

BARNEY FRANK  
4TH DISTRICT, MASSACHUSETTS

2210 RAYBURN BUILDING  
WASHINGTON, DC 20515-2104  
(202) 225-5931

29 CRAFTS STREET  
NEWTON, MA 02158  
(617) 332-3920

*✓ FAX note  
with ethics  
rule  
from  
Gunnell*

**Congress of the United States  
House of Representatives  
Washington, DC**

558 PLEASANT STREET  
ROOM 309  
NEW BEDFORD, MA 02740  
(508) 999-6462

222 MILLIKEN PLACE  
THIRD FLOOR  
FALL RIVER, MA 02721  
(508) 674-3551

89 MAIN STREET  
BRIDGEWATER, MA 02324  
(508) 697-9403

*(202) 225-0182*

February 14, 1997

The Honorable Joseph DioGuardi  
Chairman  
Truth in Government  
2 Croton Avenue  
Ossining, NY 10562

Dear Joe,

I'm sorry to be late responding to your fax. Things suddenly got busy for us -- first with inauguration parties and then because of my committee role the two constitutional amendments we've been dealing with -- the balanced budget and term limits. I gather people didn't pick up on the op-ed -- at least nowhere that I saw. I'm sorry about that because I think you did a good job and of course I was flattered to be included.

A new task force has been appointed to look into this and I have told Jim Hansen I would work with him on it. Of course since I was myself in trouble and got reprimanded, I think it's no longer appropriate for me to take as prominent a role as I took back then, but I will pass along this idea and remind them that we made the suggestion years ago which would have saved a lot of trouble. I think there is a real chance for us to move in this direction.

  
BARNEY FRANK

BF/mg

To - Steve Zupenberg  
90 Wash Post - "OUTLOOK"  
VIA FAX  
(202-334-5660)



HON. JOSEPH DIOGUARDI  
MEMBER OF CONGRESS  
1985 - 1989

CHAIRMAN  
TRUTH IN GOVERNMENT  
2 CROTON AVENUE  
OSSINING, NY 10562  
(914) 762-5530  
FAX (914) 762-5102

DIRECTOR  
COALITIONS FOR AMERICA  
717 SECOND AVENUE, NE  
WASHINGTON, D.C. 20002

Jan 21, 1997

Steve,

It was nice chatting with you.  
As we discussed, I am attaching a  
piece I recently sent to Paul Weyrauch  
who suggested I contact you.

Whether Newt Gingrich survives  
the current ethics crisis or not,  
the congressional ethics process is  
flawed (as it was ten years ago  
when Speaker Wright was under  
fire) and should be changed.

Please feel free to call me  
at (914) 671-8553.

Joe



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January 13, 1997

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After two years of denials of wrongdoing, Newt Gingrich admitted on December 21 that he violated House rules by filing false information to the ethics committee about a college course that he was teaching and by failing to consult lawyers about the legality of his using monies from tax-exempt foundations to fund the course. My purpose here is not to further the debate about Newt Gingrich's veracity or the charges and the parameters of his case. Instead, I want to express my dismay at a process that individualizes through partisan bickering, and thus conceals, the real, systemic problem that lies at the heart of the current crisis in the House. When I was a Republican member of Congress ten years ago, we were at the same critical juncture in the case of Speaker Jim Wright.

The political issue may be "ethics," but as I said when Speaker Wright was under investigation, the practical issue is "process." The Congress has neither the time nor the independence to monitor itself. Consequently, House investigations take too long and partisan loyalties arouse too much rancor and doubt. A quick, objective, and clear indictment of Newt Gingrich would have served him and America better than the protracted deliberations that we all have had to endure.

