

Charles W. Johnson
Parliamentarian of the U.S. House of Representatives

Oral History Interview
Final Edited Transcripts

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“My number one philosophy about the job was to try to anticipate and advise on problems before they arose publicly, because Members have precious little time to legislate as it is with all the fundraising and constituent and other duties they have to perform, and so to free them up from procedural issues. Parliamentary inquiries and points of order went on for lengthy periods in those days. We’ve always had the philosophy of anticipating and giving people advice, often confidential, because they know the advice is going to be heeded by the Speaker, and they might as well take the advice even though they don’t like it.”

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Table of Contents

Interview Abstract	i
Interviewee Biography	ii
Editing Practices	iii
Citation Information	iii
Interviewer Biography	iv
Interview One	1
Interview Two	24
Interview Three	46
Notes	71

Abstract

This oral history collection with former House Parliamentarian Charles W. Johnson contains three interviews. Johnson recounts his early life, education, and involvement in the U.S. military in the first interview. He reflects on the nature of public service and political involvement in the 1950s, as well as the culture of higher education, which was mostly absent of women and people of color. He details the interview process for his first position in the Office of the Parliamentarian in 1964 and describes his early work to turn the office's administrative scrapbooks—a collection of clippings and notes compiled since 1920—into published volumes of official precedents.

In the second interview, Johnson takes a closer look at the history and development of the Precedents of the U.S. House of Representatives, starting with the volumes compiled by former Parliamentarians Asher Crosby Hinds and Clarence Andrew Cannon. He also describes his own role in editing and organizing the volumes published by Lewis Deschler and William Holmes Brown. He discusses the Office of the Parliamentarian's relationship with the House committees, particularly the Committee on Rules and the impact of its expansion in 1961. Johnson remembers the changes the Legislative Reorganization Act of 1970 enacted, including the introduction of electronic voting.

The third interview focuses on the creation of a formal ethics process in the House. Johnson outlines the investigation of New York Representative Adam Clayton Powell Jr. in the late 1960s and the institutional effects of the Supreme Court ruling on the decision of the House to exclude Powell from the 90th Congress (1967-1969). He also describes the origins of what is now the House Committee on Ethics.

Throughout this series of interviews, Johnson traces the distinct leadership styles of House Speakers and their relationship with the Parliamentarian's Office during the many institutional changes in the late twentieth century. He provides a firsthand account of the inner workings of the Office of the Parliamentarian, emphasizing the need for strict confidentiality in interactions with Members of Congress as well as the office's role as "procedural historians" of the House. This is the first group of interviews in an extensive series the Office of the Historian conducted with Johnson.

Biography

Charles W. Johnson was born on February 12, 1939, in Mt. Vernon, Westchester County, New York, about 15 miles north of midtown Manhattan. His father, Charles W. Johnson III managed an art-packing and shipping warehouse and his mother, Ellen Gunther Johnson, was a homemaker. When Johnson was 12, his family moved to nearby Scarsdale. Johnson graduated from Bronxville High School in 1956. He attended Amherst College in Amherst, Massachusetts, where he played basketball for four years and baseball during his senior year. He graduated with a bachelor of arts degree in American Studies in 1960. Johnson then attended the University of Virginia School of Law, in Charlottesville, Virginia, and earned a law degree in 1963. Johnson was admitted to the District of Columbia bar in 1965. From 1963 to 1966, he served in the New York Army National Guard, and from 1967 to 1971 served as a judge advocate general in the U.S. Navy Reserve. Johnson married Martha Finley in April 1964, and they raised two children.

In 1964, Johnson was hired by the Office of the Parliamentarian of the U.S. House of Representatives, where he served as an assistant parliamentarian for the next decade. In 1974, when longtime Parliamentarian Lewis Deschler retired, Johnson became deputy parliamentarian and served in that post for two decades. Late in the 103rd Congress (1993-1995) Speaker Thomas S. Foley of Washington appointed Johnson to succeed William Holmes Brown as House Parliamentarian. He served as Parliamentarian from September 16, 1994, until his retirement on May 20, 2004. That year he won the John W. McCormack Annual Award of Excellence for his House service. Johnson continued to work as a consultant in the Office of the Precedents of the U.S. House to assist in the compilation of volumes on House practice and precedents. He also co-authored *Parliament and Congress: Representation and Scrutiny in the Twenty-First Century* (New York: Oxford, 2010), a volume written with his counterpart in the British House of Commons. *Parliament and Congress* is being prepared for a third edition.

Editing Practices

In preparing interview transcripts for publication, the editors sought to balance several priorities:

- As a primary rule, the editors aimed for fidelity to the spoken word and the conversational style in accord with generally accepted oral history practices.
- The editors made minor editorial changes to the transcripts in instances where they believed such changes would make interviews more accessible to readers. For instance, excessive false starts and filler words were removed when they did not materially affect the meaning of the ideas expressed by the interviewee.
- In accord with standard oral history practices, interviewees were allowed to review their transcripts, although they were encouraged to avoid making substantial editorial revisions and deletions that would change the conversational style of the transcripts or the ideas expressed therein.
- The editors welcomed additional notes, comments, or written observations that the interviewees wished to insert into the record and noted any substantial changes or redactions to the transcript.
- Copy-editing of the transcripts was based on the standards set forth in *The Chicago Manual of Style*.

The first reference to a Member of Congress (House or Senate) is underlined in the oral history transcript. For more information about individuals who served in the House or Senate, please refer to the online *Biographical Directory of the United States Congress*, <http://bioguide.congress.gov> and the “People Search” section of the History, Art & Archives website, <http://history.house.gov>.

For more information about the U.S. House of Representatives oral history program contact the Office of House Historian at (202) 226-1300, or via email at history@mail.house.gov.

Citation Information

When citing this oral history interview, please use the format below:

“Charles W. Johnson Oral History Interview,” Office of the Historian, U.S. House of Representatives, [date of interview].

Interviewer Biography

Matt Wasniewski is the Historian of the U.S. House of Representatives, a position he has held since 2010. He has worked in the House as a historical editor and manager since 2002. Matt served as the editor-in-chief of *Women in Congress, 1917–2006* (Washington, D.C.: Government Printing Office, 2006), *Black Americans in Congress, 1870–2007* (GPO, 2008), and the *Hispanic Americans in Congress, 1822–2012* (GPO, forthcoming 2013). He helped to create the House's first oral history program, focusing on collecting the institutional memory of current and former Members, longtime staff, and support personnel. He earned his Ph.D. in U.S. history from the University of Maryland, College Park, in 2004. His prior work experience includes several years as the associate historian and communications director at the U.S. Capitol Historical Society, and, in the early 1990s, as the sports editor for a northern Virginia newspaper.

—CHARLES W. JOHNSON—
INTERVIEW ONE

WASNIEWSKI: This is Matt Wasniewski, and I'm from the Office of History and Preservation.¹ Today's date is April 22, 2010, and I'm in the office of former Parliamentarian of the House Charlie [Charles W.] Johnson. We're going to start a series of interviews with Charlie, and today we're going to talk about his background and early life and how he came to start up in the Parliamentarian's Office in the House, in 1964.

So thank you, Charlie, for taking time to sit down. Let me ask you some basic biographical questions. Where and when were you born?

JOHNSON: I was born in Mount Vernon, New York, on February 12th, 1939.

WASNIEWSKI: And what were your parents' names and backgrounds?

JOHNSON: Father was Charles W., the third. Actually, I'm the fourth, but for some reason I was christened the third. He was a graduate of Colgate and took a job in the Depression as the manager of an art packing and shipping warehouse which became his only job for his whole life. We lived in the suburbs of New York where he commuted. It was obvious he was unhappy in that job. My mother was a homemaker, and she went to Skidmore College. Now they were different kinds of people. My mother was very caring and loving. My father, because of his difficult job, really was sad much of his life, but he found ways to overcome that. I have a sister who is two years younger. She's now living in Illinois.

WASNIEWSKI: And what was your mother's name?

JOHNSON: Ellen Gunther. They were both from Mount Vernon, New York.

WASNIEWSKI: And did you grow up in Mount Vernon?

JOHNSON: Until I was 12, and then I moved to Scarsdale, New York, where my parents lived until my father died in 1978 at age 70, suddenly, of a heart attack. My mother lived there for a few more years and then moved to Bronxville, New York. But I moved to DC after law school and a six-month stint in the National Guard in 1964. I was married on April 25th, '64, and moved down here without a job, but with some prospects, at the end of April '64. So I haven't lived in New York since then.

WASNIEWSKI: Okay. Where did you go to high school? What was your high school?

JOHNSON: Bronxville High School, Bronxville, New York, class of '56. It was an unusual situation, because I actually lived in Scarsdale in a portion of the town which could no longer attend Scarsdale High School due to crowding, in an area called Edgemont, which now has its own very highly-ranked high school. But at the time they were building it, our class and the one ahead of us had to go to Bronxville High School for two years, which for me was very fortunate, because not only did I make a lot of friends, the guidance counselor there, for some reason, liked me and helped me with my college applications. {laughter}

WASNIEWSKI: I noticed at one point—that might be the same picture there that's covered up—when I was last in your office that you had a high school class picture during a trip to Washington.

JOHNSON: That was the junior year, 1955, government and economics trip here to Washington. The first time I had been to Washington, and we were photographed in front of the Capitol before it was extended on the East Front.

WASNIEWSKI: You have any memories of that trip? Was that a formative moment?

JOHNSON: I have one memory that's rather vivid, and we were sitting in the lobby of the Lafayette Hotel, I think it was called then. And up walks a gentlemen, middle-aged, and he said, in a southern accent, "Hi, I'm Senator Pepp-ah." Just like that. Claude [Denson] Pepper, and he was no longer in the Senate. He had been defeated in the early '60s and he had not yet run for the House, but there he was. And he introduced himself and couldn't have been more gracious. That was the first time I had met a politician {laughter}, so it made a favorable impression. That was a very memorable moment since I got to know Pepper later quite well. And I even asked him about it one time. I don't think he remembered.

WASNIEWSKI: So you went to Amherst [College]. Any particular reason why you chose Amherst, or did someone steer you there?

JOHNSON: Well, I applied to three schools. I didn't get admitted at Yale. I was admitted at Colgate, but Amherst was, and still is, very selective and smaller than the others. It was a good choice for me. But as I said, the guidance counselor at Bronxville was very instrumental in forwarding my application because my grades were inconsistent. I was into sports, and eventually a girlfriend came along, and it was a distraction, shall we say. But I guess there was some aptitude there, I don't know. I was very happy that they accepted me.

WASNIEWSKI: So did you go into Amherst with a major in mind, or was it something you needed to settle on?

JOHNSON: No. There was a core curriculum then. Everything except language the first year was required, and they expected you, by the end of sophomore year, to choose a major. I was really struggling as a student. I didn't have good study habits. I wasn't particularly motivated. But after freshman and sophomore year, I majored in American Studies, which was about as liberal an arts major

as you could find, combining political science, history, English, economics. And that was a good choice for me. I became a more serious student junior and senior year as I dabbled in a number of areas. I still wasn't focused on a particular course of study, although I felt fairly certain that I wanted to go on [to] law school. Most people don't believe that 87 percent of my graduating class, all men, went immediately to graduate school in 1960, which is unheard of now, because most people—who've graduated from college—are traveling or working, at least for a while. But as I say, 87 percent of our Amherst class matriculated. Lot of doctors, a number of lawyers, and teachers.

So, in those days, graduate admission was easy, relatively, because you weren't competing against women {laughter}. There were two women in my law school class. The draft was in place. It was before the lottery, so it was another way of deferring responsible decision-making while hopefully adding to my budding interest in academics without knowing at all what my career ambitions were. I just figured I could sort them out in the three years at the University of Virginia [UVA] Law School.

Because the draft was a possibility, I didn't get married to continue my deferment while I was in law school, but I joined the Army National Guard in New York City. Still living in New York. And I was sent to six-month active duty at Fort Dix, New Jersey. After that, we got married, and I had a six-year reserve obligation. So I spent three years in the Army and in the National Guard too while I was still in New York. Then I was placed in what was called a control unit, where records are just held. Then they found out I was here in Washington, and they told me to join a unit, or they'd assign me. My MOS [military occupation specialty] in the Army had been light weapons. They saw no particular {laughter} skill that would make me even a

clerk, but I joined a civil affairs unit when I was down here at Andrews Air Force Base for a year.

