

COMMITTEE OF THE WHOLE MEETING

October 30, 1973

PART I

1st SPECIAL SESSION
of the 78th GENERAL ASSEMBLY
October 30, 1973

1. PRESIDENT:

2. The 1st Special Session of the 78th General Assembly
3. will convene, the Senate will come to order. Senator
4. Ozinga.

5. SENATOR OZINGA:

6. Mr. President, I would now move you that the
7. Senate do now resolve itself into a Committee of the
8. Whole, for the hearing of testimony on Senate Bills
9. number 1, 2, 3, 4, and 5 as previously designated.

10. PRESIDENT:

11. Senator Ozinga moves that the Senate resolve itself
12. into a Committee of the Whole for the special order of
13. business to hear Senate Bills 1, 2, 3, 4, and 5. All in
14. favor signify by saying aye. Contrary no. The motion
15. carries, the Senate will proceed as a Committee of the
16. Whole. Senator Ozinga will Chair.

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1. CHAIRMAN:

2. ...recognizes Senator Donnewald.

3. SENATOR DONNEWALD:

4. Yes, thank you Mr. President. There are a number
5. of important issues facing the General Assembly in the
6. current fall Session, excuse me, make that Sessions. The
7. emphasis of course is on the plural. We are considering
8. the glamour triplets; mass transportation, tax relief and
9. lottery. But I submit to you that none of these issues or
10. proposals rivals in importance the question of governmental
11. and campaign ethics. The Senate Committee of the Whole
12. right now is considering in my sincere opinion the single
13. most vital matter on the entire multiple Session agenda. I
14. submit to you that the most important problem, the one
15. ...the one most overriding concern confronting the Illinois
16. and the rest of the United States today is much written and
17. much talked about loss of public confidence in elected of-
18. ficials and politics in general. This is a problem which strikes
19. at the very heart of our American democratic system. When
20. people say that they have no confidence in their govern-
21. mental and political leaders, aren't they saying in effect
22. that they also lack confidence in our system of government.
23. I believe so. This is why it is imperative that this 78th
24. General Assembly pass a strong ethics and disclosure law,
25. right now. Not next spring, we need to restore that public
26. confidence so essential in a system of government like the
27. precious one we live under. A recent survey of twenty major
28. occupations revealed that politicians as a group rank 15th
29. in terms of public trust, just ahead of used car salesmen.
30. A recent Harris poll showed that confidence in public
31. officials has slipped so drastically that 54% of the people
32. of this country have less trust in their elected officials
33. than they did ten years ago. And in a speech by the same

1. Lou Harris, in Seattle, Washington to the National Conference
2. of State Legislative Leaders on September 26, 1973. Mr.
3. Harris revealed that back in 1969 majorities of the public,
4. thought student demonstrators who engaged in protest activities,
5. prostitutes, homosexuals, people who did not believe in God,
6. and Blacks who demonstrated for civil rights were all harm-
7. ful to the country. Now only a minority of those polled
8. believe that Blacks and student demonstrators, prostitutes,
9. homosexuals, and even atheists and agnostics are harmful or
10. dangerous to the country. By contrast, here's a current
11. list of types who the majority of the public think are
12. harmful to the country. People investigators hired by
13. politicians, 52% believe they are harmful. 79% think
14. vigilante groups such as white citizen groups, and the
15. Ku Klux Klan are harmful to the country, up from 59% in
16. 1970. 78% think the military leaders who conduct secret
17. bombing raids and then cover up such raids are harmful.
18. A higher 81% think that businessmen who give illegal
19. contributions to candidates are harmful. And 88% feel
20. that government officials who try to use official in-
21. telligence agencies of government for political advantage
22. are harmful. The portrait of politics and politicians that
23. emerges in the minds of voters is highly unflattering to
24. the elective process. The public image is that we are
25. corrupt. We are in politics for the money we can make
26. out of it. We are men and women who make easy promises
27. which are not kept and lack dedication to the office. On
28. the positive side that same poll showed that 59%, a majority,
29. agrees that working for government as a career is one of
30. the most useful and public spirited professions. This means
31. there is still hope. It represents that the...the last
32. residue of hope among voters in the country today. But
33. it is an island of hope in a sea of disenchantment and
34. disillusionment.

1. You know this, and I know this. Let's do something about
2. it. A President is being investigated for alleged wrong
3. doing, some of it involving supposed graft and conflict
4. of interest. A Vice-President has been forced to resign,
5. ignobly forced out of office and termed a crook by members
6. of his own party. A sitting Federal judge, former Governor,
7. has been convicted of bribery. A Congressman in jail,
8. another Congressman has been fined for taking in kick-
9. backs, and still another Congressman committed suicide
10. over money scandals. In Texas the Speaker of the House
11. and two lawmakers are charged with stock manipulation.
12. In Missouri a State Senator is being investigated for
13. alleged corruption. Here in Illinois scores of local
14. officials have been implicated in kick-back scandals
15. involving the purchase of chemicals. On and on and on
16. these are just a few, just a few of the numerous instances
17. of scandal rocking American government today. One of
18. the Illinois State Universities even raised money for
19. a charitable purpose by staging a most crooked politician
20. poll. Need I say more, should the litany go on. I think
21. our task is clear. Let's pass RTA if we can, let's agree
22. on tax relief if we can, let's have a lottery if possible.
23. But, let's definitely, definitely, Gentlemen and Ladies
24. produce a really good governmental ethics and campaign
25. disclosure law. So we can hold our heads high and tell our
26. fellow Illinoisans that we care about this problem and in=
27. tend to do something genuine to correct it. Senate Bills 1
28. through 5 which I am sponsoring and have the full support of
29. Governor Walker, who has clearly and firmly urged the...
30. passage of ethics legislation this year. Senate Bill
31. 1 sets a three member bi-partisan State Board of Ethics
32. appointed by the Governor by and with the advice and consent
33. of the Senate to administer the Ethics Law. The

1. Board is given the tools to do a good job. Senate Bill 2
2. requires public disclosure of beneficiaries and beneficial
3. interests of real property held in trust. This bill guards
4. against blind, secretive trust funds established to protect
5. dishonest politicians who have financial dealings they want
6. to hide. Senate Bill 3 amending the Lobbyist Registration
7. Acts beefs up the present Lobbying Law and requires lobbyists
8. to register with the Ethics Board. Senate Bill 4 appropriates
9. \$150,000 to the Board for the remainder of the fiscal year
10. 1974. Senate Bill 5 amends the present governmental Ethics
11. Act to bring it in line with this tough new act we are
12. proposing in this five bill series. Because I regard
13. myself as a practical realist, I fully realize that
14. even if these five bills are passed, they probably not...
15. will not be passed in the exact status that they presently
16. enjoy. That's all right. I'm amenable to your ideas and
17. suggestions, if together we can make a series of bills
18. better, this series of bills better, that's fine. Neither
19. I nor the Governor have the monopoly on good ideas in this
20. complex field. But there is a difference between constructive
21. compromise and destructive dilution. Let's work together
22. in the spirit of harmony and compromise for the good of
23. Illinois government and politics. Positive action on our
24. part, not only will benefit general public, it will benefit
25. every member of this Chamber who cares about his reputation
26. and cares about our system of government. Thank you
27. Mr. President. I might add Sir, that we have a list of
28. five proponents of this particular series of bills. They
29. are Mr. Joseph Meek of the Constitutional Convention,
30. Mr. Abner J. Mikva, Chairman of the Illinois Ethics Board,
31. Dewitt Gilpin, the Legislative Representative of the
32. United Auto Workers, and Donna Schiller, President of the
33. League of Women Voters, and Terry Brunner, Executive Director

1. of the Better Government Association. Thank you.

2. CHAIRMAN: .

3. Senator Partee. Senator Partee.

4. SENATOR PARTEE:

5. This is not a question really, it's an observation.

6. As we discuss the subject of campaign disclosures and

7. financing it occurs to me that with some of the witnesses we

8. may want to ask some questions with reference to their views

9. on campaign funding that means funding which is done by

10. and through an agency of government, perhaps in this

11. instance the State. So there are some questions we

12. might want to ask about that that aren't specifically on

13. the bills before us, but it is in the same general ball

14. park and I was wondering if we could ask some...some of

15. the witnesses some questions along that line.

16. CHAIRMAN:

17. I see no real objection Senator.

18. SENATOR PARTEE:

19. Thank you.

20. CHAIRMAN:

21. I will allow it. Mr. Meek.

22. MR. JOSEPH MEEK:

23. Senator Ozinga and Ladies and Gentlemen, there is one

24. slight correction I should like to make to the presentation

25. by Senator Donnewald. I am not a proponent of any particular

26. ethics bill. I am a proponent of the principle of ethics

27. legislation and I only come to you because I believe the

28. time has come that no issue is as important as a recreation

29. of faith in our form of government. I am here at no one's

30. instigation except that of the Governor's office. I should

31. be very happy to come down to testify at any time anybody

32. wants me on the principles of this ethics legislation, be

33. it the legislation introduced by Mr. Blair or by Mr. Harris

1. that I understand is forthcoming, the legislation which
2. is headed by Mr. Juckett and the legislation that comes
3. from some House members, all kinds of ethics legislation.
4. All I should like to beg of you people in the Senate Chambers
5. is that we can delay...I'm getting worse than Dirksen with
6. these mikes, I don't know...if the delay this issue any
7. longer. I, got some gasoline at McLean and for the first
8. time I realized that since 1933, I have been coming to
9. Springfield and this was the first time I had no one to
10. reimburse me for my expenses. And that's why I bought
11. regular gas rather than ethyl. But I want you to know that
12. as of 41 years ago, 40 years ago, and I shan't take much
13. of your time, I stood here as a young lobbyist and urged
14. the Legislature not to increase the then Emergency Relief
15. Tax to 3%. I have been a lobbyist all of my life. I am
16. extremely proud of that fact. And I am very anxious that
17. the right of people to petition their government, the
18. right of people to utilize the First Amendment be kept
19. strong and virile. And that brings about of course the
20. warning that whatever you do here, if this bill goes on
21. the Floor with other bills and is sent to a committee for
22. long study, immediate study and compromise which I think
23. it should be that above all something must come which will
24. work and which will not discourage the right of people to
25. plead their cause. Ladies and Gentlemen I have...been a
26. lobbyist. I have been a candidate for the United States
27. Senate, regrettably I forgot to carry Cook County, but that's
28. only a side issue. I have been a Member of the Constitutional
29. Convention, and at the present time I am teaching a course
30. in lobbying at Triton College in the west side of Chicago,
31. Chicago suburbs. I don't think you want to hear about
32. my class in lobbying, but I'd like to have you know that
33. about 25 adult, people who are interested in legislation

1. have almost lost their faith in the process of pleading
2. any cause. They are convinced that this is now a government
3. of the rich people, by the rich people and for the rich people,
4. and in some cases I think they're rapidly getting on the
5. right track. I do not think the issue is political, I think
6. the loss of the face in our government will erode Democrats
7. as well as Republicans and I think it's high time that men
8. and women I admire greatly, and I have all of my adult life who
9. represent the Senate of Illinois shall be as I know they
10. will be, big enough and broad enough to try to figure out
11. the right kind of ethics legislation but to do it today.
12. As a candidate for office in 1954, it's what I would like
13. to explain to you for just a moment. It cost the people
14. who handled me, using the word in quotes, nearly \$900,000
15. to run for the United States Senate in 1954 against a very
16. esteemed opponent, Senator Paul Douglas. I think I'm the
17. only person in this room who has ever tried to finance or
18. seen the financing of a state-wide campaign of this type.
19. You don't know, unless you've been through it, the sleepless
20. nights that come when you're trying to raise something which
21. approaches a million dollars without violating your own
22. personal ethics. I can recall one night a long time ago
23. coming back from a plowing match in Olney, Illinois where
24. both the Senator and I were there and 1:00 o'clock in the
25. morning Mrs. Meek met me and she was crying bitterly. I
26. said what's the matter, she said our treasurer in Western
27. Springs tells me we've spent the \$14,000 we had in our
28. bank account for our old age and we have spent about
29. \$10,000 more which has been borrowed. To reimburse the
30. people in our party within the City of Chicago who must
31. have funds to assure you victory in the primaries. And I
32. told her then in the midst of her tears that I would not
33. run for the United States Senate, I would drop out in October

1. of 1954 unless within two days some angel had come along
2. to pay me to go the rest of the way. The next day I met
3. the Vice-President of the United States, Mr. Nixon. He drove
4. us downtown to a meeting he addressed at the Drake hotel, and
5. during the course of the evening some gentleman from the
6. Sun Oil Company, I don't know why, I don't know who he was,
7. gave me \$3,000 worth of \$500 bills. Some gentleman from a
8. brewery gave me about \$3,000 and I stuck it in my pocket
9. I went home so tired I threw it over the back of the chair
10. and went to bed. Today I'd have three guns watching that
11. much money. But so tired and disspirited was I that I
12. didn't care. And then, the next morning I said to myself
13. shall I take this money or shall I not. And it was just
14. enough to cover my immediate television commitments and
15. I went ahead. There's no darker hour than comes to a man
16. of moderate means when he's up against the wealth and the
17. power that goes with the office. And I can assure you that
18. unless ethics legislation is given out broad enough and
19. strong enough to inspire and to give inspiration to the
20. man of moderate means we will indeed be a government of the
21. rich people, and by the rich people, and for the rich people.
22. And that's above politics. And there's one other thing that
23. comes into this whole process that I am pleased not happy
24. to tell you, a week after that again, 20...19 years ago
25. a gentleman came to me from the party office in Washington
26. and offered me, well into \$200,000 if I would change my
27. allegiance as a Taft Republican to an Eisenhower Republican.
28. Stubborn, young and foolish, I said why should I. He said
29. because we want to present a united front. I said what do
30. I get out of this. He said you get the money to pay your
31. television commitments, you get a neutralization of opposition,
32. then you go to the United States Senate. And I said what
33. do I do after I'm there. He said on every roll call you

1. have to vote the way that Sherman Adams tells you to vote
2. as long as you're in the Senate. I hold to no credit,
3. because I said to hell with it. I thought I was going to
4. win. Maybe if I thought I was...lost I would have grabbed
5. onto it. The point is that from the party standpoint, from
6. the individual standpoint, if you want men and women like
7. yourself to run for State office, you're going to have to
8. develop ethics legislation which not only provides that
9. we know what the candidates gets, but we know who gives
10. the money and how much the money might be. If you don't
11. have the one, you can't have the other. If I have to run
12. against someone with a great deal of wealth, and he doesn't
13. get a dime from anyone else, he still has enough money to
14. join the millionaires club in the City of Washington and
15. I don't. And today in Illinois there are men wondering
16. if they should have the temerity to run against the present
17. incumbent, the junior Senator from Illinois. Whenever they
18. pick up that burden they're going to have to spend at least
19. two million dollars. God knows where they'll get it, unless
20. the other side is limited as well as they. That's where
21. ethics counts, in the party. It counts from a number of
22. angles and in closing. I don't understand this legislation,
23. I've read it three times. I'm not a lawyer, if you'll
24. pardon me, thank God for that. I don't understand the
25. powers and the provisions of those people who are going
26. to run the Ethics Committee. All I know is that I make
27. a prayer to you new friends and old friends in the State
28. Senate of Illinois. Please; whatever the method may be
29. send out to this Floor, on this Floor, or to a conference
30. committee or to a study committee with expedition as its
31. backing someone, somebody, some leadership above politics
32. here, above any mitigating circumstances, above any outside
33. interest to somehow or other make this thing come true.

1. And before we have another election to have some ethics
2. legislation that will work. I've been chided by some of
3. my lobbyist friends for...having the temerity to make this
4. little talk today. I'm not ashamed. I think personally
5. that the lobbyist has the greatest stake of all in this,
6. for the special interest people who come along here and
7. accept and give and accept all sorts of money are not
8. lobbyist. They're not registered. They're not the people
9. that provide the facts and I should like to see those
10. people corrected and I think that if all of my friends
11. in these associations would realize as I have that you
12. can't have lobbying unless you have faith. And you can't
13. have good government unless you run out the bad government.
14. And you can't have good government unless you know the
15. way in which the legislator is financed. An old friend
16. of mine named Dirksen said I don't want to be a second
17. class citizen. I don't want to...divulge my income. That
18. was a long time ago when Everett said that. In line with
19. his thinking today, I'll bet you he would say the time has
20. come, when if you want to be in the public eye, then you
21. have to relinquish the private desires and fearlessly
22. tell people what you get and why you get it. And I hope
23. above all things that you will not let this die because
24. it may be the Governor's bill and you're not on that side,
25. or it may be Bob Blair's bill and you're not on that side,
26. or it may be Bill Harris' bill and you're not on that side.
27. I don't think that counts. I think we're going to have
28. to come out now and find out that we've got to put wisdom
29. before wealth. We've got to put conscience before cash.
30. And we've got to put the faith of the people ahead of every-
31. thing. And last night I talked to my daughter in Atlanta,
32. Georgia and my junior high school grandchild had been
33. crying quite a bit since last Friday night, because she

1. didn't quite get the pitch for the President of the United
2. States and her faith had gone. Ladies and Gentlemen of the
3. Senate, any further erosion of that faith predicated on a
4. political bias won't work any longer. The hour has struck
5. for you to be statesmen. I know you will be. Thank you.