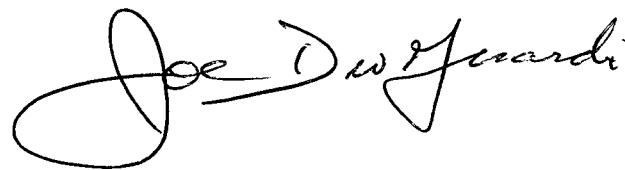
Now, two years later, neither the Congress nor the public has had the benefit of a report from the ethics committee. It is this lack of progress and determination, compounded by political machinations, that has contributed greatly to the crisis of trust and cynicism that now dominates the public's perceptions of the Congress. One would have thought that in ten years the public clamor for better government would have resulted, at the very least, in ethics committee reform.

The time has come for Congress to establish a nonpartisan, independent public ethics review board--an idea that I introduced in 1988 in the form of a bill cosponsored by Democratic Congressman Barney Frank. Regardless of the severity of the charges or whether they apply to a typical member or to the third most powerful elected position in America, it is difficult, if not impossible, for members of the House and Senate to investigate and then judge themselves. Only a truly independent body will be capable of insuring fair and proper investigations into ethical violations by House members and thus protecting the integrity of the legislative branch of our government.

When Barney Frank and I called for the creation of an independent Public Review Board to investigate alleged instances of ethical wrongdoing by members of the House, we were

for the most part ignored. Now, eight years, three presidents, and three speakers later, our proposal is resurfacing. Norman Ornstein of the American Enterprise Institute made the case in *Roll Call* in December, when he said that, "It is time to take the investigative aspect of Congressional ethics away from an internal ethics committee and give it to a body of outsiders."

The legislation that I introduced remains a healthy blueprint for ethics process reform, and since it was formally cosponsored by a liberal Democrat, it would be difficult for anyone to dismiss it as just another partisan idea. Both parties must place the focus back on Congressional reform and away from the daily partisan posturing amid the petty struggle over control. That either side wants to control the outcome of the ethics committee process is precisely why we need to change it. The ethics process is not the province of any one political party, agenda, or elected official. It belongs to "we the people," and should be constructed to hold Congress to the highest standards of ethical conduct.

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## CONGRESSIONAL BRIEFING

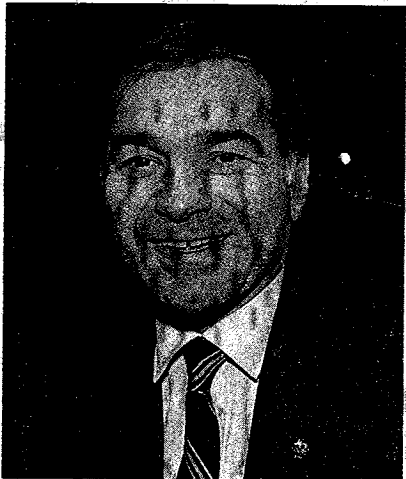
### Outside Inquiry Posed for House Ethics Flap

The result of a spate of ethics controversies involving House members is that "we are witnessing a rapid deterioration of the public's trust in Congress," says Rep. Joseph J. DioGuardi.

The New York Republican's solution is a bill he has introduced with Rep. Barney Frank, a Massachusetts Democrat, to assign investigative responsibilities now vested in the Committee on Standards of Official Conduct to an independent Public Review Board composed of six persons who are not members of Congress, three chosen by the speaker and three by the minority leader. The board would present findings to the standards committee, which would transmit them to the full House.

"There's an institutional collegiality inherent in the House, where members naturally operate in a closely knit, familial-type atmosphere," says DioGuardi. "And I don't think we can realistically expect to call on members to disregard their personal relationships and then judge their fellow colleagues, and then have the public buy that."

The conservative two-term member says he worked to enlist the liberal Frank "to signal my intent to be nonpartisan" and praises the chairman of the Judiciary Subcommittee on Administrative Law and Governmental Relations for his "intellectual honesty" on ethics matters.



STAN BAROUH / PHOTO STORE

DioGuardi: Coziness belies scrutiny.