Then it so happened in '67 that the Navy was looking for JAG [Judge Advocate General] officers, attorneys from other branches of the service which were willing to discharge enlisted men like myself. So overnight I went from being a private first class in the Army to a lieutenant in the Navy with no experience in military law. I fulfilled my three years of remaining obligation as a Navy JAG officer, attending several two-week assignments, and also taking correspondence courses, but it was a very undistinguished career. The only thing I'm proud of is that I don't think many people could claim that they had three honorable discharges from the service: Army, National Guard, and Navy. Most people can't make that claim. {laughter}

WASNIEWSKI:

That was one of my questions because I came across an article saying you were in the JAG for a short time. I noticed the Army service, too. Let me back up a little bit to Amherst. You said you came in with, maybe not a focus on academics—but you know, a lot of people when they get to college, find a mentor or a professor who really turns them on to something, or even in high school as well. I'm just wondering if you had any particular professor or even subject that really just turned you on.

JOHNSON:

Well, it was more a kind of an embarrassment about my academic record. It wasn't a particular professor. There were some excellent ones at Amherst. And the core curriculum freshman year was really above my head. It required calculus and physics—8:00 labs on Saturday mornings in physics, if you can imagine. And it was pretty rigorous. During that period, I was heavily involved in, and remain heavily involved with, a YMCA camp, Camp Dudley, where I attended as a camper, as a leader, and then several stints on the board of trustees and was chair back in the '80s.

WASNIEWSKI: Where is that located?

JOHNSON: That's Lake Champlain. It's the oldest boys' camp in the country.

WASNIEWSKI: Okay.

JOHNSON: And it's a wonderful institution. It focuses on values. It brings in kids from all over the world, really.

WASNIEWSKI: And did you go there as a child?

JOHNSON: I went there as a camper beginning at age 12 and worked my way up through the leadership ranks and became a leader in '56 when I got out of high school and spent three or four years as a leader there. Then I decided to travel during the summer before my senior year. A friend and I went out west to earn our fortunes, which we didn't do. We ended up as hay hands making seven dollars a day.

WASNIEWSKI: {laughter} Where was this?

JOHNSON: This was in Colorado.

WASNIEWSKI: Okay.

JOHNSON: Walden, Colorado.

WASNIEWSKI: Eastern Colorado?

JOHNSON: It was central. It was an experience just to be away. Then I went right into law school. And again, you want me to focus on Amherst. I was interviewed—and I'm not sure this would be of interest, unless anyone's really getting down into the weeds about this research. But in November of 2004, when I retired, I was interviewed by the Amherst student newspaper,

and there was a full-page article published with pictures about my career, something akin to what we're reciting here, but more focused on my job in the House of Representatives. And I recite the uneven nature of my student career, but it's online. In the homecoming edition of November 2004—

WASNIEWSKI: I found the print edition of it. {laughter}

JOHNSON: Did you? Well, the student who interviewed me was a student. He was pretty green around the edges, but I think the article was fair. It ended with an off-color reference. {laughter} I was probably more involved than I should have been in sports at Amherst. I played varsity basketball for four years, and I wasn't very good. I didn't play much, but then I was probably a better baseball player, and I imagine later you want to touch on some of my baseball anecdotes. But I spent pretty much four years on the bench.

One day when Tip [Thomas Philip] O'Neill [Jr.] was Speaker, a friend of mine—in fact, he's coming into town next week, a dentist—was waiting in the Speaker's rooms where I worked. This would have been around '85, '86. And the Speaker came in and said, "Who are you?" And he said, "I'm a friend of Johnson, here, and we played on the basketball team together at Amherst." And I'm quoted in this article as having said, "Mr. Speaker, he's full of [expletive]. We sat on the bench together!" {laughter} That was the end of the article, so it's not like I'm trying to hide. That's public record! But it was true {laughter}. At least it sounds true. Something that Tip O'Neill would have enjoyed, so that's why I said it. But by senior year at Amherst, I was getting pretty good grades, and back in those days, B's were more than acceptable. {laughter}

WASNIEWSKI: Right, right.

JOHNSON: Maybe later on, I'll talk about my brief teaching career at UVA Law School, where I learned about grade inflation, but maybe that's for another time.

WASNIEWSKI: You played baseball too at Amherst?

JOHNSON: Well, I had played all three sports in high school.

WASNIEWSKI: This is football, baseball, basketball?

JOHNSON: Football, basketball, and baseball, and I was left-handed. Still am, I guess. And had been one of the top pitchers on the team, but senior year was a combination of having horrible coaching—the coach wanted to take batting practice himself, with me throwing the day before I was scheduled to pitch. Plus I had this girlfriend, so I was totally unfocused, and altogether my senior baseball career was pretty bad. So I didn't play at Amherst until senior year. A lot of my friends were on what was a very good team, and I decided to wander down and pitch batting practice to some of these guys, and turned out I was stronger and had a decent curve ball, and the coach asked me to join the team with three weeks to go in the season {laughter}, which in those days meant you had to sign a pledge saying you would abstain from alcohol and smoking and whatever—I didn't smoke.

So I signed this pledge, and at the end of the season, the coach said, "Johnson, we're playing the University of Massachusetts in the commencement game. They have eight left-handed hitters in the lineup. I want you to be ready for that game." You know, I trained, and I was very focused, and the day came, and the game was rained out. So I didn't have any innings, but I was on the team. I got a number. My athletic career in college was not distinguished, but it was memorable, shall we say.

WASNIEWSKI: Right.

JOHNSON: I learned how to play defense in basketball practice and ended up as a youth coach here in the area for my kids. We had some success.

WASNIEWSKI: Yeah, that's a nice way to carry it on.

JOHNSON: Because I could focus on defense {laughter}. I coached both my sons in the rec league. One team, I had two assistant coaches. One was Sam [Samuel Augustus] Nunn, and the other was Paul Tagliabue, because their kids were on the same team, and together we had a lot of fun taping and critiquing the games.² That was a memorable time, so I remained friends with those two people.

WASNIEWSKI: {laughter} Well, that's nice. Let me back up a bit. That same article that you mentioned said that you had at one point taken a politics course where you were required to participate in a campaign for a state senator in Massachusetts. You said that really kind of turned you off to electoral politics. It gave you a negative impression, is what you said. I wonder if you could describe that experience.

JOHNSON: I don't go into any more detail, I don't think, in the article.

WASNIEWSKI: No, you don't.

JOHNSON: Well, it was my sophomore year, and it was a course on political parties. It was 1958, so it wasn't a presidential year, there was some fieldwork involved, and we were taking the course jointly with Mount Holyoke [College] girls. And they asked if you wanted to be assigned to a particular party, and I said, "Well, I'll go to work for a Republican candidate somewhere here in the area, for state office." There was a congressional race. I was assigned to Springfield, along with several other guys and gals from Holyoke to the campaign of the

mayor of Springfield, who was running for state senate, and his name was Vic White. He lost {laughter} and I'll tell you why in a nutshell.

We got into his headquarters the first night, into Springfield, and he said, "All right, you gals go and sign and seal envelopes, and you guys come with me," and we proceeded to go out with him, and all we did all night was tear down his opponent's signs {laughter}. That was the extent of that field trip. Perhaps I became a little skeptical of politics but remained naive. I mean, in those days there was no awareness.

The important thing to try to understand, I guess, about the '50s is the idyllic nature of the times, the lack of inspiration of young people, especially toward public service. Everyone knew—at least the boys knew—that there was a job ahead for them, a good one. They weren't competing with women, and so there was no real awareness, at least in my own experience, but I think that the same could be said of a lot of my colleagues. I'm attending my 50th reunion next month, so that'll be interesting. We have a scrapbook they've put together. Everyone has to write a one- or two-page letter—had over 200 responses. It's very good to catch up with these people.

WASNIEWSKI: A nice document to have.

JOHNSON: But that one experience, Matt, in politics—I can't remember after that being at all involved ever again with a political candidate. In fact, that lack of a credential was what helped me look toward a nonpartisan position in the House.

WASNIEWSKI: And you mentioned the '50s and that kind of complacency, and a lot of people peg that as being the [Dwight D.] Eisenhower years when the country was quiet and prosperous. But I was struck by another reference in the article that you had gone and marched at the Eisenhower White House in 1960.

JOHNSON: Spring of '60.

WASNIEWSKI: Okay, because people don't normally associate political activism with college campuses in that era. It's later.

JOHNSON: No, no. Well, there's a group of colleges from New England, and we all motored down here just for the day. Walked back and forth in front of the White House for a couple of hours and then went home. President Eisenhower was in Georgia playing golf, but it got an editorial commentary in the *New York Times* the next day about the unusual nature of a political group. It happened just as civil rights issues were starting to percolate so it was kind of an idealistic thing for me to do, and it may have been mindless, but it was a nice trip. {laughter} We had signs that we carried around. I don't have any picture to prove it, but that was the one day I guess you could call that a political involvement, at that point.

WASNIEWSKI: So moving on to UVA, how was it that you got interested in law school at UVA? I'm just wondering if you went in with a specialty in mind.

JOHNSON: No. I applied to three law schools, and in those days, if you went to Amherst, you got in—you'd get into any graduate school just by graduating. So I was thinking I'd probably have to live at home. My father wasn't particularly willing to pay for graduate tuition in those days. So I applied to Columbia University, NYU [New York University], and UVA, and I got in. But in those days, out-of-state tuition, I think, was \$3,000, which wasn't a lot by today's standards, and that was at UVA. Several of my classmates went there as well, but I really wanted a different experience. I wanted to go south, I'd never been south. Not that UVA is totally a southern school, but it's certainly a mixture. So I was happy I went there. I had a lot of fun there.

Again, I didn't become a decent student for a year or so. I was not that adept at taking exams. In those days, exams were at the end of the year, they counted the whole grade, so you could fool around and do anything until two weeks before the test if you just wanted to pass, so there was some partying going on down at UVA. And UVA in those days was not co-educational either.

But, I met a number of people who are still my closest friends from the South. One particular roommate from South Carolina who had gone to the Citadel, and two of my high school classmates of whom had also gone to Amherst, all three of us went down there, plus a guy who went to Princeton. He and I were roommates for three years.

And then I met my wife between second and third year in New York City getting off a train in Grand Central. I had a job, a summer job in New York, and there was a fraternity brother of mine from Amherst with this gal, and he introduced me to her. Of course, I asked her out the next day {laughter}, and that worked out pretty well.

WASNIEWSKI: What's your wife's name?

JOHNSON: Martha. She's an artist. A very good one.

WASNIEWSKI: What was the job you were commuting to up in New York?

JOHNSON: It was with New York Life Insurance Company in their legal department. It was a summer assignment writing memos. Nothing particularly earth-shaking, I lived in Greenwich Village with these two other guys for about a month.

WASNIEWSKI: An experience.

JOHNSON: The commuting reinforced the notion that I didn't want to live in New York. I saw how sad my father had been as a commuter, just caught up in the routine, so that was one decision I made, not to look for jobs in New York.

WASNIEWSKI: What was UVA like in that time period? I mean, '60 to '63, we're talking about the beginning of the civil rights movement. I'm just wondering what your impressions were as a northern boy.

JOHNSON: Well, they're vivid impressions, and the first year the so-called university theater was segregated right near campus. Believe that. I'll never forget the first couple of trips south of Washington. There was no interstate in those days, so you'd go down Route 29 through Warrenton and Culpeper, and all the public facilities were segregated then until '64.

WASNIEWSKI: '64.

JOHNSON: Yeah. And that was kind of a shock. I mean, it didn't particularly bother me. It just kind of surprised me. I didn't know what to expect. But a lot of the students there were from the South, and some were pretty staunch—I wouldn't say "segregation" is to—just very conservative and not pro-civil rights. There were only two women in our class. There was only one black student in the whole class. And that's incredible.

WASNIEWSKI: How big was the class?

JOHNSON: Oh, over 200.

WASNIEWSKI: Okay. That was the situation in most law schools in that time period, though, right?

JOHNSON: Well, I suppose. I mean, the northern law schools were probably accepting more women and more African Americans, I would guess, but I don't know

that for a fact. But I'm glad I went south, and the school was good. The teachers were—most of them were pretty good. A few weren't that good, but 40 years later, I went back and taught a seminar there as an adjunct professor, so we'll get to that later.

WASNIEWSKI: Okay, we'll come back to this.

JOHNSON: Let me just say this, Matt, that my focus after the first year where there were all required courses, was more into courses involving statutory interpretation than it was case law. In fact, I did better in them. There were courses like a course on legislation, a course in administrative law. Anything involving statutory interpretation I kind of took to—but eventually with the view of going into public service, not necessarily a law firm. So I never had an interview with a law firm.

