language, however, just as I rejected a number of other provisions proposed by Mr. Drysdale in his 29-page memorandum. Because I rejected at a staff level the copyright royalty language proposed by Mr. Drysdale, to the best of my knowledge, it was never reviewed by the members of the Select Committee, and, therefore, cannot be now used as a basis to interpret application of Rule XLVII.

6. In the course of the investigation of Speaker Wright, neither the Outside Special Counsel nor any member of the Committee's staff has interviewed me or otherwise sought my view as to the proper interpretation of Rule XLVII or Advisory Opinion No. 13.

Further affiant sayeth not.

DONALD F. TERRY.

Sworn to and subscribed by the undersigned Notary Public on this 22 day of May, 1989, to certify which witness my hand and seal of office at 1:35 PM.

THOMAS J. LANKFORD.

Notary Public in and for the District of Columbia.

Where else might you turn if you were in doubt? Might you not possibly go to the committee itself and see what advisory opinions it has given? Here is the publication the committee sends to all of us to tell us what is and what is not legal. Each year we receive this as

instructions for filling out our financial disclosure statements. Appendix E is an advisory opinion No. 10 which defines who has a direct interest in legislation under the rules. It says:

If the Member does not believe that the donor of the gift has a distinct or special interest in the congressional legislative process which set him clearly apart from the general public, then the Member should feel free to accept such gifts.

That is the official advice from the committee given to every Member. Then it defines, in summary, who has an interest in legislation as prohibited under the rule. It given four classes. That is all.

Listed first are registered lobbyist. George Mallick is not a registered lobbyist.

Next comes any person who employs a registered lobbyist. George Mallick never did that.

Third, it refers to somebody who directs or operates a political action committee. George Mallick has never done that.

And finally, any other individual which the Member "knows"—not "should know" or "ought to suspect" or "ought to infer," but which the Member knows has distinct or special interest in influencing or affecting the legislative process. The definition is not just somebody who has got an interest financially in the outcome of legislation. Not at all. It is rather somebody you know who has a direct or special interest in influencing the outcome of the legislative process which sets that individual apart from the general public.

□ 1630

My colleagues, that was just simply not the case with George Mallick. He

had no direct interest in legislation of any type.

Now we have motions before the committee to set aside that presumption of Mr. Mallick's having a direct interest in legislation. Personally, I do not have reason to believe he has.

The only thing the committee has suggested is that in 1986 his son borrowed money from a savings and loan to build a shopping center, wholly apart and separate from any investments Betty and I had. Then in 1987, the lending institution had to foreclose on the son's loans.

But note the years involved here. Betty was employed, purportedly as a gift, from 1981 to 1984. Mr. Mallick could not have known in 1981 and 1984 that his son was going to borrow money in 1986, and that the thing would go bad in 1987, and that an economic decline would make it possible for him to pay off his note on time. He could not have known that in any way.

I ask my colleagues: "Would you stretch this rule to the point of saying it covers that just anybody who has a member of his family who owes money to a bank or a savings and loan?"

Of course my colleagues would not. That would cover more than half the citizens of the country.

The people who wrote the rules do not believe that Mr. Mallick is covered. So I think under all reasonable circumstances that our dismissal motion ought to be agreed to. Our motion ought to be agreed to, if rules mean anything—if we are not just going to turn the whole thing on its head and change the rules by whim every time we turn around.

Now the third count that remains in the statement of alleged violations

which concerns the sales of a book called "Reflections of a Public Man," which I wrote and which was sold sometimes in bulk quantities to people who took it and gave it away to other people—students, newspapers, public officials, and members of their organizations. Did I want these books circulated widely? Of course I did. My colleagues know that I wanted to get the widest possible distribution of the book. A book that you write, you know, is a part of you. You think of it as a child almost.

Now this book probably is not great literature, but I like it. Marty Tolchin of the New York Times, John Silber, president of Boston University; Jim Lehrer of the MacNeil/Lehrer Report; and Dr. Bill Tucker, chancellor of TCU, all said nice things about it. And I appreciate that.

Now, the contention of the committee, as I understand it, is that the publication of this book, from which I got \$3.25 for every one that sold, was a kind of a sham and a subterfuge in itself and an overall scheme for me to exceed and violate the outside earnings limitation on a Member of Congress. Do my colleagues think that I would do something like that?

The purpose of the book was to publish something that could be sold at a small price and get wide distribution. If monetary gain had been my primary interest, do my colleagues not think I would have gone to one of the big Madison Avenue publishers—the houses that give writers big advances?

I know people who have received advances before a single book sells from those big companies—advances twice or three times as much as I got in the

total sale of all those books. If it had been a scheme to get around outside earning limits, that is what I might have done.

I hear that a woman author of a book called "Mayflower Madam," got \$750,000 in advance royalties. Our former Speaker, Mr. O'Neill, is said to have received \$1 million for his excellent and readable book in advance before any of them were sold. I have read that a woman named Kitty Kelly received as much as \$2 million in advance royalties for a book she has written on Nancy Reagan and which, as I understand it, is not even an authorized biography. Well, so much for that.

It is true, I think, that people on my staff were eager to sell these books. They knew I wanted them sold. I have got to accept full responsibility for that if it was wrong. But the rule does not say it was wrong.

It could not have been an overall scheme to avoid outside earning limits because the rules are clear. They are not equivocal. The rules expressly exempt royalty income, and that, too, is attested to by the gentleman from Wisconsin (Mr. OBEY), and it is attested to by Donald Terry who gives the rationale. There were not any exceptions; book royalties were exempted.

Now maybe book royalties should not have been exempt. But the rules clearly say that they are.

Maybe somebody got the impression that buying a book was a price of getting me to make a speech. I never intended that impression. I never suggested that. I hope that friends of mine did not.

Of all the books that were sold, the committee suggests that seven cases

involved instances where individuals associated with organizations to which I made speeches bought multiple copies of the book and distributed them among members of the organization or others.

Now I have not been permitted to see a copy of their testimony, so I do not know exactly what the witness said. I have asked people on my staff, "Did you tell these folks that they had to buy these books or I wouldn't make a speech?" and they said, "no, they did not."

The total amount, as I figure, from all of those sales involved only about \$7,700. That is what I received.

My colleagues know I would do whatever was necessary, whatever was right. If any of those people were under the impression that I was not going to make a speech to them unless they bought a bunch of books, and if they wanted their money back, I would give them that money. I do not want the money. That is not important. What is important is a person's honor and his integrity.

During that 3-year period, the committee says there were seven instances where I made speeches to groups that bought copies of these books. In that period, I made at least 700 speeches for which I did not get any honorarium at all, and no one offered to sell anybody a book. Do my colleagues suppose that, if this had been an overall scheme, that there would not have been a wider kind of an experience than that? I do not know. I am just saying to my colleagues that I did not intend to violate the outside earning limitation, and I do not believe legally that I did.

Some of the rest of my colleagues make a lot of speeches. I ask, "How many speeches do you suppose you make that you don't get anything for?" Most of us make many.

One other thing about the book that I suppose needs elaboration involves the allegation in the statement of alleged violations that a man named S. Gene Payte, a reputable businessman in Fort Worth, paid for more books than he got from the publisher. That is what was said in the report of the outside counsel.

S. Gene Payte, upon reading that report, issued an affidavit that is not ambiguous at all. Here is what Mr. Payte says, I will read in part this affidavit and put the whole thing in the RECORD.