8-15-88

# Independent House Ethics Panel Proposed

Associated Press

Two members of Congress yesterday unveiled legislation that would establish an independent public advisory panel to investigate alleged unethical practices by House members.

Reps. Joseph DioGuardi (R-N.Y.) and Barney Frank (D-Mass.) also proposed creating the office of an independent inspector general to audit financial matters of the House and its members.

"What we're trying to deal with here is the perception that congressmen are not fulfilling their public trust," DioGuardi said. "This is not an issue of individuals, this is not an issue of parties or politics. This is basically an issue of process."

DioGuardi and Frank stressed the conflicts inherent in the current system under which House members police themselves through the Committee on Standards of Official Conduct. That committee, composed of an equal number of Republicans and Democrats, enforces the code of conduct and recommends to the full House sanctions against members who violate it.

"Is it fair to expect congressmen and congresswomen to change their role from one of collegiality to judge and jury?" DioGuardi said.

The two congressmen introduced a resolution to create a panel of six people, three chosen by the House speaker and three by the minority leader, to investigate alleged wrongdoings.

No member could be a current or past congressman; a relative of a congressman, officer or employee of any government; a lobbyist or registered foreign agent.

The board would have full investigative powers, including the ability to issue subpoenas. It would report its findings to the ethics committee, which would be required to pass them on to the full House unchanged.

The inspector general would periodically audit the House's financial operations, including payroll and official expenses. He or she would report any waste, fraud or abuse to the public review board for action.

# Independent Board to Police Members?

## DioGuardi, Frank Make Proposal, Citing Skepticism

By John P. Gregg

Citing public skepticism over the ability of the House to police its own Members, Reps. Joseph DioGuardi (R-NY) and Barney Frank (D-Mass) Thursday called for the creation of an independent Public Review Board and an Inspector General to investigate alleged wrongdoing by Members.

Both Congressmen emphasized that their proposal wasn't meant as a criticism of the House Committee on Standards of Official Conduct, which currently has the responsibility for such investigations, but was a response to the "perception that Congressmen aren't fulfilling their public trust," according to DioGuardi.

Noting the "collegial, closely knit" nature of Congress, DioGuardi said his proposal was not a political issue but "a question of process.... It is difficult to expect Members to change their roles radically and become judges of their peers," he said.



Photo by Andrea Mohin

At a press conference Thursday, Reps. Joseph DioGuardi (left) and Barney Frank explain their plan for a Public Review Board and an Inspector General.

The proposal calls for a board with three members appointed by the Speaker of the House and three by the Minority Leader, subject to approval of the full House.

Board members could not be current or

former Members, relatives of Members or staff, or lobbyists. The Inspector General, who would conduct random audits of House accounts as well as investigations on

Continued on page 17

# New Ethics Board Would Attack Perception That Congress Isn't 'Fulfilling Public Trust,' Backers Say

Continued from page 3

behalf of the board, would be appointed jointly by the Speaker and Minority Leader.

The board would have full subpoena power for its inquiries and could launch a probe on its own initiative, at the request of a Member, or after an outside request for a probe was refused by at least one Member. The current ethics committee operates under similar guidelines.

Recommendations of the Review Board and the Inspector General would still be

ethics committee, said Frank, who called the legislation "an effort to reconcile requirements of the Constitution with the inherent conflict that comes with judging your friends — or enemies."

The Constitution mandates that only the House can punish or expel its Members.

A former accountant who observed the effectiveness of outside peer review boards in the accounting field, DioGuardi said he had worked on the reform package for eight months. Board members and the Inspector

was set. DioGuardi suggested Paul Volcker, former chairman of the Federal Reserve, and Felix Rohatyn, a New York financier, as prototype members for the Review Board.

Even if a board is set up, DioGuardi said the House ethics committee would still provide "determinations" for Members and staff concerning funding of trips, honoraria, and other questions regarding House rules. The ethics panel could argue for or

While Frank and DioGuardi conceded that they were just starting to promote their resolution among their colleagues, the predicted a "groundswell of support" and a possible action next spring.

