A meeting of the Ethics Committee met in Room 125 of the State Capitol on March 9, 1971 at 7:30 p.m.

Testimony on ethics was heard by the committee from Harold Chase, Prof. Political Science, University of Minnesota.

A discussion on ethics was held by members of the committee.

The meeting was adjourned.

Howard A. Knutson, Chairman

Vi Nordgren, Clerk

ETHICS COMMITTEE

HAROLD CHASE, PROF. POLITICAL SCIENCE, U. OF M.: I first want to say that I feel a little timid about testifying on something like this because I feel you people know better than I the difficulties inherent in the legislative work, and I am sure you have familiarized yourself with the issues that usually inhere in the question of what we ought to do about making our legislature more effective.

My own interest stems back quite some time - I was very interested in the 50s when Congress was doing a lot about examining its operations with respect to legislative ethics. One of my associates at Princeton is Prof. George Graham who later went to Brookings and who is now with the American Society of Public Administrators, and he served as a staff man for Sen. Paul Douglas, who was then running the committee, and then was very interested in all of these questions that keep coming up and recurring, not only in Congress, but in our state legislature.

I came to Minnesota from Princeton the fall of '57. I was quite flattered to be asked to come and fill the void left by Prof. Anderson's retirement at the University, and it was about that time, you remember, in the state of Minnesota we had a great deal of interest in the whole question of what to do about the legislative ethics. You may recall a very enterprising newspaper man by the name of McDonald, who did a series of pieces, and it stirred up a lot of interest. He made a number of allegations which were pretty strong about the fact that we, perhaps more than other legislatures in the U. S., had problems of conflict of interest, and as a consequence of the furor he stirred up, we had a commission set up that produced this study of ethics in government, with a rather comprehensive set of recommendations. I played a small part in that - I appeared before the appropriate committees here - I knew Prof. Anderson very well. He was one of the people who was very instrumental in the writings of the report, so that I did have an opportunity to talk to him about some of the ideas, and so on.

Now I say all this to indicate I have an interest. I don't claim to be an expert, and after all, who's an expert on ethics. Yet like any other citizen who's interested, I have concerns. My own feeling was when we finally did get a bill passed, that it merely was an inocuous piece of letislation, and I think that events have since demonstrated that. Again, I don't want to tread on anyone's toes, but like you read those articles in the Star-Tribune on some of the problems on conflict of interest on lobbying, and I remember that one of the lead-off remarks was that these committees that were set up in the House and Senate haven't had any business. Now there are two ways of looking at that, and one is to say - well it shows that everything is great. The other is to say that there must be something wrong with the framework in in which these committees operate. Otherwise they would have had some business, particularly in the face of some rather serious allegations made by the enterprising reporters of the new generation over at the Star-Tribune.

I still think that the proposal that was part of the report of the old commission makes a lot of sense. At the same time, I am well aware of the arguments that have been made against some of the things that were put in that proposal. One of the basic elements of the early report was that there ought to be some kind of code much more extensive than the few provisions that are now in the Statutes of the State of Minnesota. For example, the question of whether or not lawyer legislators ought to be able to appear before state agencies. I know what I am about to say will offend some of you, and I understand that, but I think that it's important to have a frank discussion of various views.

I understand that a man has to make a living, and that it's very important for a lawyer to be able to maintain his legal practice. But looking at it from the point of view of someone on the outside, what concerns me is the fact that some lawyers all of us a sudden find that their business has increased as a consequence of being

elected to the legislature, and that some of that business involves dealing with issues that arise before state agencies. Now if one takes the hard-nosed view that the old commission took, the one that was set up to study the problem, that lawyers in the legislature ought not to be able to do this, then I think it's true we would lose a lot of talent. Some men would say 'I can't afford to be in the legislature if that means that I can't conduct my usual business.'

Again I hope I don't offend anyone's sensibilities when I say that my own reaction would be, well maybe that wouldn't be so bad on the overall, that the kind of lawyer who would then be in the legislature would not be the one who was involved in business with state agencies, or making appearances before state agencies. And, it's probably true that we can't come up with perfect solutions here, and that we are going to have to choose between the lesser of evils, and if it means that you would have a greater confidence in what the legislature does, or if there is a stronger belief in the integrity of the legislature, I think this is all very important. Charles E. Wilson once said something before a Senate committee when they were asking about his background to serve as part of the Eisenhower team, and he was being harrassed about his holdings and everything else, and he kept saying, 'I'm an honest man. I'm not ashamed of anyone taking a good hard look at what I'm doing.' And as he was constantly harassed, at the conclusion he made a remark, "You know, I'm beginning to get the idea - it isn't so important that you be honest, you've got to look honest.' And I think this is part of the problem. If a letislator appears before a state agency, others looking at this may decide that this doesn't look good, and as a consequence not have the kind of confidence that one would want people to have, and I say all this in an awareness that we're probably very lucky in terms of the kind of government we have in this state as compared to others.

But always, there are those of us who are looking for better ways to improve. Now without boring you, I would say, and I've reviewed some of these this afternoon, that the elements of the code of the commission report back in 1959 should be given another look to see if they wouldn't make an added section in the law. Now there's nothing automatic about these things, no automatic remedy. But it does spell out with a great degree of explicitness what things are considered beyond the pale. No outside agency would be making the determination. It would be a committee of the house and the senate, and I think that's proper, that whatever decisions are made with respect to any charges or allegations ought to be made by people who are members of the house and senate, not outsiders. And also, I would like to call your attention to the very fine study done on congressmen and the public trust by the Association of the B ar of the city of New York. I promised the chairman I would leave this because it does give a kind of wrap-up of some of the problems with which you're dealing, and is the most up-to-date thing I have seen, and rather than take your good time to talk about things in there, I'd rather just leave the document. I would be happy to respond to any questions.

MR. WEAVER: We've talked several times about this problem of state agencies, and I'm a lawyer, and it seems to me when we talk about that, we're really not suggesting that the legislator is dishonest, but we're suggesting that the public official who is handling the hearing that we're appearing before, is dishonest. Because obviously we don't go there and say, 'look, I'm on the Appropriations Committee, and some other committee, and therefore you'd better treat me right. It seems to me what you're saying is, you're assuming that the person who is hearing may be favored briefly because of that. Well, then if that's true, then exactly the same situation exists before every judge, because if I'm on the Appropriations Committee, then I'm also setting his salary, and supposedly he's going to be intimidated by my appearance before him. So how can we logically say we should be able to practice law in any court in the state, if we can't practice before

a state agency.