6. CHAIRMAN:

7. There have been indications of some questions Mr.
8. Meek, would you just stay right there for just a minute
9. or two while a few questions are being asked. Senator
10. Mohr.

11. SENATOR HOWARD MOHR:

12. I just have a couple, Mr. Meek. I understand you are
13. now teaching lobbying out at Triton College in my area.
14. I haven't had a report on that but I do know a couple
15. of students in your class and I will be talking to them
16. ...to see just how effective you are. Do you...have you
17. seen any change in...in the lobbyist of years gone by?
18. Now you lobbied for how many years?

19. MR. MEEK:

20. Forty.

21. SENATOR HOWARD MOHR:

22. Forty. Have you seen any change in the lobbyists
23. from ten years ago to now?

24. MR. MEEK:

25. I think there's been a genuine improvement. I'm
26. proud to say I think they have helped in the...in the
27. development and passage of one of the best lobbyist laws
28. in the Country which is what we have today: I find that
29. they are much more...of the realization that there must
30. be facts, there must be principles. I hadn't any selfish
31. personal aggrandizement and I think they're doing an
32. exemplary job. That one of the finest...I didn't know
33. about it, seems to have occurred in March when the lobbyists.

1. pulled together, the new Members of the Legislature took over
2. Noble Lee's old function and tried to teach these people
3. not about anything favorable to them but what was up and
4. what would happen in Springfield and I think the Majority
5. and Minority leaders attended. I think it's better Senator
6. Mohr.

7. SENATOR HOWARD MOHR:

8. I...I would say that, too. I know before I came
9. down here, lobbyist was a dirty word. And I don't find
10. that at all. I find that to the contrary. I find that
11. lobbyists are most help in all of the committees that
12. ...that I've appeared, or been a member of. And I...
13. I think that the lobbyists that we have here in Spring-
14. field are second to none. That's not my argument. Were
15. you lobbied by the Governor to come down and talk about
16. this subject of ethics?

17. MR. MEEK:

18. I got one telephone call from a gentleman named
19. Andy Leahy who's Mary Lee's husband. She was a Con-Con
20. delegate and sat near me, and I have met Andy there and
21. he asked me if I would come down and discuss the Governor's
22. lobbying legislation.

23. SENATOR HOWARD MOHR:

24. Did you talk to the Governor about the...?

25. MR. MEEK:

26. No sir. I did not.

27. SENATOR HOWARD MOHR:

28. Good.

29. MR. MEEK:

30. No.

31. SENATOR HOWARD MOHR:

32. Have you...you've been around here a little bit, not
33. as much as you used to, but have you heard of the Governor

1. doing any lobbying?

2. MR. MEEK:

3. There again, Senator Mohr, I appreciate the intent of
4. the question and...it recalls to mind the fact that both
5. the Chicago Tribune and the Chicago Sun-Times seem to feel
6. favorably inclined toward this series of bills, and yet in
7. each one of their editorializations there was some concern
8. about the motivation behind this legislation. That is not
9. for me to describe, that is not for me to mention. That
10. is not for me to indulge in. All I'm trying to say is
11. that whatever the vehicle may be, were it by the Lord or
12. were it by Satan, and if it were good enough to buy, this
13. is the time to buy it.

14. SENATOR HOWARD MOHR:

15. Well,...I...I personally don't care for people that
16. talk out of both sides of their mouth, I find...and I'm
17. not referring to you, I...I find it ver offensive to
18. have people get up on the...pedestal and say they're holier
19. than thous and so forth, and they aren't really. And I want
20. to tell you what I told one of the Governor's men not too
21. long ago, that in my short seven years in Springfield, I
22. have never seen as much lobbying going on as I have in the
23. past eight months, nine months since Governor Walker has
24. taken over. And I will take an oath on this. There's...
25. this Body is being lobbied every day of the week, this
26. Body has got more deals offered to it on our side of the
27. aisle, and I will have people that would stand up and...
28. and tell you...and tell the Governor right to his face
29. that we're being lobbied here. There are phone messages
30. from certain people in the Governor's office, offering all
31. kinds of deals. And if we're going to start with clean
32. ...whatever we call the act here the...

33. MR. MEEK:

1. Ethics...

2. SENATOR HOWARD MOHR:

3. Well, not ethics, you...there's another Mr. Clean
4. type name for this,...honest government act. If we're
5. going to start with that we should start when we come in
6. the front door and work up to the second floor and then
7. up to the third floor and quit fooling the public. And
8. that's where we should start, downstairs when you come
9. in this building and I resent people talking about lobbyists
10. because I can put my hand on the book...the Good Book and...
11. and argue the point that lobbyists have been very, very
12. helpful to this legislative Body.

13. MR. MEEK:

14. I appreciate the comment, I would only add that since
15. the days when Horner was Governor, through the famous 100
16. days and on down to the Green days and the Stratton days
17. and the Kerner days and the Shapiro days and the Ogilvie
18. days and up to now, there is always...some degree of
19. wonderment as to how much is this and how much is that
20. and my...my point is whatever it might have been, Senator
21. Mohr that would inspire this, to kill it off or to brush
22. it aside because of possible connotations to which you
23. refer I think wouldn't be acceptable to the people of
24. Illinois, even if it might...

25. SENATOR HOWARD MOHR:

26. I'm not talking about killing it off. I'm saying
27. if we're talking about...those that are talking about
28. ethics and doing something about it should take a good
29. look at their own operations, number one. That's my
30. point. And, we can talk about any industry, any business
31. ...the newspapers, any business that you want to talk
32. about and find fault with them.

33. MR. MEEK:

1. I agree. I...I...

2. SENATOR HOWARD MOHR:

3. There are good and bad in every walk of life.

4. MR. MEEK:

5. I just happen to be very fond of the legislative
6. process. I know it much better than I do the executive
7. process. If mistakes have been made, they've been mistakes
8. that I know nothing about, and obviously I read the papers
9. a lot. All I'm trying to say is that the people of Illinois
10. I think feel very strongly that there's a plague in both
11. of our houses and if we try to make this charge and you
12. try to make the charge and it may have substance, I don't
13. think politically it's going to do any other than make
14. the people stick their tongues in their cheeks and say
15. well, here we go again...

16. SENATOR HOWARD MOHR:

17. Well, I...I want to tell you my experience with
18. ethics and then I'll...I'll close. I had two letters
19. on the subject of ethics, two. So I don't...you know,
20. it...it may be important but I think the people that
21. elect members of the House and the Senate it's their
22. duty and their responsibility to know who they're electing.
23. And who they send down here, that's where it starts. Those
24. people should get involved at home working with their...
25. their members and...know them. That's...that's where
26. it starts. But I just want to make it perfectly clear
27. that those that are talking about ethics, I...I honestly
28. and sincerely question whether...if we could have these
29. bills passed in both of these Bodies. I personally would
30. like to have it laid on the Governor's desk. I'd like...
31. I'd like to see that. Because he...he would be in a spot
32. to take action and...I...I don't think he could sign the
33. bill.

1. MR. MEEK:
2. Well, I of course shouldn't debate any further on this
3. and I shan't Senator Mohr, except to say that I know that you
4. and I know that the Gentlemen, the Ladies over here and over
5. here will shortly rise above any of these charges which may
6. be levied against the speaker or against the president pro-
7. tem or against the Minority Leader. I don't know. And I
8. ...I don't blame people and this is the tautest, tightest,
9. tensest Session I've ever seen. I wouldn't want to be down
10. here any more. I just...it isn't like the old days, it
11. isn't like the camaraderie. It isn't like it used to be.
12. I don't know whose fault it is, and I will agree with you
13. a thousand percent that the people should have to take their
14. own responsibilities but one thing is very, very clear the
15. people can't assume the full responsibilities of electing
16. good people in office unless they know the true background
17. of these people, fairly given and fairly said. And if
18. you're going to have good government to drive out bad
19. government you have to elect it first. And the people
20. that I know and you know are not in a position to determine
21. all of these facts of income that are there. This is what
22. it's for and...

23. SENATOR HOWARD MOHR:

24. Well it would be nice to...to include the whole world into
25. this thing. We'd like to be able to bring in lawyers, we'd
26. like to bring in doctors, we'd like to bring in newspaper
27. men, we'd like to bring in bankers, I would.

28. MR. MEEK:

29. You'd like to bring in the people that work for the
30. bureaus too.

31. SENATOR HOWARD MOHR:

32. ...We're dealing with...we are dealing with these people
33. on a day-to-day basis in our own personal lives and I'd like

1. to make sure that they're ethical.

2. MR. MEEK:

3. I would agree with you thoroughly, the only thing that
4. I would make, and I'd better close my end of it is that
5. the...to have the legislation that would provide a knowledge
6. of...of basic ethics, the things that people need would be
7. a very helpful thing in this particular society. I personally
8. don't care about whether a man gets \$100 or a \$1,000 from
9. the X, Y, Z company. Some men will cut the throats of other
10. men for a \$100...

11. SENATOR HOWARD MOHR:

12. They aren't all necessarily political figures.

13. MR. MEEK:

14. That's quite right. That's quite right.

15. SENATOR HOWARD MOHR:

16. I would close in asking you one question. We on the
17. Executive Committee have had before us a couple of people that
18. we asked what contributions they made to the Governor in
19. his campaign. And...one gentleman wouldn't give us the
20. figure. We have reason to believe it's \$50,000. That's
21. never been declared or any amount has never been declared
22. by the Governor. He did a lot of preaching about what he
23. was going to do and...in ethics legislation and so forth
24. after he was elected. And he was going to disclose his
25. campaign contributions. This hasn't been done. What would
26. you say about a man that came before a committee as head
27. of the Governor's Finance Committee in the campaign that
28. didn't know whether he received \$10,000 or \$50,000 from
29. a certain individual in a campaign. There were...apparently
30. no records of this and...the head man of the Governor's
31. own force didn't know how much money a person contributed.
32. Do you...

33. MR. MEEK:

1. Well, Senator Mohr as an individual, not representing
2. anyone but myself. That is in a large sense a local version
3. of a national Watergate, that's the same thing we're talking
4. about at both levels. One's a Republican, one's a Democrat,
5. there's a plague in both our Houses. And it's got to be
6. cleaned out, and those issues have to be...the door has
7. to be shut on them because this isn't a matter of Republicans
8. and Democrats this is a matter of basic faith in the form
9. of government and it's being eroded very quickly and I...

10. SENATOR HOWARD MOHR:

11. It's being eroded because there's people that are
12. double talking and not really...saying what they mean,
13. or acting in...in the manner in which they...they profess.
14. That's what...that's what it's all about.

15. MR. MEEK:

16. I value your friendship, what you have to do I would
17. imagine is to rise above the personal feelings you have
18. and to invoke the principles in which you believe and
19. let the personalities take the hind...

20. SENATOR HOWARD MOHR:

21. Well, I'll...I'll close in saying, in my opinion you
22. don't legislate morality.

23. MR. MEEK:

24. Never, any more than you legislate...FEPC, fair employment
25. practices, lots of things they've got to begin in your
26. heart, the rest is mockery. Thank you.

27. CHAIRMAN:

28. Senator Partee.

29. SENATOR PARTEE:

30. Mr. Meek let me say first of all that I appreciated the
31. way you discussed this matter, particularly personalization
32. of campaign financing and expenditures. Because many
33. people talk about it in rather ethereal terms and you

1. talked about it very personally. I want you to know
2. I appreciate that.

3. MR. MEEK:

4. Thank you.

5. SENATOR PARTEE:

6. And one of the things that has occurred to me and
7. your statement really brought out this in my mind is
8. that there have been a continuous spiral of escalating
9. costs in campaign costs and expenditures. You mentioned
10. the figure \$900,000, back in 1954 and today that's almost
11. de minimis in the same kind of campaign. It occurs to
12. me that either eventually only people who are of independent
13. means or people who are possessed by those of independent
14. means can ever run for office in this country.

15. MR. MEEK:

16. I agree with that.

17. SENATOR PARTEE:

18. Concomitantly that eliminates a large segment of the
19. population who may be industry, native ability or intelligence
20. be able to make a contribution to our government. I think
21. it's unfortunate that we've gotten ourselves into such a
22. position where we have virtually eliminated a large
23. segment of competent people who can't run for office
24. because of the economic burdens of that office. Now
25. let me ask you if since 1954 you had occasion to think
26. about any method or any methodology by which we can
27. lessen for the individual candidate the cost of running
28. for office.

29. MR. MEEK:

30. I think that the...there has to be a limitation
31. somewhere along the line at the various scales like
32. a national office or state office or a congressional
33. office or a local office. There has to be a limit

1. put on the amount of exposure by the press media, the
2. TV and the radio. There has to be an equalizer fashioned
3. in there someplace so the dominants won't come and I
4. think that there...there should be, however, a...a figure
5. high enough in...in the individual contributions to...
6. help out, not \$5.00 but maybe \$100, \$500 would be the
7. height in my...in my estimation. The thing that I resent
8. is...is the people who...well, if I decided to run for
9. the United States Senate tomorrow, and you passed this
10. Ethics Legislation as I've read it, and it may be very
11. circumspect Senator Partee, it would seem to me that
12. I wouldn't be able to...to get any more than \$50 or a few
13. bucks here and there and the party, if I was lucky to
14. get in the primaries which would be doubtful, but on the
15. other hand, a rich man in either party who has a toy
16. idea of what this is all about can by his own finances
17. raise enough money, if there's no limit on what he can
18. spend, he can raise enough money to make it foolish for
19. me to even try to run for office. Bluntly, I'm...I'm
20. speaking of, put them together, the Kennedys, the Percys,
21. the Stevensons, they all have incomes which make mine
22. look like a child's income. If I tried to run any...
23. against any of these gentlemen, I'm done. So, I...unless
24. ...unless there's some way that they're limited in what
25. they can use their fortune to spend and how to spend it...
26. That's the limitation that I don't see in here. Maybe
27. I haven't found it. But I'm looking for it because you're
28. going to create a...a whole procedure of where rich people
29. are going to be protected by a law which is supposed to
30. get at them.

31. SENATOR PARTEE:

32. In other words, any...any limitation or any figure
33. set would necessarily be an arbitrary one.

1. MR. MEEK:

2. Of course.

3. SENATOR PARTEE:

4. And it may or may not serve the purposes intended.

5. Isn't that correct?

6. MR. MEEK:

7. That's right, sir.

8. SENATOR PARTEE:

9. So that leads me to ask you this, if you would take
10. a look at or how you would view participation by a unit
11. of government in this instance the State government and
12. in a measure funding the campaign of any candidate who
13. sought to run. Let me put it this way. There is a State
14. in the United States that I think of, that has this kind
15. of funding provision for candidates. Every candidate
16. above the level of circuit court judge, they have circuit
17. court judges, appellate court judges, supreme court judges,
18. all State officers and all Legislators from both Houses
19. are permitted at no cost to themselves to submit a bio-
20. graphy if you will or a statement of candidacy if you
21. will consisting of 350 words. Those statements are then
22. bound in a booklet by the Secretary of State and are
23. then disseminated to every registered voter, the cost
24. being paid by the State itself. That in the first instance
25. it seems to me gives every voter an opportunity if he
26. desires to avail himself of it knowing something about
27. all of the candidates. And that in a measure would
28. be, I think, when coupled with spending limitations
29. a healthy way to go. It would suggest to me that it
30. would then say to a candidate that the amount of money
31. that you say you need to spend would be substantially
32. diminished by this kind of a funding proposition. There
33. are other ways for states to fund candidacies and I'm not

1. going into them today. One of them came in the form of
2. a bill introduced last year here by Senator McCarthy.
3. But this seems to me to be an initial step in helping
4. to fund candidacies to a point where it would not be
5. necessary for people to have unlimited finances to get
6. their name, their message, their curriculum vitae to
7. the people in some form. Now, I'm just wondering how
8. you would react to that kind of a State expense.

9. MR. MEEK:

10. Well, this \$350...or 350-word treatise that you're
11. ...we're going to get together for each candidate, the
12. pay-off, using the word properly is what is this going
13. to tell? I don't care if a man is in insurance business
14. or in the real estate business or the retail business,
15. I'd want him to be that way were he in the State Senate.
16. I'd like to see him on the insurance committee or on
17. the banking committee were he skilled at that. I'd like
18. to see him on a consumer committee if there'd be such
19. a thing or a license and miscellany committee because
20. these people who are elected to the Legislature are more
21. than jealous of the name of the people they represent and
22. I can't conceive of a retailer of any common sense with
23. the pressure we would give him or would have given him,
24. wanting to be for legislation that would be erroneous to
25. the consumer public. I'm...I think that people should be
26. proud of Senators here in the room of the occupations
27. they have. It is the outside income that interests me.
28. Now, would that be covered in the 350-word treatise?

