96TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPT. 96-930
Part 2

IN THE MATTER OF REPRESENTATIVE CHARLES H. WILSON

SUPPLEMENTAL REPORT

together with

DISSENTING VIEWS

(TO ACCOMPANY H. RES. 660)

JUNE 6, 1980.—Referred to the House Calendar and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
83-606 O WASHINGTON : 1980

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

CHARLES E. BENNETT, Florida, *Chairman*

LEE H. HAMILTON, Indiana
RICHARDSON PREYER, North Carolina
WYCHE FOWLER, Jr., Georgia
LOUIS STOKES, Ohio
NICK JOE RAHALL II, West Virginia

FLOYD D. SPENCE, South Carolina
HAROLD C. HOLLENBECK, New Jersey
ROBERT L. LIVINGSTON, Louisiana
WILLIAM M. THOMAS, California
F. JAMES SENSENBRENNER, Jr., Wisconsin
RICHARD B. CHENEY, Wyoming

JOHN M. SWANNER, *Staff Director*

96TH CONGRESS } HOUSE OF REPRESENTATIVES { REPT. 96–930
2d Session } { Part 2

IN THE MATTER OF REPRESENTATIVE CHARLES H. WILSON

JUNE 6, 1980.—Referred to the House Calendar and ordered to be printed

Mr. BENNETT, from the Committee on Standards of Official Conduct, submitted the following

SUPPLEMENTAL REPORT

together with

DISSENTING VIEWS

[To accompany H. Res. 660]

INTRODUCTION

On May 29, 1980 on the House floor, the chairman of the House Committee on Standards of Official Conduct called up a privileged resolution (H. Res. 660) in the matter of Representative Charles H. Wilson and asked for its immediate consideration.

A motion to postpone further consideration of House Resolution 660 until June 10, 1980, was offered by Mr. Rousselot. The motion to postpone was rejected, whereupon the House proceeded to consider the resolution.

During debate, Representative William Thomas made reference to 1970 campaign reports filed by Representative Charles H. Wilson pursuant to California State law, that were not introduced in evidence during the disciplinary hearing in the Wilson case. The argument was made that bringing into the debate, material that had not been raised in the hearing, put Representative Wilson at a disadvantage, whereupon a motion to reconsider the Rousselot motion to postpone to a day certain was agreed to. Upon reconsideration the motion to postpone to a day certain (June 10, 1980) was agreed to.

The chairman of the Committee on Standards of Official Conduct called a committee meeting for 9:30 a.m., June 5, 1980 for the purpose of considering the material referred to by Representative Thomas in the May 29 debate.

In a May 30, 1980, letter to Representative Wilson and his counsel, the chairman notified them of the June 5 meeting, and offered to receive from them "any objection, comments, or additional proof on the new evidence submitted by Representative William M. Thomas on the House floor May 29th."

The transcript of that portion of the June 5, meeting of the House Committee on Standards of Official Conduct relevant to the Wilson matter follows.

THURSDAY, JUNE 5, 1980

HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
Washington, D.C.

The committee met, pursuant to notice, at 9:50 a.m., in room B-318, Rayburn House Office Building, Hon. Charles E. Bennett (chairman) presiding.

Present: Representatives Bennett, Stokes, Rahall, Spence, Hollenbeck, Livingston, Thomas, and Cheney.

Also present: Walter J. Bonner and Thomas A. Guidoboni, counsel for Mr. Wilson. John M. Swanner, Staff Director.

The CHAIRMAN. The committee will come to order.

As we all know, the House voted last Thursday, May 29, to postpone further consideration of House Resolution 660 until June 10, 1980.

The argument was made that remarks delivered by Representative Thomas referring to California State campaign reports had not been offered in evidence during the disciplinary hearings and thus put Representative Wilson at a disadvantage in defending himself on the House floor that day. Therefore, the Rousselot motion to postpone until June 10 was agreed to.

I called today's meeting for the purpose of allowing Representative Thomas to bring to the committee's attention the documents he referred to on the House floor last week. We are interested in learning: (1) precisely what these documents are and what they contain, (2) how they relate to the matter before us and, of course, what the respondent may wish to say in this matter.

I recognize Mr. Thomas.

Mr. THOMAS. Mr. Chairman, subsequent to the publishing of the committee report in the matter of Representative Charles H. Wilson, I obtained copies of the candidate's campaign statements required to be filed by Mr. Wilson pursuant to California law in effect during 1970–71. Copies of these reports were in the committee evidence files, but were not introduced by committee counsel at the disciplinary hearing.

I understand that Mr. Wilson's counsel chose not to make copies of these documents at the time they were given access to the committee evidence files pursuant to discovery.

Further, I understand that on May 29, 1980, on the floor of the House, Representative Livingston personally furnished copies of the statements to Mr. Wilson and that on May 30, 1980, Mr. Wilson's counsel received copies from the committee. I have here copies of these documents for both the primary and the general election held during 1970. Affixed to each is a certificate from March Fong Eu, Secretary of State of California, certifying that these are full, true and correct copies.

Mr. Chairman, I request these documents be received by the committee and made a part of the record of these proceedings.

The CHAIRMAN. Is there any objection?

Mr. THOMAS. If I may continue, Mr. Chairman, I believe that these documents have substantial probative value.

Mr. SWANNER. Does counsel have an objection?

Mr. GUIDOBONI. Yes, I would like to voice an objection, sir, if I might.

The CHAIRMAN. Unless you want to talk further before the objection. Is there something else you want to say?

All right.

Mr. GUIDOBONI. The objection is based on the following. The committee held a full hearing. We were present with Mr. Wilson. The hearing was concluded on the first of April. There were closing arguments. The committee issued a report. The matter was presented to the floor. This evidence was available. I believe Mr. Wisebram had the option of offering this or not. We had the option of defending or not. It was not offered. We did not defend. At some point there has got to be finality in this matter, and as I read the rules of the committee, this committee, the conclusions of this committee and the recommendations as to Mr. Wilson had to be based on evidence offered at the hearing, and I would commend to the committee's attention Rule 16 in particular, which reads:

> At a disciplinary hearing the burden of proof rests on the staff with respect to each count to establish the facts alleged therein clearly and convincingly by the evidence that it introduces.

And, gentlemen, this evidence was not introduced at that time, and we would object to its introduction now at this time before this committee, because we believe that the hearings and the proceedings are closed, and it is especially telling that it was available, that counsel for the committee and the committee did have staff counsel, made a tactical decision, for whatever reason.

Mr. Wisebram is not here today so I can't question his reasons, but he did have it available. He made a decision not to use it. It was not used. Now I think that is sufficient to state the grounds of the objection.

If the committee has questions or anything, I will try to respond to them.

The CHAIRMAN. I think this goes to the inherent procedural matter which is before us. Basically, the authority of Congress to discipline Members rests upon the Constitution. A procedure has been set up for this committee to operate to bring evidence before the Congress, but as I read the Constitution, and as I read what has been done by statute, I believe that a new matter can be brought to the floor. I believe it could have been disposed of on the floor the other day, and we could have gone to final action. I don't believe any of the statutes justify the position that new evidence can't be brought to the floor. It could be that the House would do as it did, come to the conclusion that the matter should be postponed to allow response to the new material done on the floor. But as I understand the constitutional situation we have before us, and the statutory provisions which I doubt could make those constitutional provisions, it is perfectly proper to admit into the record at this time this particular material.

Now, from a practical standpoint, the material was already offered on the floor of the House, and I suggested on the floor of the House

that the matter be stricken, and that we not consider it. The House apparently felt that that was impossible for them to do, and that a more proper thing to do would be to have the committee allow an opportunity for objections and counter information, if necessary.

In view of that, it seems to me if we are going to have a termination of a case of this type, that the proper procedure to follow is to do what I notified counsel would be allowed, which was to offer this information in evidence. In my opinion, it is already in evidence because it has been before the floor of the House, and allow the respondent any way he wants to, so unless there is some objection from some member of the committee, I would intend to allow Mr. Thomas to put this material in the record.

I see no way of wiping it out, when you consider the action that the House has taken. Now, if you were, strictly speaking, in a court procedure or a jury procedure, it could have been wiped out, but the House apparently turned its back on that procedure, and I think the House has a right to do what it wants to do on this matter under the Constitution. I think there is no statute that prohibits or prescribes a different procedure. So unless there is some objection by some member of the committee to the introduction of this evidence, it will be allowed in at this time.

Mr. STOKES. Mr. Chairman, prior to any vote being taken in this matter, I would like to hear from counsel for the respondent. I am quite familiar with newly discovered evidence being the grounds or the basis for a new trial for someone who has been found guilty. I have never, nor do I know of any procedures under law, where those in the category of being prosecutorial have some newly discovered evidence that gives them the right to have a new hearing.

The rules clearly provide for the production of evidence at hearings, et cetera. There is nothing in the rules that provides for additional evidence to be submitted after the verdict. Here you have had a hearing. You have had the jury meet here and decided, made findings, then recommended punishment to the House. It went to the House, and then after all the procedures provided for under the rules of the House, up comes newly discovered evidence by those who had every opportunity to present their evidence during the disciplinary hearing, and I would really like to hear from counsel for the respondent.

Mr. LIVINGSTON. Will the gentleman yield to me before counsel responds?

Mr. STOKES. Yes, I would.