He says:

I have read the Report of Special Outside Counsel Richard J. Phelan on the Preliminary Inquiry conducted pursuant to the Committee's June 9, 1988 resolution, as it relates to my testimony. I also have reviewed the transcript of my deposition testimony. The Report, and also the conclusions reached by the Special Counsel, ignores much of the most pertinent testimony in the transcript, takes certain statements out of context, distorts clear statements of fact and in general, fails fairly and accurately to summarize the matters as to which I testified.

And the conclusion reached by the Special Counsel that Wright violated the rule was, quoting the affidavit, "based on his [Mr. PHELAN'S] categorical assertion that, 'Gene Payte did not receive the books?'"

□ 1640

The Special Counsel asserts,

Payte

And I am quoting—

Testified that he only received between 300 and 500 copies of the old book for his \$6,000 and makes the flat statement, “Gene Payte did not receive the books.” Citing as authority Payte’s transcript, on page 77.

Now here is what Payte says:

On the contrary, I did not so testify. I stated not once, but three times, that I believed 1,000 books were delivered to me.

And he cites the transcript of this testimony, pages 27, 40, and 41.

Mr. Payte goes on:

The Special Counsel ignores this testimony. Instead, he cites Transcript 77. That citation does not support the Special Counsel’s assertion. Transcript 77 shows that Congressman Myers—not I—made the comment, “I believe you said you received 3 to 500 books.”

I did not confirm his recollection, my reply being, “I would like to have the new books.” (Tr. 77). In fact, I never so testified.

So this is a copy of that affidavit which I should like to submit for the Record, together with a copy of a letter that was sent by the committee to Mr. Payte after he issued this affidavit telling him he ought not to comment.

AFFIDAVIT OF S. GENE PAYTE

THE STATE OF TEXAS,
County of Tarrant, ss:

Before me the undersigned authority on this date personally appeared S. Gene Payte, known to me to be the person whose name is subscribed hereto, and he being duly sworn did depose and say the following:

My name is S. Gene Payte. I reside at 6450 Sumac, Fort Worth,

Tarrant County, Texas 76116. I have personal knowledge of the matters contained herein.

On or about October 17, 1988, I was called to testify in the proceeding before the Committee on Standards of Official Conduct of the U.S. House of Representatives, in the matter of Speaker James C. Wright, Jr.

I have read the Report of Special Outside Counsel Richard J. Phelan (“R.”) on the Preliminary Inquiry conducted pursuant to the Committee’s June 9, 1988 resolution, as it relates to my testimony. (R. 85-86). I also have reviewed the transcript (“Tr.”) of my deposition testimony. The Report, and also the conclusions reached by the Special Counsel, ignores much of the most pertinent testimony in the transcript, takes certain statements out of context, distorts clear statements of fact and in general, fails fairly and accurately to summarize the matters as to which I testified.

The conclusion reached by the Special Counsel that “Wright violated Rule XLIII, Clause 4 (R. 86) was based on his categorical assertion that, “Gene Payte did not receive the books.” (Id.). The Special Counsel asserts, “Payte testified that he only received between 300 and 500 copies of the old book for his \$6,000 (R. 86), and makes the flat statement, “Gene Payte did not receive the books” (Id), citing as authority, “Payte Tr. 77”.

On the contrary, I did not so testify. I stated, not once, but three times, that I believe 1,000 books were delivered to me. (Tr. 27, Tr. 40, Tr. 41). The Special Counsel ignores this testimony. Instead, he cites Tr. 77. That citation does not support the Special Counsel’s assertion. Transcript 77 shows that Congressman Myers—not I—made the comment, “I believe you said you received three to five hundred books.” I did not confirm his recollection, my reply being, “I would like to have the

new books.” (Tr. 77). In fact, I never so testified. Apparently, Congressman Myers had in mind a telephone conversation (a transcript of which I had furnished to the Committee) which I had had with a reporter several months earlier when the question had first arisen and before I had the opportunity to check any records or refresh my memory. In that conversation I had stated that over a period of time I bought and gave away about a thousand books, but I also had stated in the telephone conversation that I took delivery of, “just four or five hundred books, or three or four hundred books.” There had been some confusion in that early telephone interview both as to the question of whether I was to receive additional books from an anticipated new printing and as to whether the books from the original printing which I actually [sic] had received constituted what I termed “delivery” of all of the books which I had purchased and which I was to receive. At no time in my deposition before the Committee did I testify that I had received only between 300 and 500 books. When Mr. Kunkle put the question to me directly, my response was, “No, I think he delivered more than that.” (Tr. 52). I did not intend to say, and did not say to the Committee in my testimony, that I had received only that number of books. However, I was still desirous of receiving additional books which would identify Mr. Wright as Speaker rather than Majority Leader. As I testified before the Committee (which testimony was ignored by the Special Counsel in his Report), I believed that Mr. Moore had delivered 1,000 books to me, but I was “not for sure” (Tr. 27) and I repeated twice thereafter that I believed I had received approximately 1,000 books. (Tr. 40, Tr. 41). Later in my testimony, when Mr. Kunkle asked if it was my best recollection that in fact Mr. Moore delivered somewhere be-

tween 300 and 500 books to me, I responded that I thought that he delivered more than that. (Tr. 52).

Since testifying, I have discovered positively that in fact approximately 1,000 books were delivered to me. While I had believed this to be the case, I had not been absolutely certain of the fact. I now am certain. I had taken two large cases of books to the home which I have in Rockport, Texas and had forgotten this fact. These books, together with the books which I had in Fort Worth, totaled 1,000. To reiterate, I received all of the 1,000 books which I purchased.

I also am disturbed by the false statements, implications and innuendoes contained in the Report relative to my motivation in purchasing the books. As I testified, it is true that I had desired to make a cash gift to Jim Wright as an expression of appreciation for all that he has done for the community, the state and the nation. (Payte Ex. 4, Tr. 21). I have made a practice for several years of giving money to various charities, individuals, family members and things in which I believe, (Tr. 18, Tr. 35-36, Tr. 55, Payte Ex. 15). It is my belief that the members of the Congress are underpaid, particularly with the necessity to support two households, and I wished to make a contribution to a Congressman whom I admired and whom I felt had been of service to his community, state and nation. (Tr. 32). Since I had not had any direct interest in legislation, had none at the time and did not expect to have any such interest in the foreseeable future, I had believed that it would be permissible to make a gift with no strings attached to Jim Wright. However, he refused to accept it. I then learned that he was interested in distributing his book, “Reflections of a Public Man,” as widely as possible and I felt that it would be worthwhile to do so. I believed that distribution of the book,

particularly among young people, might encourage them to go into public service. (Tr. 28, Tr. 32, Tr. 36, Tr. 53, Tr. 77). This was not a subterfuge to attempt to put money into Jim Wright's pocket that I could not otherwise give him, although of course I realized that he would get some benefit from whatever the royalties might be. (Tr. 36).