29. SENATOR PARTEE:

30. The statement would be designed and made by the
31. candidate himself. I would assume it would put him in
32. his best light.

33. MR. MEEK:

1. Well, he would then be required would he not if we
2. have anything of meaning to...to say that if he is an
3. outside director in something which he has no interest
4. in, wouldn't he have to say so to have it meaningful.
5. I...I was asked during...

6. SENATOR PARTEE:

7. This was...this would not...this would not be in
8. lieu of a disclosure statement.

9. MR. MEEK:

10. Oh, this your expenditure end of it.

11. SENATOR PARTEE:

12. That's right.

13. MR. MEEK:

14. All right. As long as the...as long as the exposure
15. end of it covers the other end of it because that's
16. where the voters, please God will at last be alert enough
17. to find out. And as Senator Mohr said there's a...gee,
18. the voters the ones to blame. But he can't be blamed
19. for voting for a rascal if he doesn't know the guys a
20. rascal. That's the only...otherwise, put that in the
21. 350 word and you've got something.

22. SENATOR PARTEE:

23. Thank you very much.

24. CHAIRMAN:

25. Senator Wooten.

26. SENATOR WOOTEN:

27. Mr. Meek, I would like to question you directly about
28. one of the bill that are proposed. Senate Bill 3 which
29. amends the Lobbyists Registration Act. There's two changes
30. contemplated in there, one would have lobbyists register
31. with the new Ethics Board rather than the Secretary of
32. State's Office. The first question is would you have any
33. objection to that kind of a change.

1. MR. MEEK:

2. I know you would want me to be very concise and blunt
3. with you. I'm not at all sold as I've read through this
4. on the powers of an Ethics Board as compared to an Election
5. Board. I...that's one of the things would have to be decided
6. in...one of the two should certainly take the function over
7. rather than the Secretary of State.

8. SENATOR WOOTEN:

9. What...can you explain precisely why. You say you're
10. not sure what it amounts to, but what is involved in
11. registering with the Secretary of State's Office that
12. could not be handled with registering with a...

13. MR. MEEK:

14. Nothing that I know of. Nothing that I know of.
15. It's just a matter of the fact that when we, the Lobby
16. Law was passed the Secretary of State was handy and the
17. others weren't.

18. SENATOR WOOTEN:

19. So in other words that part could be easily taken
20. care of, it's just a matter of registration. All right,
21. the other thing is the elimination of paragraph D under
22. Section 6. The things that you would not have to report.
23. The second thing, Senate Bill 3 proposes to do is to
24. eliminate that. You have any objection to that, have you
25. looked that over?

26. MR. MEEKS:

27. Well...Article 3 is it?

28. SENATOR WOOTEN:

29. It's under Section 6, let's see, it's on page 1, 2, 3...
30. on page 4, the second change would be to eliminate Paragraph
31. D which says that you don't have to report reasonable and
32. bona fide expenditures made by the registrant for golf
33. day tickets, legislative dinners, ward, precinct and other.

1. Would you...do you see any objection to that change?

2. MR. MEEK:

3. No, frankly I think that the matter of...of buying
4. tickets for golf outings and banquets and events within
5. reason and particularly if you go yourself to prove that
6. you're interested in the party rather than in what he
7. does for you, it...it's a sound procedure in financing
8. and...it's the way it's done.

9. SENATOR WOOTEN:

10. I mean you have no objection to reporting that.
11. So actually the two provisions in Senate Bill 3 at
12. least as a lobbyist you have no objection to...

13. MR. MEEK:

14. No, no, no.

15. SENATOR WOOTEN:

16. On the face of it. Now, would you care to indicate
17. to us any additional suggestions you might wish to make
18. regarding ethics legislation as it pertains to lobbyists.

19. MR. MEEK:

20. I have already mentioned the...the other side of the
21. coin, the limitation that the individual can give to
22. the candidate, because frankly I...I resent a situation
23. where I as an individual candidate am limited to a...a
24. few thousand dollars in the aggregate and a man running
25. against me may be a man of considerable wealth who...who
26. needs no particular funds or has a friend or plenty of
27. friends who play golf with him who would give him a
28. \$1000, \$5000 to \$10,000, just as a gift. I don't know
29. whether this covers this or not, whether that's a part
30. of...a committee procedure or not but that's something
31. that has to be done or if you discourage the poor here
32. and expedite the rich over there, you've just undone what
33. we're trying to do...that I feel very strongly about it.

1. And furthermore may I...may I please, just add this, that
2. to all of you Gentlemen as the one who's been down here
3. four decades, the problem is one of selfish people and
4. selfish interests and special interest making use of the
5. Illinois Legislature and the Congress of the United States
6. to improve their own business, their own competitive situation
7. to use you people as a means of establishing something
8. they want to market to use you people as a means of licensing
9. something they want to regulate. And until such time as
10. we stop the pressures which come I think we're always
11. going to have to face this special interest program.
12. I...would gamble with you that 2000 of the bills that
13. are down here could have been avoided had a screening
14. committee of legislators looked at these and decided
15. whether they were the benefit of the whole people or of
16. limited benefit, and so designated them to let you know. I
17. think that would discourage a lot of bills. I don't find
18. it in sales taxes and in unemployment insurance and in
19. all of the matters that plague you this day a great deal
20. of this payoff stuff. The payoff stuff comes from some
21. guy who's too tired to practice his own citizenry. He's
22. like the man that Senator Mohr mentioned, he's lazy. He'd
23. rather buy his way in, that's where the dough comes.

24. SENATOR WOOTEN:

25. I could not agree with your observation more there.
26. If I may just briefly summarize then that what is proposed
27. in Senate Bill 3 is to change the registration from
28. Secretary of State to this new Ethics Board and to
29. require that you report expenditures for parties and
30. so on, and with neither one of those provisions do you
31. disagree.

32. MR. MEEK:

33. No, as long I...as long as you let me have my doubts

1. about the comparisons between the powers of the Ethics
2. Board and the Elections Boards. That...that's what worries
3. a lot of people who are smarter than I am. It just makes
4. me scared, that's all.

5. SENATOR WOOTEN:

6. Thank you very much.

7. CHAIRMAN:

8. Just a minute. Now, Gentlemen, there are five more
9. witnesses. Let's not load up all of the questions on
10. one man here. Senator Sours has asked, Senator Wooten .
11. has...and Senator Knuppel has asked and now Senator
12. Saperstein. Senator Sours.

13. SENATOR SOURS:

14. Mr. President, I'm going to try to be brief. I
15. know everybody is anxious to learn how I feel about this
16. Joe. You and I've been friends since you ran in 1956
17. against Paul Douglas, right?

18. MR. MEEK:

19. '54

20. SENATOR SOURS:

21. '54?

22. MR. MEEK:

23. I was broke by '56.

24. SENATOR SOURS:

25. You've never taken me to breakfast, lunch or dinner.
26. Is that correct? Now, you...you may not recall this,
27. but you presented me one time, not when the Legislature's
28. in Session, with a book by Albert Camus. You recall that?

29. MR. MEEK:

30. I do indeed.

31. SENATOR SOURS:

32. Which I digested within 24 hours and wrote you a letter
33. about it.

1. MR. MEEK:

2. I have it.

3. SENATOR SOURS:

4. Further you understand that I commute between Peoria
5. and Chicago, Peoria and Springfield, daily. And you
6. don't find me out being entertained by lobbyists. Right?
7. As a matter of fact it was not too long ago my wife and
8. I were at the Aberdeen...Angus, Black Angus. I paid my
9. bill, and I gazed upon a number of legislators, I'm not
10. telling you which House, being entertained by a lobbyist.
11. I'd like to ask you do you...believe a lobbyist should pay
12. for the dinner, lunch or breakfast of a...of a legislator
13. in any situation.

14. MR. MEEK:

15. No, except inasmuch as he may have made a bet with
16. him on a Bradley football game and lost it or something
17. like that which he probably would. But, I think it's a
18. pretty cheap thing to figure that you can control the
19. vote or the interest of a man by a breakfast or a lunch,
20. and I...I don't go for that. When I came down Gentlemen,
21. I used to recite the poem by Kipling if you can keep your
22. head while those about you...I was wanting to go to all
23. the dives, and I thought that was the way to be a lobbyist.
24. And spend money and buy them and all that stuff and wine
25. them and dine them, and pretty soon I found out Senator
26. Sours that the leadership was working all that time and
27. they weren't out in these places. And that the people
28. that were out there enjoying themselves came back and
29. asked the people who were working out the strategy what
30. to do. So I stuck more with the people who are doing
31. what their supposed to do.

32. SENATOR SOURS:

33. Of course anyone of those 30 might be the 30th vote.

1. Do you agree?

2. MR. MEEK:

3. Yes, sure.

4. SENATOR SOURS:

5. Now,...

6. MR. MEEK:

7. That worried me a lot.

8. SENATOR SOURS:

9. Do you look upon this breed of legislation as a juridical

10. remedy to assist in the moral intendments of the Ten

11. Commandments?

12. MR. MEEK:

13. This particular legislation?

14. SENATOR SOURS:

15. All of them.

16. MR. MEEK:

17. ...No, not in this modern day of where cheapness and

18. cash and money and bigness and big government, big labor,

19. big retailing, big agriculture, big traffic. We've lost

20. our frontiers. We have no place to go now but dig it out

21. ourselves and those morals and that which was the Ten Com-

22. mandments have become secondary and that's reflected in the

23. way our children have thought too.

24. SENATOR SOURS:

25. Do you have any notion that a law can make a bad man

26. ever any...a good man.

27. MR. MEEK:

28. No, but it can make it a lot tougher to be a bad man

29. and it can make it a lot easier for me to pin a bad man

30. rose on him than it would otherwise Senator. I...I know

31. who these guys are but the people out at Triton College

32. where I teach, they don't know and they have no way of

33. knowing. And the newspapers, you can get a man who's a...

1. who's a Knight in looks who can be a knave at heart and he's
2. good on the political party ticket. He's a vote getter,
3. his morals, to heck with the morals. The time has come
4. when the political parties can do the most by selecting
5. the people of high, unmistakable moral values. That's the
6. first step even before the...this bill.

7. SENATOR SOURS:

8. Well, let me make this statement and I think it
9. would be...reasonably accurate. There isn't a member
10. of this Chamber who truly in his own heart wants any
11. of this legislation. Unless, it applies to everyone.

12. MR. MEEK:

13. That's all right.

14. SENATOR SOURS:

15. Zoning Boards, Aldermen, and you named a critical
16. people. In Peoria County a zoning matter involves in
17. many instances millions and it must be geometrically
18. truer in larger communities.

19. MR. MEEK:

20. That's quite correct.

21. SENATOR SOURS:

22. Now. I also, a little while ago heard you comment
23. upon limitation of expenditures. Are you about to tell
24. a rich man that he may not dispose of his property as
25. he damn well sees fit, any time?

26. MR. MEEK:

27. No, I just get fed up with the fact that the rich
28. people, some of them in this Country have developed a
29. sort of a cult that it's nice to make a plaything of
30. Legislatures and of Congress and to put their dough in
31. it, and I'd like to slow them up.

32. SENATOR SOURS:

33. Well, I might feel that way but I certainly wouldn't

1. want to put the strictures of the law on them. In this
2. Legislature today I'm told that a candidate, I'm not
3. telling you which House, spent \$68,000 in a primary to
4. defeat a legislator of that same party in the last
5. election. Would you look upon that as conscionable, or
6. unconscionable.

7. MR. MEEK:

8. I think the man was a little on the stupid side.

9. SENATOR SOURS:

10. Well, you mentioned man. You mean generically, it
11. might have been a woman.

12. MR. MEEK:

13. I'm not going into that one.

14. SENATOR SOURS:

15. All right. Now, do you have any feeling that we in
16. the Legislature should pander to the common demands of a
17. few, and I mean that because in all honesty, I haven't
18. received letter number one from any of my constituents
19. asking me to either file, espouse or support any ethics
20. legislation. --Not letter number one.--Now, I know after
21. I say this there'll be an avalanche, perhaps. That's what
22. they call reaction to an action. Now, what do I do?

23. MR. MEEK:

24. You...you do what Hudson Sours always does. Number
25. one, it's a compliment to you that you aren't catching a
26. little hell because they believe in you in Peoria and
27. secondly, you try to make the best out of this and the
28. realization that if we forever block an effort at some
29. kind of workable ethics legislation, we're in trouble,
30. whether it's wrong or whether it's right. I talk to
31. too many people. I have people at my church in Western
32. Springs who say, what you doing now that you're not
33. working--which is a dirty thing to say, anyway. And I

1. say I'm teaching a course in Lobbying, and they look
2. at me as though I had a venereal disease, and I resent
3. it. In all of these months that I ran against Paul
4. Douglas, Paul and the Governor chided me because a
5. lobbyist had the temerity to run for the United States
6. Senate. And so I finally told them what I think is the
7. truth that the best disciples, the Twelve Disciples were
8. the greatest lobbyists for the best cause of all. It's
9. not the...it's the cause that counts and the way you do
10. it. And this is the thing that we're losing sight of with
11. these special interests. I want to block the special
12. interests who throws mud at the right of a man to plead
13. his case, as an individual or through his association
14. as a registered lobbyist. That's what I want in an
15. ethics bill. - I want to block that special interest.
16. SENATOR SOURS:

17. Couple of other questions and I'll quit. Do you
18. believe that whatever information is filed should be
19. absolutely confidential? And if so, who, meaning a
20. singular person, meaning one, ought to have the right
21. to look at it.

22. MR. MEEK:

23. Then how are you going to transmit the information
24. of the ethics type if you will or the income type to
25. the people who would like to judge this man for what he
26. gets and what he does with it.

27. SENATOR SOURS:

28. Well, who...

29. MR. MEEK:

30. ...You're going to have to give some of this to
31. someone.

32. SENATOR SOURS:

33. Who would they be? The Internal Revenue Service

1. for example. Now, a lot of people don't like the
2. Internal Revenue Service to know anything about their
3. business.

4. MR. MEEK:

5. That's correct.

6. SENATOR SOURS:

7. Because someday they're going to die and there'll
8. be a Form 706, Federal Estate Return filed. And pretty
9. soon we have an honest man whose estate becomes very
10. complicated and it sort of evaporates into the lawyers'
11. fees. Would you want the Internal Revenue Service to
12. be forever barred? You know, that's something we ought
13. to think about.

14. MR. MEEK:

15. I agree. ...Only to reiterate it Senator, and I
16. deeply value this opportunity to chat with you, and not
17. buy you a lunch for doing it. The...I deeply feel that
18. these questions you bring up are a part of the alarming
19. nature of ethics legislation and that rather than however
20. shuttle it aside and say, oh, that came from the Governor,
21. or, oh, that came from Bob Blair, or, oh, that came from
22. Bill Harris, we ought to sit down and see if you can
23. sell the other members of this Senate on your program
24. as you visualize it. That to me is your job and God
25. be with you whichever you can do.

26. SENATOR SOURS:

27. My program wouldn't pass because I want everybody
28.
29.
30.
31.
32.
33.

1. in the grease. Otherwise we're violating the 14th
2. Amendment to equal protection. Now people know me. I
3. live in Peoria. We've got the largest distillery in
4. the world. I'm for whiskey. They pay \$50,000,000 a
5. year in direct taxes. We have Caterpillar the largest
6. exporter in the United States. I'm for Caterpillar,
7. they know that. Incidentally Caterpillar bought
8. one ticket one time for a \$125 to a Senate dinner.
9. One ticket one time.

10. MR. MEEK:

11. They gave me twenty-five bucks to run for the
12. Senate Legislature, too. I've always felt badly
13. about that.

14. SENATOR SOURS:

15. Now...what I'm...what I'm concerned about is once we
16. ...we have all the strictures of the law and we make it
17. a Class 4 felony you're going to drive out the competence
18. and you're going to bring in the impecunious pool hall
19. bums. And I mean just that.

20. MR. MEEK:

21. I...I'm not going to answer that one. I told you
22. at the outset that I felt that now was the time to decide
23. what we wanted to do about ethics legislation and that men
24. of your calibre and associates here were more than capable
25. of taking what Governor Walker has offered and what Bob
26. and Bill and the rest of the folks were offering and make
27. something out of it but quit stalling the darn thing along
28. forever because the stall creates the lack of faith as
29. much as anything else. Mean it. Say it. Say why you
30. want this, why you don't want that, then I think it sells and
31. some people will buy it but not just by, we'll do it tomorrow
32. because we don't like what this guy does today.