The House Administration and Rules Committees would probably examine the proposal if it has support in the House.

The House formed the Committee on Standards of Official Conduct in 1967 following a controversial move to exclude

100TH CONGRESS  
2D SESSION

# H. RES. 526

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 11, 1988

Mr. DIOGUARDI (for himself and Mr. FRANK) submitted the following resolution; which was referred to the Committee on Rules

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1       *Resolved,*

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3                                    REPRESENTATIVES.

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6   "RULE LI.

7   "PUBLIC REVIEW BOARD.

8           "1. There is established a permanent board to be known  
9 as the Public Review Board (hereinafter in this rule and in  
10 rule LII referred to as the 'Board').

( plus 10 more pages - all available on request )



To Cong Michael Forbes  
Attn Judy O'Connell  
VIA FAX  
576-345-3891



HON. JOSEPH DIOGUARDI  
MEMBER OF CONGRESS  
1985 - 1989

Personal

CHAIRMAN  
TRUTH IN GOVERNMENT  
2 CROTON AVENUE  
OSSINING, NY 10562  
(914) 762-5530  
FAX (914) 762-5102

DIRECTOR  
COALITIONS FOR AMERICA  
717 SECOND AVENUE, NE  
WASHINGTON, D.C. 20002

1/17/87

Dear Mike,

I commend you for your principled stand on the Speaker's ethics investigation. Whether Gingrich survives the current process or not, it is a flawed process (as it was ten years ago when Speaker Wright was under fire), and it should be changed.

Since you have developed a high profile on the ethics issue, I thought you should see the O.P.E.D. I recently sent to the WSJ, NYT, Roll Call and the Wash Times calling for reforms I introduced in 1988. It's your turn! Regards,  
Joe

Copy to Norm Ornstein  
% ABI / by FAT

Norm - Having seen your  
article on reforms in  
Roll Call I thought  
this would be of interest  
to you. Regards  
Joe

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WASHINGTON, D.C. 20002

January 13, 1997

Fax to: Susan B. Glasser, Editor, Roll Call  
(fax no.: 202-289-5337)

From: Joseph J. DioGuardi

---

Attached is an op-ed piece that focuses on the current problems of the Speaker and the House Ethics Committee.

Please contact me at (914) 671-8583 if you have any questions.

A handwritten signature in cursive script that reads "Joe DioGuardi". The signature is written in black ink and is positioned in the lower right quadrant of the page.

To - Cong. Barney Frank  
VIA FAX  
(202-225-0182)



HON. JOSEPH DIOGUARDI  
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1985 - 1989

Personal  
&  
Confidential

CHAIRMAN  
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DIRECTOR  
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WASHINGTON, D.C. 20002

Jan 16, 1997

Dear Barney,

It was nice chatting with you again and I look forward to seeing you soon in D.C.

In the meantime, I wanted you to see the attached O.P.-ED piece on the Bill to reform the ethics committee that you and I introduced on 8/11/88.

The idea is as good as ever - probably even better now with the debacle we are now witnessing. I've sent it to the NY Times, Wash Post, Wall Street Journal and Roll Call. You may get some calls.  
Warm Regards, Joe



HON. JOSEPH DIOGUARDI  
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717 SECOND AVENUE, NE  
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January 13, 1997

Fax to: David Asman, Op-Ed Editor, The Wall Street Journal  
(fax no.: 212-416-2891)

From: Joseph J. DioGuardi

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1/16/97

to Joe  
Excellent  
I hope they  
will publish it!  
W



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100<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. RES. 526

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WASHINGTON, D.C. 20002

January 14, 1997

Fax to: *KATHERINE ROBERTS* Op-Ed EDITOR The New York Times  
(fax no.: 212-556-3690)

From: Joseph J. DioGuardi

---

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Please contact me at (914) 671-8583 if you have any questions.