I had three job searches, one of which, I think, would have materialized. That was in the civil rights division of the Justice Department. Another job that I was offered was as an assistant district attorney in New York City, in Manhattan. The district attorney was Frank Hogan at the time. You know, I was surprised when I was offered that job, probably because my godfather knew Frank Hogan {laughter}, but I didn't take it. The proximity from UVA to Washington was what enabled me on more than one occasion to just walk in doors, not necessarily to line up interviews. That's what brought me to the Legislative Counsel's Office on two or three occasions where they seemed interested.

WASNIEWSKI: And that was your first experience coming to the House.

JOHNSON: That was my first—I had never heard of the Parliamentarian's Office. It was only because Ed Craft at the time was legislative counsel. He knew that the Parliamentarian, Lewis Deschler—we'll talk about him later—was looking

for a new assistant. Very little turnover in there. He hadn't hired anyone new in six years. So he introduced me to him [Deschler], and then I had one or two interviews there, and that's how that worked out. But were it not for the fact that I walked in the door as a non-partisan, it wouldn't have worked. That's been true for all the people hired ever since.

WASNIEWSKI: Sure. Were you interviewing for a job at Legislative Counsel?

JOHNSON: Yes. I didn't have a job when we came to Washington after we got married. I had these two job possibilities. That's all I had. I had a little beat-up Volkswagen that I had rolled over one night after a party. We nicknamed it "The Prune." It was a black VW bug. All the fenders and the roof were dented. I just spray painted it and drove it for three more years, but as we drove away from our wedding reception in that people wished us luck! {laughter} So I didn't have any definite prospects at the time.

WASNIEWSKI: And this was in May of 1964.

JOHNSON: April.

WASNIEWSKI: April—when you got married, okay. Where'd you settle in the DC area when you first moved up here?

JOHNSON: Alexandria, Virginia, Fairfax Park. It was primarily for young people. I mean, at \$90 a month, single bedroom. No air-conditioning, though, in those days.

WASNIEWSKI: Okay. That's the Fairlington area. So you were introduced by Ed Craft to the Parliamentarian's Office. What was that like, coming down and interviewing with Lewis Deschler?

JOHNSON: Well, I had no idea that the purpose was to have me consider it as a job applicant. I thought it was Deschler, as he had done, kind of screening

Legislative Counsel applicants, because they're all hired by the Speaker, you know, non-partisan attorneys. That's why I assumed I was going over to meet him. I was very naive. I had no idea that it was a possibility to work there. I was just ushered into his office. His two or three assistants were out in the Speaker's formal rooms. I went back there during the weekend leave from the Army. I was in my private's uniform, and I was going to a wedding in Richmond, and I went in there to have a follow-up interview, and he must have thought I looked good in my private's uniform, because that's when the offer came. No, that's where the second interview took place. The offer didn't come until I was actually back in Washington at the end of April in '64.

WASNIEWSKI: And what were the interviews like with Lew Deschler?

JOHNSON: Well, he was a very imposing figure, weighed about 300 pounds. He'd been Parliamentarian since 1928 and remained so until '74. Forty-six years as a Parliamentarian. He was an institution and under very, very different circumstances from now. He was very close to the Speakers. He was actually a protege of Speaker [Nicholas] Longworth from Ohio in '28—came actually in '26, went to law school at night. And then he served, after Longworth, several Democratic Speakers, all the way through [Samuel Taliaferro] Rayburn, until Joe [Joseph William] Martin [Jr.] in '49 or '47—I guess it was '47—but then again, Martin four years later. So he was very close to the Speakers, and in those days, he didn't have to be accountable to very many people, just to the Speakers and senior chairmen. You know, seniority was totally dominant, and he had to give advice. The rank-and-file Member {laughter} very often would kind of get short shrift if he went into see Deschler personally. He was an imperious, imposing individual. Fortunately,

Deschler had two assistants, the younger of whom, Bill Brown, was my predecessor. We became very close, and he was a big help.

WASNIEWSKI: And the other was William Cochrane?

JOHNSON: Cochrane. He actually retired before Deschler did in about '72. He was an extremely loyal assistant parliamentarian, not even questioning anything that Deschler said. If there were a complicated issue that was raised with us, Deschler would say, "Tell 'em to come see me," and he would seldom involve all of us in group discussions because he did know the rules, and he had had all that experience. So I was really there at the beginning just as an apprentice historian to document, to start writing precedents. That was the single—probably—biggest motivation in hiring me was to get an attorney who was willing to apprentice as a legal research writer, basically, to write procedural precedents.

By the time that the Reorganization Act came in '70, Lew Deschler had been able to keep the rulings of the Chair that had been made over the last 40 or 50 years more or less to himself in these major scrapbooks. By the end of the '60s, there were a number of Republican-activist Members, especially Bill [William Albert] Steiger of Wisconsin, who agitated to have those precedents published.

I'll never forget when I started working in this office. I had what was called a file. It was an antiquated file, consolidation of all these scrapbooks. I was trying to pull topics together and put them on index cards. Visirecord, that's what it was called. And one day I looked up, and there was Ralph Nader. He was coming in to see Lew Deschler and to ask why he refused to publish the precedents, and somehow I intercepted, I saw him coming in. I knew who he was, kind of had a sense, because there had been agitation for publication by

that time. This was in the late '60s, and I said, "You know, I'm not sure you need to talk to him about starting the precedents. Here's proof that we're doing it." I was fairly well along. The Reorganization Act hadn't been passed yet. That was in '70, but we knew that it was inevitable—Deschler did—and he wasn't particularly happy about it. It gave him so much leverage. Back in those days under open rules, the spontaneity of the Parliamentarian's job was totally different. You had to make spur-of-the moment decisions and give advice based on whatever you could find.

WASNIEWSKI: And that made the Parliamentarian much more powerful.

JOHNSON: Well, in a different way. If it's power, it's all advice in any event. But Speakers traditionally have deferred to the Parliamentarian's advice so as not to politicize the rulings of the Chair. On the other hand, the special rules, as you know, from the Rules Committee are often politicized. But the rulings, interpretations of the rules, are not, nor should they be, nor have they been. They were interpretations of very many different rules. In those days we were interpreting of the standing rules of the House. Now it's primarily interpreting the special rules out of the Rules Committee.

But back to Nader. When he saw that I was well along in this project, he just turned around and left. He never met Deschler, which was probably a good thing. {laughter} If he'd met Deschler, he probably would have written something pretty unfavorable, I would guess. But it was genuine that the project was underway, and it's materialized since the first publications in the early '70s with *Deschler's Precedents*. Later *Deschler–Brown Precedents*. That's what I'm here working on right now under contract.

WASNIEWSKI: Starting that way and ending that way.

JOHNSON: He wasn't allowing me to be involved in the major procedural issues. I was observing them. But I was first working on subjects like contested elections, death, and other inconsequential subjects, which are, in fact, now part of the procedural history. They have to be. But I wasn't involved in major conversations. By assimilation, I learned. It was a long apprenticeship, shall we say, as I wish it could still be for some of the new attorneys that are assistant parliamentarians. But because there's not that day-to-day pressure now that there was then, someone can come in new, and have some input, do meaningful research with electronic capability. It's a very different type of job now, but it's still non-partisan. It's still a legal job, which it has to be—the ability to interpret statutes and rules is a major aspect of it.

WASNIEWSKI: So that was your primary job, was to compile precedents? Were you out on the floor at all?

JOHNSON: I was out on the floor all the time, if I wanted to be, but not in any position of responsibility, unless it was to go in and research something. We didn't have a phone connection into the office in those days. Deschler would send the Speaker's Page in to get one of us, come out, research this, back in {laughter}. Very rudimentary.

WASNIEWSKI: And would he be on the floor most of the time?

JOHNSON: Well, he would start every day, and on major procedural occasions, he would be there, so very often more than one of us would be there—as is still true. But the Speaker's Page's desk right next to the Parliamentarian's chair is a major place for others to do backup, to have research materials and to be there to advise.

WASNIEWSKI: The old *Congressional Directories* list, including Deschler and you, that there were a total of five people in the office.

JOHNSON: In the office.

WASNIEWSKI: Yes, and so it was a small operation.

JOHNSON: Very, and it's not that much bigger now. It's certainly not a bureaucracy, nor should it ever become one. The important thing is for everybody in the office to share with everyone else questions that arise so people have common answers and understand the full range of questions that are being asked. You have to work at retaining that.

WASNIEWSKI: So was there any kind of an administrative structure in terms of—was Bill Cochrane an assistant just like Bill Brown?

JOHNSON: They were both called assistants. I started off being called legal assistant and then became assistant, but it was a hierarchy. Cochrane had more seniority. He was quite a bit older and knew a lot of the Members. He had a beautiful tribute when he retired. He was much more friendly and warm to Members than was Deschler {laughter}.

WASNIEWSKI: It was the good cop treatment?

JOHNSON: Yes, he complemented Deschler.

WASNIEWSKI: Just one or two more questions and I'll close up for today. I was just wondering if you could describe a little bit—we'll talk more in depth about Deschler, I want to come back in the next session and talk about Lew Deschler—but just the culture of the office at the time, some of the pace and rhythms of that time period, which was so different, because the House was so different.

JOHNSON: Well, just operating out of the Speaker's rooms. If you know the configuration of the Speaker's formal office, the Parliamentarian's staff has

always shared space with the Speaker's legislative staff. Now you walk in there, there are eight cubicles for assistant parliamentarians and their clerks on one side of the room, and then there are three for the Speaker's top legislative people, Speaker [Nancy] Pelosi's people now.

But back in those days, when John [William] McCormack was Speaker, he used what is now the formal office as his daily office, which meant that during the LBJ [Lyndon Baines Johnson] years, the "Great Society," and into [Richard Milhous] Nixon years that most people would come to see him in there. Now he [McCormack] was not an insignificant figure. He certainly was never televised. He wasn't telegenic in an interview, but he was a powerful debater and partisan, and a good Speaker. There was some scandal in the office that was unfortunate, with lobbyists having undue influence and access to his personal office. But just sitting in that room and seeing the Cabinet and even Presidents come through was quite something.

One of the funniest moments was—jumping ahead a little bit—was during Carl [Bert] Albert's Speakership when Carl Albert was second in line to the presidency. The Speaker is third in line in succession, but Spiro [Theodore] Agnew was under investigation. In fact, the federal prosecutor, George Beall was a classmate, a good friend of mine. And it was pretty obvious that Agnew might have faced impeachment, and so he came in one day, and he had his bodyguards with him, and he came in to see Carl Albert. I said to somebody, "I'll bet he's coming in to, he's going to announce his resignation, and to turn those Secret Service over to the Speaker, who would then become second in line." And when I started, John McCormack was second in line after LBJ for that first year until '65.

Of course, I was wrong. Agnew was coming in to ask the Speaker to take custody of his papers under the assumption that there might be an

impeachment investigation and then to give them a form of immunity from any prosecutorial access. There was a big meeting, and Tip O'Neill claims that he had talked the Speaker out of doing it, because it was just a way for Agnew to buy time. He would have been impeached if he had stayed. But that notion that he could get the Speaker, on behalf of the House, to receive his files and thereby avoid scrutiny by the Justice Department was kind of far-fetched, but that's why he was there {laughter}. But to show how naive I was, I thought he was coming over to turn over the Secret Service protection to his successor.

A lot of funny stories. I mean, the room was alive. It still is. That office is a beehive of activity, because of the spontaneity of the House and decisions being made more or less on the spur of the moment. Our office has always preferred to have advanced information so that we can give advice in advance. My number one philosophy about the job was to try to anticipate and advise on problems before they arose publicly, because Members have precious little time to legislate as it is with all the fundraising and constituent and other duties they have to perform, and so to free them up from procedural issues. Parliamentary inquiries and points of order went on for lengthy periods in those days. We've always had the philosophy of anticipating and giving people advice, often confidential, because they know the advice is going to be heeded by the Speaker, and they might as well take the advice even though they don't like it.

But you know, summarizing the role, being able to say 'no' to important Members of Congress and their staffs was not an easy thing. It's something that Parliamentarians necessarily have to be able to do—with the Speaker's protection, obviously.

WASNIEWSKI: Sure.

JOHNSON: Sometimes that wasn't immediately forthcoming, but you may want to talk next time about some of the legislation that came up during that period, which is fine.

WASNIEWSKI: Sure. We can hold that until next time. Now's probably a good point to break if you have to go at 3 p.m., but thank you for starting the interview.

—CHARLES W. JOHNSON—
INTERVIEW TWO

WASNIEWSKI: This is Matt Wasniewski from the Office of History and Preservation, the U.S. House of Representatives. Today's date is June 28th, 2010, and I'm in the office of former Parliamentarian of the House Charles W. Johnson and we are going to conduct part two of our interview with Charlie Johnson.