33. SENATOR SOURS:

1. Well of course my rejoinder to that would be I'm
2. not one of these hard to get fellas but I'm not going to
3. ever support a bad bill on something so critical because
4. what we're doing we're laying the heavy hand of govern-
5. ment on everyone here. The heavy hand of a revengeful
6. government at times. I'm told for example the former
7. states attorney in Chicago had his...had his favorites,
8. he had his enemies, people didn't like that very well.
9. I don't want the heavy hand of government disagreeing
10. with me politically and bouncing me down the sewer and
11. I think that's true with everyone here. And I want to
12. close with this. I don't know of anyone in this Chamber
13. and I'm referring to 59 individuals by name who really,
14. truly in his own heart supports this pernicious legislation.

15. CHAIRMAN:

16. Now Gentlemen and Ladies let's just be fair here.
17. We're going to get into...after while there's a lot of
18. witnesses...I got three more people that want to ask a
19. couple questions of Senator or of Mr. Meek.

20. MEEK:

21. Well, Senator Ozinga, I really think that someone
22. skilled in law and in this procedure such as Mr. Mikva
23. should be answering a gentleman like Hudson...I'm stupid
24. but I hope I did all right...

25. CHAIRMAN:

26. Well, we'll...we'll...

27. MEEK:

28. ...I don't mind. Mr. Linebaugh or Mr. Linebaugh Knuppel,
29. I ain't scared of him.

30. CHAIRMAN:

31. You mean you can handle Knuppel? You're the only
32. one in the Senate that might be able to. Senator Knuppel.

33. SENATOR KNUPPEL:

1. I have nothing but the greatest admiration for
2. this man whom I served with in the Constitutional
3. Convention but I could not agree more than I do
4. with Senator Sours in his comments concerning this
5. legislation and your reference to the twelve disciples
6. I think brings to point the very thing that's involved
7. here despite the fact to..of salvation for all times
8. one of those twelve men fell and he wouldn't have mattered
9. he had contact with Jesus Christ and that wasn't enough
10. to keep him from falling prey.

11. MEEK:

12. Yeah but he wanted the quick way to heaven he
13. wanted revolution today.

14. SENATOR KNUPPEL:

15. Nevertheless it happened. Now my questions are
16. this and they bear on your testimony. Is there anything
17. wrong with being rich?

18. MEEK:

19. With being rich? I don't know but I would imagine
20. it was the nicest thing in the world.

21. SENATOR KNUPPEL:

22. All right. And is there anything wrong with people
23. like George Washington or Roosevelt or anybody else that's
24. rich running for political office and using those funds?

25. MEEK:

26. No, it's not.

27. SENATOR KNUPPEL:

28. Now what's...what's encouraged here in fact is disclosure
29. which will mitigate in favor of those people who have been
30. economically unsuccessful as opposed to the person who has
31. been economically successful in swing districts? Isn't
32. that true?

33. MEEK:

1. I don't agree with that but I don't...

2. SENATOR KNUPPEL:

3. Well, your...your implication was that if...that
4. if we adopted something like this you would have had
5. ...a poor man would have a better chance against a
6. rich man...

7. MEEK:

8. You'll never...you'll never know Senator Knuppel
9. until you go for governorship which I presume you will
10. in a short time then you'll find out what I'm talking
11. about from the district where...where you are and I
12. know the district well...you don't...you don't have the
13. kind of problem, the kind of a mixture...the kind of a
14. temptation and I...I can only say that you can't know
15. until you get into the Indian's moccasins or some stupid
16. statement like that. But I didn't say...I only say
17. this that I want to...decide the future of this govern-
18. ment on the basis of the wisdom of the man as compared
19. to the wealth of the man and...

20. SENATOR KNUPPEL:

21. All right and on that I agree with you but let me
22. cite you what's going to happen. In a safe district,
23. like for example judges, when they run...when they don't
24. run against an opponent, they've never been defeated
25. regardless of when they've been found incompetent by
26. their fellow lawyers. They still went. The same thing
27. is true in a safe district. If I lived in a safe dis-
28. trict that was safely Republican or safely Democratic
29. wouldn't make a bit of difference whether I disclosed.
30. The only races this bill will affect are those in swing districts
31. and I say they will affect those in direct proportion
32. to the...to the amount of wealth a person has. If I'm
33. wealthy and successful, I will fail running against a

1. man who has a large family and who is poor, or I stand
2. a good chance of it because people will begin to make
3. their determination on sympathy. Now one other question,
4. I heard some comments that I thought were kind of pointed
5. to one side of aisle a little bit ago I'm questioning.
6. What do you think about a wealthy man who comes into
7. senatorial districts in downstate Illinois or any other
8. senatorial district in Illinois and make contributions
9. of \$1500 on up when he doesn't live in that district?

10. MEEK:

11. I...just answers the question you asked me. I
12. think it's a deplorable situation.

13. SENATOR KNUPPEL:

14. All right and what is, I mean what difference would
15. it make if...with respect to the disclosure?

16. MEEK:

17. This is...that what was one of the points that I
18. tried to make that the man himself who makes these con-
19. tributions who comes into this alien district, this
20. foreign district he ought to be told...

21. SENATOR KNUPPEL:

22. Well don't you think he ought to be forbidden? It
23. ought to be more than that you're talking about limitations
24. on spending don't you think that you ought to be prohibited
25. from going into any district where you don't have a direct
26. interest in making a...campaign contribution?

27. MEEK:

28. That's something that you and Senator Sours and your
29. bretherns should undertake to discuss together but it has
30. ...it has meaning and it has a direct contact with the
31. subject. You're the one Senator that brought up the idea
32. about having any objections to wealthy men move in. Now
33. you want me to regulate the wealthy man.

1. SENATOR KNUPPEL:

2. No, I...I...I'm for regulating the man that's out.
3. I personally think that being rich or being financially
4. or economically successful is some indication of the
5. man's ability to serve here and that I ought not to be
6. prejudiced by the State financing some unsuccessful man
7. who's been successful only at breeding against me, where
8. he runs a picture of himself and twelve children and
9. everybody feels sorry for him.

10. MR. MEEK:

11. I don't blame him.

12. SENATOR KNUPPEL:

13. All right now in closing all I can say is this I
14. agree with Senator Sours. We've got the township officials
15. now on the pan I don't personally think that I've read
16. anything that makes what they did so awfully bad. I haven't
17. had one letter like Senator Sours, probably an avalanche now.
18. But I haven't had one letter, people are concerned about
19. morality in government, this I'll buy. But they aren't
20. concerned enough or haven't been concerned enough to write
21. a single letter to me. Now, what they want is performance
22. by action. Disclosure won't guarantee that because men like
23. Agnew and all the rest of these people violated express laws
24. about paying their income tax or taking kickbacks. We've
25. had all kinds of laws and as long...more than that this
26. didn't cause these people to be honest. More than that when
27. you get all done with it what the hell did they get?
28. Twelve days and twelve dollars. That's what the people cares
29. about. Your judges are going to turn them loose and I
30. submit to you that based on the sentence that was passed
31. down on our Vice President that we're wasting our time here
32. in considering ethics legislation because all the person's
33. going to get from the court if he's got the power is a

1. slap on the hand.

2. CHAIRMAN:

3. Senator Saperstein.

4. SENATOR SAPERSTEIN:

5. Mr. Meek, you and I have known each other for a

6. very long time.

7. MR. MEEK:

8. You were a little child when you came to Springfield.

9. SENATOR SAPERSTEIN:

10. Thank you. Thank you. ...I was interested in your

11. comments...

12. CHAIRMAN:

13. ...Let's confine outself to ethics.

14. SENATOR SAPERSTEIN:

15. Pardon me.

16. MR. MEEK:

17. Stick to ethics.

18. SENATOR SAPERSTEIN:

19. All right.

20. MR. MEEK:

21. To nice people that's ethics.

22. SENATOR SAPERSTEIN:

23. Is this...is this...Senator Ozinga is this charged

24. to Mr. Meek or to me?

25. CHAIRMAN:

26. That went both ways.

27. SENATOR SAPERSTEIN:

28. To both of us. All right. ...Mr. Meek, I was

29. interested in comment about perhaps a suggestion you

30. made that in order to determine which bills are special

31. interest bills, which bills affecting the general

32. welfare that we ought to have a screening committee.

33. That puzzles me a little bit because I think when we

1. are elected by our representative districts that our
2. constituents expect us to use the judgments that they feel
3. we have otherwise they would not, you know, elect us
4. to come down and represent them. So why do you think
5. this is a better method?

6. MR. MEEK:

7. Well, Senator Saperstein, as an actual example
8. what I...what I proposed once in the House, some Com-
9. mittee a long time ago was that a committee of six legislators
10. or eight, I don't care which should sit as a sort of rules
11. committee in the...in the United State Congress comparable
12. to that, that all bills that have to do with other than
13. tax and education and other bills should be reviewed by
14. them to determine whether or not this legislation was of
15. sufficient importance to spend the taxpayers money to take
16. your time and your money, to wrap salted nuts in cellophane,
17. to bell kittens or to bell cats or to...to license this
18. people against that people, or in my own...my own instance
19. to try for a Sunday closing act. Had we had a screening
20. in the Illinois Legislature and Frank, Senator Ozinga and
21. I went to that, the screening committee might have been con-
22. vinced that this legislation was for the benefit of the
23. entire State. They would have so indicated, if not I think
24. I would have been discouraged and not try to have processed
25. that legislation. All that I'm saying is that too many
26. people, too many people who are weak in this world want to
27. use the Legislature as a means to profit and the only way
28. you can stop it and the only way you can stop the special
29. interest people is to set up such a committee. You're not
30. denying your people the right to consider the bill you
31. shall consider the bill, you don't stop the bill, you
32. simply designate it as to one type of bill or another.

33. SENATOR SAPERSTEIN:

1. ...I...I just can't agree with you but that's
2. beside the point. I...I was interested in your reason
3. for the establishment of the committee...

4. MR. MEEK:

5. Well, it's...it's largely because every...this...this
6. Legislature, your Senate, is crowded with hundreds and
7. hundreds and thousands of bills and the job of...of...
8. hearing them all, of understanding them all, of processing
9. them all equitably of being fair to everyone is almost
10. impossible because of the size and number. And a great
11. many of those bills are simply not in the interest of
12. the people of the State of Illinois at all. They're
13. simply...they're simply the fetcher bills. Gee...that
14. gets me back forty years, I must think of that, Mae
15. West bills. They're come up and see me sometime bills.
16. They're sent in here...they're sent in here by people
17. who are told that if they'll give some punk five
18. thousand bucks they'll pass the bill rather than go do
19. the job as citizens in a perfectly, properly, orderly
20. way. And they ought to be made to do it in a perfectly,
21. properly, orderly way or not have a chance at all.

22. SENATOR SAPERSTEIN:

23. And you think a committee of that sort or a committee
24. of the Senate or the House or whatever you might call it
25. would be successful in screening out those kinds of bills.

26. MR. MEEK:

27. Well, it would have stopped me probably from spending
28. a lot of time in the Senate and the House on a Sunday
29. closing bill about a dozen years ago because I would have
30. been told this is special legislation that retailing wants
31. for competitive reasons. That isn't so but if they had
32. of said it I would have dropped it. But I went ahead and
33. we spent a lot of your time and money fooling around with it.

1. SENATOR SAPERSTEIN:

2. Okay thank you Mr...

3. MEEK:

4. Thank you.

5. CHAIRMAN:

6. Okay. Thank you Mr. Meek for your testimony and
7. all of the witnesses. And now we have as the next
8. witness the Attorney General of the State of Illinois,
9. Bill Scott. General, the microphone is yours.

10. SCOTT:

11. Thank you very much Mr. Chairman, Members of the
12. Committee. ...Enjoyed hearing the comments from my
13. longtime close friend Joe Meek and agree with many of
14. the things that he said and agreed with some of Senator
15. Mohr's comments. As you know I've testified before
16. this Senate, before the House of Representatives con-
17. sistently for the last ten years that I've been in public
18. life for ethics legislation, for campaign disclosures,
19. for limitations on campaign spending and limitations on
20. campaign contributions and I can...will continue to testify
21. in those fields and particularly now with the tremendous
22. concern on the part of this nation and the people of this
23. State in the field of campaign disclosures and expenditures.
24. All of us Republicans and Democrats alike were shocked that
25. literally hundreds of thousands of dollars were spent by
26. the Creek Committee for bugging and detectives and dirty
27. tricks and we're shocked to hear the rumors that we still
28. hear today that dirty tricks and bugging and detectives
29. are used on the State level by some of the candidates.
30. We're shocked to hear of tremendous amounts of sums, millions
31. of dollars spent in campaign and nothing accounted for. I'm
32. involved in several lawsuits that deal with these questions.
33. We are defending the Governor's executive order on ethics

1. statements from the employees and the former First Assistant
2. Attorney Generals of mine, Wally Ackerman, Judge Ackerman
3. held that constitutional and we are defending that
4. case in the courts. We just received word from the
5. Illinois Supreme Court that they will accept our appeal
6. from the Circuit Court of Cook County that held un-
7. constitutional Governor Walker's Executive Order No. 5
8. that required disclosures on the part of suppliers or
9. contractors or anybody else doing business with the State.
10. And as my job as a lawyer for the Governor's Office, even
11. though sometimes he doesn't recognize that's my job we
12. are defending that position and defending that legislation.
13. We are appealing directly to the Illinois Supreme Court
14. the recent ruling holding unconstitutional the regulation
15. that you people in the Legislature passed dealing with
16. whether or not somebody, in the liquor business can make a
17. political contribution and we have assigned to those cases
18. the First Assistant Attorney General. The reason I mention
19. this is that I think that Senator Mohr had a very good point
20. about being prepared to establish your credentials when
21. you're coming to the Legislature to talk about campaign
22. disclosures or campaign spending. Generally speaking I
23. favor...most of the things in the Governor's package. Like
24. Joe Meek I question very seriously as to whether the proper place
25. to utilize for these disclosures is an agency in the Governor's
26. Office or whether it should be the State Election Board
27. which is set up on a bi-partisan basis by the Legislature.
28. And I also question very seriously some of the things that
29. are eliminated and aren't included in this such as any type
30. of limits on gifts, any type of limits on spending. There
31. is no mention of any type of disclosures. We certainly
32. would have been aware of the Watergate problems a long time
33. ago if the Creek Committee had been forced to disclose

1. that they spent \$500,000 with a fellow by the name of
2. Liddy to do everything but buy red wigs to electronic
3. equipment for bugging. And certainly if the candidates
4. were required to say what they were doing with the
5. money we'd be able to deal with these problems the
6. dirty tricks and electronic surveillance and all of the
7. rest. And so I think it is a very significant and a
8. very tragic omission that there is nothing that deals
9. with campaign expenditures. But, again, just as I have done
10. consistently I am urging the Legislature to pass meaningful
11. legislation on campaign disclosures and expenditures.
12. Comptroller George Lindberg and myself will be working
13. with Senator Roe on his ethics bill. Senator John Nimrod
14. is working on a series of bills dealing with campaign dis-
15. closures and expenditures and we will do all we can to help
16. in that. But bearing Senator Mohr's comments in mind I
17. have done a number of things that I think it would be wise
18. for anybody submitting ethics legislation or campaign dis-
19. closure legislation to follow. First of all, I've had our
20. Campaign Citizens Committee which is headed up by Sam Witwer
21. the former President of the Constitutional Convention to
22. compile the list of all the thousands of people that con-
23. tributed to my campaign for Attorney General in 1972.
24. These lists will be available either in the Attorney General's
25. Office in Springfield or the Attorney General's Office in
26. Chicago for anybody to come into and look at. We had a
27. limit in our campaign that we recommended by our finance
28. chairman Sam Dean and others of \$6,000. We arrived at that
29. limit because there happens to be a thing called the Federal
30. Gift Tax. Some of these people that give \$50,000 or \$100,000
31. or millions of dollars may very well find out that they're
32. going to have some serious problems under the Federal Gift Act.
33. And for that reason we arrived at the amount that a person who
is married is allowed to give to a campaign or give to

1. anybody a \$6,000. We applied that limit even to the
2. joint unions that supported me. I see De Gilpin who's
3. sitting here today from the United Auto Workers con-
4. tributed approximately \$6,000. They contributed money
5. and they also contributed a car. The Teamsters which
6. is the largest union in the State with a 190,000 members
7. which endorsed me contributed \$6,000. I've also asked
8. our accounting firm Arthur Young which is one of the
9. largest accounting firms in this nation to put together
10. a complete breakdown of the expenditures that we spent in
11. the campaign. We will list how the money was raised. Most
12. of it was raised in a series of three dinners but we will
13. also list how it was spent and you'll find that the largest
14. expenditure by far, of course, is for radio and television
15. and as Senator Partee mentioned has become an overwhelming
16. expense for candidates. We were able to raise somewhere in the
17. vicinity of \$420,000 and it cost us, to raise that, somewhere
18. around \$50,000. We had to pay for food for example at the
19. dinners. But whatever those figures are, they will be com-
20. pletely audited by a top-rated accounting firm Arthur Young
21. and Company and made available. Now, the reason that I'm doing
22. this is not that I know who everybody is in my list. You can't
23. have thousand and thousands of people contribute. I see
24. that we've got Stanley Johnson in here and I see the Presi-
25. dent of the AFL-CIO sitting up there and I don't know
26. whether it's Stanley Johnson or whether it's some other
27. Stanley Johnson because our funds were raised at dinners
28. that people sold tickets to. But I do hink that if some-
29. body is going to come into this Legislature and present a
30. series of bills like this that they put their money where
31. their mouth is and for that reason we are fully prepared
32. to do this despite the fact that a large number of Democrats
33. who are close friends of mine may be embarrassed if they
contribute to a Republican Attorney General. I hope