MR. CHASE: I think your point is a very good one. I think it's a question of degree. I think the judiciary have a kind of independence that's been frosted through custom, and I think a lot of us are unhappy about the fact that you have to even do that. But we realize you have to earn a living, and you have to go to court to do it. B ut I think there are some differences like I remember last time when I was discussing this, I witnessed a very interesting discussion between a member of the legislature, Peter Popovich, and a gentleman who was testifying, who was a member of the parole board, I think. I'm a little hazy on the facts. And, the member of the parole board was complaining about the fact that he gets a lot of heat from lawyer legislators. So Mr. Popovich said to him, 'were you affected by the fact that I called you on such and such a date?' And he thought for a minute and he said, 'no.' On the other hand, it seemed to me he might have asked, 'why did you call me? If you didn't think you were going to have some impact, why did you call?' Let me ask this, - I don't pretend to know, and I'm sure you know better than I, but I remember Popovich was once interviewed for the St. Paul newspapers. I had trouble locating my clipping. I wanted to bring it tonight. But he described in very frank candid terms what happened to his law practice when he was elected to the legislature. All of a sudden a lot of people whom he had never known before were coming to him and asking him to take care of their interests. Now I ask you why? It would seem to me that someone thinks there's an advantage.

MR. SCHUMANN: On that very point, I'm not a lawyer myself. But on that very point, I have seen lawyers whose business has picked up. But it hasn't been simply because of his practice in the legislature. Many of these struggling young attorneys haven't made a name and no one knows who they are. Suddenly because they do have a name and are out campaigning, people come in with cases not related to state agencies or state business, but simply because it's a name they recognize.

MR. CHASE: Oh, I understand that, and I certainly don't

want to be in the position of making allegations that I would have difficulty backing up. But you have the resources to find out. It might make an interesting study to take a look at what happens to a guy's practice after he becomes a legislator, and this gets to some proposals that have been made about disclosure of incomes, and so on. And I understand how sensitive those things are too. So that I wouldn't be surprised if legislation of the kind that was proposed, wouldn't pass. Yet if you would ask me how can we improve things, I think I would have to say that we can improve it by moving in certain directions, and this will mean that some people will say, well I can't afford to be a legislator, and that's too bad. But I think we have to ask ourselves which values are over right. Sometimes we all have to make tough choices, like I wanted to go on active duty to Vietnam, I had to get a leave of absence for a year.

MR. KNUTSON: What I would like to do is make it very informal --

MR. WEAVER: We're talking about a lawyer but it seems to me, and I draw a real distinction between a full-time legislator and a part-time legislator. It seems to me, for example, if I owned 1,000 acres of ground and am a full-time legislator, I've got all kinds of b ills that I'm going to vote on that may well affect that. If I have any interest at all, I'm a teacher and I'm fully on teacher's retirement, it seems to me that there are all kinds of conflicts, and really, those conflicts are still there, no matter how many of these rules you put in. I think it's virtually impossible for a full-time, or part-time legislator to completely eliminate all of his conflicts, unless you reduce him to the position that you're not going to have anybody who is worth anything who is going to run for public office.

MR. CHASE: And I think that this earlier proposal attempted to deal with that better, I think, than the actual legislation did. A member of the legislature whohas a personal or private interest is defined herein, andany measure or bill proposed or pending before

the legislature, or who is a paid representative of any person, firm, corporation, association, having such interests, should disclose such interest to the legislative assembly, or committee of which he is a member, and such disclosure should be recorded in the Journal or minutes of such committee. In other words, we're not saying they can't do it, recognizing that if a guy is a teacher, and some of our current legislators are, they have special interests. Okay, so you let people know what they are. Now I understand the argument that is frequently made by members of this legislature, that you all know each other anyway. Well, I think that's fine. You do. But we may not. In other words, the public. How do we know if a particular legislator has interests in the liquor business or in a particular insurance company. I think these things ought to be fairly public, and I think it would be healthy all along. I see some virtue in having on a committee that deals with insurance, someone who is in the insurance business. B ut everybody ought to know that.

MR. WEAVER: That isn't our problem. The example you give of owning a liquor store and voting on liquor legislation, and owning a home, and voting on property tax relief, perhaps if he had, then the difficulty is in between.

MR. CHASE: As a lawyer I think you have a concept about (color) and my interest as a home owner isn't the same as some senator who makes a big living out of representing liquor.

MR. WEAVER: That's fine, but where in between is that line drawn, and that's the key to this whole problem.

MR. CHASE: This is tough.

MR. WEAVER: I don't think any of us have any problem disclosing if we have an interest or happen to represent a client who might have something to do with the bill. That doesn't both anybody. It is the situation that is so difficult to define between those two.

MR. CHASE: That's right. I think there is no one better able to do that than people like yourself. Just like I remember the

argument they had about this question of presence before the congressional committee, the senate committee that is dealing with it. And Paul Douglas said as a matter of practice he took nothing more than the equivalent of a 10# ham. That if anyone gave him a gift that was worth more than a 10# ham, he gave it back. Right now this is an arbitrary figure. Why draw the line there. But I think that it is important to have some kind of standard so that a new legislator comes in and he tries to find out, what are the mores, what do you do about this? Here's a guy who's trying to foist an expensive present on me - what should I do? And if others say, 'look, the standard we set is a 10# ham.' Now there's no magic in that, but at least it gives everybody sort of a ball-park estimate of what goes and what doesn't go. So I think the answer to that would be in disclosing. Okay, you'd have to come up with some kind of arbitrary figure about how much income you'd have to have from a particular source in order to report, something like $500,000 a year from any one source you'd indicate.

MR. SCHUMANN: I've got a problem. Nobody's ever even offered me a ham. (laugh)

MR. CHASE: You know it's kind of interesting. Now again I'm not saying that these allegations are true, but it seems to me if what appeared in the Star-Tribune is not true, then some people ought to start suing. Because the general public will figure, you know, if these charges go unrebutted --

MR. SCHUMANN: Of course, what appeared in the Star-Tribune that really was a --

MR. CHASE: Would you like to put it in the record? I have all the articles? (All talk at once). No, I think there are some things I'd just as soon not go over and rehash them, because I have no independent way of knowing whether they're true or not true.

MR. GUSTAFSON: Howard, do you have copies of them?

MR. KNUTSON: Yes.

MR. GUSTAFSON: I'd like to read them over. I've kind of lost track of what they are. When I read the whole story last

summer, I thought there isn't anything to this after all. I wasn't impressed that they did anything wrong.

MR. CHASE: And you might want to take a look at the McDonald piece.

MR. GUSTAFSON: I'd like to ask Mr. Chase a few questions here. As a lawyer, and I'm a lawyer, there is nothing wrong in our appearing before courts, be they probate courts, district court, supreme court, municipal court. I guess we all agree with that. Is that right?

MR. CHASE: Well, you're a better judge than I am.

MR. GUSTAFSON: Well, seriously, I'm trying to find out --

MR. CHASE: I would say that there are some areas where you would have difficulty, and I'm not as worried about a lawyer legislator appearing in court as I am about a lawyer legislator appearing before a state commission.

MR. GUSTAFSON: Now a state commission, let's sort those out too. We have the Industrial Commission and the commissioners there, they aren't judges, but I guess they're called 'judges', aren't they? (From audience -'referees') Whatever they are? Do you think that a lawyer legislator ought not take workmen's compensation cases?