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Copy to Paul Weyrich



HON. JOSEPH DIOGUARDI  
MEMBER OF CONGRESS  
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Paul,  
Thought you should  
see this. Regards,  
Joe

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Fax to: Todd Lindberg, Op-Ed Editor, The Washington Times  
(fax no.: 202-~~832-2982~~)

From: Joseph J. DioGuardi

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January 13, 1997

Fax to: Ron Patafio, Gannett News  
(fax no.: 914-694-5150)

From: Joseph J. DioGuardi

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In 1988 I worked closely with the Republican leadership of the House of Representatives as national finance chairman of GOPAC and as a member of the executive committee of the Conservative Opportunity Society. At weekly meetings, I discussed with Newt Gingrich and other conservatives strategy on budget, ethics, and other House reforms. As a CPA who had spent twenty-two years at a major accounting firm (twelve of them as a partner with firm-wide responsibility for the tax aspects of nonprofit organizations), I knew that it was dangerous to even think about associating political fundraising activities with charitable giving.

After two years of denials of wrongdoing, Newt Gingrich admitted on December 21 that he violated House rules by filing false information to the ethics committee about a college course that he was teaching and by failing to consult lawyers about the legality of his using monies from tax-exempt foundations to fund the course. My purpose here is not to further the debate about Newt Gingrich's veracity or the charges and the parameters of his case. Instead, I want to express my dismay at a process that individualizes through partisan bickering, and thus conceals, the real, systemic problem that lies at the heart of the current crisis in the House. When I was a Republican member of Congress ten years ago, we were at the same critical juncture in the case of Speaker Jim Wright.

The political issue may be "ethics," but as I said when Speaker Wright was under investigation, the practical issue is "process." The Congress has neither the time nor the independence to monitor itself. Consequently, House investigations take too long and partisan loyalties arouse too much rancor and doubt. A quick, objective, and clear indictment of Newt Gingrich would have served him and America better than the protracted deliberations that we all have had to endure.

Now, two years later, neither the Congress nor the public has had the benefit of a report from the ethics committee. It is this lack of progress and determination, compounded by political machinations, that has contributed greatly to the crisis of trust and cynicism that now dominates the public's perceptions of the Congress. One would have thought that in ten years the public clamor for better government would have resulted, at the very least, in ethics committee reform.

The time has come for Congress to establish a nonpartisan, independent public ethics review board--an idea that I introduced in 1988 in the form of a bill cosponsored by Democratic Congressman Barney Frank. Regardless of the severity of the charges or whether they apply to a typical member or to the third most powerful elected position in America, it is difficult, if not impossible, for members of the House and Senate to investigate and then judge themselves. Only a truly independent body will be capable of insuring fair and proper investigations into ethical violations by House members and thus protecting the integrity of the legislative branch of our government.

When Barney Frank and I called for the creation of an independent Public Review Board to investigate alleged instances of ethical wrongdoing by members of the House, we were

for the most part ignored. Now, eight years, three presidents, and three speakers later, our proposal is resurfacing. Norman Ornstein of the American Enterprise Institute made the case in *Roll Call* in December, when he said that, "It is time to take the investigative aspect of Congressional ethics away from an internal ethics committee and give it to a body of outsiders."

The legislation that I introduced remains a healthy blueprint for ethics process reform, and since it was formally cosponsored by a liberal Democrat, it would be difficult for anyone to dismiss it as just another partisan idea. Both parties must place the focus back on Congressional reform and away from the daily partisan posturing amid the petty struggle over control. That either side wants to control the outcome of the ethics committee process is precisely why we need to change it. The ethics process is not the province of any one political party, agenda, or elected official. It belongs to "we the people," and should be constructed to hold Congress to the highest standards of ethical conduct.

A handwritten signature in black ink that reads "Joe DioGuardi". The signature is written in a cursive style with a large, looping initial "J" and a long horizontal stroke extending to the right.