The Special Counsel states in his Report, "Payte contacted his attorney, Tom Law. Law and Payte continued to search for a way to help Wright. Law suggested that instead of giving Wright cash, Payte make a contribution to support bringing one of Jim's book up to date with a new addition." (R. 85). That statement is absolutely untrue. Mr. Law never made any such suggestion. I made the decision on my own and later told him about it. The statement that my attorney, Tom Law, "advised Payte how to make a cash contribution to Wright by paying to have Wright's book 'updated.'" (R. 168). Also is wholly untrue. Mr. Law and I did not even discuss "how to make a cash contribution to Wright by paying to have Wright's book updated." Our only discussion, before I decided to buy the book, was my having asked him whether I could make a cash contribution to Jim Wright. He asked me whether I had any direct interest in legislation, whether I had had such an interest in the past, and whether I anticipated that I would have in the future. When I responded in the negative to each of these questions, he told me that he believed that such a gift would be permissible, but that he was concerned that there conceivably could be some Congressional rule regarding such a gift which he would want to check out before he gave me a final conclusion. He also told me that such a gift conceivably could be misinterpreted and perhaps be embarrassing, even though it was perfectly legitimate. He went out of

the city shortly after this conversation, and I proceeded to attempt to make the gift to Mr. Wright. However, he would not accept it and returned the check. At this point, knowing of Mr. Wright's desire to distribute his book widely, I made the decision to purchase a large quantity of Jim Wright's books and support bringing the book up to date with a new edition. I made this decision on my own without consultation with Mr. Law. He later wrote a letter to Mr. Dee Kelly, President of the Wright Congressional Club in Fort Worth, and reported the facts to him as a matter of interest. (Payte Ex. 4).

Signed this 21st day of April 1989.

S. GENE PAYTE.

Sworn to and subscribed before me by S. Gene Payte, this 21st day of April 1989.

CHRISTY MOAK COX,
Notary Public.

COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT,

Washington, DC, May 5, 1989.

MR. S. GENE PAYTE,
*6450 Sumac,
Fort Worth, TX.*

DEAR MR. PAYTE: It has come to our attention that on April 21, 1989, you executed an affidavit addressing matters raised during your testimony before the Committee on October 17, 1988. In particular, your affidavit states that you were called to testify before the Committee in connection with the Preliminary Inquiry in the matter of Representative James C. Wright, Jr.; and that as a result of having reviewed the transcript of your deposition and the report of the Special Outside Counsel, you have taken exception to a number of statements attributed to you at the time of your testimony.

Regardless of the position you have taken in your April 21, 1989, affidavit, which has been publicly circulated, the fact remains that at the time of your deposition you were expressly admonished by the Ranking Minority Member who presided at the deposition "that these proceedings have been taken in executive session, which means you are not to discuss anything that took place here with anyone other than your counsel." The transcript of the deposition reflects your agreement with the instruction given to you by the Ranking Minority Member. See, October 17, 1988, transcript at pp. 77-78.

In view of the foregoing, your affidavit represents a course of conduct in direct violation of the admonition given to you at your October 17, 1988, deposition. Accordingly, we wish to notify you that the matter of your violation may be taken up by the Committee and, once again, to direct you to refrain from any further discussion of your testimony with anyone not serving as your legal counsel.

Sincerely,

JULIAN C. DIXON,
Chairman.

JOHN T. MYERS,
Ranking Minority Member.

What do you think of that? A private citizen, a reputable citizen of my community, is misquoted in a document published at public expense, and sent widely to newspapers throughout the country. It is widely cited as authority, uncritically, and assumed to be accurate. The citizen being misquoted issues an affidavit to straighten it out so that he is not misquoted in the public record, and then he is warned by the committee that he might be held in violation and in contempt of Congress if he does not shut up.

First amendment rights supersede any rules of any committee, and any citizen of the United States ought to have the right to have his own testimony correctly characterized and not be threatened, or silenced by a House committee. Any House committee owes to a citizen of the United States that right and that privilege.

Well, those are basically the matters pending before the committee in our motion to dismiss. Those motions could clear the air.

Rules are important, just as the constancy of what a law means is important. The committee can resolve these particular legal issues as to what constitutes direct interest in legislation and whether or not book royalties are exempt, as the rules say they are.

I think it is important for the motions to be ruled upon, and I earnestly hope the committee will look at it from that standpoint and grant our motions.

Members are entitled to know what the rules mean and if they still mean what they meant when they were written and promulgated.

Now, maybe the rules need to be changed. If so, let us change them in a legal, orderly way. Let us vote on them. Let us vote to change them. Maybe the whole process needs some change and clarification.

You know, the House may want to consider establishing a House to whom Members can look for official advice and then rely on that advice.

The rules of the committee itself might need some reconsideration.

I have gone through this agonizing experience for about a year now. Almost every day there is a new story and a newspaper leak without any

chance for me to know what is coming next, no chance for me to go to the committee and answer it and say, "Hey, wait a minute. That is not correct. That is not right."

Maybe the committee which is currently required to sit both as a kind of grand jury and a petit jury ought to have a different composition, rather than having those who issue the statement of alleged violations being the same people who have to judge them. I think it clearly is difficult to expect Members who publicly announce reason to believe there is a violation to reverse their position at the hearing stage and dismiss charges against a Member. And maybe once a report of alleged violations is issued, the committee rules ought to allow the Member to respond expeditiously.

To deny a Member the opportunity to reply quickly can cause serious political injury. It is unfair. Once alleged violations are announced, the committee ought to release immediately to the Member all the evidence that it has to backup what it has alleged.

In my case, for example, the committee has yet to release any witness testimony or documents that it obtained during the investigation.

Why hide the evidence? What is there to hide? This ought not to be the kind of proceeding in which strategic maneuvering is allowed to override fundamental principles of fair play.

I urge the abolition of the gag order, too, which the committee says forbids any witness who comes and makes a deposition from discussing publicly or telling his side of the thing.

In addition charges which the committee concludes are unfounded should

not be published and widely disseminated as though they were true and bear the imprimatur of the committee's approval.

Now, there are other things you ought to consider. I am not trying to give you an exhaustive list of what might happen. I know there are others who have views that are equally relevant.

Perhaps we want to consider an outright abolition of all honoraria and speaking fees. Maybe we want to do that in exchange for a straightforward honest increase in the salary for members of all three branches of Government. I do not know. It is up to the House.

It is intolerably hurtful to our Government that qualified members of the executive and legislative branches are resigning because of ambiguities and confusion surrounding the ethics laws and because of their own consequent vulnerability to personal attack. That is a shame, but it is happening and it is grievously hurtful to our society.

When vilification becomes an accepted form of political debate, when negative campaigning becomes a full-time occupation, when members of each party become self-appointed vigilantes carrying out personal vendettas against members of the other party. In God's name that is not what this institution is supposed to be all about. When vengeance become more desirable than vindication and harsh personal attacks upon one another's motives and one another's character drown out the quiet logic of serious debate on important issues—things that we ought to be involving ourselves in—surely that is unworthy of our institution, unworthy of our American political process.

All of us in both political parties must resolve to bring this period of mindless cannibalism to an end. There has been enough of it.

□ 1650

I pray to God that we will do that and restore the spirit that always existed in this House. When I first came here, all those years ago in 1955, this was a place where a man's word was his bond, and his honor and the truth of what he said to you were assumed. He did not have to prove it.

I remember one time Cleve Bailey of West Virginia in a moment of impassioned concern over a tariff bill jumped up and made an objection to the fact that Chet Holifield had voted. In those days we shouted our answers to the votes, and Mr. Holifield was there in the back, and Bailey said, "I object to the vote of the gentleman from California being counted." He said, "He was not in the Chamber when his name was called and, therefore, he is not entitled to vote."

It was a close vote. Speaker Rayburn grew as red as a tomato, and I thought he was going to break the gavel when he hammered and said, "The Chair always takes the word of a Member," and then because I was sitting over here behind Cleve Bailey, I heard other Members come and say, "Cleve, you are wrong. Chet was back there behind the rail. I was standing there by him when he answered. His answer just was not heard." Others said he should not have said that. Cleve Bailey, the crusty old West Virginian, came down and abjectly, literally with tears in his eyes, apologized for having questioned the word of a fellow Member. We need that.