Mr. LIVINGSTON. It seems to me that it is the function of this body to make recommendations to the House on Members who have been charged with violating the integrity of the House. Now, that is a pretty loose proposition, but if you want to play by the rules, and it seems to me that no rules should exclude new evidence which shows categorically that one of the charges that we brought against the particular member may be verified or proved, but Rule 20 of the rules of the committee provides:

> "Any evidence that is relevant and probative shall be admissible in any hearing of the Committee" and I submit this is a hearing of the committee, "unless the evidence is privileged or unless the Constitution otherwise requires its exclusion."

Now, this documentary evidence is not privileged. The Constitution in no way compels its exclusion, and it seems to me that the chairman is absolutely right in admitting it at this time.

Mr. STOKES. Well, Rule 20 to which you refer, which says, "Any evidence that is relevant and probative shall be admissible in any hearing of the Committee"—we were not in any hearing of the committee when this evidence was introduced on the floor of the House.

Mr. LIVINGSTON. We are in a committee now.

Mr. STOKES. The committee had had its hearing. Let's refer back to Rule 16(a) which says this:

> A disciplinary hearing respecting a violation charged in a Statement of Alleged Violation shall be held to receive evidence upon which to base findings of fact and recommendations, if any, to the House respecting such violation. A disciplinary hearing shall consist of two phases. The first phase shall be for the purpose of determining whether or not the counts in the Statement have been proved. The second phase shall be for the purpose of determining what action to recommend to the House with respect to any count found to have been proved.

Now, I don't find anything in here that provides for a third phase. If you have got some third phase here to refer to, I would be happy to have that evidence.

Mr. LIVINGSTON. The point is that I see no reason for its exclusion. This is probative evidence. This is evidence bearing on the degree of proof or the guilt or innocence, if you will, of the Member before this committee, and barring any showing that any hearing of the committee excludes this hearing, I think that there is no reason why this matter should not go in the record.

I regret that it didn't go in the record in the first place, but in my opinion it is directly bearing on the substance of some of the counts before the committee. We have had no final ruling. We will have no final ruling until the House voices its judgment when we go before the House on June 10, I think the date is.

Mr. STOKES. Would the gentleman tell me what is to prevent us when we go back to the floor, someone else coming up with some new evidence, and what do we do? Come back here and have another hearing then?

Mr. LIVINGSTON. Quite frankly, if the gentleman from California, Mr. Wilson, came forward with some evidence to show that he was innocent, I would be delighted to admit it on the floor.

Mr. STOKES. If that is the basis upon which the gentleman is proceeding, then that defies everything that I know about due process of law, and that is precisely what counsel said when this case began. You are talking about a situation where you have just said the respondent is to come here and prove he is innocent rather than for you as a committe member and the staff to prove his guilt.

It defies everything that this procedure is all about.

Mr. LIVINGSTON. We have had a full hearing. Mr. Wilson has been entitled to introduce evidence in his behalf to show that the charges are unwarranted. He has not come forward with any such evidence.

He has had an opportunity in the hearing that we have already had in the full House. He would have an opportunity today. He would have an opportunity again in the full House on June 10.

Now, if he is innocent, I am the first one to want to see him go free, but these documents in my opinion categorically show that he has got problems, and I think they are probative and I think the full House should have the benefit of those documents.

Mr. STOKES. Mr. Chairman, I renew my request to hear from counsel for respondent.

Mr. BONNER. May I, Mr. Chairman?

Of course, I agree with the position as put forth by Mr. Stokes. It is really unheard of to reopen prosecutions and to come forward with what has been described by the chairman and the other gentleman as newly discovered evidence, but the reality here is that it is totally inappropriate and totally unfair to do so.

There really does come a point at which the committee should call enough to this.

Putting that aside, the reality is that this is not newly discovered evidence. The evidence was before you through your staff and through your counsel, and you didn't use it. You didn't admit it. Under any stretch of the imagination, under any stretch of any rules of evidence, it is too late. There is nothing "newly discovered" about it. You all knew about it. You had a full hearing here, presented your evidence, made your findings of guilt and innocence and assessed recommendations as to penalty. Now today, we hear this described as "newly discovered evidence." "Newly discovered evidence" is certainly not evidence that lies in the hands of the committee during the entire time that the hearing on phase I took place, never mind the hearing on phase II. So with all due respect, Mr. Chairman, to you and the committee, I vigorously object to the admission of this so-called newly discovered evidence at this time for the reasons that it is, first of all, not "newly discovered evidence," and second, it is completely inappropriate, and I think completely unfair to reopen these proceedings. You have assessed guilt and you have assessed innocence and you have assessed what the penalty should be. Now you have asked us to try to come forward at this late date and to meet this old evidence which the committee, in what I must take is its wisdom, along with its staff and counsel, chose not to make use of during the time of the phase I and phase II proceeding.

Thank you, Mr. Chairman.

The CHAIRMAN. Well, the counsel has quoted me as saying that I thought it was newly discovered evidence. If I used that phrase, it certainly wasn't done with a thoughtful choice of words, and I don't think I used it. It is instead newly offered evidence. I don't think people who have argued for or against the introduction of this evidence really listened very carefully to what I said.

We have a Constitution. The Constitution says that the House can discipline its Members. It can discipline its Members in any way it wants to under that constitutional provision, and in accordance with it. It has seen fit to create a committee to bring forth these matters to the House in a procedural process which is as near as possible to what we can accomplish to be absolutely fair in all instances, but it has not

precluded the House doing this on the floor without ever going to this committee. As a matter of fact, it was only the motion to table which prevented Mr. Diggs' matter from being handled immediately on the floor earlier this year or last year, whenever it was, on the floor of the House.

The Parliamentarian ruled that this information couldn't be stricken, as I understand it, when it came to the floor of the House. That is exactly as I conceive it.

In other words, someone could bring, if you can get recognized, a matter to the floor of the House and entirely bypass this committee under the Constitution, and you couldn't pass a constitutional law in my opinion that would prohibit it, so it is basically there and we are with the situation where new evidence could be offered on the floor of the House.

It was already offered. I made the suggestion that it ought to be stricken and we forget about it, but the House didn't want to do that, and it wanted us to have this hearing, to give a chance to the respondent to answer.

We ought not to be caught up in a lot of technicalities which prevent this Congress from moving ahead, particularly when the Constitution has spoken. The Constitution has spoken. It says that we, that the House, has a responsibility to pass ultimately on these matters, and it would not allow this committee to find a Member of the House guilty of anything.

All we do is recommend to the House and the House acts, and that is the basis upon which this reads and stands.

I don't think it is even necessary for Mr. Thomas to offer this information because it is already there, and other information could come to the floor of the House the same way. It could be a very complicated procedure if we had new evidence offered on the floor and either side wanted to object and go back to hearing, but there is no way to evade it.

It is in the Constitution. We can't change it by statute, so that is what the legal situation is.

Now, objection has been heard by counsel. Objection has been heard by members of the committee, and unless there is further discussion, I think we should vote on it.

Mr. STOKES. Mr. Chairman.

The CHAIRMAN. Yes.

Mr. STOKES. First, it would seem to me that the evidence would be better categorized as left out evidence rather than newly discovered or discovered.

The CHAIRMAN. I never used that phrase.

Mr. STOKES. Well, the term has been used.

The CHAIRMAN. I said newly offered.

Mr. STOKES. I would say that is just my term; it would be better characterized as being left out evidence.

The CHAIRMAN. If you want to use that, I think that is the same thing as newly offered.

Mr. STOKES. May I, Mr. Chairman, pose a question to Mr. Thomas with reference to his offered evidence?

Before I vote on it, I would like to have some clear and intelligent reason for the admission of the evidence.

In light of the fact that the committee has met and deliberated very carefully on this matter and we arrived at a verdict, and made recommendations to the House, and included recommendations relative to punishment, I would like to know the precise reason for his now offering this evidence.

Is it for us to recommend a more harsh form of punishment? Is it to buttress what he feels was a very weak verdict arrived at by the committee?

I would really like to know his rationale for it.

Mr. THOMAS. Will the gentleman yield?

Mr. STOKES. Certainly I yield to the gentleman.

Mr. THOMAS. Thank you.

My rationale is simply this: I felt that there was clear and convincing evidence to support the counts that I voted in favor of and that this committee agreed to.

In discussing the matter with members on the floor, many of them lawyers, they were indicating that although it was clear and convincing that there were perhaps some gaps which made it less clear and convincing even though it still tipped the scales toward clear and convincing, in additional discussions with some members I found that they were not going to agree with the committee based upon the arguments that were made about the gaps.

One of the gaps dealt with counts seven and eight.

In trying to understand my colleague's arguments, and I think it is valuable to try to put yourself in the other person's shoes, having sat through these hearings, I felt there wasn't any gap, but in listening to their arguments, trying to get around on their side of it, I understood their argument.

I didn't agree with it, but I understood it, and in an attempt then to try to meet their argument, I began examining the documents. I had no knowledge that the committee had these documents in their possession. I went through the Federal documents and they didn't extend to that period that was in question, 1970, in the manner that I thought was appropriate, given the language of the statement that had to be filed.

I discovered that the California documents did, and with respect to the California documents, I did not know that the committee already had them in their possession. They were never presented to the committee, and I thought it was information that was not already available.

Subsequently I have found out that in fact the committee staff had that information, and decided not to present it, for whatever reason I do not know, but in examining these documents I believe that they had substantial probative value.

I thought they corroborated the earlier findings of the committee on counts 7 and 8 of the Statement of Alleged Violations.

