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Mike Mansfield 1903-2001

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CONGRESSIONAL RECORD — SENATE

1963

Mr. MANSFIELD. That is correct—I hour on all amendments and on the bill. I so request, Mr. President.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The unanimous-consent agreement as subsequently reduced to writing is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, that effective at 12:15 p.m., on Friday, October 11, 1963, at the conclusion of routine morning business, during the further consideration of the bill (S. 1588) to remove the $10 million limitation on programs carried out under section 16(e) (7) of the Soil Conservation and Domestic Allotment Act for 1964 and subsequent calendar years, debate on any amendment, motion, or appeal, except a motion to lay on the table, be limited to 1 hour, to be equally divided and controlled, respectively, by the majority and minority leaders or some Senators designated by them: Provided further, That no amendment that is not germane to the provisions of the said bill shall be received.

ASSISTANCE TO INSTITUTIONS OF HIGHER LEARNING

Mr. DIRKSEN. If the majority leader will yield a few moments, let me say I understand that when action on Senate bill 1588 is completed, the Senate will resume the consideration of the aid to education bill, and it is my further understanding that the distinguished Senator from North Carolina (Mr. Ervin) has two or three amendments to offer, and there may be other amendments. So I wonder whether the majority leader can provide us with respect to the consideration of amendments and any rollcalls on Friday.

Mr. MANSFIELD. Yes. There may be a yeas-and-nay vote on the soil conservation bill, although the indications are that there will not be. But if it will be of any assistance, I shall do this only with the consent of the distinguished chairman of the committee, who will be happy to do so. I shall be willing, if he will be, to consider a unanimous-consent agreement to have the Senate start voting on the amendments after the convening of the Senate on Monday, with 1 hour on each amendment. Is that satisfactory?

Mr. ERVIN. That would be all right on each amendment; but there will be considerable debate on the bill.

Mr. MANSFIELD. Yes. How about 1 hour on each amendment and 4 hours on the bill?

Mr. ERVIN. I am not sure about that. In other words, the general debate will probably take longer than that.

Mr. MANSFIELD. There will be plenty of time for debate tomorrow, because the Senate will be in session for some hours then, and most of the debate then will be on the bill.

Does the Senate have a suggestion to make?

Mr. DIRKSEN. If I may respectfully suggest the majority leader.

Mr. MANSFIELD. Then, Mr. President, I ask unanimous consent that there be ½ hour on each amendment and 4 hours on the bill, and that the time limitation become effective beginning at 12 o'clock noon on Tuesday next.

The PRESIDING OFFICER. And with the regular provisions included?

Mr. MANSFIELD. Yes.

Mr. KEATING. Let me ask the majority leader what is intended for Monday.

Mr. MANSFIELD. Debate on this bill, because I understand there will be a great deal of debate, for many Senators are interested in it. I know the distinguished Senator from New York is.

However, I point out that, as always—and this bill is no exception—the leadership finds itself in a bind, and this is the best arrangement we can make and still have it of benefit to the majority of Senators. Unfortunately, we are requested to do or not to do this, or that, on Monday, Tuesday, Wednesday, Thursday, or Friday—all without any agreement, all without any agreement, all without any agreement.

So this is the situation with which we are confronted, and we must try to work out some arrangement. I do not believe I have ever interposed an objection to a unanimous-consent request.

Mr. MANSFIELD. The Senator from New York is in the Chamber every day of the year.

Mr. KEATING. But I have very important plans for Tuesday. I wonder whether we could dispose of the amendments on Monday, instead of just debating the bill then. I do not believe I have ever interposed an objection to a unanimous-consent request.

Mr. MANSFIELD. The Senator from New York is correct; he has not done so. I would not blame him for interposing an objection at this time. If he does, it will be thoroughly understood, and it will just be one of the facts of life with which we shall have to live.

Mr. KEATING. When the distinguished majority leader puts the matter that way, I cannot bring myself to object.

Mr. MANSFIELD. Oh, no.

Mr. KEATING. I do not believe that one Senator has the right to place his own convenience, object. So I shall have to cancel this engagement.

Mr. MANSFIELD. If the Senator from New York wishes me to do so, I will do my very best to see that he gets a live pair, if he cannot get back in time.

Mr. KEATING. If the votes will be taken later in the day, I believe I can get back in time.

Mr. MANSFIELD. I assure the Senator that there will be votes later in the day.

The PRESIDING OFFICER. Mr. Nelson in the chair.

Mr. WILLIAMS of Delaware. Mr. President, there will be votes later in the day.

Mr. MANSFIELD. I yield to the Senator from Delaware.