Have I made mistakes? Oh, boy, how many? I have made a lot of mistakes—mistakes in judgment. Oh yes, a lot of them. I will make some more.

Let me just comment on this briefly, because it is such a sensational thing, and injury has been done to me in this particular moment because of it. John Mack—and many of you remember him, know him, and I think a lot of you like him and respect him. I helped John one time in his life when he was about 20 years old. I did not know him and had never met him. I did not know the nature of the crime of which he had been convicted. I knew only that John Mack was a young man whom my daughter had known in high school. My daughter was married to his brother, incidentally, and that is how she knew about John. She mentioned it to me. All I knew was that he had been convicted of assault and that he had served 27 months in the Fairfax County jail.

Contrary to what has been published, I did not intervene with the court. I did not suggest anything to the court. I did not have anything to do with his sentencing. I really did not know and did not inquire, and maybe that is bad judgment. I did not inquire as to the exact nature of the crime.

The sheriff's office in Fairfax County called me and asked me if I would know of any job that I could help this young man get. They wanted to parole him. They said he had been a model rehabilitative prisoner. I gave him a job as a file clerk at \$9,000 a year, and he really blossomed and grew and developed.

Those of the Members who know him found the story hard to conceive,

as I did, when finally just 2 years ago I read in the newspaper the precise nature of that crime. It just did not fit his character. John was married and had two beautiful children. He was wonderfully responsible. I think he had become a very fine person.

Was that bad judgment to hire John? Maybe so. It does not have any thing to do with the rules, but it got all mixed up with it, I do not think though that it is bad judgment to try to give a young man a second chance. Maybe I should have known more about him. But in this case I think he has turned out well.

I do not believe that America really stands for the idea that a person once convicted should forever be condemned, but I think maybe he ought to have a second chance, and that is what I thought in the case of John Mack. Good judgment or bad, I believe in giving somebody a second chance.

Have I contributed unwittingly to this manic idea of a frenzy of feeding on other people's reputations? Have I caused a lot of this? Maybe I have. God, I hope I have not, but maybe I have. Have I been too partisan? Too insistent? Too abrasive? Too determined to have my way? Perhaps. Maybe so.

If I have offended anybody in the other party, I am sorry. I never meant to. I would not have done so intentionally. I have always tried to treat all of our colleagues, Democrats and Republicans with respect.

Are there things I would do differently if I had them to do over again? Oh, boy, how many may I name for you?

Well, I tell you what, I am going to make you a proposition: Let me give

you back this job you gave to me as a propitiation for all of this season of bad will that has grown up among us. Let me give it back to you. I will resign as Speaker of the House effective upon the election of my successor, and I will ask that we call a caucus on the Democratic side for next Tuesday to choose a successor.

I do not want to be a party to tearing up this institution. I love it.

To tell you the truth, this year it has been very difficult for me to offer the kind of moral leadership that our institution needs. Because every time I try to talk about the needs of the country, about the needs for affordable homes—both Jack Kemp's idea and the ideas we are developing here—every time I try to talk about the need for a minimum wage, about the need for day care centers, embracing ideas on both sides of the aisle, the media have not been interested in that. They wanted to ask me about petty personal finances.

You do not need that for a Speaker. You need somebody else, so I want to give you that back, and will have a caucus on Tuesday.

Then I will offer to resign from the House sometime before the end of June. Let that be a total payment for the anger and hostility we feel toward each other.

Let us not try to get even with each other. Republicans, please, do not get it in your heads you need to get somebody else because of John Tower. Democrats, please, do not feel that you need to get somebody on the other side because of me. We ought to be more mature than that.

Let us restore to this institution the rightful priorities of what is good for

this country. Let us all work together to try to achieve them.

The Nation has important business, and it cannot afford these distractions, and that is why I offer to resign.

I have enjoyed these years in Congress. I am grateful, for all of you have taught me things and been patient with me.

□ 1700

Horace Greeley had a quote that Harry Truman used to like:

Fame is a vapor, popularity an accident. Riches take wings. Those who cheer today may curse tomorrow. Only one thing endures: character.

I am not a bitter man. I am not going to be. I am a lucky man. God has given me the privilege of serving in this, the greatest law making institution on Earth, for a great many years, and I am grateful to the people of my district in Texas and grateful to you, my colleagues, all of you.

God bless this institution. God bless the United States.

[Applause.]

Speaker Wright announced his resignation as Speaker on May 31, 1989, effective upon the election of his successor, on June 6, 1989.⁽³⁾ On that day, Speaker Wright conducted the election of his successor; he recognized the chairman of the Democratic Caucus and the chairman of the Republican Conference for nominations for the Office of Speaker, ap-

3. 135 CONG. REC. 10800-803, 101st Cong. 1st Sess.

pointed tellers for an alphabetical roll call vote, announced the result of the vote (at which point his resignation as Speaker became effective), and appointed a committee to escort the Speaker-elect to the chair to be sworn in. The following proceedings occurred:

ELECTION OF SPEAKER

The SPEAKER. Pursuant to the Speaker's announcement of Wednesday, May 31, 1989, the Chair will receive nominations for the Office of Speaker.

The Chair recognizes the gentleman from Pennsylvania [Mr. GRAY].

Mr. [William (Bill) H.] GRAY [III]. Mr. Speaker, as chairman of the Democratic Caucus, I am directed by the unanimous vote of that caucus to present for election to the Office of the Speaker of the House of Representatives the name of the Honorable THOMAS S. FOLEY, a Representative from the State of Washington.

The SPEAKER. The Chair now recognizes the gentleman from California [Mr. LEWIS].

(Mr LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. [Jerry] LEWIS of California. Mr. Speaker, as chairman of the Republican Conference, I am directed by the unanimous vote of that conference to present for election to the Office of the Speaker of the House of Representatives the name of the Honorable ROBERT H. MICHEL, a Representative from the State of Illinois. . . .

The SPEAKER. The Honorable THOMAS S. FOLEY, a Representative

from the State of Washington, and the Honorable ROBERT H. MICHEL, a Representative from the State of Illinois, have been placed in nomination.

Are there any further nominations?

There being no further nominations, the Chair will appoint tellers.

The Chair appoints the gentleman from Illinois [Mr. ANNUNZIO]; the gentleman from California [Mr. THOMAS]; the gentlewoman from Colorado [Mrs. SCHROEDER]; and the gentlewoman from Nebraska [Mrs. SMITH].

The tellers will come forward and take their seats at the desk in front of the Speaker's rostrum.

The roll will now be called, and those responding to their names will indicate by surname the nominee of their choice.

The reading clerk will now call the roll.

The tellers having taken their places, the House proceeded to vote for the Speaker.

The following is the result of the vote:

[Roll No. 73] . . .

The SPEAKER. The tellers agree in their tallies that the total number of votes cast is 417, of which the Honorable THOMAS S. FOLEY, of Washington, has received 251 and the Honorable ROBERT H. MICHEL, of Illinois, has received 164, with 2 voting "present."

Therefore, the Honorable THOMAS S. FOLEY, of Washington, is duly elected Speaker of the House of Representatives, having received a majority of the votes cast.

Elected Officers

§ 9.2 The resignation of an elected officer of the House

(other than the Speaker) is subject to acceptance by the House. In the case of a vacancy among the elected officers of the House, the Speaker is authorized by law to appoint a person "to act as, and to exercise temporarily the duties of" the vacant office until a successor is elected.

On Nov. 18, 2005,⁽²⁾ the House, by unanimous consent, accepted the resignation of Jeff Trandahl as Clerk of the House.