On both documents Mr. Wilson states that he has listed all moneys paid, loaned, contributed or otherwise furnished to him directly or indirectly in aid of his election. He lists no loans on these documents.

On both documents Mr. Wilson states that the amount contributed by himself toward his campaign expenses, and he lists the amount as none.

The committee will recall that the loans repaid from campaign funds were made on July 31, 1970; that was count No. 7, and August 16, 1970, count No. 8.

Yet these loans were not reported on the California filing, nor is there a campaign contribution by Mr. Wilson that might have been funded by these loans, and when you examine these statements, I think it is worth noting that the statement for the primary election shows receipts of $13,140 and expenditures of $12,218.22, for net surplus of $921.78.

The statement for the general election shows receipts of $15,565 and expenditures of $16,337.12. That is a deficit of $772.12 for the general campaign but when you combine the primary and the general campaign in terms of funding, there is a surplus of $149.66, so on its face campaign expenses were adequately covered by reported income on the California forms, and the $15,000 that was borrowed and subsequently paid back by campaign moneys, there is no need for that money and there was no evidence on that report that the money was either loaned or contributed for expenses to cover that money. That was a gap that they were complaining about.

I found something to plug that gap under the California reports that had not been presented to the committee, and once I found out that information, I didn't know exactly what to do with it. I found it out the night before, the day that the matter of Charles H. Wilson was before the House, and I could not ignore that information, and so I presented it on the floor.

I subsequently found out that the committee staff had it, that it was available to the counsel for the defense, and that it was not all that new and novel.

However, I still feel that, based upon what is in these two documents, it is substantial. It is probative and it corroborates counts seven and eight to the extent that a colleague from California, Mr. McCloskey, who had earlier planned on taking the floor to argue against the committee's position on counts seven and eight, subsequently reversed himself after looking at this evidence and indicated that he was now supporting the committee position on seven and eight.

The CHAIRMAN. Any further discussion?

Mr. SPENCE. Mr. Chairman.

The CHAIRMAN. Mr. Spence.

Mr. SPENCE. If I might just submit one bit of reasoning, I would be content to let the House decide the matter based entirely on the record with no debate on either side, but I don't believe that is what is envisioned by the procedure that we go through with.

The House, the way I look at it, decides on the matter based on the record that we submit, and argument pro and con from anyone on the floor who wants to submit it.

I don't see how, for instance, if someone on the committee had information in furtherance of the allegations or in defense of them, I don't see how anyone could object to those members offering that

information. Otherwise we have no reason to even go through all this 2 hours of debate and what-have-you, and with the possibility of new ideas being raised that weren't presented in the record or new evidence or already discovered evidence, whatever you want to call it, I think that the House considers our record and recommendations as just one of the things that they rely on as a basis for the final decision, and I don't know whether that is new information or not I might offer, but at least it is different.

The CHAIRMAN. Do you want to be recognized now or do you want to wait until we come back from the rollcall?

Mr. STOKES. It is up to the Chairman.

The CHAIRMAN. It might be better and less tense if we go now and come back when we can. As soon as there is a quorum present, we will come back into session.

[Recess taken.]

The CHAIRMAN. The committee will come back into session.

Mr. Stokes was asking to be recognized.

Mr. STOKES. Thank you very much, Mr. Chairman.

Mr Chairman, firstly, I want to express my appreciation to the gentleman from California, Mr. Thomas, for his candidness in response to the question that I had posed to him, and I appreciate his reasons for the action that he did take, but, Mr. Chairman, I am concerned about what I think amounts to fundamental due process and fairness.

We are confronted, it seems to me, with this situation. A committee properly designated by this Congress to hear matters related to ethical conduct or nonethical conduct with members sat in judgment of that Member, heard all the evidence produced by its own staff in a disciplinary hearing, then earnestly and conscientiously sat as jurors together, and all of us know that we sat here and deliberated on this entire matter, and after full and open disclosure and discussion among us, we then voted upon that evidence.

We excluded some counts. We found the respondent guilty of other charges, but it was done in a very serious vein, and it was done conscientiously, I believe.

After that, we sat in the same room, and we then discussed over a long period of time the punishment that ought to be meted out to one of our colleagues. Then we met again and we went over the report, and all of the matters relating to the report that was going to be submitted to the full House.

We had discussion and changes with reference to that. Then we even had additional views submitted and dissenting views, et cetera., so we went through the entire process that is provided for under our rules of procedure.

Then we find a very unusual situation coming about that defies everything that I know about the judicial process. We find a member of the committee who voted for a verdict of guilty on these charges going to the floor, and in discussion and dialogue with his colleagues himself feeling then that there are gaps in the evidence, and that there is a need to buttress the evidence that was submitted to the House, and submitted to this committee, in order to try and convince others that the evidence proved before this committee was clear and convincing evidence.

Now, this is sort of like a juror, feeling that in discussion with his fellow jurors, having some jurors express doubt as to whether the evidence has been proved by clear and convincing evidence, then going out on his own, securing evidence to bring back to the jury room and submit, in order to try and prove his point, only this even defies that situation because we are past the jury stage. We are past the stage at which the judge would be meting out some type of a sentence.

It seems to me as one who voted against count seven, one who did not feel that the evidence was clear and convincing, that that evidence was not even presented to me to convince me. It was presented to others in the House who had expressed the same kind of doubt and concern I did when I voted against this count having been proved by clear and convincing evidence.

It seems to me that if we have a good case it ought to stand on its merits. We ought not have to run about as individual members of this committee, trying to find some evidence to convince others. You should be able to convince others based upon what convinced you, and if you can't, then it ought to fail on its merits.

That is the judicial process, but it seems to me that we ought not be in the process of saying the evidence we brought to the floor is less than clear and convincing, and therefore I must go around and get some more evidence, and that is all you can make of this, because by your own admission you were trying to clear up the gaps for members who had to vote on this matter, and it seems to me that is wrong fundamentally, basically.

If this case couldn't stand on everything that was presented to us, and everything we spent all those hours working on, then it ought to fail. I think it is wrong, and I am not going to vote to admit this evidence into the record.

Mr. THOMAS. Will the gentleman yield?

Mr. STOKES. Certainly I will be delighted to yield.

Mr. THOMAS. Perhaps in his stress on eloquence, he did not speak my position. I did not say I thought there were gaps in the evidence. I did not say I didn't think there was clear and convincing evidence that was in the report.

I think if every Member of the House sat through the committee hearings that I sat through a vast majority of the Members of the House would vote that it was clear and convincing evidence, that the vote on this committee was a pretty good reflection I think on what will happen in the House.

Two Members thought it was not clear and convincing evidence. A vast majority of the Members did.

I said that I thought it was clear and convincing evidence, but there are many members who simply do not have the time nor the inclination to thumb through a document as vast as this, examine each piece of evidence, relate it to the other pieces of evidence which then presents the picture clearly and convincingly that Mr. Wilson was guilty of counts seven and eight. In attempting to put together what I knew from the evidence, it was apparent that it was difficult for many Members to do that, hence the apparent gap.

When I found out about this information, contained in a single document that wraps up many different points that were made in this

testimony, it seemed to me appropriate to present it to them, to show beyond any shadow of a doubt that you don't have to thumb through this document; you don't have to read it; you don't have to read five, six, or seven different pieces of evidence.

On one sheet of paper Mr. Wilson said there were no loans, that it was above and beyond anything else that is in this document, and that is why I said fellow, here is something that is easy to understand. You don't have to read all of it.

I never said that I didn't think it was clear and convincing. I never said I thought there was a gap in the evidence. It was simply a cleaner way to present it to many busy members on the floor who did not have the time to read the entire document.

Mr. SPENCE. Would the gentleman yield?

Mr. STOKES. If I have the time, I will be delighted to yield to the gentleman.

Mr. SPENCE. I was just wondering. Would this present problems to the gentleman from Ohio since he objected previously, saying that the evidence was not clear and convincing, based on the record, would this additional information cause you to change your mind and say that it was now convincing, clear and convincing evidence, and are you worried about that?

Mr. STOKES. Well, I haven't considered it from that viewpoint. I don't get to the document because of the basic unfairness of the manner in which the document was presented.

The CHAIRMAN. We do have a vote coming up on the floor and I think perhaps we are in a position now to vote. I am not sure that the Chair couldn't rule contrary to the vote, and I reserve that possibility because it really gets down to whether or not you admit it before the committee or whether it is before the House already, and the Parliamentarian has already ruled it is before the House because he didn't make a point of order against it being put in.

I believe my memory serves me correctly, such a point of order was raised, but all those in favor of admitting this in evidence answer yea and contrary if you are opposed to it.

The Clerk will call the roll.

Mr. SWANNER. Mr. Bennett.

Mr. BENNETT. Aye.

Mr. SWANNER. Mr. Spence.

Mr. SPENCE. Aye.

Mr. SWANNER. Mr. Hamilton.

[No response.]

Mr. SWANNER. Mr. Hollenbeck.

[No response.]

Mr. SWANNER. Mr. Preyer.

[No response.]

Mr. SWANNER. Mr. Livingston.

Mr. LIVINGSTON. Aye.

Mr. SWANNER. Mr. Fowler.

[No response.]

Mr. SWANNER. Mr. Thomas.

Mr. THOMAS. Aye.

Mr. SWANNER. Mr. Stokes.

Mr. STOKES. No.

Mr. SWANNER. Mr. Sensenbrenner.
[No response.]
Mr. SWANNER. Mr. Rahall.
Mr. RAHALL. No.
Mr. SWANNER. Mr. Cheney.
Mr. CHENEY. Aye.
Mr. SWANNER. Mr. Chairman, five members answer aye, two members vote no, five members absent not voting.