We are starting off talking about the early part of Charlie's career in the House, from '64 to '74. And I thought I might start, Charlie, with a general question which I didn't ask last time because we were busy getting you up to your House career and that is to get your thoughts, your general thoughts, on what the role of the House Parliamentarian is.

In reading for this, I came across an interesting quote by Barbara Sinclair, who is a leading political scientist and has written books on the House leadership. And she wrote that the Parliamentarians, quote, "Owe their first duty to the Speaker. Their job is to help him accomplish his aims within the rules." I'm wondering what your take on that line of reasoning is. Is that an accurate portrayal of what the Parliamentarians do?

JOHNSON: Well, when you say "the most"—or how did you describe it? "The most important aspect?"

WASNIEWSKI: Yes. She said that the Parliamentarians "owe their first duty to the Speaker."

JOHNSON: First duty?

WASNIEWSKI: "And their job is to help him accomplish his aims within the rules."

JOHNSON: Well, the first duty is to comply with the law that established the Office of Parliamentarian formally in 1970, as part of the Reorganization Act. That the

Parliamentarian is hired by the Speaker and is required to be nonpartisan suggests that the Parliamentarian is there perhaps primarily as the procedural advisor to the Speaker, but not exclusively—to all Members. And very importantly, under a confidentiality arrangement when suggested, we are not to reveal information to the Speaker just because he or she hired us, or two, because there is a primary duty there.

The primary duty is to give the Speaker as much candid advice without revealing confidences at certain times. Now, that perhaps isn't as big an issue anymore, because the legislative agenda is pretty well controlled. But back in the '60s and all the way through the early '90s, it was very important for the Parliamentarian to and for the Speaker to realize that.

I can't quarrel with Barbara Sinclair's description. To help the Speaker accomplish his or her primary role as presiding officer, not as political leader. So you have to start by defining what the Speaker's various roles are and how they have changed, clearly. The Speaker always has been the political leader of the party. It's just that the emphasis now is so much greater in that direction.

So I would, I guess, temper what Ms. Sinclair has said by the awareness that the Speaker's primary role constitutionally, and through the definition and precedents throughout the years, has been to preside over the House, to administer its proceedings, in a fair manner. The Parliamentarians aren't giving the Speaker advice in violation of confidence because that would—any inkling of that would destroy the nonpartisan nature of the office, which is required by law and has been honored by tradition.

WASNIEWSKI: And there seems to be—in what little literature really is out there about the office, there seems to be another side to the argument that says that the

Parliamentarians are institutional guardians. That they are there to protect the common law of the House. What do you think about that interpretation?

JOHNSON:

I think it's very accurate. And that's not incompatible with the idea that the Speaker is the guardian of those traditions. Although he or she in recent years delegates that to the Parliamentarians and the various Members who preside. The Speaker Symposium—which I would recommend to anyone—held on November 12, 2003, in the Caucus Room was sponsored by the Library of Congress. There, Speaker [John Dennis] Hastert spoke of his notion of his primary responsibilities, which certainly reflected his attitude at the time, but wouldn't necessarily historically or institutionally reflect where I would put the priorities. And his notion was to make sure a majority of the majority {laughter} is ready to pass legislation. You know, going through his party conference or the caucus—he emphasized that over and over again in his remarks.

But the symposium talked about Speakers from Tip O'Neill, [James Claude] Jim Wright [Jr.] and [Thomas Stephen] Foley, and [Newton Leroy] Gingrich. So it was balanced. And Gingrich, Foley, and Wright were there. So I would recommend that to somebody who is doing some research through this avenue to supplement it. It's a public document.³

WASNIEWSKI:

Okay. I'm sure this is a question we'll come back to in one form or another.

Last interview, we discussed your job duties as an assistant when you began with the office, and you were compiling precedents for eventual publication. And I failed to ask at that time for a basic operational definition of what the precedents are.

JOHNSON:

Well, since the earliest part of the 20th century, Parliamentarians have kept daily notes on the procedural matters of significance in the House. From day

one, our practice has been to read the *Congressional Record* the next day, mark it up for everything of procedural significance while it was still fresh in our minds, and then go through a several step process of analyzing, editing, and eventually publishing those precedents, as required by law.

I think I mentioned in the first interview that there was a perceived reluctance—and probably an actual reluctance {laughter} on the part of Lew Deschler—to let the rank and file have access to these notes, and they are extensive. They come in scrapbook form. They are very extensive. And now they are electronic.

But they are all confidential notes of the office until they become published in one of three forms, again as required by law. The House, by resolution, requires the re-publication of the *House Rules and Manual* every two years, and that's prepared by the Parliamentarian under a resolution adopted by the House at the end of each Congress. Again, in the '70 Reorganization Act, there was pressure building to require Deschler, who was still Parliamentarian, to publish the scrapbook records from the late 1920s—when he became Parliamentarian in '28—all the way up through what then was 1970 or so. He wasn't overjoyed by the prospect of doing it, but he set a process gradually in place. I became the first collector of information and used an index system to show progress. I think I told the story about Ralph Nader, didn't I?

WASNIEWSKI: You did.

JOHNSON: Yes.

WASNIEWSKI: You did. Yes.

JOHNSON:

That was legitimate progress. And not only did it show we were pointing toward an eventual publication, but also it served as a good cumulative summary for us, because we would have indexes in each of the two-year scrapbooks before electronic access, but we wouldn't combine them the way [Asher Crosby] Hinds and [Clarence Andrew] Cannon have done in volumes nine through 11. Those are excellent cumulative indexes.

It was called a Visirecord file system. That was a way of—number one, for me to learn without getting into a lot of trouble giving advice to Members. Because in those days the young Parliamentarians weren't thrown into the breach as quickly in pressure situations. I mean, you were part of a discussion, usually, that would develop with that advice. But it was more to enable me to categorize consistent with *Hinds'* and *Cannon's*, the various subjects and subcategories, because we felt it was important that this third series after Hinds and Cannon follow the general index format of those volumes which were eventually—the final three volumes were published in 1936.⁴

The first five volumes were published in 1906, *Hinds' Precedents*.⁵ Asher Hinds was actually the clerk to the Speaker, Speaker [Thomas Brackett] Reed from Maine, and was asked informally by Reed to compile these matters, rulings, and practices, which he did during the late 1890s. Then he was himself a Member from Maine in two Congresses, I think.⁶ I don't know the extent to which that inhibited his ability to work on the precedents, but he must have had some help, because they are very voluminous, and they are very good. It's just that there were so many fewer days of session, to record than there have been certainly in the last 40 or 50 years. There was no electronic system, and so it was rather painstaking to have to cut and paste, I suppose, and set in hard type all those precedents.

The same law, the '70 Reorganization Act—the full update also required a procedural summary of the matters of current significance, which was perceived as being the rough equivalent of *Cannon's Procedure*. Clarence Cannon, who had been a clerk until he became a Member from Missouri, and it was pretty obvious when he became a Member from Missouri in the—I can't remember when—'28—

WASNIEWSKI: The '20s, yes.⁷

JOHNSON: That his attention to the last eight or 10 years to the time he published in 1936 began to diminish. And so Deschler's scrapbooks—and Deschler was Parliamentarian from 1928, having been an assistant for two or three years while he put himself through law school at night. That's why when we decided to start these, we knew that there needed to be an overlap to cover those last eight or so years of Cannon.

But then Cannon as a Member—and eventually chairman of the Appropriations Committee—he published in the '50s a one-volume alphabetical book called *Cannon's Procedure*, which was handy. Very handy. Easy to research because it was alphabetical. You could just go to a subject, like “adjournment,” with subcategories. But there was a copyright issue there, and he never published it again after '59. It continued to serve as a handy reference over and above the *House Rules and Manual*. And again, you might ask why wasn't the *House Rules and Manual* itself sufficient? Well, if you look at the format of it, it's very—

WASNIEWSKI: Cumbersome?

JOHNSON: There are a lot of footnotes and annotations that don't lend themselves to immediate analysis. You have to do more research before you get the full analysis.

So then, in the early '70s, Deschler published a book called *Deschler's Procedure*. There was a pocket supplement I think in '87. I have the volumes in here somewhere. We can fill that in, I suppose. It wasn't as helpful as—for most Members and staff—as *Cannon's Procedure* had been because it wasn't particularly well indexed, and it was more an afterthought. The primary focus was on the full-blown precedents, not on that procedure book. But that has changed considerably. Now, the two editions of *House Practice*—the most recent one in 2003, is considered, I believe, a very adequate reference source to find virtually any matter of current significance on process. The problem is that people aren't required to do that much research anymore because there is not the spontaneity of process and the ability or the chance to raise procedural issues on the floor of the House. It's all managed pretty well in advance through the Rules Committee.

WASNIEWSKI: The Rules Committee.

JOHNSON: Yes.

WASNIEWSKI: Yes. Was there—you mentioned Cannon—was there much of a relationship between Cannon and Deschler that you were aware of?

JOHNSON: Well, that I—

WASNIEWSKI: Cannon died in the mid-'60s.

JOHNSON: Yes. He died the week I started working in '64. {laughter} I never got a full-blown description of that relationship. By then, Cannon was chairman of Appropriations, and Deschler was certainly advising him, and one or two—maybe some of the subcommittee chairmen. But Deschler's sphere of people being advised was very limited to chairmen and subcommittee chairmen, and

ranking members, and leaders, and a few committee clerks. But usually, he wanted it to be on a Deschler-to-Member basis.

I could speculate, I suppose, on the relationship, but I don't want to do that. Deschler was a very proud person, and I understand Cannon was a very stubborn person—draw your own conclusion.

WASNIEWSKI: You mentioned Deschler having this relationship with committee leaders. So he was really the gatekeeper of this information. A rank-and-file Member couldn't walk into the Parliamentarian's Office at that time and request a lot of help with precedents, could they? Or is that a misnomer?

JOHNSON: Well, they could make the request, but whether an assistant parliamentarian would be of immediate help or would say the Member needs to go speak to Deschler, and in the meantime the assistants would brief Deschler, it was kind of a mixed bag. That was one of the tough judgment calls to make as a young assistant: what advice you felt you could give rather freely, and what advice to first circulate within the office. We always wanted all our advice to be consistent, and to the fullest extent possible. We would share any question that had come up during the course of the day so there were no separate clienteles or anything like that. Deschler and Bill Cochrane, and later Bill Brown, all obviously had friends among the Members who might come to them initially. But the modus operandi was to make that decision as to what could clearly be shared right away, and in confidence if required, but if that became a request—we'd usually need to clear that through Deschler.

WASNIEWSKI: I'm curious what he did to mentor individuals in the Parliamentarian's Office, and did he have a plan for succession in the back of his mind, do you think? That someone from within would be elevated once he decided to leave? I'm just wondering what the mentoring process was like.

JOHNSON: Well, he had gone through a couple of other assistant parliamentarians, named Claude Hobbs, the Colonel Bill Roy. Bill Cochrane, who was there when I got there, was very loyal to him. He was an attorney. He retired before Deschler did. But I wouldn't say he had an intentional mentoring system, other than an apprenticeship by osmosis and experience {phone rings}. Can you turn that off?

END OF PART ONE ~ BEGINNING OF PART TWO

JOHNSON: Well, your question was about Deschler's vision of succession and apprenticeship, as I recall.

WASNIEWSKI: Right. Right.

JOHNSON: And he never articulated, to my knowledge—he would always assume that the succession would be from within the office. I mean, that's been an absolute expectation and assumption. It's not required. The Speaker can hire somebody as a nonpartisan, which, as Newt Gingrich pondered later on, was not particularly easy to do. He had his own procedural advisors, one of whom he wanted to consider as Parliamentarian. But he knew it would politicize the office forever. That had unfortunately happened in the Senate a couple of times in recent years, and Gingrich was, I think, well advised not to do that. But I digress.

As far as Deschler's own vision, I don't think he had in mind Bill Cochrane being his successor, because Cochrane retired two years before he did, and I don't think he had the temperament to do it. But Bill Brown, a very modest, highly intelligent, dedicated person, was Deschler's recommendation to then-

Speaker Carl Albert and without hesitation, I'm sure. But the public endorsement in his letter of resignation was much more focused on Deschler's own contributions. That's the way it was. The important thing is that he made the right choice.

But as far as apprenticeships during his time there—there were so many conversations which he would have with Speakers and senior and chairmen and others that were just one-on-one without the rest of us having direct access. And they wouldn't necessarily get recorded in the scrapbooks because no one knew about them but Deschler. That's not a general statement, but it was certainly much more the case than it is now. Now, virtually everything that we discuss gets into a confidential electronic note, which is part of our file. We used to write files all the time on typewriters for a paper trail file. Our files are voluminous in that area with memos. But they weren't necessarily the product of immediate access to conversations between Deschler and the Members, or the Speaker.

