line credit cards which had been issued to the Committee on Education and Labor and notified its Chairman[12] that all future travel must be specifically approved by the Committee on House Administration prior to undertaking the travel.[13]

The reason for the action was set forth in a report prepared by a select committee in the 90th Congress:[14]

> During the 89th Congress open and widespread criticism developed with respect to the conduct of Representative Adam Clayton Powell, of New York. This criticism emanated both from within the House of Representatives and the public, and related primarily to Representative Powell's alleged contumacious conduct toward the courts of the State of New York and his alleged official misconduct in the management of his congressional office and his office as chairman of the Committee on Education and Labor. There were charges Representative Powell was misusing travel funds and was continuing to employ his wife on his clerk-hire payroll while she was living in San Juan, P.R., in violation of Public Law 89–90, and apparently performing few if any official duties.

§ 10. Communications With Federal Agencies

Guidelines relative to communications that may properly be made by a Member to a federal agency on behalf of a constituent have been issued by the Committee on Standards of Official Conduct:[15]

> REPRESENTATIONS
>
> This Committee is of the opinion that a Member of the House of Representatives, either on his own initiative or at the request of a petitioner, may properly communicate with an Executive or Independent Agency on any matter to:
>
> Request information or a status report;
>
> Urge prompt consideration;
>
> Arrange for interviews or appointments;
>
> Express judgment;
>
> Call for reconsideration of an administrative response which he believes is not supported by established law, Federal Regulation or legislative intent;
>
> Perform any other service of a similar nature in this area compatible with the criteria hereinafter expressed in this Advisory Opinion.
>
> PRINCIPLES TO BE OBSERVED
>
> The overall public interest, naturally, is primary to any individual mat-

12. Adam Clayton Powell (N.Y.).

13. H. REPT. NO. 27, 90th Cong. 1st Sess.

14. *Id.* at p. 1.

15. The Chairman (Melvin Price [Ill.]) of the Committee on Standards of Official Conduct inserted in the *Congressional Record* an advisory opinion, promulgated by that committee pursuant to Rule XI clause 19(e)(4), establishing guidelines for Members and employees in communicating with departments and agencies of the executive branch on constituent matters. 116 CONG. REC. 1077, 1078, 91st Cong. 2d Sess., Jan. 26, 1970 [H. Res. 796].

ter and should be so considered. There are also other self-evident standards of official conduct which Members should uphold with regard to these communications. The Committee believes the following to be basic:

1. A Member's responsibility in this area is to all his constituents equally and should be pursued with diligence irrespective of political or other considerations.

2. Direct or implied suggestion of either favoritism or reprisal in advance of, or subsequent to, action taken by the agency contacted is unwarranted abuse of the representative role.

3. A Member should make every effort to assure that representations made in his name by any staff employee conform to his instruction.

CLEAR LIMITATIONS

Attention is invited to United States Code, Title 18, Sec. 203(a) which states in part: "Whoever . . . directly or indirectly receives or agrees to receive, or asks, demands, solicits, or seeks, any compensation for any services rendered or to be rendered either by himself or another—

(1) at a time when he is a Member of Congress . . . or

(2) at a time when he is an officer or employee of the United States in the . . . legislative . . . branch of the government . . . in relation to any proceedings, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest, before any department, agency, court-martial, officer, or any civil, military, or naval commission . . .

Shall be fined not more than $10,000 or imprisoned for not more than two years, or both; and shall be incapable of holding any office of honor, trust, or profit under the United States."

The Committee emphasizes that it is not herein interpreting this statute but notes that the law does refer to *any compensation, directly, or indirectly, for services by himself or another*. In this connection, the Committee suggests the need for caution to prevent the accrual to a Member of any compensation for any such services which may be performed by a law firm in which the Member retains a residual interest.

It should be noted that the above statute applies to officers and employees of the House of Representatives as well as to Members.

In 1970, Martin Sweig, who had served as administrative assistant to Speaker John W. McCormack, of Massachusetts, until October 1969, was acquitted in federal district court in New York of conspiracy in connection with certain activities conducted from the Speaker's office. Mr. Sweig and Nathan Voloshen had allegedly been engaged in a practice whereby Mr. Voloshen, in exchange for the receipt of fees from persons with matters before government agencies, promised to exert the influence of the Speaker's office in respect to such agencies.[16]

16. *U.S.* v *Sweig*, 316 F Supp 1148 (D.C. S.N.Y. 1969).