The CHAIRMAN. For purposes of making the record crystal clear at this point, as chairman of the committee I rule it is in evidence before the committee on my own, as chairman of the committee. That is supported by the vote that was taken, but it is not necessarily relying upon that, the truth being that it is already before the House anyway.

Whether it is before the committee or not is really not of that great significance, but this committee now does have a responsibility, which is a very serious one, of listening to any observations, counter ideas or whatever you might want to have on the part of the respondent and I suggest we go vote. That will give them a little time to collect their views on the matter and we will be back here as soon as we have voted, which ought to be within the next 5 or 10 minutes.

[The information follows:]

State of California
OFFICE OF THE SECRETARY OF STATE

I, *MARCH FONG EU*, Secretary of State of the State of California, hereby certify:

That the annexed transcript has been compared with the record on file in this office, of which it purports to be a copy, and that same is full, true and correct.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this

March Fong Eu

Secretary of State

SEC/STATE FORM CE-107

3/C4

CANDIDATE'S CAMPAIGN STATEMENT

(For Primary Elections)

FILED 0966
In the Office of the Secretary of State of the State of California
JUN 18 1970

I, Charles H. Wilson (Candidate), hereby state that at the PRIMARY election held on the 2nd day of June, 1970, I was a candidate for election to the office of:

U.S. House of Representatives (Title of office) 31st C.D. (Dist. number, if any)

That all moneys paid, loaned, contributed, or otherwise furnished to me, directly or indirectly, in aid of my election and the names of all persons or organizations having paid, loaned, contributed or otherwise furnished such moneys and the specific purposes (if any) for which such moneys were contributed or loaned were, to the best of my knowledge and belief, as follows:

Receipts

FROM WHOM OR WHAT SOURCE RECEIVED	AMOUNT	PURPOSE (Specific or General)
Elisabeth C. Condon	$ 25.00	General
Morton E. Olshan	300.00	"
Mr. and Mrs. Maceo Tolbert	15.00	"
Hughes Active Citizenship Comm.	500.00	"
Robert J. Clark	50.00	"
Anthony V. Martuarno	250.00	"
Chaplin E. Collins	500.00	"
Mr. & Mrs. C.E. Ryker	100.00	"
James S. Pasman, Jr.	50.00	"
David J. Ruggles	100.00	"
Fred Edwards	500.00	"
F. Robert Kostoch	50.00	"
Donald L. Feltzke	50.00	"
E.L. Caustin	50.00	"
C.A. Cordial	500.00	"
Martin E. Pollard	100.00	"
Leo H. Harvey	500.00	"
Maurice A. Sulkin	50.00	"
Archie Ginn	50.00	"
W.J. Friedman	50.00	"
Transportation Political Ed. Fund	500.00	"
H.J. Karth	100.00	"
Maceo Braxton	500.00	"
Joseph Penner	100.00	"
John L. Massey	50.00	"
Clifford A. Ferrell	100.00	"
Richard F. Walker	75.00	"
Amount Received	$ 13,140.00	
Amount Contributed by Candidate	None	
Total Amount Received	$ 13,140.00	

All moneys contributed or expended, directly or indirectly, by myself or through any other person, in aid of my election, and the names of all persons or organizations to whom such moneys were contributed or paid, and the purpose and specific nature of each item, were to the best of my knowledge and belief, as follows:

RECEIPTS 3968

FROM WHOM OR WHAT SOURCE RECEIVED	AMOUNT	PURPOSE (Specific or General)
Edward A. Shay	$ 500.00	General
H.C. Cotton	25.00	"
Northrop Good Citizenship Committee	500.00	"
Edgar Richards	200.00	"
Hugh M. Brand	500.00	"
William L. Clark	100.00	"
Robert M. Powell	500.00	"
H. Lee Higley	500.00	"
Jerry D. Ward	50.00	"
Arthur J. Montgomery	25.00	"
Savings Association Political Education Committee	500.00	"
Raydell R. Moore	500.00	"
Dwight R. Zook	25.00	"
Thomas A. Pappas	1,000.00	"
Albert Y. Woodward	500.00	"
James V. Joyce	500.00	"
James R. Harvey	500.00	"
John F. Grinner	500.00	"
William A. Metz	1,000.00	"

. 3967 **Expenditures**

PURPOSE AND SPECIFIC NATURE OF EACH ITEM OF EXPENDITURE	AMOUNT EXPENDED	NAME OF PERSON OR ORGANIZATION TO WHOM PAID OR DISBURSED
(a) For the preparing, printing, circulating, and verifying of nomination papers and for the candidate's official filing fee.	$ 425.00	Registrar of Voters
(b) For the candidate's and campaign personnel's personal traveling expenses.		
(c) For rent, furnishing, and maintaining headquarters, and halls and rooms for public meetings, including light, heat, and telephone.		
(d) For payment of personnel: 1. Campaign manager or managers. 2. Advertising agency or agencies and publicity agent or agents. 3. Stenographers and clerks. 4. Precinct workers. 5. Speakers. 6. Entertainers.	25.00	Gary Lee Stonum
	66.81	Clarence Jones
	240.00	Robert Hover
	424.63	Stoney Turner
(e) For the preparing, printing, and posting of billboards, signs and posters.	1,070.00	Foster & Kleiser
	554.00	Pacific Outdoor
	93.64	Myer Show Print
(f) For the preparing, printing, and distribution of literature by direct mail, including postage, throwaways, and handbills.	1,389.05	Advertisers Mailing Service
	157.50	Aldine Printing
	1,030.00	C & H Printing
	5,769.28	Postmaster
(g) For newspaper advertising	217.60	News Advertiser Group
	52.60	Hawthorne Press
	240.00	Wave Publications
	260.00	L.A. Sentinel
	157.40	Inglewood Daily News
	96.08	Gardena Valley News

Expenditures (Continued)

3969

PURPOSE AND SPECIFIC NATURE OF EACH ITEM OF EXPENDITURE	AMOUNT EXPENDED	NAME OF PERSON OR ORGANIZATION TO WHOM PAID OR DISBURSED
(h) For radio and television advertising and speech time.	$	
(i) For office supplies, precinct lists, postage other than that provided for in subdivision (f), expressage, and telegraphing relative to candidacy.	26.29	Hertz Corp.
	13.34	DuPaul Co.
(j) For making canvasses of voters, and public opinion surveys.		
(k) For conveying voters to and from the polls.		
(l) For supervising the registration of voters.		
(m) For watching the polling and counting of votes cast.		
(n) For photographs, mats, cuts, art work, and displays.	7.00	Bedford Ross White Photography
(o) For petty cash items relative to candidacy.		
Total amount expended	$ 12,218.22	

I have used all reasonable diligence in the preparation of this statement and it is true and is as full and explicit as I am able to make it.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated June 5, 1970

Los Angeles, California
(Place of execution)

Charles McWilson
Signature of Candidate

State of California
OFFICE OF THE SECRETARY OF STATE

I, *MARCH FONG EU*, Secretary of State of the State of California, hereby certify:

That the annexed transcript has been compared with the record on file in this office, of which it purports to be a copy, and that same is full, true and correct.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this

MAY 29 1...

March Fong Eu

Secretary of State

SEC/STATE FORM CE-107

31CK

CANDIDATE'S CAMPAIGN STATEMENT

(For General or Special Elections)

I, CHARLES H. WILSON (Candidate), hereby state that at the GENERAL* election held on the 3rd day of November, 19 70, I was a candidate for election to the office of:

C.D.

United States House of Representatives (Title of office) 31st District (Dist. number, if any)

That all moneys paid, loaned, contributed, or otherwise furnished to me, directly or indirectly, in aid of my election and the names of all persons or organizations having paid, loaned, contributed or otherwise furnished such moneys and the specific purposes (if any) for which such moneys were contributed or loaned were, to the best of my knowledge and belief, as follows:

Receipts

FROM WHOM OR WHAT SOURCE RECEIVED	AMOUNT	PURPOSE (Specific or General)
	$	
Amount Received	$ 15,565.00	
Amount Contributed by Candidate	None	
Total Amount Received	$ 15,565.00	

FILED
In the office of the Secretary of State of the State of California
NOV 25 1970
[signature]
Deputy Secretary of State

All moneys contributed or expended, directly or indirectly, by myself or through any other person, in aid of my election, and the names of all persons or organizations to whom such moneys were contributed or paid, and the purpose and specific nature of each item, were to the best of my knowledge and belief, as follows:

* If used following a Special Election, strike out word "General" and substitute word "Special."