1. not. People like the former Governor of the State,
2. Sam Shapiro. People like incumbent officeholders
3. Frank Chesrow for example the former president of
4. the Sanitary District and Commissioner. We have a mix
5. of all types of people businessmen, labor people,
6. farmers. But I do think that these are very unusual
7. times and I think we...have to deal with this question
8. of campaign disclosures and campaign expenditures.
9. This incredible expenditure of money, there has to be
10. some type of a limit. I don't know what it could feel
11. like to sit in office and to know that you own somebody
12. a million or a million and a half dollars and you have
13. to go out to retire that. Thank God I've never had that
14. feeling. We've never borrowed any money, we've never
15. spent any money that we didn't have. But how would you
16. like to be that Governor of this State sitting there with
17. a million or a million and a half or whatever the figure
18. is hanging over your head when you're making the decisions
19. that affect the 11 million people in this State. That's
20. why it's essential that we have to get some type of reason-
21. ableness into this whole incredible question of campaign
22. spending. To hear people talk about three million or five
23. million dollars to run for an office that pays 45 or 50
24. thousand dollars is incredible. And certainly as Joe Meek
25. said that those of us and I think most of us in this room
26. are in that category that aren't multimillionaires and that
27. don't want to obligate ourselves to some sugar daddy for
28. hundreds of thousands of dollars but do feel that we can
29. contribute to the public welfare of this State need some
30. kind of help from the Legislature in this field of realistic
31. campaign limitation, realistic disclosure of expenditures
32. so that we can have fairplay and that the dirty tricks can
33. be eliminated. And if necessary to assure the confidence of
the State a disclosure of where the funds cam from. So I am here

1. to testify for the general principle of campaign dis-
2. closures and campaign funding on a realistic basis.

3. CHAIRMAN:

4. Senator Buzbee.

5. SENATOR BUZBEE:

6. Thank you, Mr. Chairman. Attorney General Scott, I
7. have two questions here...you said in your own campaign that
8. you...that \$6,000 was the maximum amount that you would
9. accept. And you apparently from other remarks you made
10. that you are working with other legislators now working
11. on...on dollar amount legislation.

12. SCOTT:

13. No, I...I don't know if there's any dollar amount
14. legislation. What I...what I'm saying is that I'm...
15. I'm here testifying in a way for the Democratic Governor's
16. bills but I'm also prepared to testify for bills that the
17. Senators like Senator Nimrod are working on that deal
18. primarily with campaign disclosure, I don't know if they
19. have anything to do with limitations. I feel, as a lawyer,
20. that people are taking a risk contributing more than \$6,000
21. because they may find out that they're violating the
22. Federal Gift Tax Law.

23. SENATOR BUZBEE:

24. I...My question is, I am very concerned about this
25. same thing also and I'm wondering if you have any particular
26. ideas on top amounts Legislators should accept.

27. SCOTT:

28. No, as I said how we arrived at the 6,000 figure and
29. ...and believe me we were very limited we didn't have to
30. turn people down. But the...the reason we arrived at the
31. 6,000 figure is that having been a Federal Prosecutor and
32. being aware that there is a Federal Gift Tax Law, I think that
33. some of these people that have been dropping these fifty or

1. hundred thousand dollar contributions may very well
2. find themselves in the receiving end of a lawsuit.

3. SENATOR BUZBEE:

4. ...The second question that I...one I really want
5. to get at is you are publishing the names of your con-
6. tributors.

7. SCOTT:

8. Well, we're making them available...

9. SENATOR BUZBEE:

10. That's what I mean. That's what I mean. But the
11. question is did you announce this prior to your accepting
12. these contributions...are you just now making...

13. SCOTT:

14. No. And this...this had a great deal of...of soul
15. searching that's gone into it. There's no question that
16. I am going to get some lumps for putting down the list of
17. my contributors. I know some guys that are going to come
18. up to me and they are going to say why in the world did
19. you do this. Senator Knuppel's old boss and friend's
20. brother contributed to my campaign but Don Clark is probably
21. going to have to explain to a lot of his Democratic friends
22. what in the world he was doing contributing to a Republican
23. Attorney General. That's unfortunate. I don't know...
24. you know but those things are going to happen and...and
25. that...and I know that some people are going to not be
26. happy that we pointed out that they...

27. SENATOR BUZBEE:

28. Okay. Well what...what I'm trying to get at General
29. is...is a very, very real problem for candidates. Example
30. there is a particular group that is expressed a great interest
31. in my candidacy the next time and when I told them I was
32. going to disclose the amounts of contributions their mouths
33. dropped and said that means the difference in 2 or 3

1. thousand dollars down to about \$750. Now that's a real
2. ...real live problem for political candidates.

3. SCOTT: '

4. I think that's a very valid one and..and...

5. SENATOR BUZBEE:

6. A very good reason for having ethics legislation so
7. we can disclose...so we can get everybody to show exactly
8. how much money we are getting from what interest groups
9. and from what individuals.

10. SCOTT:

11. In one way of course too is I think in...in lot of
12. the legislation as being proposed...I know in Senator
13. Nimrod's the suggestion is that it...if you have some
14. kind of a limit that...you then all you have to do is
15. list the names of the people that contributed and not
16. the amounts so somebody won't say well why did you give
17. him \$500 and you only gave me \$50.

18. SENATOR BUZBEE:

19. Well, that sounds very good but you know if I got...
20. the difference in my getting \$10 or \$6,000 from a particular
21. interest group that could mean a big difference in my own
22. case. I think those amounts are going to have to be dis-
23. closed. It doesn't make any difference if, you know if I
24. get...the ideal thing would be in my campaign if I could
25. get 20,000 people to give me a \$1 a piece. But I'm not
26. going to get that, we all know that and so you know I don't
27. think this is going to do any good just to...just to put in
28. names unless you put in amounts also.

29. SCOTT:

30. Well, I think...I think it would be preferable but
31. again what I'm saying is that any step forward at this time
32. is vital. So whether you just list the names of the limit
33. or say somebody owed...I, for one, would die of interest
to know how much Mayor Daley contributed to Governor Walker

1. but I don't if the...if the Governor will tell anybody.
2. He's been going all around the State and never acknowledging
3. that he helped him. But this is the kind of thing that...

4. SENATOR BUZBEE:

5. ...My...my whole point is that in your...in your
6. announced intention now of apparently disclosing in the
7. future and it is my announced intention to disclose in
8. the future...we are going to cost ourselves in campaign
9. contributions...

10. SCOTT:

11. No question about it.

12. SENATOR BUZBEE:

13. ...and I don't know how we go about making up for this
14. unless we accept Senator Partee's recommendation that we
15. do finally at the State level get guts enough to say we're
16. going to finance campaigns out of taxpayers dollars instead
17. of out of special interest group dollars.

18. SCOTT:

19. But the big problem is these incredible television
20. expenditures. The...the media talks about fund raising
21. and then comes around and charges you a fortune to...to
22. have any type of advertising.

23. CHAIRMAN:

24. Are there any other questions? Thank you General.

25. SCOTT:

26. If not I'll get back to work. Thank you very much.

27. CHAIRMAN:

28. All right, Abner J. Mikva of the Board of Ethics.
29. What title do I use Abner? No, I say what title do I use?
30. Congressman, Representative? Ex-Congressman. Ex-Congress-
31. man, ex...Mr. Abner Mikva of the Board of Ethics.

32. MIKVA:

33. Thank you Senator Ozinga and...and the Senate for

1. giving me this opportunity to add my support of stronger
2. ethics laws for Illinois. It's been seven years since
3. I sat together with a number of the current members of
4. this Body and the other Body and the General Assembly.
5. Somebody obviously tore the place apart since I left
6. I couldn't recognize it when I looked inside the door.
7. Much has changed since that time but some things still
8. seem very familiar. I can, for instance, recall appearing
9. before committees of the Senate in support of ethics bills
10. sponsored by Adlai Stevenson and myself which were not too
11. different from some of the bills which I appear before you
12. to support today. In those days, the word in the corridors
13. was that Illinois wasn't ready for reform, that full dis-
14. closure of campaign finances and personal finances was too
15. much to ask of public officials. That the people really
16. didn't care about honesty in government. I hope that word
17. in the corridors is changed. I must say from the questions
18. I hope...my hope is valid. There's a lot to be done in
19. reforming our laws relating to official corruption. In
20. the Illinois Statutes for example there are over 150
21. separate provisions concerning conflict of interest each
22. one affecting different groups of public officials and having
23. different penalties ranging all the way up to five years in
24. jail and in some cases no penalties whatsoever. I defy even
25. the erudite Senator Sours to be able to tell me what all 150
26. of those separate laws are. I had a law student working
27. last summer...not only in my behalf but on behalf of a
28. research project she was doing for the law school and she's
29. not sure she caught all of the separate laws which impose
30. rules of the road for all of you to follow. Now what kind
31. of rules are they when you don't know they exist.. The
32. people don't know they exist and they're incapable of any
33. kind of...of measured response. The bills in support of

1. which I appear before you today are not an attempt to
2. provide a panacea of honesty in government. What they're
3. intended to do is bring some order out of the chaos that
4. now exists, to close up some of the loopholes that we can
5. now drive Mack trucks through in terms of some of the so-called
6. ethics legislation we have on the books. And to put in
7. one place for you and the public to know what the rules
8. are by which you're operating your campaign and your personal
9. responses. Indeed the bills that I support today really
10. are very modest. I've heard General Scott suggest that he
11. would like to see them stronger in some respects. So would
12. I. I hope that many of you would too, but I think they're
13. the first babysteps toward effecting a code of conduct for
14. Illinois officialdom which will start to restore the con-
15. fidence of people in their public...and their public officials.
16. The three forms which these bills achieve basically are
17. one, full disclosure of campaign finances and expenditures;
18. two, full disclosure of the personal finances of state
19. officials and three, the establishment of a board of ethics
20. to police the ethics of state government. And let me say
21. parenthetically that...Senator Ozinga introduced me as the
22. Chairman of the Board of Ethics. I assure you I'm not here
23. bespeaking myself for a job...my present job is unpaid. I
24. do not expect to remain in this capacity much beyond this
25. Special Session so I assure you I don't have that vested
26. interest to grind. If I have any vested interest at all
27. ...have any ax to grind at all it's the same ax you do.
28. I would like the people and my own children to be prouder
29. of the fact that I was once a part of government than they
30. now are. I would like people to respect the office of
31. State Senator and State Representative and all of the other
32. public offices than they now do. And that's the only ax
33. I have to grind. Let's start with campaign finances...

1. Because Illinois has no laws requiring the disclosure
2. of campaign contributions we've been faced with two
3. problems. First, campaign contributions have either
4. become or are suspected to having become the new way
5. of delivering bribes. Without total disclosure of
6. the sources, the amounts and uses of campaign funds,
7. there is very little to prevent candidates and officeholders
8. from diverting political contributions for their own
9. personal use. And worse yet most people think that's ex-
10. actly what happens. Disclosure won't solve all the problems
11. of skinning the public or making the public aware that they
12. aren't being skinned but at least our kids will stop think-
13. ing that Illinois is shaped like a shoebox. The second
14. reason disclosure of campaign finances is necessary is that
15. without it there is no way for the public to know to whom
16. their elected officials are beholden. I don't feel very
17. proud of claiming this record but I suspect that I raised
18. and spent more money in a political campaign than any
19. people in this room. The only thing that allowed me to
20. sleep at night was that I shared that responsibility with
21. the entire informed constituency that I tried to represent
22. in the 10th Congressional District of Illinois as well as
23. the "party politic" as a whole because under the Federal
24. law we were compelled to disclose the full amounts of our
25. expenditures and the full amount that we raised and who
26. we raised it from. It's a heavy burden to accept money
27. from lobby groups, to accept money from individuals and not
28. worry about whether or not they expect something in return
29. and not worry about whether or not the public is going to
30. think that...that you've compromised yourself somehow if they
31. find out. I would rather let it hang out in front of every-
32. body. Let everybody know who you got your money from and
33. how you spent it and if everybody plays by those rules, you'd
be surprised how easy it is. Second thing that I'd like

1. to comment very quickly on is the need for the dis-
2. closure of public officials own financial interest and
3. I realize that here the bullet is very hard to bite
4. indeed. But if we're going to recognize that public
5. ...that the body politic the public think the public
6. officials have defects. Those defects come about not
7. only because of the ways campaigns are now financed
8. and run they come about because of the way they look
9. at all of us as whole people and it doesn't much matter
10. to them if they think you're skinning the public by cam-
11. paign contributions or by lobbyist contributions or any
12. other way. Therefore, if we're serious about restoring
13. the confidence of the public it's going to have to be by
14. full personal financial disclosure. I think that
15. Article 4A of the Illinois Governmental Ethics Act is
16. clearly inadequate. There's not requirement that pre-
17. sently recalls for real disclosure under that. They're
18. not required under the present law for example, they're
19. not required to disclose the name of someone who has given
20. them a gift unless it's a gift over \$500. The current
21. law doesn't apply to many people in sensitive positions
22. who earn under \$20,000 a year. The current disclosure
23. law is confusing as is demonstrated by the fact that one
24. of the organizations you'll hear testimony from, the BGA,
25. has showed at least 84 legislators have filed incorrect
26. statements of economic interests last year. ...Those weren't
27. my statistics but I respect the BGA and I think their
28. research was valid. I've seen the forms. I think they're
29. very complicated and complex indeed. I think the people
30. have the right to know exactly what outside interest a
31. public official may be conflicting with the public interest
32. and let them decide whether there is a conflict and how it
33. ought to be resolved. While it's true that a private

1. citizen enjoys and ought to enjoy a right of privacy
2. about his financial dealings, it does not follow that
3. such rights can be extended to people who chose to
4. work in a public sector. The business of a public
5. official is public business. And those people who
6. respect their rights to privacy too much for that I
7. respectfully suggest ought not get into the public
8. sector. Sure, we'll lose some good people. But right
9. now we're losing a great deal more, and that's the credi-
10. bility of the whole public sector. I've lived with full
11. disclosure, Gentlemen. I don't know whether some
12. of those questions were directed in my direction or
13. not, but I've lived with full disclosure of both
14. my...my personal financial affairs and of my campaign
15. finances ever since I first entered Congress in 1968
16. or '69. And let me reassure you it doesn't hurt half
17. as much as you think it does. The pain is only for a
18. short period and you realize that most people have
19. more to do than to measure whether your mortgage is
20. larger than their mortgage. But most important I'd like
21. to leave you with the thought that if we're going to
22. have disclosure of personal and campaign finances, we
23. have to create an agency with the responsibility of
24. monitoring these disclosures. We need a Board of Ethics.
25. A Board of Ethics with teeth, a Board of Ethics with
26. stagg, a Board of Ethics with an appropriation that will
27. permit it to function. Under current law nobody has the
28. duty to review the statements you now file, the Secretary
29. of State takes them and he puts them away. If you listed
30. 50 different conflicts on there or 50 different violations
31. of law unless some eager beaver State's Attorney took a
32. look at it, there's no requirement that they even
33. inform you of your conflicts let alone the public. I

1. think it's a major inadequacy. I think that we ought to
2. have a board that has a full time responsibility for
3. policing whatever ethics laws we have whether they're
4. these or some others and who recognize that the responsi-
5. bility is not only to the public to restore their con-
6. fidence but a responsibility to you to give you some
7. rules of the road on which to follow. I speak on behalf
8. of Senate Bills 1, 2, 3, 4 and 5 not because, as I
9. said, they'll become a panacea to avoid corruption of
10. officialdom in Illinois, or not because they couldn't be
11. profitably added to or not because there aren't some other
12. bills that are just as good and maybe in some respects
13. better. But these bills accomplish three tasks. They
14. provide for full disclosure of campaign contributions
15. and expenditures for all candidates for State office.
16. They close most of the loopholes in the personal finance
17. disclosure laws applying to State officials. And they
18. establish a Board of Ethics with the kind of powers
19. necessary to make the disclosure process work. I don't
20. think the jail sentences and prohibitions are the way we
21. achieve a measure of ethical behavior in government. I
22. think disclosure is, I think these bills are a long
23. step in that direction. People have been waiting a
24. very long time, Ladies and Gentlemen, for ethics leg-
25. islation. They deserve at least this much. I hope
26. that Illinois is ready for reform. Thank you for the
27. opportunity to appear.