WASNIEWSKI: Now, you mentioned sitting around as a group and hashing these requests out, or at least informing other people in the office about the requests so that you were all on the same page. Was Deschler a part of that process, or did that kind of happen among the deputies?

JOHNSON: Well, as the youngest person there, I wasn't always in on them. He seldom called the entire office to have a major discussion. It would filter down, or up, as the case may be. But that was his style. He felt, and he had been led to believe by many Speakers and Members, that he was the institutional bank of the House, and I think his letter of resignation reflects that.

WASNIEWSKI: Can you talk a little bit about how the Parliamentarians in this era worked with the Rules Committee in particular? What are your impressions of the power of the committee in the 1960s? Did it go through that large—

JOHNSON: Well, that was a huge issue when [John Fitzgerald] Kennedy became President. The ostensible ratio was 8:4—eight Democrats, four Republicans. But in fact, it was very often 6:6, because Judge [Howard Worth] Smith of Virginia, the chairman, and Bill [William Meyers] Colmer of Mississippi, who was senior ranking, were both very conservative Southerners who often would not support Speaker Rayburn and Speaker McCormack's agendas. And so that led to an enlargement of the Rules Committee. And it led for two Congresses to a so-called "21 day rule," where if a resolution was introduced to make a bill in order and the Rules Committee sat on it for 21 calendar days, not legislative, there could be a motion on the floor to bring it out, just like an expedited discharge petition.

WASNIEWSKI: And that was a rule that had been in place in the late '40s or early '50s for one Congress, and then was—

JOHNSON: I don't think it was. I don't remember that it ever was in place before that. I don't know that there was ever—I'd have to do some research on that. But it wasn't touted then as a pattern. The Speaker's and the Rules Committee's seniority was based entirely on consecutive seniority. And so if 8:4 was the ratio, at one point, it became 10:5. Now it's been 9:4 for the last—I don't know—15 or 20 years. 2:1 plus one. When I talk to people, if they need to remember one thing about the history of the House, it is that 9:4 number, and that disproportionate ratio to the actual ratio of the parties in the House.

But it's presumptively an assurance that the Speaker's policies are going to be implemented. At least put on the agenda in the form in which the Speaker

would prefer to see it. It's not absolute assurance, because those rules don't always get adopted, and sometimes they get amended. But that, coupled with the practice in the late '70s, I guess, that the Speaker—unlike the seniority and then-bidding system and the secret balloting in the Democratic Caucus rules for other committee assignments—the Speaker nominates directly the nine members of the Rules Committee. First, they have to be elected by the House, and that's always *pro forma*. But it's that ability of the Speaker to find, presumably, nine loyalists to do his or her agenda bidding that gives the Speaker very much power and influence over the committee.

But when I started there, there was one clerk of the committee, a fellow named Tom Carruthers. And we, the parliamentarians, did all their drafting. They didn't even have staff who could draft resolutions. But very early on, I could sit at a typewriter with my eyes closed and type an open rule as just second nature, because they always *were* open rules, except on tax bills. And you never had to worry about unusual provisions in the special rules. Once in a while, you had to worry about waivers of points of order then, not all that often, because points of order didn't get waived as frequently as they do now.

Part of that is because there was compliance by the committees in their meeting the layover requirements for reports—nor did the Rules Committee make and order non-germane amendments or self-executed adoption of the way they frequently do these days.

So the Rules Committee, while certainly important on that “yes” or “no” vote on whether something was going to come to the floor, was not as significant in micromanaging the agenda. The whole expectation was: open rule, read the bill by section under the five minute rule, any and all germane amendments, and amendments thereto, and just let the House work its will. And that's the way it was for almost the first 30 years that I was— {laughter}

Then we started—well, we've always been the procedural draftsmen of the rule emanating from the Rules Committee. The committee makes all the political decisions on what amendments to make in order, and how much debate. But we always indicate what waivers might be necessary—not that we advocate that they always be put in place.

So there has always been that longtime working relationship with the Rules Committee. I always found it was a good way getting away from research on the precedents and getting day to day. And when Bill Colmer became chairman after Judge Smith was defeated in '64, a fellow named Laurie [Calvin] Battle—he was a wonderful person. He was a former Member from Alabama—became staff director of the Rules Committee. And there was never a more decent person. He wasn't a great expert on the rules, but Bill Brown and I would basically draft most of the rules that would go up through the Rules Committee.

Even after him, when [James Joseph] Delaney, [Ray John] Madden, and [Richard Walker] Bolling were chairmen—all the way through, we would do the drafts. So we were always having the advantage of being able to anticipate procedural issues before they arose on the floor. And having that advance knowledge was very helpful over the years.

WASNIEWSKI: So it was a close working relationship with the committee overall?

JOHNSON: Yes.

WASNIEWSKI: I'm curious, too, about Deschler, as you've already alluded to, was a confidant of a number of Speakers. And you were there for the McCormack years. I'm just, I'm wondering what his relationship was, what the office's relationship was, with the Speaker's Office at that time, under McCormack and then later Carl Albert. Was it a close relationship?

JOHNSON:

Very close. We've always shared that physical proximity in the Speaker's rooms, and that goes a long way, because, obviously, things are said and done in confidence, but you can't help overhear conversations, or be asked to give advice on the spur of the moment by the Speaker's top legislative staff who have always been situated in that office. Perception-wise it gave some people the idea that we were there as advisors to the majority, as far as process. And if we were asked something in confidence—and this is the most important part of our job—as in an attorney/client relationship, to be able to give advice in confidence, and have both sides recognize that, and not have the Speaker's people come up and say, "All right, tell me what you know." The response is, "Well, you ask questions, and I'll respond in a consistent way if I can."

So the underlying philosophy is to minimize the amount of time, energy, and partisanship that develops in process to maximize the Members' time that they have to legislate on the floor. And so when you look back in *Hinds'* and *Cannon's* precedents—spent hours arguing process on the floor. To do that these days with all the other responsibilities that Members have would just be counterproductive.

So we felt, to the extent that we could anticipate—by being in the Speaker's Office, by really interacting with the Rules Committee, and by having confidential relationships with the majority and minority—that we could then be better prepared if a point of order or issue were to arise on the floor. We could even write—and as we often did—memorandums for the chair to guide the chair, and they were often based on good intelligence that we had had earlier on.

The third role of the Parliamentarian is to then become the procedural historians of the House, which means after the advice is given, the ruling is

made, the *Record* is set, then the parliamentarians come along and analyze it for precedential impact to publish. Some people would say, “Well, that—you just—that’s a conflict of interest. You are interpreting the rules through your own prism.” But our response was, “Well, maybe our prism isn’t always accurate, but it’s always nonpartisan and if you want anyone else to write the precedents of the House, they are not going to be nonpartisan expert analyses of rules, proceedings, and practices.”

Members ultimately, I think, respect that, because they know—although some of the recent demagoguery on the floor would suggest that—individual Members getting agitated when they are not getting the advice they want—that the Parliamentarian is just there to advise the other side. But for us to be able to say in response that we—it’s only advice, it’s not a decision. The chair should follow it, and presumably the chair will always follow it—based upon an analysis of precedent that was written by nonpartisan persons, who were familiar then and remain familiar, and remain capable of researching and coming up with the most accurate line of precedent.

And that in turn would raise questions: “Well, what is the most accurate line of precedent?” Dick Bolling, the expert that he was, would comment from time to time that, “Oh, we know you can find a precedent on either side of a question if you want to.” I always took great exception to that, because you can’t—that’s one of the hardest and most challenging parts of being a Parliamentarian, is deciding what line of precedent—assuming there are alternatives—is better applied. In virtually every case, you first have to have a textual understanding of the pending matter, and germaneness is a prime example. You have to know what in the underlying bill or portion of the bill the language really accomplishes, and then relate the amendment to that. Not just to some notion that, well, the bill is on A, the amendment’s on B. And

what is A, and what is B? {laughter} And Bolling backed down from that, I think, after he thought better of it, but then once he became chairman of the Rules Committee {laughter}—

WASNIEWSKI: He mellowed a little bit?

JOHNSON: Yes. Well, he never mellowed much. That is just kind of a summary of the role of the Parliamentarian with the Rules Committee. You mentioned McCormack and Albert. We could talk of the Albert years, because he probably experienced the most profound change in the proceedings of the House. And maybe you want to save that for another time.

WASNIEWSKI: I do, because I want to hit the Leg Reorg Act [Legislative Reorganization Act of 1970] and ethics first, and then maybe come into Albert with the reforms, the Bolling Committee and the Hansen Committee. So let me shift gears here about the Leg Reorg Act, which passed in 1970, promotes open committee hearings, requires committee roll call votes be made public, allows for television and radio broadcasts in committee hearings, formalizes rules for debating conference committee reports, and requires recorded teller, too. So this is all part of the kind of transparency in government.

JOHNSON: Right.

WASNIEWSKI: As Parliamentarians, what was your perspective on this as it moved along, because it had a bit of a history. It went back to '65, with the Joint Committee on the Study of Congress, and it was kicked around for a number of years.

JOHNSON: Well, there was a big changeover in membership, new Members coming in to demand more transparency, more action, more access, which coincided with the Vietnam-era group of Members. But clearly, all those openness efforts

were focused on transparency and the public's desire to know what's going on in committees, as well as on the floor, how Members are voting on important amendments in Committee of the Whole. One of the biggest reforms was allowing recorded votes in the Committee of the Whole on amendments. Because until the Reorganization Act, amendments in the Committee of the Whole were voted by voice, or divisions, standing, or tellers which went proceeding up the center aisle, but without recorded names. So that would allow committee chairmen particularly to influence how votes were being cast, knowing the Members would not be on record. They could have a lot to say about what they expected of Members {laughter} in return for future considerations.

Then the only other way amendments could be voted on in the House, once the Committee of the Whole had risen, was to either get a vote on a previously adopted amendment, one that was adopted by a non-record situation. And then if it came back to the House for a separate vote, there could be a roll call on it. But the amendments that were defeated could never be reported for a record vote in the House unless they were part of the minority's motion to recommit.

So there was clearly an imbalance in the ability of Members to go on record depending on whether the issue prevailed or not in Committee of the Whole. And I'm sure many times it prevailed or didn't prevail because they all knew it wasn't going to be made public.

WASNIEWSKI: What was the Parliamentarian's Office's relationship with some of these reformers from this era? I mean, this was really the Democratic Study Group crowd that was pushing this: Bolling and Frank Thompson [Jr.]—

JOHNSON: Bolling, Dave [David Ross] Obey, Thompson. Bill Brown and I, we had good relationships with the DSG people [Democratic Study Group]. Dick Conlon, who was a chief staffer there. Bolling was clearly behind—the Committee Reform Amendments, to me, were at least as significant—in ’74—as the Reorganization Act of ’70.⁸ And the ’70 Act was debated for two or three weeks in the Committee of the Whole—any and every proposed amendment to the {laughter} rules basically voted or up down. That would never happen these days. But the House worked its will, and the Senate, its will.

So they started making some progress toward transparency, and the ability of Members to know what they were voting on before they voted. But proxies, the proxies in committee were in place all the way through ’94, I think, until the Republicans took over. I saw proxies the other day during the debates in the financial regulatory conference. Barney Frank used a number of proxies, which is permissible because the rules of the House don’t govern conference procedure. It’s whatever rules the conferees want to adopt that count.

But I don’t know if you want to wait until the next time to talk about the committee reform proposals, or ethics, or—well, how do you want to work it now?

WASNIEWSKI: Well, I had another—do you have time for a few more questions, or do you need to be going?

JOHNSON: Yes.

WASNIEWSKI: A few more specific questions. One of the things that comes out of the Reorg Act is the electronic voting system, which we get in 1973. And I’m just curious what your thoughts are on electronic voting, the reaction to it at the time?

JOHNSON:

Well, it was an evolution. It didn't happen all at once. At first they had a two-step process called "recorded tellers," or "tellers with clerks" in the early '70s. This was primarily in the Committee of the Whole. The first request on an amendment would be for tellers, with 20 Members asking people to just march up the center aisle. But then there would be a separate demand for tellers with clerks, which meant that the Members would go up the side aisles, the "ayes" up one aisle, the "no's" up the other, and as they got to the end of the aisle, their names would be recorded and available within—not minutes—but within an hour or so after the vote.