RECEIPTS

FROM WHOM OR WHAT SOURCE RECEIVED	PURPOSE (Specific or General)
Committee on Political Education, AFL-CIO	General
Mr. Jess Larson	"
Mr. Edward Cooper	"
United Steelworkers of America Pol. Action Fund	"
Dr. Alvin Shrader	"
Jay C. Miller	"
Douglas Aircraft Co.- Good Citizens Program	"
Democratic Congressional Campaign Committee	"
Santo J. Turano	"
F. Rigdon Currie	"
Robert E. Powell	"
David Weisz	"
Robert C. Jackson	"
Frank G. Jameson	"
John Jazina	"
H.J. Korth	"
Charles E. Hunter	"
Jack Gilbert	"
Martin R. Kinsler	"
Harlan A. McCarty	"
William A. Martin	"
Stuart Snyder	"
Francis A. Zylius	"
Robert E. Olsen	"
John M. Schramek	"
David J. Ruggles	"
Kerme D. Anderson	"
Richard R. Johnson	"
C.R. Kazebee	"
F.M. Ralston	"
R. Deane Aylesworth	"
John M. Richardson	"
Francis J. Morin	"
E. Richard Cohen	"
Minot B. Dodson	"
Melvin J. Sargeant	"
Sidney L. Hasin	"
Robert F. Nease	"

RECEIPTS

FROM WHOM OR WHAT SOURCE RECEIVED	AMOUNT	PURPOSE (Specific or General)
John Gottlieb		General
California Labor COPE		"
George D. Smith		"
Otis Lamont Frost, Jr.		"
Eugene Bullock		"
Allen J. Garretson		"
Patrick S. Portway		"
P.W. Frick		"
Laborers' Political League of California		"
R.C. Chase		"
Morton E. Olshan		"
Mrs. Elizabeth Condon		"
Leo M. Harvey		"
Wells Fargo Good Government Committee		"
Robert W. Berry		"
North Inglewood Democratic Club		"
Frank H. Afton		"
Dist. 2 MEBA Vol. Pol. Activity Donation		"
Seafarers Pol. Activity Donation		"
R. Roy Hedberg		"
Robert H. Denniger		"
Raymond A. Haile		"
H.T. Warren		"
Ronald G. Hohnsbeen		"
Lee J. Gillett		"
L.A. County Council on Pol. Ed.		"
U.A.W. Committee on Pol. Ed.		"
Frank D. Rubin		"
Don F. Clark		"
Mr. Ronald H. Bloom		"
Mr. Elias Miller		"
Mr. Paul Miller		"
Mr. A.L. Gindling		"
R.D. Baskerville		"
Fireman & Oilers Political League		"
Pacific Lighting System, Good Govt. Club		"
Hughes Active Citizenship Committee		"
T R W Good Government Program		"
Northrop Good Citizenship Committee		"
Dr. and Mrs. Maceo Braxton		"
Mr. John Factor		"
Mr. Willie Hardy		"
Gentel Good Government Club		"
Medger Evers Democratic Club		"
Mrs. Dorothea Rankin		"
Richard Dessultis		"
Dr. Ivan Getting		"
Mr. Glenn L. Arbogast, Jr.		"

Expenditures

PURPOSE AND SPECIFIC NATURE OF EACH ITEM OF EXPENDITURE	AMOUNT EXPENDED	NAME OF PERSON OR ORGANIZATION TO WHOM PAID OR DISBURSED
(a) For the preparing, printing, circulating, and verifying of nomination papers and for the candidate's official filing fee.	$	
(b) For the candidate's and campaign personnel's personal traveling expenses.		
(c) For rent, furnishing, and maintaining headquarters, and halls and rooms for public meetings, including light, heat, and telephone.	75.00	Lenard Martinet
(d) For payment of personnel: 1. Campaign manager or managers. 2. Advertising agency or agencies and publicity agent or agents. 3. Stenographers and clerks. 4. Precinct workers. 5. Speakers. 6. Entertainers.	374.41	Cockatoo Restaurant
(e) For the preparing, printing, and posting of billboards, signs and posters.	1,700.00	Foster & Kleiser
	663.60	Myer Show Print
(f) For the preparing, printing, and distribution of literature by direct mail, including postage, throwaways, and handbills.	315.00	Truman Ward Printing Co., Inc.
	661.50	U.S. Envelope
	4,277.19	Truman Ward Printing Co., Inc.
	116.80	Sunset House
	~~5,343.30~~	~~U.S. Postmaster~~
	1,100.00	Democratic Group
	277.50	Aaron Envelope
	243.39	Co-Op Printing
(g) For newspaper advertising.	70.00	L.A. Sentinel
	45.00	Herald Dispatch
	152.88	Inglewood Daily News
	100.80	Hawthorne Press
	~~64.68~~	~~Southwest News~~
	35.00	Southwest Wave

Expenditures (Cont.)

PURPOSE AND SPECIFIC NATURE OF EACH ITEM OF EXPENDITURE	AMOUNT EXPENDED	NAME OF PERSON OR ORGANIZATION TO WHOM PAID OR DISBURSED
(h) For radio and television advertising and speech time.	$	
(i) For office supplies, precinct lists, postage other than that provided for in subdivision (f), expressage, and telegraphing relative to candidacy.	384.78	McCartle Press
(j) For making canvass of voters, and public opinion surveys.		
(k) For conveying voters to and from the polls.		
(l) For supervising the registration of voters.		
(m) For watching the polling and counting of votes cast.		
(n) For photographs, mats, cuts, art work, and displays.	298.84	Entenmann-Rovin Co.
	18.99	C & H Lithographers
(o) For petty cash items relative to candidacy.	18.46	Paisley Products
Total amount expended	$ 16,337.12	

Dated [illegible]

[illegible]
(Place of execution)

[illegible]
(Signature of Candidate)

[Recess taken.]

The CHAIRMAN. The committee will come to order.

At this time I am going to recognize the attorney for Mr. Wilson, Mr. Bonner, or Mr. Guidoboni. I wrote Mr. Wilson and Mr. Bonner on May 30:

> This is to notify you that the House Committee on Standards of Official Conduct will meet at 9:30 a.m., Thursday, June 5, 1980, to allow you to present any objections, comments, or additional proof on the new evidence submitted by Representative William M. Thomas on the House Floor May 29.

Or any other material you might want to submit at this time will be in order. Mr. Bonner or Mr. Guidoboni.

Mr. GUIDOBONI. Thank you, Mr. Chairman. I have a statement to make for the record. Let's start off by saying we do have some evidence. We choose not to introduce it. We agree with Mr. Stokes. We believe it is completely inappropriate at this point. Having said that, I would like to proceed with some comments. As I read the chairman's letter, that would be appropriate. There is a phrase here, Mr. Chairman, for what has happened in this case.

The CHAIRMAN. I couldn't hear that.

Mr. GUIDOBONI. I am sorry. There is a phrase here for what has happened in this case. In my practice we call it sandbagging, sir, and let me tell you a little bit about what that means. It has got to do with the prejudice to Mr. Wilson, which was not fully discussed here. Certain members of this committee on the floor and in their dear colleague letters, some of which I have seen, and some of which have been reprinted in the Congressional Record, among other things, have taken the position that Mr. Wilson did not have a full defense, because certain documents, no evidence was put in, he only chose to call an abbreviated number of witnesses. I would state that that decision was made based on the evidence that was introduced at the time, in our view, as to what we needed to deal with, and I believe the committee will recall in its report at page 219, this is the committee's official report, and this I might say is not new evidence or newly discovered. Mr. Bonner's remark, "But in light of the evidence that has been presented by the staff, it is my view that defense should rest."

Now, Mr. Wilson acceded to that view, not willingly. That was also put in the record. At this point I believe a statement was made on the House floor we can't unring a bell. We can't unring that decision either, sir. That decision was made based on what was there then. Perhaps if this had come forward at that time, we would have had some evidence to offer. We might have made a different decision. We might have called another witness. We can't do anything about that, but the members of this committee have taken the position that that was a sign of the inability to defend, and now we have another member of this committee coming in with new evidence, newly discovered, newly proposed, whatever, and saying: You know, here is something else that proves it conclusively. It is not fair to Mr. Wilson.

Second, it has been said also, and I mentioned this before, that a bell cannot be unrung. This was said on the floor, this evidence that

Mr. Thomas brought forth. Indeed, he submitted it to Mr. McCloskey, as I understand his remarks. Mr. McCloskey reached a conclusion without any opportunity to hear from Mr. Wilson's side. That is exactly the point we were complaining about, taken over, shown to Mr. McCloskey in some sort of ex parte way, I don't know, and all of a sudden, according to what Mr. Thomas tells me, he changed his mind. No ability to produce a defense, no rebuttal from our side, no nothing. This is unfair.

Now, remarks have been made today and previously in this committee that the only constitutional guarantee or governing procedure is article 1, section 5, I believe, disciplining of members. I would say to the committee that procedure is really the heart of the law, and if there is no procedure it is a lawless thing, and that is what has been going on here.

I would like to make a couple of other points very briefly, and then I think I will conclude. Mr. Thomas has submitted these documents. I do this reluctantly, I might add, because I don't know who is going to come up with some more evidence on the floor again and whether we are finally, finally done now, and every time it seems that we try to argue from the evidence that is put into the record and draw an inference, somebody comes up with a new document to rebut another inference. That is all we are talking about here.

Let me draw some inferences from what Mr. Thomas has put in. I don't see any mention of California law as it stood in 1970. I see a couple of documents. Nobody offered any evidence to that. I recall me asking Mr. Chlan in the hearing that we did have when your committee did put in one piece of California evidence, exhibit 12(g) and I asked Mr. Chlan, "What do you know about California law?" and he said, "Nothing except what is on the form."

Unfortunately, the law has been changed a number of times in California since 1970. I don't see any evidence of that. I don't know what the law required Mr. Wilson to say. I don't know the period that these declarations covered.

I also don't know whether or not they cover the unofficial office account. Now, as I recall the evidence, and we did have exhibits to that, you gentlemen do recall or should recall that the checks in this case went through the office account. I know that. Mr. Thomas' evidence doesn't change that. I don't know that that was required to be declared. Mr. Thomas' evidence doesn't change that.