RESIGNATION AS CLERK OF HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore⁽³⁾ laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 18, 2005.
Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I am writing to tender my resignation as Clerk effective upon the appointment of my successor November 18, 2005.

2. 151 CONG. REC. 27489, 109th Cong. 1st Sess.

Pursuant to §208 of the Legislative Reorganization Act of 1946 (2 USC §75a-1), Speaker Hastert appointed Karen L. Haas, of Maryland, to act as Clerk. Mrs. Haas subsequently was elected as Clerk. See *Id.* and 153 CONG. REC. 6, 110th Cong. 1st Sess., Jan. 4, 2007.

3. Lee Terry (NE).

It has been an honor to serve this Institution, its people and the Nation for more than 20 years. I leave knowing the incredible ability of the people who serve here and their commitment to the people they represent.

I will especially depart with a deep sense of admiration and respect for the individuals working in and with the Office of the Clerk. I wish to thank them for their efforts over the last seven years during my tenure as Clerk of the House.

With best wishes, I am

Sincerely,

JEFF TRANDAHL.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

On Mar. 23, 2000,⁽⁴⁾ Speaker pro tempore Ray LaHood, of Illinois, laid before the House a letter of resignation from the Chaplain. Upon its acceptance by the House, the Speaker appointed Father Daniel Coughlin to act as Chaplain and to exercise temporarily the duties of that office.

OFFICE OF THE CHAPLAIN,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 23, 2000.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: During the last 21 years it has been my privilege and honor to serve as Chaplain of the U.S.

4. 146 CONG. REC. 3480, 3481, 106th Cong. 2d Sess.

House of Representatives. I came to the House with a view that the practice of politics can be a noble vocation and should be considered a high calling and I leave with that view strengthened and with my admiration enhanced for the people who serve in government.

I write now to inform you that effective Thursday, March 23, 2000, I resign my office as Chaplain of the House of Representatives.

It has been a singular opportunity to be elected to the position of Chaplain and now to be named Chaplain Emeritus, as I have sought to serve all the Members of the House and to honor their political and religious traditions. The friendships that have begun here have nourished my life and my work and I leave with appreciation for our years together and with a salute for the opportunities of the future.

With every good wish, I remain.

Sincerely,

JAMES D. FORD,
Chaplain.

The SPEAKER pro tempore. Without objection, and with regret, the resignation is accepted. . . .

The SPEAKER. Pursuant to 2 U.S. Code, 75a-1, the Chair appoints Father Daniel Coughlin of Illinois to act as and to exercise temporarily the duties of Chaplain of the House of Representatives.

Business of the preceding Congress transacted after its adjournment *sine die* (including such matters as appointments and communications of resignations and subpoenas) is reflected in the *Congressional Record* on the opening

day of the new Congress under separate headings to show that it is not business of the new Congress. For example, the *Congressional Record* for Jan. 6, 1999,⁽⁵⁾ the first day of the 106th Congress, reflects the resignation of the Clerk in the 105th Congress, effective Jan. 1, 1999, and the appointment of Jeffrey J. Trandahl to act as Clerk and to exercise temporarily the duties of that office.

The text of the communication from the Clerk of the House, dated Dec. 21, 1998, is as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES
Washington, DC, December 21, 1998.

Hon. NEWT GINGRICH,
*Speaker, House of Representatives,
The Capitol, Washington, DC.*

DEAR MR. SPEAKER: I write today to inform you of my decision to end my service as Clerk of the House effective January 1, 1999.

Because of your vision and support, many of the goals you set at the dawn of the 104th Congress have already been achieved, the most significant among them being the amount of immediate legislative information now available to all citizens via the Internet. Many others are well underway and when fully implemented will position this Office to support the efforts of the House in even more dramatic ways as we approach the millennium.

5. 145 CONG. REC. 257, 106th Cong. 1st Sess.

Thank you for providing such a magnificent opportunity for me to be a part of this unique institution.

With warm regards.

ROBIN H. CARLE.

The text of the communication from the Speaker, dated Dec. 21, 1998, is as follows:

OFFICE OF THE SPEAKER,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 21, 1998.

Re temporary appointment of Clerk.

Hon. WILLIAM M. THOMAS,
*Chairman, Committee on House
Oversight, Longworth House Of-
fice Building, Washington, DC*

DEAR BILL: In accordance with 2 USC § 75a-1, I hereby appoint Mr. Jeffrey J. Trandahl to fill the vacancy in the Office of the Clerk of the House of Representatives, effective January 1, 1999. Mr. Trandahl shall exercise all the duties, shall have all the powers, and shall be subject to all the requirements and limitations applicable to the position of Clerk until his successor is chosen by the House and duly qualifies as Clerk.

Please contact Dan Crowley, General Counsel in the Office of the Speaker, if you have any questions.

Sincerely,

NEWT GINGRICH,
Speaker.

On Mar. 12, 1992,⁽⁶⁾ the Speaker laid before the House a letter of resignation from the Sergeant at Arms. Upon its acceptance by the

6. 138 CONG. REC. 5519, 102d Cong. 2d Sess.

House, the Speaker appointed Werner W. Brandt to act as Sergeant at Arms and to exercise temporarily the duties of that office.

U.S. HOUSE OF REPRESENTATIVES,
OFFICE OF THE SERGEANT AT ARMS,
Washington, DC March 12, 1992

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives,
Washington, DC

DEAR MR. SPEAKER: I respectfully submit to you my resignation as Sergeant at Arms of the United States House of Representatives effective March 12, 1992.

It has been an honor and a pleasure to serve the Members of Congress and this institution for the past 25 years.

Thank you.

Sincerely,

JACK RUSS,
Sergeant at Arms.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER. Pursuant to the provisions of the legislative Reorganization Act of 1946, as amended (2 U.S.C. 75a-1), the Chair appoints Werner W. Brandt of Virginia, to act as and to exercise temporarily the duties of Sergeant at Arms of the House of Representatives.

On Feb. 28, 1980,⁽⁷⁾ Speaker pro tempore James C. Wright, Jr., of

7. 126 CONG. REC. 4349, 96th Cong. 2d Sess.

Texas, laid before the House a letter of resignation from the Sergeant at Arms. Upon its acceptance by the House, the Speaker appointed Benjamin J. Guthrie, of Virginia, to act as Sergeant at Arms and to exercise temporarily the duties of that office.⁽⁸⁾

WASHINGTON, D.C.,
February 28, 1980.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: It is with deep personal regret that I submit herewith my resignation as Sergeant at Arms, U.S. House of Representatives, effective at the close of business February 29, 1980.

The decision to resign at this time has been most difficult, and it is done with a feeling of sincere appreciation for having had the privilege of serving the House for more than thirty years.

My thanks to you, Mr. Speaker, to all Members, and to my fellow employees for the many personal courtesies and acts of assistance that have enabled me to perform my assigned duties.

With kind personal regards, I remain,

Sincerely,

KENNETH R. HARDING,
Sergeant at Arms.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection. . . .

8. *Id.* at p. 4350.

The SPEAKER pro tempore. Pursuant to the provisions of the Legislative Reorganization Act of 1946, as amended by Public Law 197 of the 83d Congress, the Chair announces that today the Speaker has appointed, effective March 1, 1980, Benjamin J. Guthrie, of Virginia, to act as and to exercise temporarily the duties of Sergeant at Arms of the House of Representatives.

Without objection, the Chair will now administer the oath.

There was no objection.

The SPEAKER pro tempore. Will the appointee please come to the well of the House and take the oath of office.

Mr. Benjamin J. Guthrie appeared at the bar of the House and took the oath of office.