MR. CHASE: Well, I notice in New York that they make a distinction like this. They talk about the ministeria and work of certain agencies, and I understand that difference. Let me see if I can find it. Yes, this is the report of the commission in New York, special committee on ethics, 1964. The way they put it: 'No member of the legislature or legislative employee should receive directly or indirectly any compensation in whatever form for the appearance or rendition of services by himself or another before, or the transaction of business by himself or another with, the court of claims or any state agency. The provisions of this subdivision shall not apply to the receipt of compensation for the appearance or rendition of services before a transaction of business, with the department of taxation and finance, with the division of

corporations and state records, and the department of state, or shall they apply to the rec eipt of compensation for the appearance or rendition of services, transaction of business, in relation to way, claims for workmen's compensation, disability benefits, unemployment insurance, be matters which are primarily ministerial, not involving the exercise of substantial discretion on the part of any state agency.' In other words, they try to slow things up. I'm all for that, and I think you can do that better than I.

MR. GUSTAFSON: You see we have this problem in Minnesota. I had one in my practice. I handle a few states, and occasionally have a dispute with reference to whether or not there should be an inheritance tax due. Well, that's part of our work for the state. Now where there's a case where we have a dispute with the tax department, I've got to go down here with affidavits and make a case before the tax department. I can still probate the estate, but I'd be barred from handling that part of the case, I guess if I understand this thing right.

MR. CHASE: You see, when it comes to deciding how you would split this, I don't claim any special expertise, and I don't think there is anyone more expert than you people. Once you are willing to accept the idea that you know, maybe we ought to try to work things out, and try to figure out where it does make a difference, and where it doesn't make a difference, and again realizing that this is a matter of degree.

MR. WEAVER: May I quote you something out of here? This is out of the Guide papers. It was on the committee roster. Fred Demler, a Morris physician, took a leading hand in 1957 in defeating the osteopath bill. A Tyler druggist, Sen. Joseph _____ also a committee member, offered a motion by which the bill was indefinitely postponed. Now that raises a whole new area. This is to me one of the real good things about a part-time legislator, the fact that you have people with a great variety of interests, who in theory have some expertise in various fields. Now to me that seems perfectly proper, and I guess all of us have had a hand

either in either promoting or killing a bill in which we think we at least have some expertise. I guess it's beyond me to understand why someone who is knowledgeable in an area should not be involved in any way.

MR. CHASE: Fine, as long as everybody knows. In other words, if you're talking about anything but the lawyer appearing before state agencies, I think that's a different problem. But a guy who is representing the liquor interests, and not everybody knows, and not everybody in the legislature knows the extent to which some of these interests are wrapped up, and you know I think we can on the one hand pretend that certain things don't happen, and the sad thing is that all it takes is one or two people to give a lot of other people a black eye. And if you're going to tell me that we've never had a man in the legislature who has been greedy and at times did things that probably were illegal, I'd be surprised. Because I think you know the stories better than I do. Then the question is, what do you do about it? And all I'd like to think is that I represent a kind of interested citizen who feels that we can do better than the present law.

MR. GUSTAFSON: Now I've brought this same point up a good many times. Now here is an article and it mentions a former Senator here who figured in a campaign this year. The same issue is brought up, and that's how old - 1957, or so? 1958. People in his district knew this. If they didn't, some of his opponents weren't on their toes. It was available. The people who elected knew what his connections were with this certain group, and they still elected him. So it was no secret to them, and it was no secret to anyone else.

MR. CHASE: I'm not sure how much they knew. As a matter of fact, I was very angry with the Star-Tribune because they published these one shot deals and then as elections came up, for some strange reason they didn't do anything with it. Now one of the problems is getting this information out. It would be great if we had a crusading newspaper that really hit this hard. Like

I can show you an exchange of articles. I suggested that they pick this last thing that was written and print them up like the McDonald pieces, and then, really distribute them. Get them out there. And maybe we'll get some steam up for some kind of an amendment to the law on the subject. They don't, and now we all know that a one-shot deal on a matter like this isn't enough to get people all excited.

MR. SCHUMANN: No, but what about the man's opponent?

MR. CHASE: Depending on how much money he has available, and look what that man had available to him because of the interests he represented. I'd like to have had his resources.

MR. SCHUMANN: But it still seems possible - I just can't, visualize that anyone running against his opponent wouldn't use these prints.

MR. CHASE: Okay, so you go around, I don't have to tell you people. You know about electioneering better than I. It's a question of access, the kind of publicity you're getting, and with the kind of funds that he has available to him, I am sure his opponents didn't have an easy time.

MR. WEAVER: I think we've got a real problem. After all what we're trying to do is develop confidence by the public in the legislature. That really is the main goal.

MR. CHASE: And now only to get the show, but also the reality.

MR. WEAVER: You talked about our ability to do that. As long as we have writers who don't appear at the legislature, but who take delight in ridiculing the process, and everyone involved in it, I think the cards are very seriously stacked against us. And I made this statement before to Mr. Chucker that the people who are here reporting are very accurate. And if they let us have it, we'd better deserve it. But it's the people on the editorial staff and some of the feature writers who I have never seen, but yet they always make a big point of ridiculing everything that's happening in the legislature. I'll never forget one time George Rice on his

program had an editorial and I got a copy of it. I was on the education sub-committee for appropriations at that time, and I was also on the game and fish who was hearing the bounty bill. He editorialized one night that the legislature was spending far more time on the bounty bill than all the problems of education, and all that. At that time I had spent one hour on the bounty bill, and a total of two hours on committee, and I spent something like 100 hours in my one area of education. Well, these are the type of people that people are reading. And for us to make a case is virtually impossible. How many articles have you read lately about what a good job the legislature is doing and how many hours of work? It was _____ who wrote an article that said we were all going out to parties at night, picking up girls, --

MR. CHASE: I know exactly what you mean, and as a matter of fact, I'll tell you another story. Have you ever seen that kinescope that Huntley did that appeared on N.B.C. on state legislatures where they use a big chunk of a Minnesota legislature in action? This was some years ago and we still use it for school use. At one of the points they make clear is the idea that you spend more time on laws with respect to fishing than they do on other things. But that's a problem beyond the scope I think of what we're talking about tonight, and no one has a bigger scowl against the press than I do after my tour in Vietnam.

MR. WEAVER: I guess I feel very frustrated to think that we can overcome this image. Another example, Mr. Chucker virtually recommends what we already have in the statute books.