28. CHAIRMAN:

29. Are there any questions of... Senator Keegan.

30. SENATOR KEEGAN:

31. It's...it's nice to have you with us Abner.

32. MR. MIKVA:

33. It's nice to be here Betty.

1. SENATOR KEEGAN:

2. You spoke I think almost entirely in terms of
3. contributions to individual campaigns from...what we
4. are prone to call special interests groups and...
5. individuals. I'd like to have you comment in terms of
6. disclosure on the procedure you would recommend, the
7. philosophy you would...find...suitable, for contributions
8. from political central committees. I think this is a
9. ...a very real problem in Illinois where the importance
10. and strength of political parties differ from one area
11. to another so that...in one instance a candidate can
12. be largely if not entirely funded by a party and in
13. ...while his opposition has no such backlog and must
14. scrounge for every...cent himself. I...I think there
15. is some inequity there and I wonder if you have any
16. suggestion on that.

17. MR. MIKVA:

18. Well, I favor the full disclosure of contributions
19. from any political committee, whether it's a State
20. Central Committee or a County Committee or whatever.
21. They ought to be treated the same as any other political
22. committee, that's espousing the cause of a single
23. candidate. And indeed under the Federal law the
24. committees are waking up to the rude shock that they
25. probably are covered by our 1971 Campaign Disclosure Law and
26. they're going to have to file all of the monies that
27. they've spent...with or on behalf of any Federal
28. candidate. I think you're absolutely right, the rules
29. ought to be the same for everybody. One of the reasons
30. I might add why I'm not at all sure I favor overall
31. caps on the amount that can be spent, though I do
32. favor...limits on the amount that any individual can
33. give such as General Scott suggested. Incidentally, I

1. hate to disagree with a Federal prosecutor but I think
2. he better go back and look at the Internal Revenue Code
3. again. The limit that you can give without being subject
4. to gift tax for any individual is \$3,000 not \$6,000.
5. It's \$6,000 on a joint return, if you take it off, take
6. off a contribution for your wife as well. And so if he's
7. been relying on the fact that some of his contributors
8. aren't subject to the gift tax just because he's...they've
9. given no more than \$6,000, he'd better advise them to con-
10. sult a tax attorney, I think they may have some problems
11. anyway. But I favor limits on the amount that can be
12. given but not on the amounts that can be spent for...one of
13. the reasons being Senator Keegan, that it's very hard
14. to...to evolve a Statewide standard, let alone a National
15. standard for different campaigns, some of which are backed
16. by a party organization, some of which are not. I ran as
17. an independent the first time I was elected to the Legis-
18. lature against the party organization. And I can only say,
19. ain't it hard that when you try to offset the advantages
20. of...of a patronage organization backing their candidates,
21. with their people while you're trying to find volunteers.
22. I don't know how you equate all the differences between
23. some of the rural areas of Illinois as compared to some of
24. the urban areas. I heard General Scott talk about how
25. much money he spent on television and radio. In all
26. the times I've run for public office, I've never spent a
27. cent for television because coming from an urban area
28. as I do, television is not a meaningful expenditure, a
29. meaningful way to get at the voters in a legislative
30. district. On the other hand, I know that there are members
31. of this Body who have had to spend a great deal of money
32. for television. So, I don't know how you get a single
33. standard. I think the answer though is, let's start with

1. full disclosure and at least let the people know who is
2. financing who, and where the money's coming from, I think
3. we've moved a long step forward.

4. CHAIRMAN:

5. Senator Glass.

6. SENATOR KEEGAN:

7. It seems to be to me that it would be almost a
8. physical impossibility for a Statewide fund with thousands
9. of contributors to be divided up and listed as contributing
10. ...in this district or that district.

11. MR. MIKVA:

12. I think that they make the same kind of disclosure
13. that any other committee does, they list all of their
14. contributors and all of the monies they spent. In turn
15. if you're a candidate who's received some of those
16. monies, you list it as money that was received by you
17. as a campaign contribution.

18. SENATOR KEEGAN:

19. From a single source or from...

20. MR. MIKVA:

21. No, from a single source, the Democratic...the State
22. Central Committee of the Democratic Party gave Betty Ann
23. Keegan \$50.00, if you were so lucky.

24. SENATOR KEEGAN:

25. I wasn't.

26. MR. MIKVA:

27. And you list it and they list it as an expenditure.

28. SENATOR KEEGAN:

29. But you see I think...I evidently am not making my point.
30. My point is that...individuals can contribute to a party,
31. ...fund, without being identified in a local race.

32. MR. MIKVA:

33. No, and I'm saying he should be identified under the party

1. fund. The party fund ought to file a separate statement
2. of disclosure.

3. SENATOR KEEGAN:

4. And...be available.

5. MR. MIKVA:

6. And be available to the public, absolutely.

7. CHAIRMAN:

8. Senator Glass.

9. SENATOR GLASS:

10. Thank you Mr. Chairman. I'm grateful for having...Mr.
11. Mikva here to testify on this bill because as he stated
12. he is somebody who has lived with disclosure for several
13. years and I think...that the State ought to have a dis-
14. closure bill and I frankly, have taken a close look at
15. some of the bills that are being drafted on our side of
16. the aisle and am co-sponsoring those. I...I also very
17. frankly have some real reservations, some of the provisions
18. that I'd like to ask you about with this bill. And I'd
19. like to know...what is the origin of it? Who drafted it?
20. Do you know?

21. MR. MIKVA:

22. I can't say...I mean I don't know. Mr. Kamin who's
23. one of the Governor's counsel worked on it. I believe
24. other people worked on it. I made some recommendations
25. to Mr. Kamin and to the Governor, some of which were
26. accepted and some of which weren't. But I don't know
27. who actually drafted the bill in it's final form.

28. SENATOR GLASS:

29. Does it represent...does it resemble the present
30. Federal disclosure bill at all?

31. MR. MIKVA:

32. To some...the campaign finance disclosure does to
33. quite a substantial degree. Yes.

1. SENATOR GLASS:

2. Well, this...this is the first question I have then.
3. I...I noticed that a contribution is defined as including
4. ...giving of cocktail parties. It is included...other
5. like fund raising events. Now, I think that the political
6. system we have today where individuals give coffees and
7. cocktail parties which as you know in...in areas around
8. metropolitan Chicago is a very common way of campaigning
9. and I know that there is supposed to be an exclusion
10. written in here for people like that. But I'm afraid
11. if you start including things of that nature, in the
12. disclosure requirements that you're going to discourage
13. some of the effective...popular citizen participation
14. type campaigning that we have. And I wonder, if you don't
15. think that's a little bit restrictive.

16. MR. MIKVA:

17. I think that it's restrictive only in that I think
18. the exclusion ought to be a little bit larger than it is.
19. The Federal laws allows contributions of up to \$100 to
20. be lumped together so that you...if you have a fund
21. raising dinner where the tickets are less that \$100,
22. you can lump them together as a single money raised
23. from fund raising dinner, x-thousand of dollars, only
24. if the tickets are more than \$100 do you have to list
25. them individually. And I think that \$100 limitation pro-
26. bably is...a reasonable one given the current inflationary
27. spiral that we're going through. So, in that respect I
28. might differ with the bill, but the idea...I don't think
29. you can exclude all cocktail parties Senator Glass because
30. obviously if somebody's giving a \$1,000 a head cocktail
31. party, that ought to be listed and I'm sure you'll agree.

32. SENATOR GLASS:

33. Well, yes. But...the point, and I don't want to belabor

1. it, I...I would hate to have everybody who threw a
2. cocktail party or coffee for a candidate to have that
3. considered as a contribution that's going to have to be
4. accounted for. I...I think also that we ought to be
5. careful not to discourage the customary efforts of the
6. local Republican and Democratic political organizations
7. in the wards and townships and counties. It seems to me
8. there's a real problem there that...we have to cope with.
9. These organizations frequently put out literature for
10. many candidates and otherwise expend their funds in
11. favor of candidates and it seems to me that's something
12. oughtn't to be discouraged by this type of disclosure.

13. MR. MIKVA:

14. Why, I would hope it wouldn't be. The Federal
15. law covers that by any group that supports only one
16. candidate files a separate filing. Any group that
17. supports a lot of candidates of the kind you described
18. makes its own filing and doesn't have to do one for
19. each candidate that's running beside.

20. SENATOR GLASS:

21. I want to ask you on your disclosure statements
22. yourself whether...you mentioned you have lived with
23. disclosure...since 1968. Are you indicating to us that
24. you disclosed...contributions before and after April 7th,
25. in your primary campaign?

26. MR. MIKVA:

27. I think I did not disclose all...I think I disclosed
28. my contribution totals and I think I disclosed my con-
29. tributions to my contributors in a financial statement.
30. I did not disclose all of my campaign contributions by
31. name until after the April 7th date. That's all right.

32. SENATOR GLASS:

33. So the ones prior to the 7th were not disclosed.

1. MR. MIKVA:

2. I...the General Scott and I have a...a substantial
3. disagreement here. I...I respect his...his candor, and
4. I respect his concern for the public interest, but I
5. happen to think it's dirty pool to take money from a
6. Republican officeholder, and I must confess that there
7. were some Republican officeholders who contributed to
8. my campaign and then disclose their names without telling
9. them I was going to do that in advance. And after April
10. 7th the Federal law made it clear that all contributions
11. were to be disclosed and when anybody offered me money
12. I made it clear on...on the receipt that it would be
13. disclosed and it was somebody that I thought was in a
14. sensitive position, I said to them you're aware that
15. I will be disclosing this and frankly several of them
16. asked for their money back, and that's their privilege
17. and I think that's the way it ought to be.

18. SENATOR GLASS:

19. Well, in other words this...this is the next question
20. I was going to ask you. Whether you concurred with...with
21. the desirability of the type of thing that the General
22. spoke of, making a disclosure of the campaign contributions
23. during a campaign when the contributors were not aware
24. that you're going to do that.

25. MR. MIKVA:

26. No, I think that's dirty pool. And I'm not sure
27. that that...if we're talking about bills that are to
28. add to the public confidence I'm not sure that adds to
29. it when you take a contributor and then, you know, maybe
30. he has better relations with his Democratic contributors
31. than...or maybe his Democratic contributors are stronger
32. people than my Republican contributors. But frankly,
33. Senator Glass, you're my State Senator and I think you know

1. that in our district we had a very hard fought congressional
2. campaign. I think some of my contributors would have been
3. embarrassed, given their Republican credential, to have
4. been identified as my contributors, publicly without my
5. giving them the opportunity to contribute or not, before
6. they made...knowing that that fact in advance.

7. SENATOR GLASS:

8. Well, I appreciate your candor on that. I...I think
9. you have a good point there and...and I would ask you
10. whether you feel in view of that, that the Governor's
11. Executive Order Number 5 which was retroactive was...in
12. violation of that kind of a...a belief.

13. MR. MIKVA:

14. I was not in support of Executive Order 5, that's
15. correct. For that reason, I...I am concerned about the
16. problems it aimed at, but I felt that that kind of retro-
17. activity was unfortunate.

18. SENATOR GLASS:

19. Are you familiar with the burden this bill places on
20. the...officials of a candidate's committee, insofar as
21. reporting goes?

22. MR. MIKVA:

23. Yes.

24. SENATOR GLASS:

25. And do you believe those are fair or aren't they a
26. little bit harsh in regard to some of the individuals who
27. may voluntarily serve on these committees and...and find
28. themselves committing a crime...possibly by inadvertence.

29. MR. MIKVA:

30. Senator, first of all, there's nobody committing a
31. crime by inadvertence under those bills. The criminal
32. penalties require knowing abuse just as...any other part
33. of the criminal code. But let me state Senator that

1. sure, it's a burden. And...we had elaborate sessions
2. in Washington and in Evanston going over the law with
3. my campaign officials, making sure they understood what
4. their burdens were. And I don't underestimate those
5. burdens. But I think it's part of...as we know, there's
6. no free lunch and I think it's part of the price we
7. have to pay if we're going to get meaningful reform
8. legislation.

9. CHAIRMAN:

10. Senator Sours.

11. SENATOR SOURS:

12. Representative...Congressman Mikva, you're somewhat
13. of an erudite individual yourself.

14. MR. MIKVA:

15. I was glad to hear you're listening Senator.

16. SENATOR SOURS:

17. In fact, I look upon you rather with a mysterium
18. tremendans, that's Latin. Do you know of any law that
19. ever made a bad man good?

20. MR. MIKVA:

21. No.

22. SENATOR SOURS:

23. Will this law make a bad man good?

24. MR. MIKVA:

25. No.

26. SENATOR SOURS:

27. Will taking a bath in Marshall Fields' window on
28. Easter Sunday, I'm talking now about one's worldly
29. possessions, ever make a bad man good?

30. MR. MIKVA:

31. No, but it might make him clean.

32. SENATOR SOURS:

33. I didn't ask that question, you're evasive. A bad

1. man good.

2. MR. MIKVA:

3. No, absolutely not. Baths have nothing to do with
4. making people good or bad.

5. SENATOR SOURS:

6. Harkening back to my old friend Cicero, being a
7. University of Chicago graduate I think, or having some
8. degree there or at least subjecting yourself to the
9. osmosis of that area...

10. MR. MIKVA:

11. I have J.D. from the University of Chicago and I'm
12. very proud of it, Senator.

13. SENATOR SOURS:

14. Well, I'm...I'm certain. I used to go there before
15. the streets were impassable with...with...kick in artists,
16. and...people who assault pedestrians. I used to go to the
17. breasted hall to hear these great symposia, until one
18. time my wife and I were almost assaulted. But I know what
19. you're talking about when you talk about the University.
20. It's a great place. But let me say this, do know of
21. any man who was ever reformed by a good law or a bad law.

22. MR. MIKVA:

23. No.

24. SENATOR SOURS:

25. Now, you're probably an Old Testamentarian and I
26. classify myself as a New Testamentarian. Will you agree
27. that it's man's destiny to fall short of the glory of God,
28. capital G?

29. MR. MIKVA:

30. Senator, I...of course have to answer that question
31. no. But...I mean I will agree with you, yes. But I have
32. to say to you that if...if the coin of the realm is going
33. to be our knowledge of either the Old or New Testaments

1. I yield to the distinguished Senator from Peoria.
2. SENATOR SOURS:
3. Well, the Old Testament refers to shekels, s-
4. h-e-k-e-l-s. Do you agree?
5. MR. MIKVA:
6. Yes.
7. SENATOR SOURS:
8. And I'm not impersonating Sam Ervin.
9. MR. MIKVA:
10. I don't think you wiggle your eyebrows as well as he
11. does.
12. SENATOR SOURS:
13. I spent \$4100 in one campaign and the primary and
14. the election. Can you give me any reason why I should
15. ever disclose nickle one of the people who gave me a
16. ten and a twenty dollar bill?
17. MR. MIKVA:
18. Yes.
19. SENATOR SOURS:
20. Why?
21. MR. MIKVA:
22. Senator, I know you as an honest man.
23. SENATOR SOURS:
24. Well, no.
25. MR. MIKVA:
26. ...well, you asked me to give you reasons, I've answered
27. your questions yes and no, and I will, you know, if you
28. don't want the reasons I wqn't give them to, you but if you
29. want my reasons...I...I have to expound a little bit, not...
30. not long. I know you as an honest man, Senator. And
31. I know that you have been honestly wrong many times down
32. here in my humble opinion. But I've never questioned your
33. integrity, however wrong you were. And that's what I understand

1. the Legislative process to be about. Honest people ex-
2. pressing their differences in an honest way and the
3. sifting and winnowing of those differing points of view
4. finally bringing forth a legislative product...that
5. serves the people. But, Senator you'd be amazed at the
6. number of people who don't think you're honest. Not
7. just by your name, by title, by the fact that you're
8. a member of the Illinois General Assembly. By the
9. fact that you're a member of the Illinois State Senate.
10. By the fact that you're in politics. By the fact that
11. you're a Republican. By all of the things that you do,
12. or at least ought to take some pride in and that I do
13. or ought to take some pride in on my side, are the very
14. things that people think are corrupt and evil and part
15. of persuading them that that's not so is to make it clear
16. that you have nothing to hide.

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- 33.