We simply do not know, gentlemen, what the status was. What we have is Mr. Thomas, an admitted nonattorney, as I understand it, waving some documents around and saying to us, "This proves conclusively X, Y, and Z."

Let me suggest one other thing. I don't know, and perhaps I haven't seen any evidence of this, if Mr. Wilson took these loans, put them into an account, used the money to pay for his campaign, and then reimbursed that account with his contributions, whether he would have had to declare it. I simply don't know the answer to that. Would that be a loan? Did he use extra money or was he just as I might say "playing the float"? Did he borrow the money first in anticipation of the contributions, and then reimburse himself from that, and then pay back the loans? We don't know that either.

It was 10 years ago, it is almost 10 years ago to the day if you are looking at the primary election now. Frankly, Mr. Wilson produced a lot of records for us. We haven't been able in the time, 5 days or whatever, to go back any further into the early part of 1970. It is no fault of his. We never expected that we would be called upon to go back quite that far. I say to you this doesn't prove anything. I don't think it should be in the record. I don't think that it proves anything. It may rebut some inference.

It also in my mind raises some further questions, and I say to you this demonstrates the very problem and the reason why it shouldn't be here to begin with, and perhaps why Mr. Wisebram chose not to offer it. I don't know, he is not here, but he did make that decision. Based upon that, gentlemen, those are all the remarks that I have to make at this time. Thank you.

The CHAIRMAN. At this point we could anticipate that there is some form that we should use to report back to the House and we ought to do it promptly. Otherwise, we won't make the June 10 deadline, which we have set before us, and before each one of you is a paper starting "On May 29" and if anyone wants to move that we——

Mr. THOMAS. Mr. Chairman, before we move, could I make a short statement in reference to my colleague from California, Mr. McCloskey? He is an admitted attorney, although I am an admitted non-attorney.

The CHAIRMAN. I didn't hear that.

Mr. THOMAS. He is an admitted attorney.

The CHAIRMAN. Who is this?

Mr. THOMAS. Mr. McCloskey from California. He sent a letter to Mr. Wilson as a dear colleague, and indicated in the letter to Mr. Wilson that unless Mr. Wilson could refute the evidence, he would then change his mind about the position. He did not change his mind based upon the evidence presented to him. He waited and he is still waiting, and the letter that was sent to Mr. Wilson was an attempt to clarify Mr. Wilson's position based upon this information.

Thank you.

The CHAIRMAN. I might read this paper. Something like this would be necessary for us to wind up these proceedings so we would report to the House.

> On May 29, 1980, on the House floor, the chairman of the House Committee on Standards of Official Conduct called up a privileged resolution (H. Res. 660) in the matter of Representative Charles H. Wilson and asked for its immediate consideration.
>
> A motion to postpone further consideration of House Resolution 660 until June 10, 1980 was offered by Mr. Rousselot. The motion to postpone was rejected, whereupon the House proceeded to consider the resolution.
>
> During debate, Representative William Thomas made reference to 1970 campaign reports filed by Representative Charles H. Wilson pursuant to California State law that were not introduced in evidence during the disciplinary hearing the *Wilson* case. The argument was made that bringing into the debate material that had not been raised in the hear-

ing put Representative Wilson at a disadvantage, whereupon a motion to reconsider the Rousselot motion to postpone to a day certain was agreed to. Upon reconsideration the motion to postpone to a day certain—June 10, 1980—was agreed to.

The chairman of the Committee on Standards of Official Conduct called a committee meeting for 9:30 a.m., June 5, 1980 for the purpose of considering the material referred to by Representative Thomas in the May 29 debate.

In a May 30, 1980 letter to Representative Wilson and his counsel, the chairman notified them of the June 5 meeting, and offered to receive from them "any objection, comments, or additional proof on the new evidence submitted by Representative William M. Thomas on the House floor May 29.

The transcript of that portion of the June 5, 1980 meeting of the House Committee on Standards of Official Conduct relevant to the Wilson matter follows.

Now, without objection, that will be the language, unless somebody wants to change the language for that. That is just report language in the sense that we are giving this information to the House.

Then a statement should be at the conclusion on which we will take a vote, and that would be a statement pursuant to rule XI, clause 2(l)(3)(A).

The committee makes no special oversight findings in this report.

This supplemental report was approved by the Committee on Standards of Official Conduct on June 5, 1980, by a vote of—and then we take a vote. This has just been handed to me, and I am questioning now what is the need for that statement that the committee makes no special oversight findings in this report; is that something technically required under the rule?

Mr. SWANNER. Yes, sir.

The CHAIRMAN. What rule requires the committee to say no?

Mr. SWANNER. Rule XI, clause 2(l)(3)(A).

The CHAIRMAN. What does it say?

Mr. SWANNER. It says you have to put an oversight finding with respect to all committee reports.

The CHAIRMAN. If it says you must, how can we say we are not doing it? Why aren't these oversight——

Mr. SWANNER. It has to do with costs, Mr. Chairman, expenses that are involved in the report.

The CHAIRMAN. I don't remember this clause in any other report.

Mr. SWANNER. It is in every report.

The CHAIRMAN. Is it?

Mr. SWANNER. Yes, sir.

The CHAIRMAN. It ought to be a little more self-explanatory than this because we are obviously having oversight findings, so it must be oversight findings of a very technical nature, and it is the technical nature I would like to have appear in the report at this point. We have certainly had oversight, in the broad definition of that word.

Maybe if counsel could explain to me what this deals with. because the language, the simple language stated there is provocative of a question.

Mr. SWANNER. "The report of any committee on a measure which has been approved by the committee (a) shall include the oversight

findings and recommendations pursuant to clause (2)(b)(1), separately set out and clearly identified."

Rule X2, (b)(1)——

The CHAIRMAN. The rule you read me says they are required. This rules says (2)(b)(1) "each standing committee other than the Appropriations Committee or Budget shall review and study on a continuing basis the application of the effectiveness of those laws or parts of laws."

Couldn't it be more intelligently written than to say the committee makes no special oversight findings in this report? An average Member of Congress reading that is going to wonder what it means.

Isn't there some other way to comply with that language? Is that the language that is used in all other reports?

Mr. SWANNER. Yes, sir, it is copied from one report to the next. It is boilerplate language.

The CHAIRMAN. I won't object, but the next time we have language of this type I think the language should be explanatory to the person who is reading it. This is not that explanatory. Apparently it is a way to comply with a rule, but the language doesn't really advise anybody of anything he is likely to be able to know out of his own knowledge.

All right, then there is no objection to the language we have. It is not necessary to vote on the language, but I think we should take a vote. I move that this supplemental report be approved by the Committee on Standards of Official Conduct on June 5, 1980, and the staff will call the roll.

Mr. SWANNER. Mr. Bennett.

Mr. BENNETT. Aye.

Mr. SWANNER. Mr. Spence.

Mr. SPENCE. Aye.

Mr. SWANNER. Mr. Hamilton.

[No response.]

Mr. SWANNER. Mr. Hollenbeck.

[No response.]

Mr. SWANNER. Mr. Preyer.

[No response.]

Mr. SWANNER. Mr. Livingston.

Mr. LIVINGSTON. Aye.

Mr. SWANNER. Mr. Fowler.

[No response.]

Mr. SWANNER. Mr. Thomas.

Mr. THOMAS. Aye.

Mr. SWANNER. Mr. Stokes.

Mr. STOKES. No.

Mr. SWANNER. Mr. Sensenbrenner.

[No response.]

Mr. SWANNER. Mr. Rahall.

Mr. RAHALL. No.

Mr. SWANNER. Mr. Cheney.

Mr. CHENEY. Aye.

Mr. SWANNER. Mr. Chairman, five members vote aye, two members vote no, five members absent not voting.

Mr. STOKES. Mr. Chairman.

The CHAIRMAN. Mr. Stokes.

Mr. STOKES. Mr. Chairman, may I reserve the right to file dissenting views with the supplemental report?

The CHAIRMAN. Well, I really would hope you wouldn't because all that would do would be to make it impossible to comply with the June 10 matter, unless, you are willing to do it—in other words, to comply with the June 10 rule of the House, we have got to report back to them; you would have 3 days to give your report in.

If you can file it instantly or promptly, it wouldn't delay anything, but we have been told to bring it back. We have got to bring something back on June 10, but it does discommode the matters as to what would be brought back on the floor if we did it, if you want to have a supplemental view.

You could put an extention of remarks in the record which would have the same practical effect without the procedural difficulties.

Mr. STOKES. May I inquire as to when you intend to file this supplemental report?

The CHAIRMAN. Today, in order to make the June——

Mr. STOKES. My dissenting views can be ready today.

The CHAIRMAN. That is fine. The staff advised me that usually we have had a quorum of the whole committee to vote affirmatively on reporting out something. Of course, that doesn't mean we couldn't make the report of what transpired here, which might be sufficient, but it might mean that we couldn't have a technical report in the ordinary sense.

Does anyone want to comment on that at this point?

Mr. THOMAS. Could we hold the roll open until we contact the members who are here, at other committees, so we can afford them an opportunity to vote as well?

The CHAIRMAN. That would be a good way to wind it up if we could. Is there any objection by anybody to that procedure, let them have until 3 o'clock this afternoon, or make it shorter than that.

All right, 3 o'clock. Without objection they will be allowed to vote until 3 o'clock.

Mr. STOKES. Mr. Chairman, one other request.

Can I have daily copy from the record here, which I will need for the purpose of preparing my dissent? May I? Thank you.