MR. CHASE: Take a good hard look. The statutes don't provide very much. If anyone likened the law to what was recommended in an earlier day, which is what may have been suggested, I think if you take and compare the two, there's a hell of a lot of difference. The law, if I'm reading it correctly, says a legislator or legislative employee should refrain from acting, and a legislator should refrain from voting on any matter where the interest of the public and the interest of the legislator or legislative employee are or may be in

conflict. But that isn't as specific as this other where you have to make disclosure. Now I understand, you know probably if I were a legislator, I'd forget all the laws . . . disclose all these things because being an old _____ I have a sense of the feeling of privacy. And I think this is one of the costs I guess someone has to take into account in deciding whether or not he wants to run for office. I give you people all the credit in the world, what you have to go through, and you're not appreciated. But one of the ways to help do that is at a time like this when we have all the into a form. Really in the best sense of the word, like our young people, very concerned about it. I think our legislators have a real great opportunity to try to streamline, to make it obvious that we're making a jump in improving the operation. And you know better than I what things we can do. We were just talking about one. Let's have annual sessions. Another thing that I get, and I'm sure you won't agree with me on it, but I think we ought to have party designation, that this would be a help. I understand all the disa vantages, but I think again it's a question of pluses and minuses. And the pluses outweigh the minuses. And I think one thing I love so much about Minnesota and I can say this having come here from the outside back in 1957, is we're a very proud lot. You know we're not satisfied to be second-best. In this theory, I think we're ahead of most states, but we could be so far ahead. We've got a lot of good things going for us, basically the people climate here is outstanding. Now this is amazing, and I think perhaps someone coming from the outside appreciates it even more than someone who was born here. I would loved to have been born and brought up here. So we can do a hell of a lot better than other states. I'm not mocking what I see, I just would like to see us take real leadership here. Like I noticed in this bar association book, they say they have 16 states that have something like an attempt to deal with the problem of conflicts of interest, and at least we've made some preliminary steps. But I would sure love to see us do better than

that.

MR. GUSTAFSON: I would like to ask you, you referred to a code. Was there a code proposed back in '60 or '61?

MR. CHASE: Yes. In other words, it was a much more elaborate thing, and it covered not only the legislators, but people in the executive branch.

MR. GUSTAFSON: But the actual act that we have on the books now came as a result of that study?

MR. CHASE: Yes, but I think if you go back you'll find that people felt something ought to be done, and by people, I mean people in the legislature, but they weren't about to go as far as this report tried to get them to go. And I'm sure there are some that aren't worth trying, and I think you people are the ones who have to decide that, and what I would urge is that you take a good hard look, and ask yourselves 'now would this really improve the operation, or wouldn't it?' I think we're in a climate now where there's more willingness to try some reform, and not only that, it may be that discretion's the better part of valor, but all of a sudden you may find an irresistible force. The young sure are manifesting all kinds of interest and reforming and I don't mean now the nutty kids - I'm talking about your kids and my kids who have a pretty good sense of justice and really want to do something constructive.

MR. KNUTSON: I think that code is part of the material handed out to each member when we first started.

MR. GUSTAFSON: That's the one you referred to earlier?

MR. CHASE: Yes, sir. The January 4, 1959 Ethics in Government.

MR. GUSTAFSON: Was that initially adopted as a code, as the act?

MR. CHASE: Yes, sir. They really tried to wrap it up in a format that would be a finished product.

MR. SCHUMANN: Quite a bit earlier you did say that if you'd been a legislator when some of these articles were coming off, you'd have been tempted to sue, or take some action. But, there

was a court decision not too long ago that I think really . . . (interruption)

MR. CHASE: The New York Times.

MR. SCHUMANN: I think most of us have the feeling that what's the use.

MR. CHASE: I think now that you'd have difficulty. In 19 - I forget when the McDonald pieces came out - the New York Times case hadn't been decided. Not only that, I think you might even be able to make a pretty good try on the basis of malicious intent. Remember Senator Kuchel was able to do something about the guys who invented the stories about his being a homosexual. Barry Goldwater did all right with, what was it, Fact Magazine that had the spurious survey of psychiatrists. So, if these pieces are not true and these guys are out to fabricate a story, you might be able to do something.

MR. SCHUMANN: But there could be no involvement whatsoever, I mean the story would have to be so out and out and far off.

MR. CHASE: It would have to be a fabrication.

MR. SCHUMANN: Completely, and for instance, talking about an automobile dealer who was doing business on the side, and undoubtedly it's true there were fellows who sold insurance on the side whenever they had the chance. But yet you can raise the point that it might be a conflict of interest, but the person certainly couldn't defend himself against something like this, regardless of what statute you had written.

MR. CHASE: Well, in a sense, that would be one of the virtues of having a more comprehensive code, because if you attack that way, then he can say, 'okay, I'd like you to take a look at this', and if you felt that you had been unjustly maligned, you'd get the committee to give you a clean bill of health.

MR. GUSTAFSON: I think some of these fellows might have felt they were unjustly maligned when the two writers, when they had their chance to show up and present their side of the story, and just

decided not to come for some reason or another. Here again we really didn't have any publicity or confrontation of any kind here to give us.

MR. KNUTSON: We should make one thing clear though, when I contacted these writers, I didn't ask them to give their side of the story. We expected them to do that. I didn't expect them to give us just their viewpoints on what we could do from here.

MR. CHASE: I think this is the spirit in which we ought to discuss - I'm not out to prove that anyone is (cough) I don't have the information or the inclination either. B ut I am interested in making the system work, and if you would acknowledge, and I'm not asking you to, that we have had people in the legislature who have (inaudible), then the question is, what do you do about it? Even if there have never been any, how about protecting this problem in the future? Now I've heard enough of you talk about activities of particular individuals to think that you are concerned too about some members of the legislature in the past who have not always conducted themselves in the way you would judge that they should. What do you do about it?

MR. WEAVER: There is one article in this paper, and I'd say that any of us in reading this, or the other series, have got to be concerned. I guess I'm still concerned about how we get the other side to cross, or how we can answer any type of charge like this that is made. It can be done.

MR. CHASE: Well, supposing we had a code. It would serve the purpose of educating new members. In other words, you'd be able to say to someone, 'okay'. He would ask, and I am sure when most people come in they want to know, you know, what are the ways I'm supposed to behave. And you say, 'okay, here's the statute', and spell it out there, and gives an ore and keeps, the old expression, the honest guy honest. Then if someone is maligned, it seems to me it would be in his interest to go to this commission and say, 'here's an allegation, I don't think I can win a libel suit, but I want my name cleared. I want you to take

a look at this.' And it would be a committee in your own House.

MR. WEAVER: Then what's happening then is that my opponent is running around distributing 10,000 copies of this, while my name is being cleared on the minute book.

MR. CHASE: That's right. Except that that's better than nothing. Even if you sued him and won, there would still be damage done. I don't have to explain that to lawyers. And it is one of the tragedies that you can never catch up with the original allegations. Like B arry Goldwater suffered to this day, that spurious business of telling that the psychiatrist thought he was crazy. I mean, how do you go around and make it all up. And I am sure part of the reason Senator Kuchel was defeated was because of the story that a few folks were passing around out in California that was maliciously contrived, and they were admitted and settled out of court. But, you'll notice Kuchel isn't a U. S. Senator any longer.

MR. WEAVER: I think that's why we're striving in developing this code. At least my thought is to get as specific as possible because if you end up with a code of generalities, and I suppose that's what we have now, but if you have a very broad spectrum then you can say almost anything you want to, and somehow defend the fact that you thought that this fellow came within so far of this particular act. And I think that's why we have to be very careful how we do it because you really are opening yourself to serious charges if you don't detail this conduct. And boy, to me that's the hangup, where you draw the line in so many areas. I think most of us know that disclosure is no problem. I'm not going to come in here carrying a bill for a client, although there are some situations there that are sneaky too that we talked about.