So that was the origin of recorded voting in the Committee of the Whole. Then they eliminated that first step on tellers, and they called them "recorded tellers." But the process was the same. It's still in the rules as a fallback in case the electronic system doesn't work. But we have never gone back to it. No one would know what to do. When the machines break down, they just go to a roll call these days, but that doesn't happen very often.

But then when electronic voting came in, there were some snags in it. It certainly did increase the number of votes {laughter} considerably, of votes demanded on issues. And of course, the reduced time—15 and five—made it somewhat easier to accommodate all those new demands.

But the big issue was that virtually any Member could try to put the whole House on record on an issue, as long as it was at least marginally in order, germane, and was not legislating on appropriation bills. Those are the two big procedural areas. Those sometimes became very difficult votes as these problematic limitation amendments on appropriation bills would clearly have policy implications. It wasn't easy for the majority leadership who would get frustrated over and over again: "How can we limit the number of amendments that can be embarrassing to our membership?" Well, that

became the attitude in the mid-'70s, early '80s. But it proliferated, until they started using the Rules Committee to cut down on offering of amendments starting in the late '80s, but certainly in the '90s.

At first, it was more difficult than now to order an electronic vote. The chair would make sometimes controversial and artificial counts on whether a sufficient number had arisen. It took 20 in the Committee of the Whole; now it takes 25. But that's all ancient history now. If a vote is not ordered, if the Member makes a point of no quorum pending a request for a recorded vote, there had to be a quorum call first, and that was a huge delay. So for virtually everyone in the chair since—and the Republicans and Democrats have been the same way—it has been almost a conclusive presumption that if someone demands a recorded vote in the Committee of the Whole, the chair will either postpone the request and come back to it later, when there are a lot of Members on the floor, or will just say, “A recorded vote is ordered” without really counting a hard 25.

But if you are in the House, that's not an issue, because any Member—any Member—can object to a vote on the grounds that a quorum isn't present. So roll calls in the House have always been easier to obtain. Or if there is a full House, there are two other ways: the “yeas” and “nays” by one-fifth of those present, or a recorded vote by one-fifth of a quorum. Those are two contemporaneous ways of getting record votes in the House, and you can tell by the number. If everyone in the House is there, it's 435; that one-fifth of those present is 88, whereas one-fifth of a quorum is 44, one-fifth of a quorum being 218. So it's that distinction that is basically blurred. I mean, the chair will, virtually always, acknowledge. Because otherwise, there would be points of no quorum, and the delay factor is a huge impetus in having

developed that recent expectation that there will be votes whenever any Member asks for one.

WASNIEWSKI: Part of the idea behind the new technology was that it would speed up the roll call process. Instead of going and spending half an hour or 45 minutes going through the names, you could do it in 15. I'm just wondering, from your perspective now, having looked back on it for several decades and how it's worked, what—

JOHNSON: Well, that's a partially accurate assumption, but of course, the number of votes proliferated to the extent that the total amount of time actually taken was not greatly reduced. But even so, the 15-minute minimum for a recorded vote is only a minimum. And for years, Members would expect the vote would be held open if they'd merely call the cloakroom—all kinds of accommodations which the Speakers finally—Foley particularly, and Gingrich—finally brought to an end that Members shouldn't rely on calls to hold votes open. Although, clearly, depending on where the outcome is, {laughter} it's the chair's choice as to whether to close it or not. And we had that extreme example of a prematurely closed vote in August '07, which was very unfortunate.

WASNIEWSKI: Are you talking about the Medicare vote?

JOHNSON: No. Well, that was the holding it open for three hours in 2003. I'm talking about the vote on the Republican motion to recommit. I think it was on the Agriculture appropriation bill, where Speaker *pro tem* [Michael Robert] McNulty announced a tie vote on the motion to recommit just based on what he viewed on the board. It had not been finalized by the Clerk. And then he changed his announcement twice. The House finally defeated the amendment, and that process became a question of privilege, and it resulted

in the creation of a select committee to investigate it. Which was a huge waste of time and money.

The bottom line is that the chair should always rely on the certification of the Clerk, not on a visual depiction on the electronic board, because the Clerk is in the process of putting in changes that are submitted not electronically, but by card. So the expectation fully now is that the chair will always await a certification from the Clerk in the form of a slip that's passed up through the Parliamentarian.

WASNIEWSKI: Okay. That's probably a good point to let off for today rather than moving into the ethics process.

JOHNSON: Okay. Well, ethics and committee reform are two I think we should cover next time.

WASNIEWSKI: Okay. Okay, good. I'll leave off there.

—CHARLES W. JOHNSON—
INTERVIEW THREE

WASNIEWSKI: This is Matt Wasniewski and I'm with Charlie Johnson. It's March 29, 2011, and we're in Charlie's office in the Capitol, H-56. We were going to, for the third part of our interview, start talking about the ethics process and how that evolved in the House and particularly focusing in the 1960s on the [Adam Clayton] Powell [Jr.] episode and the Powell case.

But before that, Charlie, I wanted to ask, drawing on your book and your work on precedents if you could trace the ethics process. How did it start in the House? It has constitutional and rules origins, right?

JOHNSON: That's correct, Matt. It has constitutional origins. It was interesting, in the chapter of our book on Parliament and Congress, I start with the discussion of Federalist 51 and [James] Madison [Jr.]'s notion that if men were angels or were governed by angels there would be no need for, he called it, auxiliary precautions.⁹ But because the Constitution acknowledged that it was men governed by men, there would be some lapses and the body politic couldn't assume that all Members elected to Congress were going to behave. So the constitutional requirement that allows each house to be the ultimate judge of the behavior of its Members, to punish its Members for disorderly behavior, which has taken on many new meanings, and with a two-thirds vote to expel their Members.

That's the constitutional basis from the First Congress but as we trace all the way up into the 1960s, Congress in its wisdom had never felt an institutional need, one, to formalize any code of conduct; two, any committee structure to investigate individual conduct or to even promulgate standards and rules; or three, to require disclosures of financial and other interests by Members.

None of those requirements were in place. And in the 1950s, Senator Wayne [Lyman] Morse of Oregon had begun hearings on the need for a formalization of a process and committee structure and a code in the Senate. Not necessarily having been provoked by any particular incident as I could find but just to respond to the complexities of the modern age, the fact that Congress was meeting year-round, and Members' lives were more complicated. Their financial needs as Representatives and Senators for more or less the entire year put new pressures on them as far as outside finances, disclosures, and conflicts of interest, real or apparent, leading to a government-wide code of conduct in 1958 upon which Congress basically put a stamp of approval but without any binding effect.

It was really that particular Congress in '58 suggesting some rules that all government employees and officers should live by. And still it's carried forward and it's not ever been incorporated in the law, so it's not a government-wide code of standards but it's a code upon which the House and Senate ethics code of conduct is premised.

In the '60s in the Senate there was the Bobby Baker—secretary for the majority—scandal preceded by a select committee in the '50s to investigate Senator [Joseph Raymond] McCarthy's improper activities resulting in his censure. Now, there were perhaps other examples of the Senate using an ad hoc procedure, namely a select committee, to investigate a Senator's or employee's conduct. The House followed that pattern in the '60s, specifically in 1967 by creating a select committee to investigate allegations against Adam Clayton Powell, returning chairman of the Education and Labor committee.

WASNIEWSKI: Before we get too far into Powell, I just want to back up to the 19th century. Madison also had concerns about the House creating rules and excluding

Members on an ad hoc basis as well. So therefore the constitutional requirement about seating a Member that it's just age, citizenship, and residency. But the process that evolved in the 19th century in terms of ethical policing was basically censure and reprimand as well. Can you explain that process briefly and were there any watershed moments?

JOHNSON:

It was an ad hoc process resulting in a number of censures and reprimands in both houses—not an extraordinarily large number but all based on either immediate House or Senate response to an action on the floor which required an immediate disciplinary response or a select group, a committee, investigation. I don't know that there was necessarily one watershed case.

To Speaker Rayburn, in the '40s and '50s, was attributed the notion that elections and publicity are the antidote to misbehavior and that when the people learn of the offensive conduct of their Representatives, they will respond—perhaps not immediately but certainly within the next year or so and that that should be sufficient to the day. His theory was that if you built in a mechanism you would set up a potentially antagonistic regime that would impinge on collegiality and civility and that the more proper forum was the electorate.

That was the prevailing attitude—I searched for a moment where Rayburn might have said that, but historians have suggested that his position was by inference and represented the responses of the two houses collectively up through that time. There were ad hoc responses when it became necessary to do a formal investigation up until the '60s.

WASNIEWSKI:

So for 180 years the House has this process. Was that typical of parliaments elsewhere?

JOHNSON: I don't have a thorough basis for making a comparison worldwide. I know the British, where we have made comparisons, had a similar notion of ad hoc response. They then formed a so-called commissioner of standards in the '60s or '70s—I don't remember the precise date—who was an independent official responding to a formal Committee on Standards and Privileges. But the notion of an outsider advising the committee was really new there and later on, with some independent counsel, became a factor in America, most recently manifested in the Office of Congressional Ethics. But I suppose you want to talk about that a little later in this interview.

WASNIEWSKI: So it evolves in the post-World War II period in ethics process partly because of this year-round schedule Members are on, the need to raise campaign money. Are there any other factors that you would attribute—

JOHNSON: The need to augment their incomes as much as anything. The need to be practicing law or conducting businesses in whatever spare time they had, and there was more spare time up to the '50s and the '60s. Congress wouldn't meet year-round. The pressures on Members to augment their income developed because Congress had become a full-time job. So all together the crescendo or the fact that there were watershed moments—as we might be calling them—in the Senate with the Bobby Baker scandal and then in the House with Adam Powell, shouldn't have been a surprise. There were subsequent events that could have triggered a more institutional response, I suppose.

The fact that the McCarthy episode didn't trigger a formalization in the Senate side is interesting. I'm not really that conversant with why they waited another 10 years for other misconduct to develop before they realized the need for a permanent select committee on ethics which they put in place in the Senate in 1964. The House followed suit after the Adam Powell problem

which—very basic constitutional issues which I observed as an assistant parliamentarian at the time. And if you want me to describe the constitutional issues there I'd be happy to.

WASNIEWSKI: Yes, we'll get into that. I wanted to lay out Powell a little bit here. You're reading through past newspapers and Powell's biography and a couple other sources. It seemed like it was a very fluid situation in 1966 because there was the creation of the select ethics committee in the fall of that year but there was also an ongoing investigation by the [Wayne Levere] Hays subcommittee, which was under House Administration at that point, into Powell's financial dealings.¹⁰ That seemed to lead into a larger discussion in the House about where the ethics function would be located.

JOHNSON: There was a so-called select committee to investigate campaign expenditures appointed at the end of each Congress. Now I wasn't aware, to be honest, of this effort by the so-called Hays subunit of the Committee on House Administration. Was that Wayne Hays?

WASNIEWSKI: It was Wayne Hays and they were—

JOHNSON: In '66?

WASNIEWSKI: In September of '66 they began investigating Powell's finances.

JOHNSON: Okay, but not pursuant to any order of the House, I believe.

WASNIEWSKI: No.

JOHNSON: That committee had jurisdiction over elections of Members, not over their conduct but elections of Members and the fact that they took on that investigation on their own initiative is really something about which I was not aware. But on Opening Day in 1967, the House voted in its wisdom not

to seat Powell and to create a select committee. There had been precedents of creations of select committees and refusals to seat Members pending an investigation.

The ultimate constitutional question was whether the House could, as an exclusion by a majority vote, or for an expulsion requiring perhaps a seating and then a two-thirds vote, which could have been immediate. There was one precedent in 1870 where a Member was excluded from the House, not even allowed to be sworn, for misconduct, having received money to influence appointments to a military academy, I believe. It was upon that precedent that the Speaker in 1967 relied to suggest that the House had as a matter of precedent—not necessarily as a matter of complete constitutional analysis—excluded a Member by majority vote for misbehavior.

The Supreme Court ultimately said in *Powell [v. McCormack]* that the House was increasing the qualifications for office which the House could not add to and enforce by majority vote. So misbehavior as the Constitution contemplated requires the two-thirds vote to ultimately remove the Member. That was a major constitutional issue and there was no inside House counsel at the time.

When Adam Powell went to the federal court, to sue the Clerk and the Speaker for not allowing him to be paid and to be seated, the House hired an outside attorney, Bruce Bromley from Sullivan & Cromwell—a very prestigious New York firm—because it didn't have the in-house capability, at least the prestige, of an attorney. A few million dollars later, Bromley had prevailed at the district court and court of appeals levels arguing that this was a matter of separation of powers that the courts really shouldn't look at if there was precedent for exclusion and it was ultimately a political issue dedicated to Congress by the constitution.

