

ed that the pleadings presented several main issues, namely:

Did the Contestee [Thomas M. Eaton] violate the Corrupt Practices Act of the State of California?

Did the Contestee violate the Federal Corrupt Practices Act? Did the violation of either or both acts directly or indirectly deprive the contestant from receiving a majority of the votes cast at [the] election?⁽²⁰⁾

The committee summarily ruled that the contestant had failed to meet the burden of proof and to establish by a fair preponderance of the evidence the issues raised.⁽¹⁾

A resolution declaring that the contestee was elected was reported to the House but was not acted upon.⁽²⁾ Mr. Eaton had been sworn in at the convening of the Congress.⁽³⁾

§ 7.4 An elections committee admonished a contestee who signed under oath an expenditure statement to be filed with the Clerk when the contestee did not know its contents or the irregularities therein.

In the 78th Congress, the Committee on Elections No. 3 in a re-

²⁰ H. Rept. No. 1783.

1. *Id.*

2. 86 CONG. REC. 2885, 76th Cong. 3d Sess., Mar. 14, 1940.

3. 84 CONG. REC. 12, 76th Cong. 1st Sess., Jan. 3, 1939.

port admonished a contestee who signed under oath an expenditure statement to be filed with the Clerk of the House when he was not familiar with its contents or the irregularities therein.⁽⁴⁾ Said the committee:

Neither does it (Committee on Elections No. 3) attempt to condone the action of the contestee, Mr. McMurray, in signing under oath the statement filed with the Clerk of the House of Representatives, without being familiar with the contents of the statement or the irregularities which it contained.⁽⁵⁾

§ 8. Financial Matters; Disclosure Requirements

The House rules (Rule XLIV) require the disclosure, each year, of certain financial interests by Members, officers, and principal assistants. They must file a report disclosing the identity of certain business entities in which they have an interest, as well as certain professional organizations from which they derive an income.⁽⁶⁾

4. 90 CONG. REC. 962, 78th Cong. 2d Sess., Jan. 31, 1944. H. REPT. No. 1032 [H. Res. 426]; (contested election case of Lewis D. Thill against Howard J. McMurray, Fifth Congressional District of Wisconsin). See also §7.1, *supra*.

5. H. REPT. No. 1032.

6. Rule XLIV, *House Rules and Manual* §940 (1973)

Rule XLIV of the rules of the House was amended to require disclosure of: (1) honorariums received from a single source totaling \$300 or more, and (2) each creditor to whom was owed any unsecured loan or other indebtedness of \$10,000 or more which was outstanding for a, least 90 days in the preceding calendar year.⁽⁷⁾

The financial statements required by Rule XLIV must be filed annually by Apr. 30.⁽⁸⁾

Improper Fee

§ 8.1 Charges that a Senator had used his position as a

7. 116 CONG. REC. 17012, 91st Cong. 2d Sess., May 26, 1970 [H. Res. 796].

A resolution reported by the Committee on Standards of Official Conduct, amending Rule XLIV to revise the financial disclosure requirements of that rule, is not a privileged resolution under Rule XI clause 22. 116 CONG. REC. 17012, 91st Cong. 2d Sess., May 26, 1970 [H. Res. 971, providing for consideration of H. Res. 796].

The loans disclosure provision was included following allegations in 1969 that a member of the House Committee on Banking and Currency had owed banks more than \$75,000. See H. REPT. No. 91-938, 91st Cong. 2d Sess., and "Congress and the Nation" vol. III, 1969-1972, p. 426, Congressional Quarterly, Inc.

8. Rule XLIV, *House Rules and Manual* §940 (1973).

subcommittee chairman to attempt to aid a labor leader in avoiding a prison sentence and had received fees for his efforts were investigated in the 90th Congress by a Senate select committee; the committee determined that the payments that had been made were not related to the labor leader or his union.

In the 90th Congress, the Senate Select Committee on Standards and Conduct investigated charges that a Senator—Edward V. Long, of Missouri—had used his position as a subcommittee chairman to attempt to aid a labor leader in staying out of prison and had accepted fees for his efforts from one of the labor leader's lawyers.⁽⁹⁾ Statements appeared in several magazines and newspapers that the payments made to the Senator by Morris Shenker, a practicing attorney in St. Louis, Missouri, were made to influence the hearings on invasions of privacy conducted by the Senate Judiciary Subcommittee on Administrative Practice and Procedure, of which the Senator was Chairman, for the purpose of assisting James Hoffa of the International Teamsters Union.⁽¹⁰⁾

9. 113 CONG. REC. 30096-98, 90th Cong. 1st Sess., Oct. 25, 1967.

10. *Id.* at p. 30096.

The select committee conducted an investigation and concluded that the payments made to the Senator by Mr. Shenker between 1961 and 1967 were for professional legal services, and that they had no relationship to Mr. Hoffa or to the Teamsters Union. The committee also concluded that the payments had no connection with the Senator's "duties or activities as Chairman of the Subcommittee on Administrative Practice and Procedure, the Subcommittee hearings or Senator Long's duties or activities as a Member of the Senate."⁽¹¹⁾

Abuses in Introducing Immigration Bills

§ 8.2 Charges that bribes were paid to Senate employees for the introduction of private immigration bills to help Chinese seamen avoid deportation were investigated by a Senate select committee in the 91st Congress; the committee found no evidence of misconduct by any Senator or Senate employee.