MR. GUSTAFSON: You know, this might be a diabolical way to approach it, but we've outlined specifics like you suggested, Chuck, and that's good. But then put in the statute that anyone, whether he's a reporter, whether he's a constituent, or whatever, if he makes a charge against any elected official, legislator in

case, that's a gross misdemeanor. He's got to make this charge at one place, and at one place only, and that's the Ethics Committee of the legislature. That anybody who even leaks a story to the press or to his neighbor, so that you have one place where you bring the thing to rest. You try it down here - in other words, you try the so-called charge, and the results of that decision made public. Because we're chasing a ghost around here, we really are.

MR. KNUTSON: I wonder if we aren't trespassing on freedom of speech.

MR. CHASE: And freedom of the press.

(Everyone talking at once)

MR. CHASE: I don't know if this would work, but try to make it a prima facie matter of malicious intent, if you make an allegation that you're not prepared to bring before the commission or committee. But I think even there it would be constitutional.

MR. GUSTAFSON: In other words, it's just a crime to make an allegation until the matter has been heard before this legislative commission, because it's no good to be tried in the press and found innocent by the commission. Like Kuchel for example. In people's minds they are still guilty. The court has exonerated them, but where there is smoke there is fire.

MR. KNUTSON: I guess I might go along with that if it were true in all cases of lawsuits.

MR. WEAVER: But, Howard, the distinction is that you do have a public trust. You are then exonerated by a jury, and they have to come in and present their case, and you present yours. With the status of the present law regarding public officials, they can make any charge they want to, then drop it and never come near an ethics committee - never go before a jury, except the electorate of course, and the charge may be totally phony, and they aren't ever held responsible for it.

MR. KNUTSON: Insofar as the public is concerned, though, you still have the big story on the charges, and a little story on the

jury's results.

MR. CHASE: Well, let me ask you. You're all pros when it comes to campaigning. Supposing the Star-Tribune had carried a big story against you. Now, surely you wouldn't like it, but isn't it better to be able to come back when you're campaigning, with something indicating that the House or the Senate, depending on which body you're a member of, had cleared you. You may not want to spend all your time on the defensive, but it would be nice to have when anyone made a crack about it, "Okay, this shows you the nature of my opponent."

MR. WEAVER: I have a feeling that most political candidates in that type of situation, you hope nobody read the story and you aren't about to remind them of it.

MR. CHASE: But supposing at a meeting someone brings it up. Like I'm sure that this must come up 'Hey, how about that'? Then what do you do? I think I'd much rather be able to say, 'all right, that was looked into and this is what they had to say.'

MR. SCHUMANN: But there's a time element there, though. In a campaign, many of these things might not be brought out until it's too late to do anything about it.

MR. CHASE: I thought we were thinking about things like these cases in the Statutes, which come out well ahead of the campaign, and there they are. And you would be the judge as to when you thought it was in your interest to go to the committee and get your name cleared. Like if you figure not many people have heard about it, and you don't want to dignify the charge, you don't have to. But if you want it, there is your opportunity.

MR. KNUTSON: I think it's fair to say that that should be one of the purposes of this kind of committee, and at least I'd agree with that, and maybe we haven't done the job as far as educating our own members that this is a purpose that this committee can be used for, but whether we would have the investigative strength to do an adequate investigation (interruption).

MR. CHASE: You have it under the present law, I wonder why you

need all the power, to subpoena witnesses.

MR. KNUTSON: I saw that the power is there, but there is only four of us to do the job, and with other things to do during a time like that, in order to do the kind of investigative job, it would either require our full-time for a week or two, or three.

MR. CHASE: I hate to be put in the position of vindicating the kinds of uses this could be put to, but if you're really indignant about things like this, you can subpoena these guys.

MR. KNUTSON: Don't think we haven't thought of that.

MR. CHASE: And say, ' you're now under oath'. Okay, but the interesting thing, you see, this is one of those interesting things that people are going to speculate on. We know you've got that problem. Why don't you call them. I think there are a lot of people would say, 'Look, keep the hell out of here, we don't want any more publicity like this.'

MR. WEAVER: Do you feel that it would add anything to have those instead of legislative members (inaudible)

MR. CHASE: No, and I'll tell you why I'm sensitive to that, because I think every profession is sensitive to it. Like, you know, we in education, we want to take a look at our own case, and doctors feel that it ought to be doctors, and lawyers, lawyers. I think legislators ought to do it. I just see no purpose to be served by having some outside commission. That would worry me because I don't think you have sufficient protection, and you don't get the understanding. And this is why I keep saying, and I'm very sincere about this, especially what the lawyer-legislator ought to be able to do. I'm trying to get you to consider it. But I think you can do a better job of defining it than I can, because you know the problems better than I do. And, you know I just feel that there's a principle here. But within the principle you can do a much better job because you've had the experience I haven't.

MR. KNUTSON: In the present law it says that this committee can not initiate an investigation. We do it on written complaint

from someone. This may be our problem. Could you give us your thoughts on whether we should be able to initiate an investigation on our own, or wait for a written complaint, or how do you feel on that standpoint.

MR. CHASE: Well, I would like to see a situation where there was a kind of responsibility so that members of the legislature would say 'we know that that guy is venal and we want to call him to account, but all of us have problems like at the University some of us have problems with other professors, like last spring some of us felt that some of our colleagues should not have called off class. And yet you see it is very difficult to stop the machinery going, and I think these things move fairly slowly. But if you have a client where people feel that we have a lot at stake here, and we're going to do something about some of the more venal characters, then I think we would have to. Like look at the interesting cases we have nationally in the Congress - the Bogg case, Powell, and in a sense, I think, party responsibility would help with this too. But one of the things about party designation that I've always felt made it more attractive than the alternative, was that if the whole Republican party, and the whole Democratic party felt that one man was making him look bad, they would want to do something about it.

MR. WEAVER: Don't you think it would be of some value if the legislator who had a charge against him, but not a complaint made to this commission, could on his own (interrupted)

MR. CHASE: That I would love.

MR. WEAVER: It seems to me then that if you're guilty, you're going to hesitate to do it first of all. Then perhaps there would be a charge filed against you, and you could be in there whether you liked it or not. But if someone makes a charge against you, and knows it's spurious, he isn't going to file a complaint when your own defense really is to have the power to get him in there.

MR. CHASE: That's right.

MR. WEAVER: It seems to me in some ways we already have that ability in the fact that we can give advisory opinions. Some men could come in and say, well (interrupted) our committee right now has rendered an advisory opinion on requests. These are the facts. What would you suggest they do? What's the thing here?

MR. CHASE: Not only that, I like this suggestion that has just been made because, in a sense, if you use subpoena power to bring in the guy who made the spurious charge and then he's on the either he looks real bad or he commits perjury which may become a very newsworthy item. It would seem to me that if you have that sequence of events, you might get coverage in the newspaper and the other media and it would even be superior to the original charge.