The two lower courts had bought that argument but the Supreme Court reversed, to everyone's surprise, and ordered that Powell be seated. He ultimately received another certificate of election and had been elected in a special election. After his exclusion there was a special election, he was re-elected but I don't think showed up at that point and seated.

WASNIEWSKI: No, he sat out the entire 90th Congress [1967–1969], yes.

JOHNSON: But on that constitutional issue, the precise question raised in the form of a parliamentary inquiry to the Speaker was the vote required on an amendment of exclusion recommended by the select committee to the resolution of seating. It was the vote required on the amendment and not necessarily on the resolution as amended that the Speaker addressed directly. But implicitly the Speaker was saying that if the amendment providing for exclusion was adopted by majority vote, which as an amendment was all that was required, then the vote on the resolution as amended, it had been converted from a resolution of seating censure, fine, and loss of seniority to a resolution of exclusion.

The resolution, as amended the Supreme Court, said should have required a two-thirds vote. It did in fact obtain a two-thirds vote, although the vote on the substitute amendment was not by a two-thirds vote and that was what misled the Members in the eyes of the Supreme Court to the conclusion that once they had adopted the amendment they could go on and adopt the resolution as amended similarly by a majority. Speaker McCormack never directly said that but his ruling on the amendment is a response to a parliamentary inquiry set that stage.

The fact that there had been in fact the two-thirds vote on the exclusion didn't convince the Supreme Court—and it shouldn't have—that that had

been a de facto expulsion. The House was in effect adding a qualification to the oath to, namely good behavior, and those for seating, namely citizenship, residency, age, and oath. The House would have perhaps seated and then expelled him immediately because the votes were there to do so, as it appeared.

WASNIEWSKI: Were you on the floor that day?

JOHNSON: Yes. But I must say, everyone was rather convinced that the arguments that had prevailed in the two lower courts made by the very eloquent high-priced constitutional attorney would carry the day in the Supreme Court.

So my boss, Lewis Deschler at the time, had researched the 1870 precedent on the sale of the military academy and the exclusion that resulted. There were other exclusions, I believe, of Civil War southerners who had been excluded for treason against the government, and they weren't treated as expulsions. So there were those precedents, never tested in the courts.

But the select committee, chaired by Chairman [Emanuel] Celler of the Judiciary Committee and a very prominent bipartisan group of Members, had recommended the series of disciplines, including censure, denial of seniority following seating, and fine, but they didn't prevail. The use of an ad hoc committee without standards of conduct being in place, without financial disclosure—which was one of the issues in the Powell case, that he had squandered official allowances for private purposes—all seemed rather quickly to suggest the need for a more standardized approach. So that was a watershed, no question in my mind about that.

WASNIEWSKI: So the Powell case drove the push for a formalized ethics committee?

JOHNSON: There's debate which would show that explicitly but within the House, it happened in stages. The House first created a Select Committee on Ethics just to recommend proposed standards of conduct and proposed standards of disclosure, but not to investigate individual Member's conduct. That came along after the Powell case, when it was converted to a standing committee and given the authority not only with jurisdiction over the code of conduct and to give advisory opinions, but also to investigate Members and recommend sanctions to the House. That came after the Powell decision.

WASNIEWSKI: What was the role, if any, of the Parliamentarian's Office in advising first the select committee in the fall of '66 or . . .

JOHNSON: The key role—and unfortunately not the proudest for the Parliamentarian's Office—was the advice that because of the precedent that exclusion was a proper remedy that could be imposed by majority vote, albeit in the context of a vote on an amendment and not a final vote on a resolution. But that impression, as it turned out, was a constitutionally impermissible impression.

If we had done every bit of constitutional analysis, I'm not sure the House would have, or the Speaker would have necessarily followed the Parliamentarian's advice. My guess is that he and the House then would have followed suit by voting on an expulsion. The select committees had their staff from the Judiciary Committee, I can't remember offhand how much of an advisory role the Parliamentarian's Office played with the select committee. It was only in existence for two months. I know Manny Celler, the chairman, and Lew Deschler, as was so often the case in those days, had a close personal relationship and so there was communication between them during that period. But as far as the whole office being involved I don't recall it.

WASNIEWSKI: And just to be clear for my sake, the Celler committee was kind of an ad hoc committee that was created after—

JOHNSON: On Opening Day.

WASNIEWSKI: On Opening Day, but there had been a select ethics committee created in the fall of '66.

JOHNSON: Just to give the advice generally.

WASNIEWSKI: Okay, separate entity.

JOHNSON: To my knowledge not necessarily based only upon the Powell case, but I could be wrong on that. There was no enforcement. The committee couldn't recommend sanctions against the individual Members in '66.

WASNIEWSKI: So just to come back to that day, March 1st on the floor, do you have any memories that stand out from that particular day? You may or may not but, that's the question that Celler puts to the Speaker {hands Johnson a copy of the *Congressional Record* from that day}.

JOHNSON: As you see, the question that he raises, "Would the amendment offered by the gentleman from Missouri, Tom [Thomas Bradford] Curtis, when the previous question was rejected on the resolution on censure, fine, and loss of seniority be in order?" Celler calls it a resolution. It was really an amendment to the pending resolution offered by Celler. That's a distinction that the Supreme Court felt was without meaning. It was Speaker McCormack's response to a parliamentary inquiry. It wasn't a point of order; it was advice that action by a majority vote would be in accordance with the rules.

Now, the rules obviously include the Constitution in the most basic sense but having precedent in mind I think was the thrust of it, and so whether the

Speaker was deliberately dodging the question of the vote on the resolution as amended, he didn't directly answer that, and it was that ambiguity that gives the Speaker some benefit of the doubt.

WASNIEWSKI: Did you ever get a sense after the fact whether that—

JOHNSON: After you read the Supreme Court decision, yes. And the fact that there hadn't been more attention paid internally in the House, that the special counsel, Bruce Bromley, had been talking I suppose to Lewis Deschler and talking to other attorneys on the Judiciary Committee staff. Charles Zinn—who was one of the constitutional attorneys for the Judiciary Committee at the time—and others. I think they felt comfortable based on precedent that the Supreme Court would support the two lower courts whose decisions, as I recall, were unanimous. I don't want to be held to that, but the district court and court of appeals decisions led to a sense of complacency perhaps.

WASNIEWSKI: So this happens March 1st, Powell is excluded, he's re-elected in the special election. But in March and then in April the House is debating a formalized ethics process and this is where, in the newspaper accounts, again, it becomes clear there's this push and pull between Wayne Hays on House Administration—he's not chair at that point, but he had been chair of the subcommittee that had looked into Powell's finances—and there's a question of where the ethics function is going to be placed. Do you have any recollection of that? There seemed to be on the one side people like Charles [Edward] Bennett of Florida who wanted a formal stand-alone committee but then there was another group that was pushing for having it placed under House Administration essentially, a standing committee.

JOHNSON: You mentioned that, and as I think I suggested by my response, I'm not personally clear on that opinion having any real sway. I mean the Committee

on House Administration had no jurisdiction over conduct of Members to the extent that there was jurisdiction. The Rules Committee had jurisdiction to establish a standing committee and to write a code of conduct at that time, before there was one. The House Administration Committee had no such jurisdiction. You say there were press accounts of a group headed up by Hays and it wouldn't have surprised me that Hays took a strong position to assert his own jurisdictional interests such as he perceived them, but I don't recall that there was any major push to give House Administration a role. I can ask you this. Did you find any accounts to the contrary?

WASNIEWSKI: There are a couple of accounts in January, February where Dick Bolling from the Rules Committee actually testifies, I believe before the House Administration Committee, but I'd have to go back and check my notes, and he's supportive of placing the function under a subcommittee of House Administration. But then he changes gears in March of '67 and then supports this what looks like it's a faction led by Charles Bennett, or at least he's the one who's quoted all over the place, for a stand-alone ethics committee, a bipartisan—

JOHNSON: Bennett I think later became the second chairman of Standards?

WASNIEWSKI: I believe so.

JOHNSON: He wasn't the first.

WASNIEWSKI: No.

JOHNSON: I think John [James] Flynt [Jr.] of Georgia may have been the first.

WASNIEWSKI: I think you're right.

JOHNSON: But that's interesting. Perhaps the Rules Committee history, which Bolling helped write, would shed some light on that. But it certainly is enlightening to me to know that there was any kind of argument toward giving House Administration that jurisdiction.¹¹ House Administration's jurisdiction was pretty marginal in those days, and they basically did what they still do, decide on budgets for individual committees and decide election contests based on the separate constitutional empowerment of Congress to judge the elections returns and qualifications of their Members. But that's not judging conduct.

WASNIEWSKI: I'll pull the articles for you and show them to you.

JOHNSON: Yes, I'd be interested.

WASNIEWSKI: But at any rate that goes away by March or April of '67 and that's in April, I guess, the House votes on a formalized ethics committee and then folks are named to that a little bit later of that month. In retrospect, looking back on Powell, that entire episode, one thing that stands out when you read through the floor debate here is Members going out of their way to say that this is based on conduct, it's based on Powell's erratic behavior, not based on race, not singled out because of race. Looking back on that episode over 40 years later how do you view his treatment?

JOHNSON: I think Adam Powell squandered the opportunity to be a forceful and effective chairman of the Committee on Education and Labor. There was another Black chairman of a committee at the time, Bill [William Levi] Dawson of Illinois who was chairman of Government Operations at the time, but he was inactive. But the notion that Powell was basically defiant of the House in not paying back funds and apologizing, I think, was a compelling pressure. I'm sure there were some Members who might have voted on the basis of race.

As an aside, Adam Powell went to Colgate and my father and he were classmates at Colgate, in 1926 to 1930, and I don't think he was always aware that Powell was African American. But he certainly capitalized on that when he was running for Congress. So it's hard for me to sit here and say there weren't elements of racism involved. But there was certainly enough misconduct, the private misuse of public funds, some tax issues under New York state tax law that were also involved.

But I'd say the important thing was that the House knew it couldn't be complacent any longer in assuming that issues of this sort were political questions that the courts would say could only be resolved by the House or the Senate, that there can be basic constitutional issues that gives a Member such as Adam Powell standing to go into federal court. The standing issue is as important as the issue on the merits. What was he being deprived of in a constitutionally impermissible way? And Congress learned a major lesson by that Supreme Court decision, and a good one. There have been subsequent cases of states adding qualifications to those itemized in the Constitution for Members of the House, term limits for example, what can be on ballots, that have all been ruled out as impermissible because the states were by constitutional amendment and statute trying to add to the qualifications of Members to which the House itself cannot do.

WASNIEWSKI: So this occurs in the '60s and, again, asking you to step back a little bit from it, do you see the development of the ethics process at this time as kind of part of the larger development of the need for openness, transparency in government? I think when people think about that they think Watergate and kind of post-Watergate reform, but this really seems to fall into the same mold, or is it unrelated to that later push in the '70s where we get a bunch of reform?

JOHNSON:

As far as government officials' misconduct it's related clearly, but Watergate was executive branch misconduct. The notion of internal House or Senate misconduct—which is constitutionally left for each house to resolve—doesn't mean that there can't be federal law for example, as there is, and was, on fraud by public officials who are defined to include Members.

It's not that Congress is the only body that can punish a Member. That's certainly not the case. And it was not the case in Watergate that the only sanction was impeachment and removal from office. There were federal crimes being violated by the President and his staff. And so there have been obviously several prosecutions under federal perjury law, conspiracy law, bribery, fraud, where Members are defined as officials of the government who can potentially be prosecuted. Such as the [Robert Lee Fulton] Sikes case.¹² There were some early censure and reprimands before Watergate in the House based on reports emanating from the Standards Committee. So the Standards Committee wasn't a zealous group bound and determined to find misbehavior everywhere that it turned up.

I remember John Swanner, an attorney who was the first counsel to the Standards Committee. Basically John Flynn had brought him aboard and he stayed with Charlie Bennett. He basically called a lot of the shots and he made informal arrangements at the Justice Department where they would share information about Members' misconduct. The rules from the beginning said that the House could, on a two-thirds vote, refer a matter to a prosecuting official. There was more of an informal relationship where the House or the counsel of the committee and the Justice Department shared information from time to time. Those were some of the early ways the committee operated. But the Parliamentarians were never formally involved in any of their deliberations.

The rules which now are very technical which govern the Standards Committee—now the Ethics Committee, you know it's called the Ethics Committee as of the 112th Congress [2011–2013]—weren't anywhere near as detailed as they are now. House Rules in the '80s and '90s began to require that the Standards Committee shall adopt the following rules which were very particular on investigative subcommittees, memberships and what have you.