AUTHORIZED TO STUDY AND INVESTIGATE FINANCIAL OR BUSINESS INTERESTS OF OFFICERS AND EMPLOYEES OF THE SENATE

Mr. WILLIAMS of Delaware. Mr. President, we in America are extremely fortunate in that we have the best forms of government ever conceived by mankind.
But that form of government will stand only so long as its public officials respect the integrity of their offices and it can hold and maintain the confidence of the American people.

In recent weeks we have seen publicized rather serious charges of questionable actions by an employee of the U.S. Senate. The Senate, which has never been reduced to a task of determining the status of its executive branch when questions were raised concerning the propriety of its conduct, has an even greater responsibility to examine these charges and determine whether or not any employee is being made against one of its own employees.

To ignore these charges would be a reflection on the integrity of the entire membership of the U.S. Senate. The Senate employee against whom the charges were made would be denied the opportunity to appear in person to answer these charges but he rejected this invitation and instead submitted his resignation.

But these questions still remain and they must be answered. The Senate and the American people have a right to know to what extent public interest has been ignored.

I will not repeat the multitude of rumors circulating the Capital, none of which should be accepted as factual until proven, but none of which are so unimportant that they can be ignored without being fully checked.

The allegations can and should be submitted to a committee of the Senate and to the Department of Justice for their examination. The record must be made and the Senate does not consider this case closed merely by the resignation of an employee.

The integrity of the U.S. Senate is at stake.

Mr. President, with the consent of the leadership, I send to the desk a resolution, which I ask to have stated, following which I shall ask for its immediate consideration.

The PRESIDING OFFICER (Mr. Borkers in the chair). The resolution submitted by the Senator from Delaware will be stated.

The legislative clerk read the resolution (S. Res. 212), as follows:

Resolved, That the Committee on Rules and Administration or any duly authorized subcommittee thereof is authorized and directed to make a study and investigation with respect to any financial or business interests or activities of any officer or employee or former officer or employee of the Senate, for the purpose of ascertaining (1) whether any such interests or activities have involved conflicts of interest or other impropriety, and (2) whether additional laws, rules, or regulations are necessary or desirable for the purpose of prohibiting or restricting any such interests or activities. The report to the Senate at the earliest practicable date the results of its study and investigation together with such recommendations as it may deem desirable.

Mr. WILLIAMS of Delaware. Mr. President, I shall ask for immediate consideration of this resolution. Other resolutions are pending in the Committee on Rules and Administration, among which is the resolution (S. Res. 5), submitted by the Senators from New York [Mr. JAVITS and Mr. KEATING].

There are other resolutions, from other Senators, all of which can be appropriately studied concurrently not only with employees, but also with Members of Congress.

Mr. President, I ask for immediate consideration of the resolution which I shall ask for its immediate consideration. Mr. WILLIAMS of Delaware. I yield. Mr. MANSFIELD. To those the Senator named, the distinguished Senators from New York [Mr. JAVITS and Mr. KEATING], I should like to add the name of the distinguished Senator from Oregon [Mr. Morse], who for well over a decade, if not for almost two decades, has introduced similar proposed legislation, and also other Senators on this side of the aisle.

There is no man of higher moral principles, of greater personal integrity, than the Senator from Delaware [Mr. WILLIAMS]. Every Senator knows of his deep and obvious concern for any question which might affect the fiscal integrity of the U.S. Government. Time and again, he has acted to extirpate anything which might reflect adversely on it.

He is entirely within his rights, of course, in seeking a resolution for any questions which he proposed. In doing so, I am sure he has in mind this same crusade for integrity with which he has so long been identified, with the Senator that the subject to which his resolution is addressed clearly needs study.

In this connection, I would read to the Senate a letter dated October 4, 1963, which I sent by safe hand to the able and highly respected chairman of the Rules Committee. He is, as I am sure the Senator from Delaware would appreciate, a Senator no less concerned than any other Member with the integrity of this institution.

Hon. B. EVERT JORDAN, Chairman, Senate Committee on Rules and Administration, Washington, D.C.

DEAR EVERETT: As you are no doubt aware, questions have been raised about the possible conflicts of interest of Senate employees.

This unfortunate situation seems to me to have arisen in part at least because we have not as a body clarified the matter of possible conflicts of interest of Senate employees in their official capacities and their private financial interests and activities. Let me make clear that I do not refer to Senate employees on the personal staff of any Member of the Senate, each of whom is fully competent to arrange these matters within his own office in accordance with law and the Senate rules. But what I have in mind are the staff employees of Senate committees and subcommittees, who are now quite numerous, and the staffs of both the majority and minority structures as well as nonpartisan officials of the Senate as a whole.