MR.KNUTSON: The only thing that I would question on coverage in the newspaper is that our current law provides that until a complaint is issued from this committee against someone who is violating what we consider the ethics of the legislature that these things are confidential and disclosure is subject to gross misdemeanor.

MR. CHASE: Well, I think you can take care of that if you stop and think the law to take into account these other things.

MR. KNUTSON: I wonder, though, if it isn't a good thing to have it there until a complaint is issued. I don't know.

MR. CHASE: I think on so many of these things that once it's in the mill, it's so hard to keep it secret and disclosure is probably better than having stuff leak out. The trouble with of any experience because is it true as they alleged in these articles that there has not been a single case?

MR. KNUTSON: No, there has not. Well, it did meet once and I think that was out at state park.

MR. WEAVER: As bad as the present law is, doesn't it seem rather strange to you that there are some mechanics in the law and yet they have never been used to file the charge.

MR. CHASE: Well, part of it is because there's a good procedure but you don't have the substance of the issue. In other words, you don't have to disclose anything. Look how tough this would be and you've got good lawyers here and I'm sure you can tell me if I'm wrong. The law provides that a legislator or legislative employee should be refrained from acting and a legislator should refrain from voting in any matter where the interest of the public and the interest of the legislator or legislative employee are or might be in conflict. Legislative ethics committees in interpreting section 388 subdivision 1 should take into consideration that most legislators and legislative employees must in most instances engage in employment outside of legislative work and in a number of instances maintain investments all of which in themselves are in no way in conflict with the code of ethics here and enunciated. Now how in the hell could you prove through this elaborate machinery that someone had done anything wrong? In other words, there's no real statement of what's wrong. And what things are wrong to do that are in the code in the other earlier report. Now if you say that it's wrong for a legislator or legislative employee to directly or indirectly receive or agree to receive any compensation gift or reward of gratuity from any source except the State of Minnesota for any matter connected with or related to the legislative process unless otherwise provided for by law and somebody gets a Cadillac at half price, then you've got something. Then you've got a real issue. I notice that isn't in the law.

MR. KNUTSON: Would you say that they should not accept employment which will impair (inaudible)

MR. CHASE: This is tough.

MR. SCHUMANN: But we sit here and make judgments on every issue that comes before us if it's good for the State of Minnesota or not, talking about ethics. Shouldn't this same body be allowed to sit here in the matter of ethics and when a charge has been made

and brought before this committee that is comprised equally of both factions politically, we should be able to make a determination as to whether this was a violation of some type of ethics whether it is spelled out in the code or not.

MR. CHASE: But I like this escape hatch that you are supposed to take into consideration that most legislators and legislative employees must, in most instances, engage in employment and in a number of instances maintain investments all of which are in themselves in no way in conflict with the code of ethics. I think that issue that they described in that case about the gentlemen who got a Cadillac at a reduced price, under the present set up, I don't know whether you can do very much about it. I think under the old code, the code that was suggested, then you have an issue. And I don't think you can really defend those actions if indeed the allegation is true.

MR. GUSTAFSON: Let's take the Cadillac example, I don't recall who it was or even the case. To spell out in the code every conceivable manner of human conduct would make it a little bit difficult. But let's say we expanded that statutory commission to make it 14 or 16 or 18 and they bring this Cadillac thing before them and they are not going to pass judgment, they are not going to fine him, they are just going to decide whether or not he in fact violates that code which is terribly vague in its expression. So they are sitting there in judgment and at that point, say that we think in our combined judgment that's wrong within the broad guidelines set in the statutes. Isn't that more sensible than trying to detail out specifics of what we can or can't do? Let each legislator as these things come before him make a judgment because we're dealing with a moral issue here.

MR. CHASE: I think you've got to spell out a stand. Let me ask you this to see if I'm wrong. Supposing someone who's getting certain kinds of help or at least thinks he is says to a legislator,

and we had some Senators who got involved in this, if you want a Lincoln or a Cadillac, we'll give it to you for $750. Under the present setup, is this unlawful?

MR. GUSTAFSON: My point is that,obviously, reasonable men would have to agree that it is a bad practice.

MR. CHASE: Okay, if we can agree on that then why do we make it an explicit provision, as I think this earlier code does. It says "no legislator or legislative employee should directly or indirectly receive or agree to receive any compensation gift or reward of gratuity from any source except the State of Minnesota for any manner connected with or related to the legislative process unless otherwise provided for by law." So say Joe Jones, who was trying to get something done in the Legislature, gets something done and then all of a sudden he delivers a Cadillac or another expensive gift to somebody, I think this raises the question about cause and effect relationships. Is this just a gift of a friend to a friend? I'd love to have friends like that! Or is it reasonable to assume that this is for services rendered and again I'm not going to pretend I know much about this kind of a problem as you do. Favors are done and other people do nice things...like five cases of whiskey. That's a pretty expensive gift.

MR. KNUTSON: Let me throw out another example that we see - the timber industry, the Timber Producers Association has said to all the members of the Legislature, 'Come on up to our in an off session time and we want to show you what our industry is all about. We pick up the meals, we pick up the transportation, we pick up the motel because we want to show you all.' And they really do, they want to show us, but that's accepting a gift of gratuity in the nature of the meals, motels and that sort of thing but yet that's quite an educational process so we can understand what is being done in that area.

MR. CHASE: If you believe that, then you should vote the appropriation and send everybody up because as a taxpayer in Minnesota I would say that if you're learning something that will enable you to

do your job better, that ought to come out of public funds. It ought not to come out of private funds. Again, you get into that ten pound ham bit. Like I know the University has a day when all the legislators come over and we provide the seats at the football game. I don't regard that as pernicious because of the amounts involved but I think if you're talking about a junket where they're putting out a couple hundred bucks per person, that's a little above and beyond the simple nicety.

MR. KNUTSON: We've raised the question before about what we're saying is - the University is here and can do that sort of thing relatively inexpensively but because some other group is way up there it costs some money to do it.

MR. CHASE: Okay, you may have to take that into account but I think the question is, again, at what point do you think it becomes sort of an indecent proposal. When a new legislator comes in, I think he, or I would guess that he,wants to know what is par for the course? Like a lot of people thought it was funny when Douglas made such a big to-do about this ten pound ham. But I think everyone must wonder, what can I take? A lot of times you work hard with a student at the University doing a thesis and so on and a lot of them feel very grateful and want to make you a gift of some kind. I think I have a pretty good idea that something in the nature of a book, now that would be acceptable but if it were anything more than that, I would feel that I couldn't take it. Yet I am not sure that everybody would agree. I think we ought to have guidelines.

MR. SCHUMANN: You said that if we really felt that this was an educational trip that we should vote the appropriations for it--how would you relate that to the University as a public institution receiving private grants and foundations.

MR. CHASE: No, I think you're raising a very troublesome question. I don't see a problem, it's a different kind of problem. What you're really asking is how do you relate that to your mission. We've done a lot of crazy things in education, not at the University and other places, but I get very troubled when I realize we sometimes forget the reason for existence is to educate students. We get all involved in some of these research things a lot and that takes us away from the primary mission. And that's bad but I don't think it's unethical. I think it is a question of deciding what was supposed to be and we've gotten all mixed up in these last few years because we're kind of caught on the desire for prestige like when you see a rating of graduate schools, you want to be at the top. And the only way you get there is by having guys who make big contributions research-wise.