The SPEAKER pro tempore. The gentleman is the Sergeant at Arms, Acting, of the House.

On Nov. 17, 1975,⁽⁹⁾ the Speaker laid before the House a letter of resignation from the Clerk. Upon its acceptance by the House, the Speaker appointed Edmund Lee Henshaw, Jr., to act as Clerk and to exercise temporarily the duties of that office.

WASHINGTON, D.C.,
November 14, 1975.

Hon. CARL ALBERT,
Speaker, House of Representatives.

DEAR MR. SPEAKER: I hereby submit my resignation as Clerk of the U.S. House of Representatives, effective at the close of business on November 15, 1975.

9. 121 CONG. REC. 36901, 94th Cong. 1st Sess.

With kind regards, I am,

Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

APPOINTMENT AS CLERK OF
U.S. HOUSE OF REPRESENTATIVES

The SPEAKER. Pursuant to the provisions of the Legislative Reorganization Act of 1946, as amended by Public Law 197, 83d Congress (67 Stat. 387, 2 U.S.C. 75a-1(a)), the Chair appoints, effective at the close of business on November 15, 1975, Edmund Lee Henshaw, Jr., of Virginia, to act as and to exercise temporarily the duties of Clerk of the House of Representatives.

Will Mr. Edmund Lee Henshaw, Jr., come to the well of the House to take the oath of office.

Mr. HENSHAW presented himself at the bar of the House and took the oath of office.

On June 30, 1972,⁽¹⁰⁾ the Speaker laid before the House the resignation of the Sergeant at Arms, which was accepted by the House.

WASHINGTON, D.C.,
June 8, 1972.

Hon. CARL ALBERT,
House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I hereby submit my resignation as Sergeant at Arms of

10. 118 CONG. REC. 23665, 92d Cong. 2d Sess.

the U.S. House of Representatives effective at the close of business June 30, 1972.

Sincerely,
 ZEAKE W. JOHNSON, Jr.
Sergeant at Arms.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

The Speaker then announced his appointment of the same Mr. Johnson as temporary Sergeant at Arms to fill the vacancy caused by his own resignation.

The SPEAKER. Pursuant to the provisions of the Legislative Reorganization Act of 1946; as amended by Public Law 197, 83d Congress (67 Stat. 387; 2 U.S.C. 75a-1(a)), the Chair appoints, effective July 1, 1972, Zeake W. Johnson, Jr., of Tennessee, to act as and to exercise temporarily the duties of Sergeant at Arms of the House of Representatives.⁽¹¹⁾

Parliamentarian's Note: Mr. Johnson was reappointed temporarily to his former position until a replacement could be elected.

Non-elected Officers, Officials, and Employees

§ 9.3 The resignation of a non-elected officer or official of the House is not subject to acceptance by the House but

11. Kenneth R. Harding was elected to the office of Sergeant at Arms on Sept. 25, 1972 (H. Res. 1134). *Id.* at p. 32000.

is laid before the House as a matter of information. In the case of a vacancy among a nonelected officer of the House, a new appointment is made as in the first instance.

On May 26, 2005,⁽¹⁾ the Speaker pro tempore⁽²⁾ laid the following communication before the House:

COMMUNICATION FROM INSPECTOR GENERAL, HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. KUHL of New York) laid before the House the following communication from Steven A. McNamara, Inspector General, House of Representatives:

OFFICE OF INSPECTOR GENERAL,
 HOUSE OF REPRESENTATIVES,
Washington, DC, May 16, 2005.

MEMORANDUM

To: Hon. DENNIS HASTERT, Speaker of the House.
 Hon. TOM DELAY, Majority Leader of the House.
 Hon. NANCY PELOSI, Minority Leader of the House.
 From: STEVEN A. MCNAMARA, Inspector General.
 Subject: Notification of Resignation and Retirement.

Please accept my offer of resignation, as the Inspector General for the U.S. House of Representatives, effective May 30, 2005. This date will also be my effective date of retirement from Federal Service.

It has been an honor to serve the House as the Inspector General for the

1. 151 CONG. REC. 11441, 109th Cong. 1st Sess.
 2. John R. Kuhl (NY).

last five years. My goal, and that of my staff, has been to help the House achieve the best use of all the dollars it spends, increase efficiencies, and ensure the health, safety, and security of Members, staff, and visitors. Through the combined support of the House Leadership, the Committee on House Administration, and the hard work of my staff, I believe we have helped the House accomplish its administrative goals.

Now, after slightly more than 35 years of Federal Service, I look forward to a new chapter in my life; the pursuit of a hobby and business venture as a kayak instructor and kayaking guide.

Once again, it has been a great honor to serve the House of the Inspector General for the last five years. It has been a fulfilling and rewarding experience!

On Apr. 1, 2004,⁽³⁾ the Speaker pro tempore⁽⁴⁾ laid before the House the following letter of resignation from John R. Miller, Law Revision Counsel. Pursuant to 2 USC §285c, the Speaker pro tempore appointed Peter LeFevre Law Revision Counsel.

The SPEAKER pro tempore laid before the House the following communication from John R. Miller, Law Revision Counsel, House of Representatives:

OFFICE OF THE LAW REVISION COUNSEL,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 29, 2004.

3. 150 CONG. REC. 6258, 6259, 108th Cong. 2d Sess.

4. Michael Simpson (ID).

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Last October, I completed 28 years of service with the Office of the Law Revision Counsel of the U.S. House of Representatives. During that time, I have had the pleasure of serving as Assistant Counsel, Deputy Counsel, and for the past seven years Law Revision Counsel. After almost 33 years of service to the Federal Government, it has been very difficult to make this decision and select a particular date, but with your approval, I will retire as Law Revision Counsel, effective May 3, 2004.

Over the past seven years, the Office has become self-reliant and greatly improved the procedures for preparing and publishing the United States Code. Self-reliance had been the goal of the Office since it was established in 1975. The Office continues to produce the most accurate version of the Code but no longer requires any outside assistance for its production of the Code. This is the result of developing an outstanding staff as well as new procedures for preparing and publishing the Code. The new procedures and computer programs that have been developed and implemented in the past few years will enable the Office to improve its efficiency while maintaining the accuracy of the Code, and eventually will increase the timeliness in which the Code becomes available. While many challenges remain for the Office in our rapidly changing environment, I am confident that the knowledge, experience, and professionalism of the staff will enable the Office to continue its successes and progress.

Over this period, the Office also has prepared and submitted to the Committee on the Judiciary bills to enact

two titles of the Code into positive law. In addition, a bill to enact a third title should be transmitted to the Committee shortly. Also, nearing completion is a bill to complete the enactment of Title 46, Shipping.

None of this could have been accomplished without the support and expertise of the dedicated staff of the Office. I am deeply grateful for their assistance and wish them every success. Finally, I gratefully acknowledge the assistance and support that I, and the Office, have received from the many House Officers and Offices, especially the Speaker, the Chairman of the Committee on the Judiciary, the Parliamentarian, and the fine staffs of those Offices and the Committee.

Respectfully yours,
JOHN R. MILLER,
Law Revision Counsel.

APPOINTMENT OF LAW REVISION COUNSEL, HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to 2 USC 285c, and the order of the House of December 8, 2003, the Chair announces the Speaker's appointment of Mr. Peter LeFevre as Law Revision Counsel for the House of Representatives, effective May 4, 2004.

On July 31, 1997,⁽⁵⁾ the Speaker laid before the House a letter of resignation from the Legislative Counsel of the House, Mr. David E. Meade. Pursuant to 2 U.S.C.