I know that you, EVERETT, and the other members of your committee have the high interests of the Senate always in mind and will study this question and make whatever recommendations in connection therewith you deem appropriate. Please be assured of my full support in any efforts which you may make in this connection.

With best personal wishes, I am, Sincerely yours, MIKE MANSFIELD.
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The PRESIDING OFFICER. Is there an objection to the request by the Senator from Oregon? The Chair hears none, and it is so ordered.

(SSee exhibit.)

Mr. KEATING. I shall conclude in a moment.

Regardless of any particular episode, we shall be concerned with these situations unless we come to grips with the problem. It always seems to require prodding from some unfortunate experience of some kind to ensure action. I am glad the distinguished Senator from Oregon has brought up this subject. I hope the prod is now sufficient to cause action to take place.

I recognize that there are differences between the executive and the legislative branches. The identical rules cannot apply to the two, but the standards and principles which we can devise can a code of ethics or a set of rules to govern our conduct and the conduct of employees primarily for the purpose of punishing those who do not live up to the code—and I would hope that would never happen—but also for guidance in many borderline cases, which raise questions. We need guidelines and machinery such as the professional associations have, to guide Members of Congress and their staffs as to what is appropriate and proper. If we had such guidelines, I am sure a vast majority would live up to them.

I am glad the Senator has raised this point.

Mr. MORSE. I could not agree with the Senator from New York more completely.

* * *

SEC. 1. (a) It shall be the duty of the joint committee to secure unwarranted privileges or exemptions for themselves or others.

SECTION 2. (a) There shall be a joint congressional committee, to be known as the Joint Committee on Ethics, composed of seven Members of the House of Representatives, appointed by the Speaker of the House of Representatives, and seven Members of the Senate, appointed by the President of the Senate, and seven Members of the House of Representatives and seven Members of the Senate, appointed by the Speaker of the House of Representatives.

Powers and Duties

SEC. 3. (a) It shall be the duty of the joint committee to undertake a thorough study and investigation of the ways and means by which the policy objectives set forth in section 1 of this resolution can be more fully insured in the conduct of the public business in the legislative branch.

Establishment of Joint Committee on Ethics

Mr. MORSE. I join the distinction of the joint committee to undertake a thorough study and investigation of the ways and means by which the policy objectives set forth in section 1 of this resolution can be more fully insured in the conduct of the public business in the legislative branch.

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be served by any person designated by him. Amounts appropriated for the expenses of the joint committee shall be disbursed one-half by the Clerk of the House and one-half by the Clerk of the Senate.

(b) The joint committee shall have the power to sit at any place within the United States, and to make such expenditures as it deems necessary and advisable in the performance of its duties, and to make to such persons and to provide for such services, aids and appliances as it may deem necessary for the performance of its duties.

LIMITATION OF JOINT COMMITTEE'S POWERS

Sec. 5. The joint committee shall have no power of enforcement with respect to any Member of Congress or officer or employee of the legislative branch, and such power is reserved with respect to its Members, officers, or employees to each House or to any committee thereof which has been designated to carry out such functions.

INTERIM CODE OF ETHICS

Sec. 6. For the purposes of guidance for Members of Congress and officers and employees of the legislative branch, and for the period during which the joint committee is considering the provisions of an appropriate code for Members of Congress and officers or employees of the legislative branch, the Congress hereby adopts the following standards of conduct for such officers, employees, or persons:

(1) No Member of Congress, or officer or employee of the legislative branch should have any interest, financial or otherwise, directly or indirectly, in any business transaction, or professional activity or incur any obligation of any nature whether financial or otherwise, which he is under any obligation of any nature to guard or protect or which he can improperly use or disclose, or which he can improperly control or who, with his acquiescence, makes use of such information for private purposes.

(2) No Member of Congress, or officer or employee of the legislative branch shall disclose or acquire confidential information which is received by reason of his official position or authority.

(3) A Member of Congress, or officer or employee of the legislative branch, shall not accept any gift, loan, or other benefit or engage in any business or professional activity which will tend to impair his independence of judgment in the exercise of his official duties.

(4) No Member of Congress, or officer or employee of the legislative branch of the Government shall act as a broker or engage in any business or professional activity which will tend to impair his independence of judgment which he has gained by reason of his official position or authority.

(5) A Member of Congress, or officer or employee of the legislative branch of the Government shall not make or attempt to make any political contribution.

(6) A Member of Congress, or officer or employee of the legislative branch of the Government shall endeavor to pursue a course of conduct which will not give reasonable cause for belief that he is likely to violate his official duties.