1. SENATOR SOURS:

2. Well, Congressman, let me say this to you in all confi-
3. dence, that the tyranny of public opinion to me leaves me cold.
4. I couldn't care less and I say that in as polite a way
5. as I possibly can with no intention to be offensive or
6. insulting. The tyranny of public opinion is what makes
7. cowards of us all and I refuse, now let me make this other
8. comment and...certainly you understand this is not
9. ex maleficio at all. I think these bills will actually
10. drive out of public life otherwise good aldermen. I've
11. heard comment over here today, we're going to let every-
12. body get in, everybody honest and can get rid of the dis-
13. honest people. These bills will run out of public life
14. the volunteer. I've always opposed, you may think that
15. I...I have to recognize all the angels are in Heaven,
16. there're none down here including you and me, let me say
17. this, whenever we raise the salary of a Legislator to
18. where he may be able to pay his grocery bills; dinner's
19. over, we're in trouble. I feel that you're...that these
20. bills that you are espousing will drive out of public
21. life the...the man of good will, the volunteer who wants
22. to contribute his contribution to a good society and a
23. good government and a decent way of life and we'll end
24. up with the impecunious pool-hall characters and I mean
25. just that.

26. ABNER MIKVA:

27. Senator...

28. SENATOR SOURS:

29. I...I'm not going to take on the Governor 'cause he's
30. a big...man and I'm just an obscure State Senator but I
31. have yet to see his disclosure, hanging his hat on the
32. subjunctive mood, the condition, well Ogilvie didn't.
33. Well, who cares about what Ogilvie did do or didn't do?
34. Ogilvie is no longer Governor but we've got a man here

1. who says he won't disclose because...if anybody wants to
2. see my income and disbursements and has a legitimate
3. interest, I'm not going to open that up to any...any...
4. any nosey guy, and has a legitimate interest, I'll show
5. it to him. Now, I don't believe in it because I think
6. what we're doing in...in the last decade we have engaged
7. in what is called, and you know this better than I be-
8. cause you represent one element and I the extreme, we're
9. getting in...

10. ABNER MIKVA:

11. I've never called...I've never called you an extremist,
12. Senator.

13. SENATOR SOURS:

14. Well, I can tell you, you and I are at opposite
15. poles, we're extrapolated, that's a word. In this time,
16. we are driving out of public life with this kind of
17. legislation the ordinary, good guy who would make his
18. contribution but refuses to disclose his stamp collection,
19. his coin collection, his document collection, his rare
20. book collection, I'm talking about the bill that you were
21. talking about. I know a certain lawyer, not in Peoria,
22. who as a \$40,000 collection of documents. If he were
23. in this Legislature, he'd have to tell every kick in
24. artist exactly what he's got, otherwise you and the pur-
25.veyors of this kind of pernicious legislation would attack
26. him and run him out of public life. There was a man in
27. your time in the House who was a stamp collector, I
28. can't recall his name. There was a coin collector who
29. came over here one day and sold me \$400 worth of gold
30. for \$600, the best investment I ever made. Now, should
31. those things be disclosed? Absolutely, otherwise one
32. is in violation of the law and he is a perjurer and he
33. is guilty of Misdemeanor No. 4.

1. ABNER MIKVA:
2. Senator...
3. SENATOR SOURS:
4. Yes.
5. ABNER MIKVA:
6. ...If you bought \$600 worth of gold, I'm sure you
7. disclosed it because otherwise you would have been in
8. violation of Federal Law.
9. SENATOR SOURS:
10. No, I'm a collector.
11. ABNER MIKVA:
12. ...And I can't believe, well, but you have to disclose
13. it as a collector and you have to file a form every year
14. as I recall. I haven't looked at the Gold Act in some
15. time...
16. SENATOR SOURS:
17. Senator, you're comp...
18. ABNER MIKVA:
19. But, are you telling me you don't have to disclose
20. purchases and sales?
21. SENATOR SOURS:
22. Absolutely not, if you're a collector.
23. ABNER MIKVA:
24. You don't have to file a form to show that you are
25. a collector?
26. SENATOR SOURS:
27. No, sir. No form.
28. ABNER MIKVA:
29. Senator, I...
30. SENATOR SOURS:
31. ...With gold coins.
32. ABNER MIKVA:
33. We're talking about coins now?

1. SENATOR SOURS:
2. Yes, sir.
3. ABNER MIKVA:
4. Oh, I thought you were talking about \$600 worth
5. of gold...
6. SENATOR SOURS:
7. Oh, no.
8. ABNER MIKVA:
9. I don't know...
10. SENATOR SOURS:
11. I'm not talking about gold bullion, I'm talking
12. about gold coins.
13. ABNER MIKVA:
14. You see, you mentioned, you said gold and...
15. SENATOR SOURS:
16. All right.
17. ABNER MIKVA:
18. ...to an amateur like me... Let me say...
19. SENATOR SOURS:
20. Now.
21. ABNER MIKVA:
22. Excuse me.
23. SENATOR SOURS:
24. How do you do, what do you do with a situation like
25. that?
26. ABNER MIKVA:
27. Senator, you are still one of the great sesquipedalians
28. of this Chamber. You've lost none of your skill for using
29. words that have a bite and a meaning and I respect you
30. for it, but beneath those words, I think, what I say to
31. you in response is that, I think you're honestly wrong.
32. I think there will be some people who will leave public
33. life with this bill just as there were some people who

1. left the Legislature when you went to annual sessions.
2. SENATOR SOURS:
3. As Sander Vanocur said to Nixon, name one.
4. ABNER MIKVA:
5. Who left?
6. SENATOR SOURS:
7. Who will remain. Look around.
8. ABNER MIKVA:
9. Oh, I wouldn't put my former colleagues on the spot
10. that way...
11. SENATOR SOURS:
12. Well, come on now.
13. ABNER MIKVA:
14. But I think many of them will. You know, the same
15. ...the reason I said I think you are honestly wrong is
16. that the same arguments were made on the Floor of the
17. House when I was a member of the House of Representatives
18. in Washington. We were told that if we passed the 1972
19. Disclosure Law, the 1971 Disclosure Law, a Campaign
20. Disclosure Law, that no...no incumbent could get re-
21. elected. Well, most incumbents did get reelected. Most
22. of them not only ran they were reelected as well and the
23. country survived and they survived. I think we have a
24. little healthier climate as a result. I think, for
25. example, that...the Federal Campaign Disclosure Law has
26. put an end to some of the pernicious practice that existed
27. on that level. We have an honest disagreement here,
28. Senator. Maybe that's what the...process is all about.
29. At least, wouldn't it be grand and couldn't you agree on
30. this, not the tyranny of public opinion because we're
31. talking about someone yielding to their principles in
32. order to get reelected and I don't buy that anymore than
33. you do, but wouldn't it be grand if the public as a whole
34. had as much confidence in this process as you and I do?

1. Wouldn't the product sit better with them? That's
2. really what this argument is all about.

3. SENATOR SOURS:

4. That's a matter of education.

5. ABNER MIKVA:

6. Well, but part of the education is telling them
7. what the facts of life are.

8. SENATOR SOURS:

9. You probably have read Warren's two-volume set of
10. the United State's Supreme Court and U. S. History. .
11. Daniel Webster every time the U. S. Senate met would
12. write his usual letter to Nicholas Biddle...

13. ABNER MIKVA:

14. The Bank of the United States, right.

15. SENATOR SOURS:

16. That is right. And Andrew Jackson put that out of
17. business. Remember?

18. ABNER MIKVA:

19. Right. Right. Now do you think that was Senator
20. Webster's finest hour?

21. SENATOR SOURS:

22. Well, you haven't...you haven't, I haven't finished
23. this. He would write Nicholas Biddle and say to
24. Nicholas Biddle. I haven't received my \$10,000 retainer
25. as a U. S. Senator to protect the interest of the Bank
26. of the United States. Now, don't you think that the
27. Legislators, in general, have progressed millions of
28. miles beyond that crass, obvious request for Conflict of
29. Interest Legislation? I...I must say insofar as I'm
30. concerned, to such a letter I wouldn't put my signature
31. if it were a penny. Nor would anybody in this Legisla...
32. in this Chamber sofar as I know. I think we've gone a
33. long way. The trouble is the shrinking violets and the

1. weeping willows and those who want to send us the wall-
2. ing wall. I don't want anybody, Representative Mikva,
3. to know exactly what I have. I want to let that up
4. to...leave it up to the Internal Revenue Service, if
5. they can find it.

6. CHAIRMAN:

7. Senator. Senator. Senator, this is very good
8. conversation. I do appreciate the conversation and
9. it is very, very entertaining I grant. However, we
10. must get on there are five more people that want to
11. question this witness and, if you would just kind of
12. limit your remarks. Senator Knuppel.

13. SENATOR KNUPPEL:

14. Senator Mikva, with one out of nine people working
15. for the State of Illinois and some six thousand municipi-
16. palities, townships, local governments, boards, this
17. don't even count zoning boards and so forth, do you have
18. any real honest-to-goodness idea of how much this is
19. going to cost the people of the State of Illinois.

20. ABNER MIKVA:

21. Senator, we have been performing the...the task set
22. out in Executive Order Four of the Governor of the State
23. of Illinois involving about 8,000 of those employees at
24. the various levels for a total cost this year of about
25. \$15,000. Now I freely confess we didn't do it as...as
26. effectively as I would have wished..

27. SENATOR KNUPPEL:

28. And is...and is...it's actually not be in effect
29. very long and if you take 6,000...

30. ABNER MIKVA:

31. Well, it's been in effect ten months.

32. SENATOR KNUPPEL:

33. If you take 6,000 different organizations with some

1. that doesn't count, you know with seven or eight people
2. elected every one of them. I think the people would be
3. better off in the end to... take the loss that they might
4. have. Now, what about this law would have in any way
5. caught anybody that's been either accused or...or actually
6. convicted of misdoings on the basis of ethics in the
7. State of Illinois. Would this...would this in any way
8. have determined, we've not yet determined it, would this
9. in any way, this law have any way of determining how
10. \$800,000 showed up in shoe boxes in a room in the St.
11. Nicholas Hotel?

12. ABNER MIKVA:

13. Absolutely not, Senator. I think...I think...

14. SENATOR KNUPPTEL:

15. All right.

16. ABNER MIKVA:

17. May I finish? I think that...

18. SENATOR KNUPPTEL:

19. What I'm trying...what I'm trying to say...

20. ABNER MIKVA:

21. I think that's a very pertinent question and I would
22. like to respond to it because in...I didn't want to take
23. advantage of Senator Sours and since you and I share the
24. same party label, maybe you'll let me take advantage of
25. you a little bit. Of course, it won't catch any crooks.
26. Of course it won't. Anyone who suggests that you propose
27. ethics legislation to catch crooks is deceiving you. If
28. you want to catch crooks you talk about criminal laws.
29. These aren't criminal laws, these are disclosure laws.
30. The reason for it Senator is that of course a crook who
31. now violates the Internal Revenue Laws and violates the...
32. the current Bribery Laws isn't going to be stopped by an
33. Ethics Law. But what this will do is assure the people

1. that when Senator Sours says let the Internal Revenue
2. Service get it if they can find it, that he's only
3. kidding because an awful lot of people think he's serious.
4. And think what else do you expect from somebody in the
5. Illinois State Senate.

6. SENATOR KNUPPEL:

7. I...I think what you answered my question without
8. the colloquy. I think the question is, is no. That it
9. wouldn't have disclosed either Powell. It wouldn't have
10. disclosed Kerner. It wouldn't have disclosed Agnew. It
11. wouldn't have disclosed any one of them. Now, what in
12. this Statutes prevents any single individual that deals
13. with committees and regulated businesses. What in this
14. Statutes prevents a man like Clement Stone from making
15. any size contribution that he wants to make or make a
16. loan as he did with Governor Ogilvie before the election
17. and it can be paid off someway after the election that
18. what that influence might be. There's nothing in here
19. that stops an individual. This does not deal with
20. individuals.

21. ABNER MIKVA:

22. It forces the candidate who has to disclose that
23. information. If you say he's a crook and he doesn't
24. disclose it, that's something else...

25. SENATOR KNUPPEL:

26. No. No. No he does not...it does not.

27. ABNER MIKVA:

28. May I call you...

29. SENATOR KNUPPEL:

30. Not loans. Not loans.

31. ABNER MIKVA:

32. May I call your attention to the bill.

33. SENATOR KNUPPEL:

1. You may.

2. ABNER MIKVA:

3. SB...

4. SENATOR KNUPPTEL:

5. By individuals.

6. ABNER MIKVA:

7. Yes. Senate Bill, I believe it's, I'll get you the

8. copy...the right copy of the bill. Senate Bill...

9. SENATOR KNUPPTEL:

10. l's the one we're dealing with, I think.

11. ABNER MIKVA:

12. I'm talking about the one's we're dealing with.

13. It's l. SB 1 requires every ...

14. SENATOR KNUPPTEL:

15. Which Section so I can follow you?

16. ABNER MIKVA:

17. All right. As a matter of fact, I think it's SB 5

18. that does that...SB..2 that does it, yeah. It is SB 1.

19. SB 1 provides in Section, Article III...

20. SENATOR KNUPPTEL:

21. Now which...?

22. ABNER MIKVA:

23. Section 301.

24. SENATOR KNUPPTEL:

25. What page? 301?

26. ABNER MIKVA:

27. Right. 302 really. The statement of economic inter-

28. est shall contain a current net worth statement disclosing

29. all assets and liabilities of the person making the state-

30. ment. Liabilities include all loans outstanding of any

31. kind or nature and who they are owed to. That is the

32. present substance of Executive Order 4.

33. SENATOR KNUPPTEL:

1. Now, there's nothing in this to prevent, however, such...
2. such a loan from being...

3. ABNER MIKVA:

4. From being made?

5. SENATOR KNUPPTEL:

6. ...From being made less than five days before the
7. election. A person can run his bill, as I understand it,
8. he can run his bills, he can borrow the money and pay them
9. off after the election and the...and the disclosure under
10. this in no way will be known the the people who are voting
11. for him until after the fact. Will it?

12. ABNER MIKVA:

13. That's correct. One of the...one of the recommendations
14. that I made which was not incorporated in the bill and
15. it gets a little more expensive to do it this way but
16. under the Federal Law, you must disclose all contributions
17. up to the day of the election, including by telegram
18. and phone call if necessary. You have to let the Committee
19. know what the amount of that contribution is if it's
20. over a certain amount. Now, frankly, I would favor
21. such an amendment to this proposal but I would point
22. out Senator that kind of administration costs more money.

23. SENATOR KNUPPTEL:

24. All right. There's nothing in this bill that pre-
25. vents a man like Clement Stone coming to me after the
26. fact, after I'm elected. Now he's an individual. You've
27. got registered lobbyist. He's not a registered lobbyist.
28. He's to come as an individual, not as a corporation, not
29. as a committee, to prevent him to come to me after the
30. election and contributing to me then when the people have
31. nothing to do about it and I have four years to serve,
32. contributing to me any amount of money he wants to..

33. ABNER MIKVA:

1. No, that's not true, Senator.

2. SENATOR KNUPPEL:

3. If he did that, there's no limit...

4. ABNER MIKVA:

5. Oh, he can...he can contribute it, but you'd have

6. to disclose it on your...

7. SENATOR KNUPPEL:

8. Oh, I'll have to disclose it but I already have the

9. four-year term.

10. ABNER MIKVA:

11. Well...but you might want...

12. SENATOR KNUPPEL:

13. Isn't this true?

14. ABNER MIKVA:

15. Yes, but you might want another four-year term.

16. SENATOR KNUPPEL:

17. Well, let's just...suppose I could do it all in one

18. time. Some people have.

19. ABNER MIKVA:

20. Some people have very good sessions down here, too.

21. SENATOR KNUPPEL:

22. Well, I mean, we're...we're interested in the

23. mechanical part of this legislation. I think...I think

24. that makes it, that particular part is pretty important

25. because...none of the contributions by Clement Stone as

26. an individual...would need to be disclosed if he came to

27. me and said, look I'm going to make a contribution to you

28. of \$5,000. Just go ahead and run. You're free to...

29. you're free to incur that amount of money and feel safe

30. and I like the man and believe him and trust him. There's

31. nothing to prevent him from doing it. Maybe I only need the

32. one term. Maybe I've already served three or four. I think

33. there's something fatally defective mechanically in a

34. bill that's set up this way because you've got to...you've

1. got to construe liabilities before you even get into
2. the loan part to make it a loan. ...I think...I think
3. that I have made my point here...that this doesn't...that
4. this doesn't direct itself directly to, individuals can
5. make any kind of a contribution they have to make it
6. would have to be disclosed. It doesn't go to goods
7. and services. If you have fifty people willing to spend
8. \$1,000 a time as individuals, that would not show in any
9. way.

10. ABNER MIKVA:

11. Well, you see Senator, I don't know what somebody
12. gives after campaign time if it isn't a contribution then
13. it's a gift. And if it's a gift and it's more than \$50
14. it has to be disclosed under 301 (c) of Article III...

15. SENATOR KNUPPEL:

16. Well, I think...I think...

17. ABNER MIKVA:

18. ...of SB 1.