5. 143 CONG. REC. 17033, 17034, 105th Cong. 1st Sess.

§ 282, the Speaker then appointed Mr. M. Pope Barrow as Legislative Counsel.

U.S. HOUSE OF REPRESENTATIVES,
OFFICE OF THE LEGISLATIVE COUNSEL,
Washington, DC, July 8, 1997.

Hon. NEWT GINGRICH,
*Speaker, U.S. House of Representatives,
U.S. Capitol, Washington,
D.C.*

DEAR MR. SPEAKER: I would like to resign from my position as the Legislative Counsel of the House of Representatives effective July 31, 1997. I would like to continue my service in the Office of the Legislative Counsel as a Senior Counsel.

I will leave my position knowing that my Office is finally fully enabled to provide needed services to the House.

As you know the primary function of the Office is to draft legislation (including amendments and conference reports) which will carry out the policy of the Members involved. Ideally, there would be time for conferences to develop the policy and the persons responsible for the policy would be available. If that can be done it is very satisfactory work to participate in the process. I have taken a real interest in seeing that the Office is able to effectively do its work.

When I joined the Office in 1962 it had 11 attorneys and did not provide services to all the Committees. A good working relationship had been established with only the Ways and Means Committee and the Committee on Commerce. However, through time and the changes in the Committees, the Office has been able to establish good

working relationships with all the Committees. Without a doubt, your actions and those taken by your leadership have facilitated the Office in providing services to the Committees and the Leadership. I think it can be said that the House does not act on significant legislation which has not been a responsibility of an attorney in the Office.

The morale in the Office is quite high because of the action you took on the pay comparability with the Senate and also on account of the Committee responsibilities.

The tutorial process the Office follows with new attorneys allows the new attorney to begin Committee work with a fellow attorney in about a year. When the new attorney graduates to Committee work they feel they have been given a special responsibility.

Now an attorney doing Committee work can readily feel that he or she is making a significant contribution to a public measure.

I am encouraged about continuing in the Office. The Office undertook an extensive audit of its work and the problems presented to it in carrying out its work. As a result of the audit some very interesting work has been developed in communicating our services to the Members. The Office has a web site which provides information about the Office and the services it provides. In addition, we will soon have the capacity to fax material directly from our personal computers. That will relieve us of the time needed to make copies and deliver the work. In addition, the Office has developed a team to mediate differences in the Office. Finally, work has been done in improving the work-

ing conditions of the clerical/administrative staff. Consequently, I think we are doing well and we know what our difficulties are and we are prepared to deal with them.

I have particularly enjoyed serving as the Legislative Counsel under your Speakership.

Sincerely yours,

DAVID E. MEADE,
Legislative Counsel.

The SPEAKER. Pursuant to the provisions of section 521 of the Legislative Reorganization Act of 1970 (2 U.S.C. 282), the Chair appoints Mr. M. Pope Barrow as Legislative Counsel of the United States House of Representatives, effective August 1, 1997.

The Chair would also like to thank Mr. Meade for all his service to the House, and to remind all Members that the work done by the legislative counsels is absolutely essential to the job we do, and without the dedication and hard work and long hours of the legislative counsels, it would be literally impossible to have the legislative process that we now engage in.

On Jan. 7, 1997,⁽⁶⁾ as a matter transacted after the preceding adjournment *sine die*, Speaker Gingrich placed in the *Congressional Record* a letter of resignation from the Law Revision Counsel, Edward F. Willett, Jr. On Dec. 1, 1996, pursuant to statute, and under a previous order of the House,⁽⁷⁾ the Speaker appointed

6. 143 CONG. REC. 189, 190, 105th Cong. 1st Sess.

7. See 142 CONG. REC. 25776, 104th Cong. 2d Sess., Sept. 28, 1996 (H. Res. 546).

Mr. John R. Miller as the new Law Revision Counsel.

U.S. HOUSE OF REPRESENTATIVES
Washington, DC, September 16, 1996.

Hon. NEWT GINGRICH,
*Speaker, U.S. House of Representatives,
Washington, D.C.*

DEAR MR. SPEAKER: This past April, I completed 26 years of service with the House of Representatives, first as Assistant Law Revision Counsel and later as Law Revision Counsel for the Committee on the Judiciary and, since the establishment of the Office of the Law Revision Counsel in 1975, as Law Revision Counsel for the House of Representatives. Together with prior executive branch service, my total service is nearing 38 years. Accordingly, I have concluded it is time to retire. I am most grateful for having had the privilege of serving the House as Law Revision Counsel. With your approval my termination as Law Revision Counsel will become effective November 30, 1996.

Permit me to provide a brief overview of the Office of the Law Revision Counsel. Functions of the Office include the classification of new laws to the United States Code, the preparation and publication of the Code, the preparation of bills to enact titles of the Code into positive law and to repeal obsolete and superseded statutes, and the provision of advice and assistance to the Committee on the Judiciary in carrying out its functions with respect and codification.

The Office functions with a staff of 18, all of whom have been appointed without regard to political affiliation

and solely on the basis of fitness to perform the duties of the position. All have expressed the desire for career service in the Office. This has resulted in low turnover and in a highly motivated, productive staff. My Deputy and the two Senior Counsels have accumulated 60 years of service with the Office. Accumulated service of the seven Assistant Counsels totals 74 years and that of the seven support staff 69 years.

Methods and procedures for the preparation and publication of the United States Code have been modernized. Working with the Government Printing Office, the transition from hot metal to electronic typesetting and composition for printing of the Code was implemented commencing with the 1976 main edition. A computer system was installed in the Office for use in maintaining the code database and updating it to include newly enacted laws. The system permits the text of new laws to be extracted from the bills database and efficiently incorporated into the Code database. Benefits resulting from modernization include increased productivity, virtually error-free text, timelier publication, and substantial reduction in typesetting costs. Main editions of the code were published for 1976, 1982, 1988, and 1994, and annual cumulative supplements were published for each of the intervening years.

The Code database is also utilized for a computerized Code Research and Retrieval system for the legislative branch and for the annual production of the Code on CD-ROM. Response to the availability of the Code on CD-ROM has been exceptional, with thousands being purchased from the Superintendent of Documents at a unit cost

of about \$35. Commencing in January 1995, the Code and the Code classifications of new laws have been made available (utilizing the Code database) on the House Internet Law Library and on the Government Printing Office Internet access. Usage of the House Internet Law Library to access the Code is increasing significantly each month, with user totals for August in excess of 100,000. The Internet Law Library has been the subject of numerous good reviews and comments from both user groups and individual users.

As a result of bills prepared by the Office and transmitted to the Committee on the Judiciary, three titles of the Code have been enacted into positive law without substantive change and numerous obsolete and superseded laws repealed. Assistance was provided to the Committee in connection with the substantive revision and enactment into positive law of a fourth title of the Code. Bills to enact three other titles have been transmitted to the Committee and a bill relating to another title is in preparation.

What has been accomplished could not have been done without the assistance and expertise of an outstanding staff. I am truly indebted to them. The Office has enjoyed a close working relationship with the Committee on the Judiciary with regard to its consideration of bills to enact titles of the Code into positive law, for which I am most appreciative. I also gratefully acknowledge the assistance of the support offices of the House, particularly House Information Resources and the Office of the Legislative Counsel, and of the Government Printing Office.

Respectfully yours,
EDWARD F. WILLETT, Jr.

