

**TESTIMONY BEFORE THE
SENATE COMMITTEE ON RULES AND ADMINISTRATION
FEBRUARY 8, 2006
BY
THE HONORABLE AL SWIFT**

I am Al Swift, a former Member of the House of Representatives from Washington State who served in the House for eight terms, retiring in 1995. For two sessions I headed the Democratic effort in the House to reform Campaign Finance – unsuccessfully, I ruefully add. I am now a principal in the lobbying firm of Colling Murphy Swift Hynes.

It is worth noting at the outset that the people who have recently plead guilty did so for violations of current law. They were caught under rules and legislation that already exist.

However, one must go on the assumption that Congress will adopt some additional lobby reforms.

We personally believe that the vast majority of lawmakers are willing to abide by whatever rules there are, as are most lobbyists. But the public has less confidence of that than we do and, thus, Congress needs to respond to that more skeptical perception.

When Congress has reacted to similar scandals in the past, it has generally crafted rules that are complex, often difficult to understand if you are law abiding, and easy to circumvent if you aren't.

So, this time, why not adopt solid, simple, effective reforms instead of the usual patchwork of well-intended but often meaningless changes?

In addition to simplicity we propose a guiding principle: Members of Congress and their staffs are here for one purpose only – to conduct the public's business. So what is useful for that "business" is what the rules should be about.

For example, the theater, sports events, golf outings and such all have no essential relationship to the public business. Nor do gifts. The first suggestion, then, is to just ban all gifts and entertainment — period. Fooling around with dollar amounts just makes a game out of it. And who needs a \$49 gift anyway?. So, do the simple thing: get rid of both gifts and entertainment.

Travel is different. Travel that is connected to public business can be very useful. It has also been abused. But we believe there is a way to keep even privately funded travel available to Members and staff while reducing the chance for abuse. Require that all privately sponsored travel be authorized by the Committee with jurisdiction over the "business" that is to be done. Committees would be responsible for determining the relevance, value and validity of any travel paid for by outside sources. Of course, committees would be required to file full disclosure of the trip promptly. Members would be required to report their and their staff's trips on their websites.

There are additional suggestions and I would refer you to the testimony of my colleague Bob Hynes.

Testimony before
the Senate Committee on
Rules and Administration

by
Robert D. Hynes
February 8, 2006

My colleague is Bob Hynes who served former President Gerald Ford as his principle Floor staffer when Mr. Ford was the Republican leader in the House.

I would like to make a “modest proposal” at this point. Remove all restrictions on accepting meals. Both watching Members from inside the institution and working with them as a lobbyist for NBC and later for others, I have never known a lunch or dinner to influence a decision. Even the priciest meal is not going to change a vote. So the rather complex rules governing meals are really not necessary,

A further point: I have always believed that the best regulator of political behavior is transparency. If the world can know what someone is doing, they are much less likely to do anything that would draw criticism.

So I would replace the current restrictions on meals with a straightforward reporting requirement. At the beginning of each month every Member would be required to list prominently on their official web-site the meals they and their staff have accepted. Lobbyists, of course would have to report it. But by having the Members make the information available you accomplish two things. You’ve got a double check on the activity. It should show up in both the lobby report as well as the Member’s web site.

The other virtue is that such an approach leaves discretion to the Member. He or she will need to determine what constituents will tolerate. And they would do so with the knowledge that besides the constituents, the information will be reviewed by reporters, editorial writers and opponents.

This is a direct and simply approach. It surely would also be more effective.

I would hope Members would not avoid dinners. Meals are a traditional and common place to discuss business in our society. They can be useful in obtaining information that is helpful in making public policy. Having a point of view presented over a steak is little different than getting the same information sitting in the Member’s office. But reporting such meals would surely be a moderating influence.

One last observation: No reform can prevent those determined to break the rules from doing so. Adding new layers of regulation doesn’t change that. Crooks will be crooks. So there needs to be sufficient penalties for violations. But here a good degree of transparency will also serve well. The political damage from – for example – a formal rebuke on the Floor of the body – would seem like a reasonable deterrent.

Whatever is done, there will be another scandal some day. With luck it will not be as breathtakingly greedy and crude as the one Mr. Abramoff has plead guilty to. But it will happen. Keeping the rules straightforward and simple will make it easier to detect, stop and punish.