MR. KNUTSON: We've gone on for an hour and a half and it hard for me to realize that it's been that long but I think it's very interesting and helpful and don't want to keep you any longer. Are there any questions.

MR. CHASE: These are fascinating topics and I hope I haven't conveyed the impression that I think I've got the answers. I don't. But I think you people can work them out and I hope you take a good hard look at this old report because I think there's some stuff in there worth something.

MR. KNUTSON: I only wish we were on top of this to work it out.

MR. GUSTAFSON: I'm not that confident, really. I've been around here ten years and I think we're fair game now. I think I have good ethics and moral standards but you're bound to find someone who just criticizes politicians that they're dishonest and all this. Frankly, I just laugh it off now.

MR. CHASE: My personal philosphy, I'm kind of intrigued by what you say. I think that the guy who is concerned about the problem we mentioned ought to be tough as hell on the guy that you know is being- he's no friend to be protected because he makes you all look bad.

MR. SCHUMANN: That perhaps is true. I am not a lawyer and I have a great deal of sympathy with my lawyer-legislator friends.

MR. CHASE: Okay, let me make it clear, I am not referring to them as being---because I understand that's a separate problem.

MR. SCHUMANN: No, this is really separate too but I realize that all we really have to sell is time and when they're here they can't resign, the longer they're here the less they have for sale. But everything that they do is open to question because they are practicing for in some case or another and yet some of them have knowledge of certain fields that's available simply because they're here. There's a research staff here.

MR. CHASE: That gets real sticky in terms of public trust and why people get abused.

MR. SCHUMANN: We know who these people are and who they represent and we understand it and we always accept it on that fact. If we felt for one minute that they were being unfair in dealing with it, I am sure it wouldn't be long before they no longer had it.

MR. CHASE: Well, I think the people ought to know it too.

MR. SCHUMANN: Here again, I go back to that old saying that the ten years I've been here, that you begin to think that well, maybe the people just don't understand it and what's the use of trying. Maybe the people in our own district will understand. That's the point. There are some who feel they are on the Senate side and may be referred to as a personal who is using his influence.

MR. CHASE: But there are some troubles about this too. Supposing a man is very interested in defending liquor interests and this is more important to the people in his own constituency. I think the rest of us in Minnesota have a concern and you get those kinds of link-ups that you are very familiar with. So it's no skin off their nose back wherever he's from but the people of Minnesota have a right to be concerned, they have a right to know.

MR. SCHUMANN: Yes, they have a right to know--that's true. I think that in most cases all of us really know, I think that we do in most cases, if someone is representing what we know and I think the people back home know. Sometimes the people back home elect the people who the rest of the state may not agree with and they may think that is bad for the person who is doing (inaudible)

MR. GUSTAFSON: I guess I would think that some of the things that we're talking about might be covered in some of the conversations I've had in the last couple days saying, we've talked about that people should know and I think we were all agreed that the people should know. But I also think they have the right to know all sides and not just the fact that this guy represents some liquor interest or whatever else it might be. They ought to know what else he's doing. Maybe he's also working on welfare areas. They ought to know both sides and they don't get both sides. Someone admitted to me they all get the destructive side but not the constructive side and I think that's part of the thing that we're concerned about when we try to work about ethics and part of the reason why maybe we should define some of these things to use as a defensive measure.

MR. CHASE: Why not? I would think anything that would stress credit on people who deserve it, like maybe there ought to be some efforts of making sure that people are cited for good work in the Legislature.

MR. KNUTSON: I suppose I wouldn't go that far. I would like to think that like our former speaker used to say, that you can't pay a guy enough or you can't bank a guy enough to be here. It's a privilege and an honor and it's a real sense of satisfaction, but if a fellow is attacked in one way that's not justified, maybe we should have some vehicle to overcome that attack.

MR. CHASE: I think that some of the ways you people were suggesting might do that. The unfair attack, and you remember we were talking earlier as an amalgamation of some of the things we were saying, the suggestion was made that a person would be able to go before the committee and say,'this allegation has been made, I would like to be cleared.' And knowing how a man feels about his good name, you may want to set the record straight and here's an opportunity and you've got powers that aren't available to us. You can subpoena people and if some guy is a member of the Legislature unfairly, you can make that very apparent in this kind of a hearing. Maybe you can't get him for damages, but you sure as heck can make it clear how long he's been and how rotten he is. Are you certain that all the time you know the extent to which people

MR. SCHUMANN: No, I am not certain that I know at all times and I am not certain that no matter how much of the ethics codes we wrote in there that we will always be certain.

MR. CHASE: One of the arguments frequently used is that people of the Legislature say that we know them and we take that into account but the fact remains that we can sit here and compile the list of names of guys who are inordinately successful in getting legislation through and evidently not enough people know what they're involved with. At least if they knew, they figured that's par for the course.

MR. SCHUMANN: Did you say that you think you could do that now?

MR. CHASE: I don't know about some present members. The ones who come to my mind very quickly are two fellows who are very powerful members of this organization. They were very successful. You go back and review some of the legislators - I don't want to get into that because I think that gets us off the path - I m not being vindictive. I'm more concerned about the future.

MR. WEAVER: I just think that pretty soon a pattern emerges if you are representing some interest that is deeply involved in other legislation and that pattern obviously emerged in the cases I'm sure you're thinking of because it's been talked about for an awfully long time. Apparently they didn't prove anything improper but there were a number of things people questioned that were obvious.

MR. CHASE: Okay, if you have disclosure, then you know for a fact what this man says are his interests. His sources of income...

MR. WEAVER: Well, how would you do that Mr. Chase? A country lawyer like I am, my gosh, we get involved in just an enormous variety of things, none of which is singularly fruitful.

MR. CHASE: Again, you get into the question of limits, like on our income tax if you don't get more than $500 from a particular source you don't get one of those little chits. I would assume that we could arrive at some figure to make a list of sources of income, any one of which amounts to more than $1,000.

MR. WEAVER: And where is that going to be filed?

MR. CHASE: That's up to you. The same way that our salaries are listed in the budget. Anyone who really wants it can get it without going to a lot of trouble. Around the University we go to the library and say the magic words and they'd produce it. Do you have any difficulty getting a hold of a budget for the University, a detailed budget? As a matter of fact, I'll tell you something funny--I wanted to get a hold of one sometime ago and I asked a member of the legislator because I figured he'd have no trouble, and he had no trouble. It has everybody's salary in it.

MR. WEAVER: You're talking about the name of the person and what he gets, that was accomplished by a minor miracle in the 1971 session.

MR. CHASE: I'm amazed--when I saw all this byplay in the newspaper, I thought it was good political tactic. It's a matter of record. We find out what everybody else is getting--I'm sure you can too. I thought you just wanted to publicize the fact that we have a lot of guys who get pretty good salaries and the good way to do that

is to make a rhubarb. (Everybody talking and laughing) As a matter of fact, would you like to make a little wager that any one of us can get a copy, a line item list of everybody's salary? Someone: I'll go a little!! (Much laughter). This is a matter of written record.