But again, in response to your first question, in that late '60s, early '70s time frame, there were actions taken. I can't sit here and recite all of them. The Sikes and [Charles Coles] Diggs [Jr.] cases particularly come to mind. There were some other reprimands or censures in that time frame.

WASNIEWSKI: Let me just back up to Powell real quick with one last question which is that, was there concern among the leadership that there would be a move to deny him a seat in the 91st Congress [1969–1971]?

JOHNSON: Yes. Carl [Dewey] Perkins had become chairman of the Education and Labor Committee. He was from Kentucky, who was a progressive southerner, and was acceptable, I think, to the main part of the Democratic majority as being progressive enough.

The residual notion that there might have been an expulsion had Powell reappeared, I don't remember anybody gearing up for that particularly. I'm sure that there were people lying in the wings realizing they would have to seat him if he showed up but then perhaps could expel him the very same day. And maybe he knew that. I haven't researched it. Maybe our notes would show that. And I didn't talk about it in my book, but departed from the Powell case when I talked about how the ethics process emerged going forward. But that's certainly a legitimate question for someone to research.

I'm sure it wouldn't be that hard to find some press on the eventuality of Powell showing up what the House would do.

WASNIEWSKI: But you don't remember any kind of prep work in the Parliamentarian's Office or coming down from the Speaker's?

JOHNSON: I'm guessing there was prep work. As I sit here I can't, and I haven't obvious looked in the files, I'm guessing there is material on it.

WASNIEWSKI: So in the 1970s going forward then, you know we had the Obey Commission, the Ethics in Government Act in 1978—and those items might be for another day because I don't want to get too far ahead chronologically—but again from a broad perspective looking over the decades how has the ethics process played out if you had to describe it?¹³ You know, what have been some of the consequences of an ethics process, unintended and intended?

JOHNSON: Until very recently the ethics process was never perceived to be partisan. There was always an equal number of Republicans and Democrats appointed to the committee. The bifurcation into investigative and adjudicative subcommittees still required equal numbers. The rules usually emanated from task forces and were the result of bipartisan agreements.

Probably the one that comes to my mind particularly was the Ethics Reform Act of '89. It was bipartisan, it enacted law primarily on disclosure and the various ways that complaints could be brought to the ethics committee by outsiders. That was more or less a tradeoff for a salary increase for Members, that they had to put a severe limit on outside earned income and have more disclosure. That was the package that emerged in the 1989 Ethics Reform Act. The 1997 task force headed by [Robert Linlithgow] Livingston [Jr.] and

[Benjamin Louis] Cardin resulted in a bipartisan recommendation and in some very strong reforms.

What stands out in my recollection now, was a reform put in place in the middle of a Congress. I think it was September of '97. But John [Patrick] Murtha [Jr.] prevailed upon the House in an amendment to deny outsiders the ability to present formal complaints to the Standards Committee, requiring instead that complaints had to be either filed by a Member or if a Member refused to personally file a complaint, had to say he's filing on the behalf of an outside group but based on the likelihood at least that it's an issue that warranted investigation. So that while outsiders or public interest groups could not file direct complaints, they could file petitions to the committee which did not formally start the complaint process. That was important from 1997 on.

[A 5-minute, 53-second segment of this interview has been redacted.]

WASNIEWSKI: Do you think the process functioned fairly well in a bipartisan fashion for the first couple decades?

JOHNSON: Yes, I really do because in the '80s and even in the early '90s Members—other than in individual cases of misconduct—parties didn't try to take political advantage of the misgivings of the leadership of the other party. There were controversial investigations. For example, the [House] Page investigation, [Gerry Eastman] Studds and [Philip Miller] Crane, and the issue came to the floor on the degree of punishment.

The Standards Committee always had a recommendation which was pretty much unanimous and neither party, until the House switched majority parties. Maintaining the majority and gaining the majority became an obvious advantage to Newt Gingrich, by exploiting the ethics of leadership in

past Congresses. Once that became an effective and accepted way of politicking then the process itself began to be politicized. But I would say until the Gingrich ascendancy and the bank and post office scandals there had not been a politization nationally with fundraising implications based on the notion of corruption. Mismanagement, maybe, but using the word corruption which is so easily used these days was not the norm until Gingrich ascended.

WASNIEWSKI: A final wrap-up question which is that, again kind of stepping back and looking at the broad view, and you may just want to compare this to the UK, how has our process in these latter years evolved in comparison to theirs?

JOHNSON: I would say the British have censured members for centuries but not in a vindictive or a proactive way particularly. And as I said earlier, I don't recall precisely when they saw the need—I think it's in our book—to bring in a so-called commissioner of standards who has been on contract as an outside investigative person.

Let me backtrack to the Jim Wright investigation which just preceded the Gingrich ascendancy and perhaps was part of the reason for it. The Standards Committee there had hired an independent attorney. His name was [Richard J.] Phelen, I believe, P-H-E-L-E-N, who without the formal imprimatur of the committee had probed into other aspects of Jim Wright's income and royalties and was about to bring that to the attention of the committee and the committee never filed a report on Jim Wright but he resigned believing that his improprieties would have cost him the position of Speaker.

There was an example of the Standards Committee bringing in an outside counsel, as they had done in prior years, to conduct specific investigations, and they continued to afterwards. They have a rule that addresses the use of

outside counsel, but the notion of a formal office was taken on by the British and the office of commissioner of standards who reported formally as a result of investigations. There was an overzealous commissioner of standards in the UK in the late '90s, since then the people they've hired have really maintained a more discreet role. The allowances scandal there has created a new entity, a commission on allowances, just based on that aspect of conduct.

But the House of Representatives didn't see the need until the dysfunction of the Standards Committee in the first decade of this century to formalize an outside office with its own attorneys and investigators to bring preliminary investigative recommendations to the attention of the standards committee. So the British were out front in that respect in having a formalized outside entity.

And in fact recently, right now they're talking about—my collaborator on the book submitted a paper to the committee on standards and privileges about whether or not they should bring outside members on to the committee on standards—some outsiders, not sitting members of Parliament, judges or, not former members either. It mirrors the debate that we had in '08 on the establishment of the Office of Congressional Ethics which is in itself a story to be told. I was retired by then, but I did observe it and I'm not sure whether you want this interview to cover some of those observations or not.

WASNIEWSKI: Feel free to weigh in. I haven't prepared to go that far ahead but if there's anything you want to touch on in particular.

JOHNSON: If there is any evidence about how dysfunctional the Standards Committee had become it appeared on the night that they debated the Speaker Pelosi inspired resolution to create the outside office. The recommendation had

emerged from the Rules Committee, which is where it needed to come from. A bipartisan task force headed by Lamar [Seeligson] Smith had originated the idea. He was the minority member so there were majority and minority Members on a task force basis appointed by Pelosi and [John Andrew] Boehner and they had bipartisan recommendations for the formulation of the office.

When it came time to vote on it, the Republican support disappeared as they saw a clear advantage to be gained by making it a Pelosi partisan effort. So the Republican bipartisan support disappeared virtually overnight and when it was debated there was this incredible moment when Stephanie Tubbs Jones, the then chairman of the Standards Committee, and Doc Hastings, by then the ranking minority member—he had gone from chairman to ranking minority member—had a dispute about a memorandum that the staff of the Standards Committee had written regarding the extent to which the new office—if it were to be created—and the Standards Committee would interact on the transmittal of complaints and the extent to which they'd be publicized, etc.

There had been a staff memo that Doc Hastings had released and had used in the debate to show that there were difficulties in bringing the two entities together. Under the House and committee rules at the time, there was a requirement for consultation between the chairman and ranking member before anything like that was disclosed. So the issue became, was Stephanie Tubbs Jones consulted before Doc Hastings put this memo into the debate and into the *Record* on that occasion? And it led to a question of personal privilege by Doc Hastings saying yes, he had told her and she, standing up in a very vitriolic way, saying no, he hadn't sufficiently. So the whole notion of consultation was obviously very subjective. Just that debate on the eve of the

vote on the creation of the new outside office itself showed how dysfunctional the Standards Committee had become, at least as between those two principals, the chairman and ranking member and their staffs.

The House, in violation of its own rule, which ironically caused the Republicans some amusement, if not resentment—Nancy Pelosi had put in place a rule saying that you can't hold a vote open solely to change the result, in the wake of that horrible situation on the vote on the conference report on prescription drug benefits, held open for three hours [in 2003]. We'll, I assume, talk about that on another occasion. But she had held the vote open for a considerable time after the 15 minutes because she didn't have a majority to create the outside office and because some Democrats forcefully had said, constitutionally the House didn't need outsiders, the Constitution prescribes that the House shall be the judge, not outsiders even as a preliminary fact-finding group. There have been a number of states that had varying degrees of outside entities reporting to their ethics entities within the legislatures, so there's precedent for it at the state level and certainly the British had a commissioner.

But so there were a number of Democrats who voted with Republicans but the vote, I think it was a one vote margin, held open by Pelosi herself, in violation of her own rule saying that you can't hold a vote open solely to change the result. She would say it's not to change the result, it's to change people's minds. {laughter} But that was an irony to say the least.

But you know, there have been mixed results about the Office of Congressional Ethics. And the fact that it was reestablished this Congress, without any change despite that earlier Republican opposition, is telling.

Probably the biggest complainer about the office has been the Congressional Black Caucus which has felt that there are an inordinate number of Members investigated by the office preliminarily and the fact that the results of certain investigations would be leaked. The whole premise that Members are, quote, “hung out to dry,” that was the term used over and over again in the argument in favor of protecting, that the presumption of political innocence shifts immediately upon even the introduction of a complaint, not necessarily of finding of fact.

WASNIEWSKI: Of findings, sure.

JOHNSON: But the presumption of political innocence shifts in the public mind if an advisory group suggests that there may be something to investigate. It’s that presumption and the perception of misconduct—not necessarily a finding of it—that is so important to Members these days in the wake of the closeness of the elections and the use by both parties of ethical misconduct in heavily financed campaigns. So to that extent incumbents have a disadvantage of incumbency by knowing that anything in their past—not necessarily just in their congressional past—is perhaps fair game in election campaigns and will be heavily financed.

WASNIEWSKI: Good. That’s a good breaking point. We’ll stop for today.

JOHNSON: Okay.

NOTES

¹ In October 2010, the Office of History and Preservation merged with the Office of the Historian.

² Paul Tagliabue was the Commissioner of the National Football League from 1989 to 2006.

³ Joint Committee on Printing, *The Cannon Centenary Conference: The Changing Nature of the Speakership*, 108th Cong., 2nd sess. (Washington, DC: GPO, 2004).

⁴ *Cannon's Precedents of the House of Representatives of the United States*, Six volumes, (Washington, DC: GPO, 1935–1941).

⁵ *Hinds' Precedents of the House of Representatives of the United States*, Eight volumes, (Washington, DC: GPO, 1907–1908).

⁶ Asher Crosby Hinds was elected as a Republican to the 62nd Congress and served through the 64th Congress (1911–1917).

⁷ Clarence Andrew Cannon was elected as a Democrat to the 68th Congress and to the twenty succeeding Congresses until his death on May 12, 1964 (1923–1964).

⁸ The House Select Committee on Committees, or Bolling Committee, was established in the 93rd Congress (1973–1975). See, U.S. House Select Committee on Committees, *Committee Reform Amendments of 1974*, 93rd Cong., 2nd sess., H. Rept. 93–916.

⁹ William McKay and Charles W. Johnson, *Parliament and Congress: Representation and Scrutiny in the Twenty-First Century*, (Oxford: Oxford University Press, 2010).

¹⁰ U.S. House Committee on House Administration, Special Subcommittee on Contracts, *Relating to the Investigation into Expenditures During the 89th Congress by the House Committee on Education and Labor, and the Clerk-Hire Payroll Status of Y. Marjorie Flores*, 89th Cong., 2nd sess. (Washington, DC: GPO, 1967).

¹¹ U.S. House Committee on Rules, *A History of the Committee on Rules: 1st to 97th Congress, 1789–1981*, 97th Cong., 2nd sess. (Washington, DC: GPO, 1983).

¹² U.S. House Committee on Standards of Official Conduct, *In the Matter of a Complaint Against Representative Robert L. F. Sikes*, 94th Cong., 2nd sess., H. Rept. 94–1364.

¹³ The Commission on Administrative Review, known as the Obey Commission, was established in 1976. U.S. House of Representatives Commission on Administrative Review, *Financial Ethics*, 95th Cong., 1st sess. (Washington, DC: GPO, 1977). See also, U.S. Committee on Standards of Official Conduct, *House Ethics Manual*, 110th Cong., 2nd sess. (Washington, DC: GPO, 2008).