

Anything You Can Eat, Drink, or Fornicate In One Afternoon

by Peter Gruenstein and Daniel West

Although even the most minor peccadillos of congressmen are now subject to public scrutiny, few have bothered to monitor the behavior of the anonymous aides who staff congressional committees. These aides, who earn up to \$36,000 a year, write much of Congress' legislation and often have tremendous influence over both the form and substance of bills. Committee staff members are therefore important to lobbyists, sometimes more so than the congressmen themselves. Yet relatively little scrutiny has been given to the relationships between these aides and the lobbyists who swarm around Capitol Hill.

Only five of 39 congressional committees we surveyed have rules prohibiting committee staff members from accepting gifts from special-interest groups or lobbyists. Spokesmen for the committees without restrictions on gifts generally argue that such rules aren't necessary.

"We count on the integrity of staffers," remarked George Murphy,

Jr., of the Joint Committee on Atomic Energy. "We're like Caesar's wife down here," said Howard Greenberg of the House Small Business Committee in arguing that a rule would be superfluous because staff members on his committee are personally above suspicion. Jack Swigert, executive director of the House Science and Technology Committee, said it is difficult to precisely define a conflict of interest. He added that if anything arises which might involve a possible conflict, the staff member is encouraged to talk to him about it. Swigert added, "Oh, there's nothing that I actually see. But, hell, I'm sure it goes on."

Some committee staff spokesmen take an ostrich-like approach on the whole issue. John Martin, staff director of the House Ways and Means Committee, which has no rules on gifts, said: "Well, I suppose it goes on. But I don't want to know anything about it." Dudley O'Neal of the Senate Banking Committee said: "Over the years, I guess just about every organization we do business with has sent up a case of whiskey at Christmas. . . . If presents are given to staffers outside of this office, I

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wouldn't know about it. Furthermore, I wouldn't care."

There is general agreement among committee aides that lunches and bottles of liquor provided by lobbyists are both common and permissible. Several aides cited the so-called Douglas Rule—"anything you can eat, drink, or fornicate in one afternoon is acceptable." The rule is named after the former Senator Paul Douglas of Illinois.

In contrast, the executive branch strictly prohibits federal employees from accepting virtually anything from individuals or corporations doing business with the government. Executive Order 11222, signed by President Johnson on May 8, 1965, reads in part: "No employe shall solicit or accept, directly or indirectly, a gift, gratuity, favor, loan, or any other thing of monetary value, from any person, corporation or group. . . ."

No rule similar to Executive Order 11222 has ever been seriously considered by either the House or Senate. "You have to rely on a person's sense of professional responsibility," said William Webber of the Senate Banking Committee. This is one of the main arguments set forth by opponents of strict committee or congressional prohibitions on gift-giving.

The risk that "professional responsibility" may lie only in the eye of the beholder is apparent from the following incidents:

William Webber attended, along with his wife, last fall's convention of the American Bankers Association (ABA) in Honolulu. (Tony Cluff, another Banking Committee staff member, and his wife also attended the convention.) Webber was given round-trip tickets, a room at the plush Hilton Village Hotel and a liberal expense account in exchange for making a brief presentation on banking legislation past and present.

Webber acknowledged in retrospect that the trip could raise conflict-of-interest problems. But when asked if he would accept from the bankers, say, a color television

Webber said, "No way." Then what's the distinction between a free television set and a much more expensive Hawaiian holiday? "I can see no legislative purpose in accepting a television." And, "besides," he continued, "the fact it was held in Hawaii is fortuitous."

Webber and Cluff were not the only Banking Committee staff members in Hawaii for the ABA convention. Carl Coan, a top lawyer on the Housing Subcommittee, had gone to Honolulu for a meeting of the National Savings and Loan League, which had also paid his expenses. In exchange, he spoke briefly on the Housing Act of 1974. Coan then stayed in town for the ABA convention and was paid a \$25 per diem by the Committee as an "observer." He then took several days vacation. Altogether he stayed in Hawaii for about two weeks. He, too, acknowledged that this might raise questions of impropriety. "But where do you draw the line?" he asked.

The Banking Committee, however, under new chairman Senator William Proxmire, is grappling with the problem. At a committee organizational meeting earlier this year, chief staff counsel Ken McLean proposed that all staff travel be paid for out of committee funds unless the aide is a bona fide participant in a trade association meeting.

McLean admitted that the rule did not go far enough. But, he argued that since gifts from lobbyists were "standard operating procedure, it's hard to turn it around."

Up, Up and Away

In another case, last November 18, House and Senate aides were flown to the West Coast on Air Force planes for a four-day, all-expense-paid outing that included a Las Vegas rendezvous with defense industry lobbyists. The weekend trip was designed by Air Force promoters to give the aides an opportunity to visit several West Coast defense installations. Among the par-

ticipants were committee staffers and congressional aides who work closely with defense-related appropriations. In Las Vegas, the aides were wined and dined and attended shows, all courtesy of representatives of such high-powered defense contractors as Fairchild, Hughes, General Dynamics, Ling-Temco-Vought and Northrop. The Air Force paid for travel and hotel accommodations, but much of the liquor and entertainment came out of the lobbyists' pockets.