In the 91st Congress,⁽¹²⁾ the Chairman⁽¹³⁾ of the Senate Select

11. *Id.* at p. 30098.

12 116 CONG. REC. 17361, 17362, 91st Cong. 2d Sess., May 28, 1970.

13. 13. John Stennis (Miss.).

Committee on Standards and Conduct discussed on the Senate floor a report of the committee which had been submitted that day dealing with an investigation of the introduction of private immigration bills in the Senate for the relief of Chinese crewmen during the 90th and 91st Congresses.⁽¹⁴⁾ Statements had been made in the media that some Senators or their aides received gifts and campaign contributions for introducing bills to enable Chinese ship-jumpers to escape deportation as the result of illegal stays in this country.

The chairman stated that more than 600 such bills had been introduced during the two Congresses, a great increase over the average number that had been introduced in prior Congresses. He pointed out that when the matter had first come to the committee's attention in September 1969, he communicated with the majority and minority leadership about strict enforcement of procedures for the introduction of bills. ". . . [T]he leadership responded immediately," he said, "by invoking the practice that for future bills to be introduced, they had to have the actual signature and the presence of a sponsoring Senator."⁽¹⁵⁾

14. 116 CONG. REC 17360, 91st Cong. 2d Sess., S. REPT. No. 91-911.

15. *Id.* at p. 17362.

The committee and its staff investigated the more than 600 bills to ascertain if any abuses had taken place. The chairman concluded: “. . . I can safely summarize . . . by saying that we found no evidence of any misconduct by any Senator or any Senate employee, nor did we believe from the information we obtained that there was any reason for further proceedings.”⁽¹⁶⁾

Auto-leasing Agreements

§ 8.3 A Senate select committee determined that it was improper for a company to make an agreement with a Senate committee for the leasing of cars for the private use of Senators.

On Aug. 24, 1970, the Chairman⁽¹⁷⁾ of the Senate Select Committee on Standards and Conduct reported to the Senate the results of the committee's investigation and recommendations respecting the leasing by certain Senators of automobiles from an automobile manufacturing company under specially favorable terms. The chairman declared that one company had made an agreement directly with a Senate committee for the leasing of cars for the private

use of Senators. A Senator receiving a car paid the amount of the lease at a price less than that offered the general public. Appropriated funds were not used.⁽¹⁸⁾ The chairman said that the leasing arrangements were made for promotional purposes by the company, without intent to exercise improper influence. He added that the committee had concluded that the leasing arrangements with Senators violated no law nor any Senate rule,⁽¹⁹⁾ but declared:

. . . [T]he practice of the one company of making an agreement directly with a Senate committee for the leasing of cars for the private use of Senators clearly is improper. A Senate committee by itself does not have the authority to make such a contract, which in our opinion is void and unenforcible. Although these lease agreements do not bind the Senate or any of its committees, we believe this practice by the committees should be terminated at once.

After carefully considering the benefits and the implications of the leasing of cars to Senators, our committee makes the following advisory recommendation for the guidance of the various Senators involved: Existing private leases of automobiles to Senators at favorable rates should be terminated at or before the end of the current model year. These leases should not be renewed. In making pri-

16. *Id.*

17. John Stennis (Miss.).

18. 116 CONG. REC. 29880, 91st Cong. 2d Sess.

19. *Id.*

vate agreements in the future for the leasing of automobiles, Senators should not accept any favorable terms and conditions that are available to them only as Senators.⁽²⁰⁾

Investments

§ 8.4 The House reprimanded a Member for certain conduct occurring during prior Congresses involving conflicts of interest (in violation of a generally accepted standard of ethical conduct applicable to all government officials but not enacted into permanent law at the time of the violation), as well as failure to make proper financial disclosures in accordance with a House rule then in effect, but declined to punish the Member for other prior conduct under the circumstances of the case.

On July 29, 1976,⁽²¹⁾ the House agreed to a resolution adopting the report (H. Rept. No. 94-1364) of the Committee on Standards of Official Conduct which reprimanded a Member (1) for failing to disclose, in violation of Rule XLIV (requiring financial disclosure of Members) his ownership of certain stock; and (2) for his in-

20. *Id.*

21. See the proceedings relating to H. Res. 1421, 94th Cong. 2d Sess.

vestment in a Navy bank while actively promoting its establishment, in violation of the Code of Ethics for Government Service. The report also declined to punish the Member for his sponsorship of legislation in 1961 in which he had a direct financial interest, since an extended period of time had elapsed, and the Member had been continually re-elected by constituents with apparent knowledge of the circumstances.

§ 9. Abuses in Hiring, Employment, and Travel

The Code of Official Conduct provides that a Member may not retain anyone on his clerk-hire allowance who does not perform duties commensurate with the compensation he receives.⁽¹⁾

By statute, employees of the House may not divide any portion of their salaries or compensation with another,⁽²⁾ nor may they sublet part of their duties to another.⁽³⁾ Violation of these provisions is deemed cause for removal from office.⁽⁴⁾

1. Rule XLIII clause 8, *House Rules and Manual* §939 (1973).

2. 2 USC §86.

3. 2 USC §87.

4. 2 USC §90.

No employee of either House of Congress shall sublet to or hire an-