Mr. BONNER. Mr. Chairman, might I just for the record, as you begin to close, object to this procedure of the five missing members having an opportunity to vote on this. They were not present, have not heard the evidence, have not heard the remarks of the various members, and I find myself in the same posture I found myself in during the actual hearing some time ago when consideration was being given to the taking of the vote when a good number of the members of this committee had not been present during the presentation of the evidence.

It seems to me, and I realize it is the Chair's prerogative, but if you are going to leave it open for the other members to vote, due process would seem to require that at the very least they have a copy of the transcript of this proceeding so they can at least read it and then make up their minds intelligently which way they want to vote.

The CHAIRMAN. I am not sure how fast the transcript—we will do our best to get the transcript in the hands of all these members.

Mr. RAHALL. Mr. Chairman, may I reserve the right to file comments?

The CHAIRMAN. Yes, with the same time limit.

Mr. GUIDOBONI. I am not a Member of the House, but I read 4(e), rule X, 4(e) of the House and I believe it is 2(a), "No resolution, report, recommendation, or advisory opinion relating to the official conduct of a member, officer, or employee of the House shall be made by the Committee on Standards of Official Conduct, and no investigation of such conduct shall be undertaken by such Committee unless approved by the affirmative vote of a majority of the members of the committee."

Now, as I understand the situation here today, you all, this committee is making a report, and as I understand it, there has been an affirmative vote of 5 members, and there are 12 members on this committee, so I would object, if I have any standing at all, and I would at least like to put on the record if this committee does issue such a report, they are in violation of their own rule or the rule of the House that sets this committee up.

The CHAIRMAN. We appreciate what you said. The committee has already ruled, and it rules again that this procedure that we are following will take place and that the foundation for it is that the provisions of the Constitution really essentially provide for a trial de novo. All this committee does is to report to the House on what it has had in its procedures, and we are doing that. We are complying, as I see it, with the rules of the House, and under the direction of the House, and there is no advantage to delaying.

There is no basic reason why the matter shouldn't proceed in this way, and therefore the committee has taken its action and we do have another matter before the committee which does not relate to Mr. Wilson. Unless there is some further discussion by anybody about the *Wilson* case.

Well, we might be able to handle this other matter very promptly. It will be in open sesssion. It is the contempt of Congress matter. Fordiani. Then the portion of this meeting ceases with regard to the Wilson matter.

[Whereupon, at 11:25 a.m., the committee proceeded to further business.]

STATEMENT PURSUANT TO RULE XI, CLAUSE 2(1)(3)(A)

The committee makes no special oversight findings in this report.

This supplemental report was approved by the Committee on Standards of Official Conduct on June 5, 1980, by a vote of 8 yeas; 3 nays.

DISSENTING VIEWS OF REPRESENTATIVES LOUIS STOKES AND NICK JOE RAHALL II

Today, after a 1½-hour hearing conducted by the Ethics Committee, five members voting aye, two members voting no, five members being absent and not voting, the Committee admitted into evidence two documents offered by Representative Thomas of California. Subsequently, a Motion to approve this Supplemental Report was also approved by five members voting aye, two members voting no, and five members being absent and not voting. On a motion by Mr. Thomas, the Committee agreed to hold the roll open until 3:00 o'clock in order to record the vote of the absent Committee members.

The purpose of this Committee meeting was stated by the Chairman:

> I called today's meeting for the purpose of allowing Representative Thomas to bring to the committee's attention the documents he referred to on the House floor last week. We are interested in learning: (1) precisely what these documents are and what they contain, (2) how they relate to the matter before us and, of course, what the respondent may wish to say in this matter.
>
> I recognize Mr. Thomas.

Upon being recognized, Mr. Thomas stated that he had obtained copies of the candidate's campaign statements which were required to be filed pursuant to California law during 1970–1971. He stated further that copies of these reports were in the Committee evidence files but were not introduced into evidence by the Committee's counsel at Representative Wilson's disciplinary hearing. Mr. Thomas stated that he believed that these documents have substantial probative value and requested that the documents be made a part of the record of these proceedings. Counsel for Representative Wilson objected to the admission of these documents. The objections were substantially as follows. That the Committee had held a full hearing which had been concluded. That closing arguments had been held, the Committee had issued its report, and the matter had been presented to the floor. Counsel for Respondent Wilson called the Committee's attention to the fact that Counsel for the Committee had the option of offering this evidence and for reasons unknown to anyone, chose not to do so. Counsel for Representative Wilson, after citing Rule 16 of the Committee's Rules of Procedure, which reads:

> At a disciplinary hearing the burden of proof rests on the staff with respect to each count and to establish the facts alleged therein clearly and convincingly by the evidence that it introduces,

stated

> . . . this evidence was not introduced at that time, and we would object to its introduction now at this time before this

committee, because we believe that the hearings and the proceedings are closed, and it is especially telling that it was available, that counsel for the committee and the committee did have staff counsel, made a tactical decision, for whatever reason.

Mr. Wisebram is not here today so I can't question his reasons, but he did have it available. He made a decision not to use it. It was not used...

Under the Committee's Rules of Procedure Rule 19, entitled "Exculpatory Information," the rule reads as follows:

> If the Committee at any time receives any exculpatory information respecting a Statement of Alleged Violation against a Member, officer, or employee of the House of the Code of Official Conduct or any law, rule, regulation, or other standard of conduct, it shall make such information available to such Member, officer, or employee.

Since the evidence offered at this new hearing was not exculpatory in nature, Mr. Stokes of Ohio then made a request of the chair at which time the following colloquy took place:

> Mr. STOKES. Mr. Chairman, prior to any vote being taken in this matter, I would like to hear from counsel for the respondent. I am quite familiar with newly discovered evidence being the grounds or the basis for a new trial for someone who has been found guilty. I have never, nor do I know of any procedures under law, where those in the category of being prosecutorial have some newly discovered evidence that gives them the right to have a new hearing.
>
> The rules clearly provide for the production of evidence at hearings, et cetera. There is nothing in the rules that provides for additional evidence to be submitted after the verdict. Here you have had a hearing. You have had the jury meet here and decided, made findings, then recommended punishment to the House. It went to the House, and then after all the procedures provided for under the rules of the House, up comes newly discovered evidence by those who had every opportunity to present their evidence during the disciplinary hearing, and I would really like to hear from counsel for the respondent.
>
> Mr. LIVINGSTON. Will the gentleman yield to me before counsel responds?
>
> Mr. STOKES. Yes, I would.
>
> Mr. LIVINGSTON. It seems to me that it is the function of this body to make recommendations to the House on Members who have been charged with violating the integrity of the House. Now, that is a pretty loose proposition, but if you want to play by the rules, and it seems to me that no rules should exclude new evidence which shows categorically that one of the charges that we brought against the particular member may be verified or proved, but Rule 20 of the rules of the committee provides:
>
> "Any evidence that is relevant and probative shall be admissible in any hearing of the Committee" and I submit this

is a hearing of the committee, "unless the evidence is privileged or unless the Constitution otherwise requires its exclusion."

Now, this documentary evidence is not privileged. The Constitution in no way compels its exclusion, and it seems to me that the chairman is absolutely right in admitting it at this time.

Mr. STOKES. Well, Rule 20 to which you refer, which says, "Any evidence that is relevant and probative shall be admissible in any hearing of the Committee"—we were not in any hearing of the committee when their evidence was introduced on the floor of the House.

Mr. LIVINGSTON. We are in a committee now.

Mr. STOKES. The committee had had its hearing. Let's refer back to Rule 16(a) which says this:

"A disciplinary hearing respecting a violation charged in a Statement of Alleged Violation shall be held to receive evidence upon which to base findings of fact and recommendations, if any, to the House respecting such violation. A disciplinary hearing shall consist of two phases. The first phase shall be for the purpose of determining whether or not the counts in the Statement have been proved. The second phase shall be for the purpose of determining what action to recommend to the House with respect to any count found to have been proved."

Now, I don't find anything in here that provides for a third phase. If you have got some third phase here to refer to, I would be happy to have that evidence.

Mr. LIVINGSTON. The point is that I see no reason for its exclusion. This is probative evidence. This is evidence bearing on the degree of proof or the guilt or innocence, if you will, of the Member before this committee, and barring any showing that any hearing of the committee excludes this hearing, I think that there is no reason why this matter should not go in the record.

I regret that it didn't go in the record in the first place, but in my opinion it is directly bearing on the substance of some of the counts before the committee. We have had no final ruling. We will have no final ruling until the House voices its judgment when we go before the House on June 10, I think the date is.

Mr. STOKES. Would the gentleman tell me what is to prevent us when we go back to the floor, someone else coming up with some new evidence, and what do we do? Come back here and have another hearing then?

Mr. LIVINGSTON. *Quite frankly, if the gentleman from California, Mr. Wilson, came forward with some evidence to show that he was innocent, I would be delighted to admit it on the floor.*

Mr. STOKES. If that is the basis upon which the gentleman is proceeding, then that defies everything that I know about due process of law, and that is precisely what counsel said when this case began. *You are talking about a situa-*

tion where you have just said the respondent is to come here and prove he is innocent rather than for you as a committee member and the staff to prove his guilt.

It defies everything that this procedure is all about.

Mr. LIVINGSTON. We have had a full hearing. Mr. Wilson has been entitled to introduce evidence in his behalf to show that the charges are unwarranted. He has not come forward with any such evidence. He has had an opportunity in the hearing that we have already had in the full House. He would have an opportunity today. He would have an opportunity again in the full House on June 10.