On Mar. 1, 1989,⁽⁸⁾ Speaker pro tempore Earl Hutto, of Florida, laid before the House a letter of resignation from the Legislative Counsel of the House, Ward M. Hussey. Pursuant to statute,⁽⁹⁾ the Speaker later that day appointed David E. Meade as Legislative Counsel.⁽¹⁰⁾

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, February 16, 1989.

Hon. JIM WRIGHT,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I hereby submit my resignation as Legislative Counsel of the United States House of Representatives effective at the close of business February 28, 1989.

Sincerely yours,
WARD M. HUSSEY,
Legislative Counsel.

For tributes to Legislative Counsel Ward M. Hussey and Deputy Legislative Counsel Lawrence E. Filson on their respective retirements, see § 10.6, *infra*.

For the resignation of Lewis Deschler as House Parliamentarian, effective June 30, 1974, see § 10.3, *infra*. For the resignation of William Holmes Brown as House Parliamentarian, effective

8. 135 CONG. REC. 3084, 101st Cong. 1st Sess.

9. 2 USC § 282.

10. See 135 CONG. REC. 3097, 101st Cong. 1st Sess., Mar. 1, 1989.

Sept. 15, 1994, see § 10.4, *infra*. For the resignation of Charles W. Johnson III as House Parliamentarian, effective May 31, 2004, see § 10.5, *infra*.

§ 9.4 Resignations of certain employees of the House sometimes have been laid before the House as accepted.

On Jan. 22, 1962,⁽¹⁾ the Speaker laid before House the resignation of the Legislative Counsel of the House which was read:

JANUARY 16, 1962.

Hon. JOHN W. McCORMACK,
The Speaker, House of Representatives,
The Capitol, Washington, D.C.

DEAR MR. SPEAKER: I hereby submit my resignation as legislative counsel of the House of Representatives, United States, effective at the close of January 31, 1962.

Sincerely yours,
ALLAN H. PERLEY.

Mr. [Oren] HARRIS [of Arkansas]. Mr. Speaker, I ask unanimous consent that the reply to the letter just read into the RECORD of the Speaker of the House be included at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.
The letter referred to follows:
THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES, U.S.,
Washington, D.C., January 17, 1962.

Mr. ALLAN H. PERLEY,
Legislative Counsel,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. PERLEY: I am in receipt of your letter of January 16 resigning as legislative counsel, House of Representatives, United States, effective at the close of business on January 31, 1962. While I respect very much the reasons which prompted you to take this action, I regret very much you are doing so.

I am well aware of the fact that you have been associated with the office of the legislative counsel since 1925 and from 1949 until the present you have been the legislative counsel. I thoroughly understand the great responsibility of that office, and the tremendous duties devolved upon you. Your life has been dedicated through the House of Representatives in the service of our Government. There is no man who could perform his duties more effectively than you. You have had the respect throughout the years of several Speakers and Members of the House of Representatives. You have my complete respect as you had my confidence.

In accepting your resignation, reluctantly as I do, but respecting your wishes, I want to highly commend you for the outstanding character of service that you have rendered in your most trying, sensitive and important position. I cannot too highly commend you. Speaking for myself, and for the Members of the House of Representatives, I express to you my sincere thanks for service well done. I also extend to you and Mrs. Perley my very best wishes for many future years of happiness,

1. 108 CONG. REC. 584, 87th Cong. 2d Sess.

and in any activities in which you might engage, many years of success to you.

With kind personal regards to you and Mrs. Perley, I am,

Sincerely yours,
JOHN W. McCORMACK,
Speaker.

Minority Employees

§ 9.5 The Speaker lays before the House the resignations of minority employees. Formal acceptance of such resignations is not necessary. The Journal entry shows merely that the letters of resignation were laid before the House.

On Dec. 6, 1973,⁽¹⁾ the Speaker laid before the House the resignation of an employee designated by House resolution as a “minority employee”, the employee having been appointed as Chief of Staff to the Vice President.

WASHINGTON, D.C.,
December 5, 1973.

Hon. CARL ALBERT,
The Speaker,
Washington, D.C.

DEAR MR. SPEAKER: I hereby submit my resignation as one of the Floor Assistants to the Minority, generally known as Minority Sergeant at Arms,

1. 119 CONG. REC. 39927, 93d Cong. 1st Sess. See H. Jour. p. 1780, 93d Cong. 1st Sess.

effective as of the time that the Honorable Gerald R. Ford becomes the Vice President of the United States.

It has been a great privilege to serve the House of Representatives for eight years and as one of the elected minority officers in the 91st, 92d and 93d Congresses. May I express to you my personal thanks for your many courtesies and my sincere regret at having to leave the House which I will always revere and love.

Respectfully,
ROBERT T. HARTMANN,
Assistant to the Minority Leader.

On Jan. 16, 1967,⁽²⁾ Speaker McCormack laid before the House the resignation of a minority employee.

DECEMBER 6, 1966.

Hon. JOHN W. McCORMACK,
The Speaker,
U.S. House of Representatives,
Washington, D.C.

MY DEAR MR. SPEAKER: I feel that the time has come for me to retire from active employment, and it is therefore requested that you accept my resignation as assistant disbursing clerk (minority), United States House of Representatives, as of December 30, 1966.

You may be assured that my nearly twenty years service as an employee of the House has been a most pleasant and gratifying experience.

With all good wishes.

Sincerely yours,
FREDERICK M. KISSINGER.

2. 115 CONG. REC. 444, 445, 90th Cong. 1st Sess. See H. Jour. p. 87, 90th Cong. 1st Sess.

On Oct. 31, 1969,⁽³⁾ the floor assistant to the minority having retired under the provisions of Public Law No. 91-93, Speaker John W. McCormack, of Massachusetts, laid his letter of resignation before the House.

HOUSE OF REPRESENTATIVES,
Washington, D.C., October 30, 1969.

The Honorable the SPEAKER,
U.S. House of Representatives,
Washington, D.C.

SIR: I herewith submit my resignation as floor assistant to the minority, U.S. House of Representatives, effective at the close of business, October 31, 1969.

Respectfully,
HARRY L. BROOKSHIRE.

On Jan. 7, 1958,⁽⁴⁾ Speaker Sam Rayburn, of Texas, laid before the House a communication from Lyle O. Snader, resigning from his position as minority clerk.

OCTOBER 28, 1957.
The Honorable the SPEAKER,
United States House of Representatives,
Washington, D.C.

SIR: I herewith submit my resignation as Minority Clerk, United States House of Representatives, effective at the close of business October 31, 1957.

3. 115 CONG. REC. 32550, 91st Cong. 1st Sess. See H. Jour. p. 1039, 91st Cong. 1st Sess.
4. 104 CONG. REC. 5, 85th Cong. 2d Sess. See H. Jour. p. 14, 85th Cong. 2d Sess.

Respectfully,
LYLE O. SNADER.

§ 10. Tributes

Resignation of a congressional officer or employee may be announced by a Member from the floor, with the opportunity taken to offer tribute.

To the Chaplain

§ 10.1 On his retirement as Chaplain of the House, Dr. James Shera Montgomery was elected Chaplain Emeritus and paid tribute.

On Jan. 30, 1950,⁽¹⁾ the House by resolution appointed Dr. James Shera Montgomery, Chaplain of the House from Apr. 11, 1921, to that date, as Chaplain Emeritus.

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I offer a resolution (H. Res. 453).

The Clerk read as follows:

Resolved, That immediately following his resignation as Chaplain of the House of Representatives, James Shera Montgomery be, and he is hereby, appointed Chaplain emeritus of the House of Representatives, with salary at the basic rate of

1. 96 CONG. REC. 1095-97, 81st Cong. 2d Sess.