Martin Lobel, a former energy aide to Senator William Proxmire, told of his first contact with an oil industry lobbyist soon after going to work for Proxmire in 1969. Lobel telephoned Humble (now Exxon) lobbyist John Knodell with some questions about the oil import quota system, which was strongly supported by the major oil companies. Knodell suggested lunch, and two days later Lobel met with Knodell and five other Humble employees—three from Houston and two from New York—all flown in especially to answer Lobel's query. The seven-man party occupied the entire top floor of the 116 Club, an exclusive lobbyists' gathering spot on Capitol Hill. According to Lobel, his questions were answered with charts and slides, as well as steak and ample quantities of liquor. Lobel, in a word, was "overwhelmed."

The mysterious 116 Club, which gets its name from the 116 lobbyists who belong to it, has been called the "headquarters of subterranean power" by *The New York Times*. In addition to the lobbyists, 60 Capitol Hill and other government employees belong to the club, whose membership list is secret. One of the club's members says: "Much of the major congressional legislation affecting billions and billions of dollars is either written or influenced there." This means, of course, free lunches, like the one Lobel enjoyed—a practice rigorously defended by almost everyone involved as both harmless and necessary to maintaining contact between staff and lobbyists. But one former Capitol Hill

staff member recalled a lunch he enjoyed with a major oil company lobbyist at the Sans Souci, one of Washington's most exclusive French restaurants, where the bill came to \$225.

The Friendly Skies

Another bonanza for committee staffers is the inaugural flight of an airline's new route. Thomas Kingfield, a staff member of the House Appropriations Transportation Subcommittee, flew on such a flight to Frankfort, Germany, in late 1973.

When initially asked if he'd ever been offered a free flight by an airline, Kingfield said he hadn't. "In fact, I've turned down a couple of things I thought might be construed as a conflict of interest." But reminded that his name, as well as that of his wife, appears on a passenger list of a Pan American inaugural flight to Frankfort, Germany, in late 1973, Kingfield fell silent for a moment. "I'm sorry. I did take that flight," he acknowledged. The first-class tickets which Kingfield received free, courtesy of Pan Am, were worth more than \$2,000. Kingfield's committee job requires him to deal "on a regular basis" with Pan Am lobbyists.

Lee Wilbur, another staff aide on the Transportation Subcommittee, and his wife were also on the Frankfort inaugural flight. He described his committee role as one of "a catalyst between the airline companies and committee members." On May 9 of last year, the Wilburs took another free round-trip flight. This one, courtesy of Trans World Airlines, was from New York to the Spanish coastal resort town of Malaga. The two first-class tickets would have cost a paying customer over \$2,200. Wilbur said it is easy to distinguish between "gifts and gratuities," which he won't accept, and free air travel. "Gifts are positively corruptive," while free air fares are "harmless, or at least only potentially corruptive," he said.

What effect have these trips had on his job performance? "None at all," he said initially. But in talking about his committee responsibilities a short time later, Wilbur said, "I guess I'm a little more available to airline lobbyists than some of the other staffers."

Committee aide Lewis Berry and his wife landed a \$2,186 free round-trip flight from New York to Dublin, Ireland, on TWA in October 1974. Speaking of his committee colleagues, Berry said, "The thing is, they all do it. Everybody who's been around here for a while has taken these free flights."

House Commerce Committee's chief clerk, Ed Williamson, also spent a week in Dublin with his wife last October. Again, TWA picked up the air fares. Two months after Williamson returned from vacation, the House passed by a slender margin controversial legislation allowing the Civil Aeronautics Board to grant an airmail rate increase worth millions of dollars to TWA. The bill originated in Williamson's committee.

Inaugural flights are just the tip of the iceberg. Like some of their congressional employers, committee staff members are regular passengers on corporate-owned jetliners. Since passenger lists on private flights are not public information, specific incidents of this kind of "hitchhiking" are difficult to trace. But spokesmen for two major Texas corporations—Ling-Temco-Vought and Tenneco—said that committee aides regularly take advantage of their round-trip flight between Washington and Dallas or Houston.

Several things are clear from these stories. One is that without specific rules against the acceptance of gifts from lobbyists and corporations this kind of behavior will continue indefinitely. For the congressional staff member such trips are a way that he can live like his boss. And for the lobbyist, courting committee staff is good business. After all, they do much of the actual legislative work of Congress and it doesn't cost much to win their eternal gratitude. ■

THE SCREWING OF THE AVERAGE MAN

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Memo of the Month



United States Department of the Interior

NATIONAL PARK SERVICE
WASHINGTON, D.C. 20240

IN REPLY REFER TO:
F34-AC

Memorandum

To: Directorate
From: Associate Director, Administration
Subject: Professional Services Carryover Projects, FY 1975 to FY 1976

We understand that DSC is managing its funding by PWE within the total program for a given region to make adjustments between approved projects. PC/IP's are still required to add, drop or defer a project.

In estimating carryover projects funded from "no-year" appropriations, DSC will, in effect, show a distribution of its anticipated June 30 unobligated balance by PWE within region to projects needing to be completed in FY 1976.

When the regions establish priorities for their combined "carryover plus new program" for FY 1976, it will be their prerogative to make adjustments within the total funding to be available from both FY 1975 and 1976 within PWE.

As in the past, during the course of the fiscal year, WASO may approve adjustments between primary work elements by covering this from WASO reserves or by trade-offs between regions.



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