Now, if he is innocent, I am the first one to want to see him go free, but these documents in my opinion categorically show that he has got problems, and I think they are probative and I think the full House should have the benefit of these documents.

Mr. STOKES. Mr. Chairman, I renew my request to hear from counsel for respondent.

Counsel for Representative Wilson then stated:

Mr. BONNER. May I, Mr. Chairman?

Of course, I agree with the position as put forth by Mr. Stokes. It is really unheard of to reopen prosecutions and to come forward with what has been described by the chairman and the other gentleman as newly discovered evidence, but the reality here is that it is totally inappropriate and totally unfair to do so.

There really does come a point at which the committee should call enough to this.

Putting that aside, the reality is that this is not newly discovered evidence. The evidence was before you through your staff and through your counsed, and you didn't use it. You didn't admit it. Under any stretch of the imagination, under any stretch of any rules of evidence, it is too late. There is nothing "newly discovered" about it. You all knew about it. You had a full hearing here, presented your evidence, made your findings of guilt and innocence and assessed recommendations as to penalty. Now today, we hear this described as "newly discovered evidence." "Newly discovered evidence" is certainly not evidence that lies in the hands of the committee during the entire time that the hearing on phase I took place, never mind the hearing on phase II. So with all due respect, Mr. Chairman, to you and the committee, I vigorously object to the admission of this so-called newly discovered evidence at this time for the reasons that it is, first of all, not "newly discovered evidence," and second, it is completely inappropriate, and I think completelv unfair to reopen these proceedings. You have assessed guilt and you have assessed innocence and you have assessed what the penalty should be. Now you have asked us to try to come forward at this late date and to meet this old evidence which the committee, in what

I must take is its wisdom, along with its staff and counsel, chose not to make use of during the time of the phase I and phase II proceeding.

Thank you, Mr. Chairman.

In an effort to ascertain the precise relationship of these documents to the matter before us, the following colloquy then occurs between Mr. Stokes, the Chair and Mr. Thomas:

Mr. STOKES. First, it would seem to me that the evidence would be better categorized as left out evidence rather than newly discovered or discovered.

The CHAIRMAN. I never used that phrase.

Mr. STOKES. Well, the term has been used.

The CHAIRMAN. I said newly offered.

Mr. STOKES. I would say that is just my term; it would be better characterized as being left out evidence.

The CHAIRMAN. If you want to use that, I think that is the same thing as newly offered.

Mr. STOKES. May I, Mr. Chairman, pose a question to Mr. Thomas with reference to his offered evidence?

Before I vote on it, I would like to have some clear and intelligent reason for the admission of the evidence.

In light of the fact that the committee has met and deliberated very carefully on this matter and we arrived at a verdict, and made recommendations to the House, and included recommendations relative to punishment, I would like to know the precise reason for his now offering this evidence.

Is it for us to recommend a more harsh form of punishment? Is it to buttress what he feels was a very weak verdict arrived at by the committee?

I would really like to know his rationale for it.

Mr. THOMAS. Will the gentleman yield?

Mr. STOKES. Certainly I yield to the gentleman.

Mr. THOMAS. Thank you.

My rationale is simply this: I felt that there was clear and convincing evidence to support the counts that I voted in favor of and that this committee agreed to.

In discussing the matter with members on the floor, many of them lawyers, they were indicating that although it was clear and convincing that there were perhaps some gaps which made it less clear and convincing even though it still tipped the scales toward clear and convincing, in additional discussions with some members I found that they were not going to agree with the committee based upon the arguments that were made about the gaps.

One of the gaps dealt with counts seven and eight.

In trying to understand my colleague's arguments, and I think it is valuable to try to put yourself in the other person's shoes, having sat through these hearings, I felt there wasn't any gap, but in listening to their arguments, trying to get around on their side of it, I understood their argument.

I didn't agree with it, but I understood it, and in an attempt then to try to meet their argument, I began examining the

documents. I had no knowledge that the committee had these documents in their possession. I went through the Federal documents and they didn't extend to that period that was in question, 1970, in the manner that I thought was appropriate, given the language of the statement that had to be filed.

I discovered that the California documents did, and with respect to the California documents, I did not know that the committee already had them in their possession. They were never presented to the committee, and I thought it was information that was not already available.

Subsequently I have found out that in fact the committee staff had that information, and decided not to present it, for whatever reason I do not know, but in examining these documents I believe that they had substantial probative value.

I thought they corroborated earlier findings of the committee on counts 7 and 8 of the Statement of Alleged Violations.

On both documents Mr. Wilson states that he has listed all moneys paid, loaned, contributed or otherwise furnished to him directly or indirectly in aid of his election. He lists no loans on these documents.

On both documents Mr. Wilson states that the amount contributed by himself toward his campaign expenses, and he lists the amount as none.

The committee will recall that the loans repaid from campaign funds were made on July 31, 1970; that was count No. 7, and August 16, 1970, count No. 8.

Yet these loans were not reported on the California filing, nor is there a campaign contribution by Mr. Wilson that might have been funded by these loans, and when you examine these statements, I think it is worth noting that the statement for the primary election shows receipts of $13,140 and expenditures of $12,218.22, for net surplus of $921.78.

The statement for the general election shows receipts of $15,565 and expenditures of $16,337.12. That is a deficit of $772.12 for the general campaign but when you combine the primary and the general campaign in terms of funding, there is a surplus of $149.66, so on its face campaign expenses were adequately covered by reported income on the California forms, and the $15,000 that was borrowed and subsequently paid back by campaign moneys, there is no need for that money and there was no evidence on that report that the money was either loaned or contributed for expenses to cover that money. That was a gap that they were complaining about.

I found something to plug that gap under the California reports that had not been presented to the committee, and once I found out that information, I didn't know exactly what to do with it. I found it out the night before, the day that the matter of Charles H. Wilson was before the House, and I could not ignore that information, and so I presented it on the floor.

I subsequently found out that the committee staff had it, that it was available to the counsel for the defense, and that it was not all that new and novel.

However, I still feel that, based upon what is in these two documents, it is substantial. It is probative and it corroborates counts seven and eight to the extent that a colleague from California, Mr. McCloskey, who had earlier planned on taking the floor to argue against the committee's position on counts seven and eight, subsequently reversed himself after looking at this evidence and indicated that he was now supporting the committee position on seven and eight.

In voting against the admission of this "left out evidence" we do so for the reasons set forth in the following statement of Mr. Stokes which appears at page 19 of the transcript:

Mr. STOKES. Thank you very much, Mr. Chairman.

Mr. Chairman, first, I want to express my appreciation to the gentleman from California, Mr. Thomas, for his candidness in response to the question that I had posed to him, and I appreciate his reasons for the action that he did take, but, Mr. Chairman, I am concerned about what I think amounts to fundamental due process and fairness.

We are confronted, it seems to me, with this situation. A committee properly designated by this Congress to hear matters related to ethical conduct or nonethical conduct with members sat in judgment of that Member, heard all the evidence produced by its own staff in a disciplinary hearing, then earnestly and conscientiously sat as jurors together, and all of us know that we sat here and deliberated on this entire matter, and after full and open disclosure and discussion among us, we then voted upon that evidence.

We excluded some counts. We found the respondent guilty of other charges, but it was done in a very serious vein, and it was done conscientiously, I believe.

After that, we sat in the same room, and we then discussed over a long period of time the punishment that ought to be meted out to one of our colleagues. Then we met again and we went over the report, and all of the matters relating to the report that was going to be submitted to the full House.

We had discussion and changes with reference to that. Then we even had additional views submitted and dissenting views, et cetera., so we went through the entire process that is provided for under our rules of procedure.

Then we find a very unusual situation coming about that defies everything that I know about the judicial process. We find a member of the committee who voted for a verdict of guilty on these charges going to the floor, and in discussion and dialogue with his colleagues himself feeling then that there are gaps in the evidence, and that there is a need to buttress the evidence that was submitted to the House, and submitted to this committee, in order to try and convince others that the evidence proved before this committee was clear and convincing evidence.

Now, this is sort of like a juror, feeling that in discussion with his fellow jurors, having some jurors express doubt as to whether the evidence has been proved by clear and convincing evidence, then going out on his own, securing evidence to bring back to the jury room and submit, in order to try and prove his point, only this even defies that situation because we are past the jury stage. We are past the stage at which the judge would be meting out some type of a sentence.

It seems to me as one who voted against count seven, one who did not feel that the evidence was clear and convincing, that that evidence was not even presented to me to convince me. It was presented to others in the House who had expressed the same kind of doubt and concern I did when I voted against this count having been proved by clear and convincing evidence.

It seems to me that if we have a good case it ought to stand on its merits. We ought not have to run about as individual members of this committee, trying to find some evidence to convince others. You should be able to convince others based upon what convinced you, and if you can't, then it ought to fail on its merits.

That is the judicial process, but it seems to me that we ought not be in the process of saying the evidence we brought to the floor is less than clear and convincing, and therefore I must go around and get some more evidence, and that is all you can make of this, because by your own admission you were trying to clear up the gaps for members who had to vote on this matter, and it seems to me that is wrong fundamentally, basically.

If this case couldn't stand on everything that was presented to us, and everything we spent all those hours working on, then it ought to fail. I think it is wrong, and I am not going to vote for it to admit this evidence into the record. (Emphasis added.)

LOUIS STOKES.
NICK JOE RAHALL II.

O