MR. WEAVER: As a matter of fact, I wrote a letter to the president and one of the boys came in the meeting room and disclosed it like he was giving away the gold at Fort Knox. (inaudible) Let's say we disclose all these people, then would that satisfy your feeling as far as we're concerned -- in other words, if I disclose A, B C and D, then could I come down here and carry bills for him.

MR. CHASE: I would gather that if you take all of these provisions that were set forth you would still be able to do a lot of things if you have the audacity in some situations. The fact is that in some cases the people do know that certain people do certain things for reasons which are very apparent and not so pretty--like I would assume Texas senators do some things for the oil companies. Like the Minnesota senators surprisingly always voted very well for Texas oil wells which is kind of an interesting thing to speculate.

MR. SCHUMANN: You say that as long as we disclose and the public knows, then they'll make the decision on whether or not what we do after that is proper enough.

MR. CHASE: That, and also I would hope that members of the House and Senate would get very angry with some who are giving them a bad name. Now if you think I'm naive enough to think that anything we come up with would be a panacea, I'm a little too old to believe in panaceas anymore. I may have 20 years ago but I'm almost close to 50 now and what I think we're trying to do always is to choose between probably poor alternatives or poor choices and you pick the lesser of two evils sometimes. But McNamara, who is not a favorite of mine, did have one expression that I liked. He always used to say, "You've got to add up the pluses and the minuses." Now if we had a choice

between a perfect solution and a rotten one, life would be easy. But we don't have it that easy. So the question is, is the situation we now have so good that we can't improve on it, but can we improve on it a little bit, maybe a whole lot. As compared with other problems you face, this may not be one of the first magnitude. I think that the questions about trying to streamline the whole legislative effort are probably more critical but I think these things go hand in hand. Like if you go into an annual session, if the compensation is changed, then this would be part and parcel of the real big effort to modernize and deal with the many problems which confront us.

MR. WEAVER: Could you give me an example? A partner of mine represents the village of East Betheland they want a particular piece of legislation that deals only with these and we're paid by that village. Obviously you aren't paid for carrying a piece of legislation but would you consider it improper for me to be involved in that legislation in any way, and if you do, then who does the village of East Bethel since I am their representative get to carry it?

MR. CHASE: I understand that and I would say that obviously there is nothing unethical or immoral about it. By the same token, I would say, why are you worried about letting everybody know where your income comes from. Because what I would think there is that you have obligations in any case to your constituents. Like I am never surprised when a member of the Legislature tries to do something for business in his locality providing he doesn't get any pay for it. I would assume that if this is good for his district, then he will work like hell to do anything for his district. But if all of a sudden this becomes worth a couple thousand dollars a year and presents, then I would begin to worry about it and it may be that he

would still do the same thing whether or not he got the money. You remember all those ethical considerations that were raised about the Nixon fund and the Stevenson fund--there's a lot of us that just get very uneasy when someone is getting financial help from some source even if they never ask them for any. I don't buy that approach--this is a vindictive kind of broad attack and as I say, I am not out to anyone. What I am interested in is to see if the ways we can improve and again I would reiterate what I said earlier...I think if you just take a look at these old proposals, go right down the line and see which makes sense and which doesn't, I think you'll find you can salvage some out of it. I'll be happy to leave this--it's Ethics and Government, a Report of the Minnesota Governor's Committee on Ethics and Government to Governor Orville L. Freeman.--but I'd love to get it back.

MR. WEAVER: What do you feel is the goal of a group like this? What do you think we ought to be aiming at, number one? Should we be aiming at building up public confidence?

MR. CHASE: Ideally, and I understand all the practical difficulties, what would be great if this group set the standards and say, all right, this is what we expect of ourselves and set a high standard. And then we're a little mean and vindictive about the guy who cut corners. Now first you have to decide what standards you're going to have and here, again, you've got to follow up the problem of the loyal legislator, the gifts and all that business. But once you say, this is the law, then we're going to see to it that people comport within that law. Again I want to re-emphasize that from an outsider's point of view, you don't owe the venal guy a damn thing - you shouldn't protect him. As a matter of fact, you're the ones who should be the angriest because he's making you look bad because this is why the public says, we're all a bunch of crooks.

MR. WEAVER: There's a real strong sense of that here now.

MR. CHASE: That's putting it a little strong. I think there's a lot of feeling that the questions of integrity and all that are ones that we ought to be concerned about. I think that's unfair because I'm willing to bet that most people in the Legislature have the highest standard of ethics than most of us anywhere else. And it's like any other endeavor, a few guys give everybody a bad name. You talk about the reports. Unfortunately, people are more interested in reporting by exception like if a professor at the University does something crazy, that becomes the big story. Nobody is going to write a story about the way 90% of the University of Minnesota professors went to work to their jobs and conducted themselves in a thoroughly fine manner--that's no story. It's the one guy who runs off with a coed or something like that that gets the headlines.

MR. GUSTAFSON: The fact is when you have standards set up, is this going to change this image that you're talking about if, in fact, one of our group goes out and literally does violate the new standards that are now set up. Isn't this still 202 members that are still that same way but they didn't get caught?

MR. CHASE: No, I think that the public census by the way people act whether or not they mean business...let's take examples away from Minnesota as I think it's easier to see. Sometimes when a man in public life gets into trouble, the inclination is to protect him. I can remember the old days in New York when Mayor Dwyer, who incidentally was very honest as I had an opportunity to do some leg work there and look into matters, and I was convinced he was personally very honest but he had a lot of guys around him who were not but he was one of these very nice tolerant people and he didn't do very much about it. On the other hand, look what Lindsay did the minute it became clear to him that Markus had acted in an illegal and unethical way. He owed him nothing and tore into him and I'm sure people in New York figured that Lindsay means it. Harold Ickes in the

old days had a great reputation of being honest because whenever he found any inkling of dishonesty, he would tear after the guy and really take his hide off. I think this is helpful. I'm not asking anyone to be vindictive, all I'm saying is that when someone does something of a nature where you could bring it before a committee and show that the allegations are true, then I don't think you ought to feel sorry for him because he's doing all of us a big injustice. I get hurt by this too even though I'm not a legislator because it affects your performance which is going to be affected by what the general public thinks.

MR. GUSTAFSON: I quite agree with you. I can recall other legislators too. We have had cases that look bad for a certain legislator, and I can remember the speaker of the House shaking his head and saying what this does to us in the body is really harmful.

MR. CHASE: If you recognize that then I think the question of how you deal with that is one that you can come closer to answering than the legislation that is already on the books.

MR. KNUTSON: Unless there are some other questions, I think we should take it easy on our witness.

MR. CHASE: I've enjoyed it all and have had an opportunity that every citizen would love to have--to come before a committee like this.

MR. KNUTSON: Thank you very much, we've enjoyed it too.

(Much laughter and everyone talking at once.)

Meeting adjourned.