(7) Any Member of Congress, or officer or employee of the legislative branch of the Government shall not engage in any activity which is subject to the jurisdiction of a regulatory agency, and shall file with the Comptroller General a statement containing a description of such activity and the interest in such reasonable detail, and in accordance with such regulations as shall be prescribed by the Comptroller General. As used herein, the term "regulatory agency" shall include such agencies as shall be designated by the Comptroller General, which list shall be published in the Federal Register as soon as practicable.

S. 148

A bill to require Members of Congress, certain other officers and employees of the United States, and certain officials of political parties to file statements disclosing the amount and sources of their incomes, the value of their assets, and their dealings in securities and commodities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each Member of the Senate and House of Representatives (including each Delegate and Resident Commissioner and each officer and employee of the United States who (1) receives a salary at a rate of $10,000 or more per annum in connection with service in GS-15 or above, and each officer in the Armed Forces of the rank of colonel, or its equivalent, and each statutory, judicial, or other officer of the national committee of a political party shall file annually with the Comptroller General a report containing a full and complete statement of—

(1) the amount and sources of all income and gifts (of $100 or more in money or value, or in the case of multiple gifts from one person, aggregating $100 or more in money or value) received by him or any person on his behalf during the preceding calendar year;

(2) the value of each asset held by him or transferred to him, and any other person and the amount of each liability owed by him, or by him together with any other person as of the close of the preceding year; and

(3) the amount and source of all contributions during the calendar year to any person who received anything of value on his behalf or subject to his direction or control or with his concurrence, making payments for any liability or expense incurred by him.

Sec. 2. Each person required by the first section to file reports shall, in addition, file semiannually with the Comptroller General a report containing a full and complete statement of all dealings in securities or commodities by him, or by any person acting on his behalf or pursuant to his direction, during the preceding six-month period.

Sec. 3. (a) Except as provided in subsection (b), the reports required by the first section of this Act shall be filed not later than March 1 and September 1 of each year for the six-month period ending June 30 of such year, and not later than January 31 of each year for the six-month period ending December 31 of the preceding year.

(b) In the case of any person required to file reports under subsection (a) whose service terminates prior to the date prescribed by subsection (a) as the date for filing any report, such person shall file a report on the last day of such person's service, or on such later date, not more than three months after the termination of such service, as the Comptroller General may prescribe.

Sec. 4. The reports required by this Act shall be made available to the public at such times and in such form as the Comptroller General may prescribe. The Comptroller General may provide for the dissemination of the reports by the news media for the purpose of informing the public of the names of persons who have filed reports, the amounts and sources of their incomes, assets, liabilities, and dealings in securities or commodities, when separate identification is necessary for an accurate disclosure of a person's income, assets, liabilities, or dealings in securities, or commodities.

Sec. 5. Any person who willfully fails to file, or who willfully and knowingly makes a false report shall be fined not less than $2,000 or imprisoned for not more than five years, or both.

Sec. 6. (a) As used in this Act—

(1) The term "income" means gross income as defined in section 22(a) of the Internal Revenue Code.

(2) The term "security" means security as defined in section 2 of the Securities Act of 1933, as amended (U.S.C. title 15, sec. 77b).

(3) The term "commodity" means commodity as defined in section 2 of the Commodity Exchange Act, as amended (U.S.C. title 7, sec. 2).

(4) The term "dealings in securities or commodities" means any acquisition, holding, withholding, use, transfer, disposition, or other transaction involving any security or commodity.

(5) The term "person" includes an individual, partnership, trust, estate, association, corporation, or society.

(b) For the purposes of any report required by this Act, a person shall be considered to be a Member of the Senate or House of Representatives, an officer or employee of the United States and of the armed services as described in the first section of this Act, or a member, chairman, or other officer of the national committee of a political party, if he served (with or without compensation) in any such position during the period to be covered by such report, notwithstanding that his service may have terminated prior to December 31 of such calendar year.

Sec. 7. The Comptroller General shall have authority to issue, revise, and amend rules and regulations governing the publication of reports, or any part of them. He shall prescribe fees to cover the cost of reproduction. In formulating such rules and regulations, he shall seek to reduce the possibility of duplication of reports for purposes of informing the public and agencies and officials of the Federal and local Government, and to minimize use of such records for private purposes.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the Record Senate Concurrent Resolution 5, submitted by me and my colleague [Mr. KEATING] on January 16, 1963.

There being no objection, the concurrent resolution was ordered to be printed in the Record, as follows:

Resolved by the Senate (the House of Representatives concurring),

POLICY AND PURPOSE

Section 1. (a) One of the most vital concerns of a free and representative government is the maintenance of moral and ethical standards for those in power, which are above cause for reproach and warrant the confidence of the people. The