19. SENATOR KNUPPEL:

20. ...our friend Paul Douglas characterized that when
21. he said the first time he was elected after the election
22. you know he started receiving a lot of checks that were
23. postdated, you know, or...or predated and...and some-
24. body said, did you give them back. And he said, what was
25. that, that was...there was a little bit, what was it, in
26. all of us or that was, you know, he didn't necessarily
27. turn them back. It was campaign contributions you know
28. everyone wants to get on the wagon afterwards. I
29. think that there are substantial contributions after the
30. fact and I think you realize this. Now...

31. ABNER MIKVA:

32. You're aware... Well, I just wanted to make sure
33. you were aware it was in the bill Senator. You're aware

1. that the contributions that are made even after the
2. election, if they are campaign contributions, in that
3. period right after, they must be disclosed on the...
4. the final form that's filed.

5. SENATOR KNUPPEL:

6. All right. So they're disclosed. I...what I'm
7. trying to get at is what the hell good does it do after
8. the election's over and who are we going to catch with
9. this bill. We couldn't have caught Powell. We couldn't
10. have caught Kerner. We couldn't have caught Ogilvie.
11. We couldn't have caught Agnew. We couldn't have caught
12. anybody could we? Now, what's the purpose of the
13. legislation then if we're not going to enlighten the
14. people before the fact.

15. CHAIRMAN:

16. Senator Palmer,

17. SENATOR PALMER:

18. Congressman Mikva, I indicated earlier that I wished
19. to ask you some questions but most of my questions were
20. answered. We...I was on the same wavelength as...Senator
21. Glass and Senator Sours. And that's on that \$50 figure...
22. I...I think you indicated that you're in accord that that's
23. kind of a low figure because that will chase away the
24. \$50 contributors, isn't that right? Am I right?

25. ABNER MIKVA:

26. I personally favor \$100. I think that a \$100 can be
27. justified as kind of a de minimis figure particularly when
28. you're talking about a sale of tickets to an affair. Be-
29. cause otherwise if you have 500 people at an affair at...
30. \$50 that's a lot of paper work to go through. But on the
31. other hand,...as far as I'm concerned a \$50 limit is one
32. that can be lived with, it just means that that many more
33. people will be disclosed.

1. SENATOR PALMER:

2. The only other thing I wish to add that nobody has
3. mentioned which will also deter and chase that contributor
4. away, is that the contributor has to file or sign the
5. disclaimer and that's...that's in Section 502, nobody has
6. mentioned that. If somebody's going to contribute \$50
7. he has to sign a disclaimer and that, of course, will mean
8. that if you receive a \$50 check in the mail without a dis-
9. claimer you've got to send it back and I don't think you'll
10. ever get that check back again. I mean...in most cases you
11. won't get it back. So...I think if you have...anything
12. to do with amending this bill...I think you ought to
13. suggest an increase in the...in that figure. And then,
14. of course, the other very important thing mentioned here
15. by Senator Sours and Senator Glass and that's the volunteer.
16. About the strict penalties that are imposed in this bill
17. and I'd like the Senators to know about it. Now, it's...
18. gone over very quickly and to talk about penalties...
19. you talk about Class A Misdemeanor but I think they ought
20. to know about this. ...Some of the...testimony here was
21. talking about maximums of \$6,000 but...many of us that
22. run a campaign cannot afford to hire a campaign manager.
23. We get volunteers. Now we even subject a volunteer manager who
24. probably may not even have anything to do with the handling
25. of the funds be subjected to going to jail. Can you tell us
26. what Class A Misdemeanor is?

27. ABNER MIKVA:

28. Where are you referring to, Senator?.

29. SENATOR PALMER:

30. 503. Anybody who violates, I don't want to read that.
31. I'm going to read that...when the bill comes to the...
32. Senate Floor. Anybody that violates 503 is subject to a
33. Class A Misdemeanor. Anybody that violates 504 is subject .

1. to Class 4...Felony. Anybody who violates 505 is sub-
2. ject to Class A Misdemeanor. And as Senator Sours pointed
3. out there's ...perjury involved. And there's another pro-
4. vision here for a felony. And then you've got a big catch-
5. all clause here about a \$1,000 fine and then you have a
6. clause here where any person in the State of Illinois can
7. file a Civil Action to collect treble damages. I want
8. the Senate to know all about these things and this can
9. all fall upon a volunteer. And as Senator Sours says, I
10. wonder what that nice word he used, but what he meant is
11. you're going to chase the volunteers away.

12. ABNER MIKVA:

13. Senator Palmer let me answer your last concern first.
14. Everyone of these provisions and indeed even if they didn't
15. have these words in by Constitution it would be required,
16. involve knowing violations. Now, I have as much concern
17. about the innocent volunteer as you do. There's no vio-
18. lation here that is going to put an innocent volunteer
19. in jail or even subject him to a fine. There has to be
20. intent to violate the law and, frankly, Senator, if you
21. chop out all of the jail sentences, you won't make me mad
22. because I don't think the jail sentences are the way you
23. enforce these laws. You know the most...provision that
24. most appeals to me in the whole enforcement procedure, it
25. says that any person responsible...

26. SENATOR PALMER:

27. Congressman, you read Article V. Article V pro-
28. vides for a registration of a political committee. Every
29. candidate sends into this...board that you provided for in
30. this bill, which is the committee. Now, if I was to send
31. in my committee I'd name you Mr. X who was my manager who
32. was very kind enough to act as my manager free, no...no fee.
33. And the fellow that worked along with him also was a volunteer.

1. I would send you in those two names' who else would I send
2. you? Well, if there were any violation there about
3. keeping one of those checks that was sent in my mail,
4. wouldn't he go to jail?

5. ABNER MIKVA:

6. No.

7. SENATOR PALMER:

8. Well, would you defend him?

9. ABNER MIKVA:

10. Yes.

11. SENATOR PALMER:

12. I have your word?

13. ABNER MIKVA:

14. Absolutely. But, may I...may I also say that...

15. SENATOR PALMER:

16. Then it also says here a nolo contendere is like a
17. conviction, I mean a...I'd like the Senate to read this
18. bill, very thoroughly and see what they're subject to
19. an...in case there's violations.

20. ABNER MIKVA:

21. Senator, the section you're reading about about
22. nolo contendere is perhaps the most important enforcement
23. section of the whole bill. And that one I commend...

24. SENATOR PALMER:

25. Well, I know what it is. It means you can't run
26. for office.

27. ABNER MIKVA:

28. That's right. And that's the one I commend to
29. the Senate because that's really what we're getting at.
30. We're talking about candidates knowingly violating these
31. provision.

32. SENATOR PALMER:

33. All right, let me...let me, for one example. There

1. ...this could apply to buying tickets. It is unlawful
2. knowingly with intent...I got it here, I think, yes, to
3. violate this Act for any person to make multiple con-
4. tributions of under \$50.00 each to one or more political
5. committees for the benefit of a candidate or for political
6. committee or anyone acting on behalf, knowingly to accept
7. such contributions. Violation of this Section is a
8. Class 4 Felony. You know what that means?

9. ABNER MIKVA:
10. Yes, sir.

11. SENATOR PALMER:
12. The minimum is a year...a year or more. Now if the
13. guy that contributes \$25 here and \$25 there...

14. ABNER MIKVA:
15. But what about knowingly...and the intent, Senator,
16. you'd have to be knowingly and with the intent...

17. SENATOR PALMER:
18. You may be invited to a cocktail party and be very...
19. magnanimous and write out a check for \$75.00 by mistake.

20. ABNER MIKVA:
21. Then it's not intentional. Now you know that.
22. You're too good a lawyer for that.

23. SENATOR PALMER:
24. Then this ought to be looked into, Mr. Congressman.

25. ABNER MIKVA:
26. I'm all for looking into to it but I think we ought
27. to do something about the contributors who give \$2,500
28. to each of four committees so that if they don't...come
29. over the maximum under the Federal Law. I think we ought
30. to know who the contributors are. That's really what
31. we're talking about.

32. CHAIRMAN:
33. Senator Fawell.

1. SENATOR FAWELL:

2. I have...I have just a couple of questions here but
3. I think what I would...what I would like to do, have the
4. opportunity of talking to the person who actually drafted
5. the legislation. I've got a number of really what might
6. be called nit-picking types of questions. I don't want
7. to take up your time or the time of this Body with those
8. questions. I would like to have the opportunity of...
9. talking with the person who actually drafted this and say
10. well now, why, why did you do this and have you given
11. thought to what might happen under these...circum-
12. stances...? Such as like in 304 he talks about all interests
13. controlled by the person making the statement have to be
14. disclosed...I don't believe there's a definition of
15. just what they mean by the interest but it goes on and
16. states that members of your family without defining who
17. the family, what the family may be... You have to disclose
18. their interests and I...I see small things admittedly like
19. your mother-in-law's there, how are you going to force
20. your mother-in-law to disclose her interest and...things
21. of this sort? However, insofar as Article III is concerned,
22. which relates to the statement of economic interest, I think
23. it's tough but it's good and it can be made workable. I
24. think there are a lot of little chinks where I would, as
25. I have indicated, like to have the opportunity of talking
26. to the drafter and saying, look isn't this a problem and
27. really have you given consideration to this? I think it's
28. ...sound that there the word willfully is used consistently
29. and here you're basically talking about the candidate. And
30. it's right, I think, that you should show that he willfully
31. failed to do something because there's an awful lot of
32. areas where he could make a mistake. I...I think one of
33. greatest things this might do for me is finally let me know

1. what my net worth is because I haven't the slightest idea
2. and I...I never have time to stop and look it up. I'm
3. more concerned though Ab as I look at Articles IV and V
4. which really don't concern the candidate as others have
5. indicated, as much as it concerns the committees. Now
6. as I...as I remember it, and I...I read it rather hurriedly
7. last week, the...from...under this bill, the only way you
8. raise money is through a committee, a campaign committee.
9. And...the...word political committee includes within its
10. purview campaign committee. ...Thus the central com-
11. mites have to abide by this and I'm all for that and I
12. think that...that's fine, I'm...here again there is some
13. imperfections. It seems to say that every election you
14. have to start sending in these...these disclosures and...
15. I'm sure they mean only the elections in which you might
16. be involved. It's...it's some of these drafting errors
17. that I think from a lawyers viewpoint, I'm...I really would
18. like to ask some questions on but Article IV deals with the
19. registration of political committees and that seems to cast
20. the obligations on the candidate to make the initial
21. registration and it's somewhat like filing your Articles
22. of Incorporation for a corporation. It sets forth really
23. quite a detailed list even including an employer's
24. identification number when you're initially creating this
25. entity which will be your campaign committee. And as I
26. read it, you can't spend any money unless you've got this
27. committee that's been organized. I guess if you do it
28. inadvertently then you yourself are looked upon as a
29. committee and you really are violating the Act.

30. ABNER MIKVA:

31. Well, you can file individually if you want too. A
32. one-man committee.

33. SENATOR FAWELL:

1. And I think, well...well that's right. But I notice
2. now in Article IV, when we get into the actual creation of the
3. political committees, that is, the registration of the same
4. or in campaign committees which would really be the creation of s
5. same for most of us because we don't have ongoing campaign com-
6. mittees. It really is asking for an awful lot of details which
7. is fine but it does appear to me that the violations here, the
8. word willfully and knowingly and intentionally are left out.
9. So that it would appear to me that you would have to construe
10. this to be that if...if you just plain didn't follow the
11. Statute completely in setting up your campaign committee,
12. that is to say, if you didn't have expert legal counsel
13. on this point you could find that you're going to be sub-
14. jected by your opponent to...really pesky allegations of
15. having committed a crime, etc. I think that it ought to
16. be clear that these ought to be willful violations too.
17. There's no question about that point. I think you intended
18. that. I gather the drafters intended it but as you get
19. into Article V it gets much worse. ...I think that as it
20. is now worded, in Article V we...we, after we got the
21. campaign committee all created and registered...which is
22. a rather detailed job. Now you've got to make sure you
23. disclosed the political financing and the expenditures and
24. here is where I think really under the wording, as it is
25. now set forth, as an attorney, if somebody did come to me
26. and say I want to be Treasurer on X's campaign or a
27. campaign committee member especially under the circum-
28. stances where this detailed accounting is required and the
29. details of financing are required, I would think unless
30. they had some pretty expert counsel and some really sound
31. accounting advice which calls for, for instance, the
32. political disclosures 45, 12 and 5 days prior to and 30
33. days after each election. ...It seems to me that unless you

1. make it perfectly clear that...this has to be a willful
2. violation on the part of the campaign member or the
3. treasurer, you're just going to get nobody to fill those
4. positions. And I, as an attorney, if somebody came to me
5. I would say as I read this there are so many areas where
6. you can be guilty of a Class 4 Misdemeanor and thus be
7. barred from public life for 5 years and...I really would
8. have a lot of questions about recommending to any client
9. of mine that he serve in that capacity.

10. ABNER MIKVA:

11. Let me say, Senator Fawell, I will make it a point
12. to contact Mr. Kamin and will urge him to send the drafts-
13. men to you so that you can raise some of these specific...
14. I will describe you one of them that I happen to know about.
15. I happen to favor the kind of parallelism you describe in
16. drafting the bill, that when you start to use words like
17. knowingly or intentionally you continue to use them except
18. when you don't. Actually as you know, as a matter of
19. Constitutional Law any criminal or even quasi-criminal law
20. there has to be scienter, there has to be knowledge
21. of the...of the evasion before you can impose a criminal
22. penalty on somebody. But I think we have un...unnecessarily
23. created confusion in using those terms in Section 5 in
24. Article V and not using them in Article III. I think the
25. reason for it is understandable. Again, though, I didn't
26. draft it I can almost see what was going through the
27. draftsman's mind. He was trying, under Article V, to im-
28. pose a double standard not only the scienter, not only the
29. knowingly but the willfully as well and I think in an attempt
30. to do that he perhaps avoided a...loss some of the paral-
31. lelism he should have. I...I'm sure on this I can speak
32. for the Governor, I can't on other things, but on this I'm
33. sure he would welcome the kind of perfecting amendments that

1. you're suggesting Senator.

2. SENATOR FAWELL:

3. In fact, I have a...

4. ABNER MIKVA:

5. ...We want this bill to work.

6. SENATOR FAWELL:

7. ...a five-page memorandum to myself. I'd be glad to

8. share it...

9. ABNER MIKVA:

10. I'd appreciate it.

11. SENATOR FAWELL:

12. ...with the drafter because it has some...nit-picking

13. points that are the things that drive an attorney crazy.

14. ABNER MIKVA:

15. And they're the kind of things that...if the Statute

16. passes it's going to have to work on and we want these

17. things cleared up.

18. SENATOR FAWELL:

19. The only other two points I have is the...Do you

20. think it really is necessary, for instance in Article V,

21. to require that each political committee which includes

22. the campaign committees also, shall file sworn statements

23. of political financing with the board 45, 12 and 5 days

24. prior to and 30 days after. Wouldn't ... wouldn't it be as

25. good simply to set forth a very detailed requirement that

26. after it's over with you've got to set forth a complete

27. listing? Isn't this the...Federal...

28. ABNER MIKVA:

29. No, the Federal Law requires that...in fact, the

30. Federal Law requires more though than that. We have to

31. file monthly or quarterly during the entire campaign

32. year.

33. SENATOR FAWELL:

1. I didn't realize that.

2. ABNER MIKVA:

3. And then, 30 days, 15, 5 and 30 days after. I...I
4. have to confess, Senator Fawell, I like the more fre-
5. quent accountings as you get near the election. Part of
6. this is to impress the public on...how we are disclosing
7. and they ought to know if somebody's come in with a big
8. bundle of cash just before the election.

9. SENATOR FAWELL:

10. I...didn't...all right, I didn't realize the Federal
11. Statute was in that regard. What...would you assume that
12. somebody...if a candidate did not file these various docu-
13. ments that it would knock out his petition for...for
14. nomination?

15. ABNER MIKVA:

16. No.

17. SENATOR FAWELL:

18. You don't think...

19. ABNER MIKVA:

20. No, and I would be opposed to it doing so.

21. SENATOR FAWELL:

22. I think that ought to be clear then. I don't think
23. that that is...is...

24. ABNER MIKVA:

25. I strongly disapprove of the idea of...of taking some-
26. body off the ballot after the people think he's going to
27. be candidate. If she's going to be a candidate.

28. SENATOR FAWELL:

29. I know, we've got...we've had that problem as you
30. well know in Illinois already and I think perhaps we ought
31. to make it very clear here then that this is not necessarily
32. a condition precedent to perfecting your petition for
33. nomination.

1. ABNER MIKVA:

2. I know of...I know of nothing in the bill that
3. suggests that but if you think it would...would remove
4. any doubt about it, I would urge you to...to offer such
5. a perfecting amendment. I am sure it will be well
6. received.

7. SENATOR FAWELL:

8. Fine. That's...

9. CHAIRMAN:

10. Senator Saperstein.

11. SENATOR SAPERSTEIN:

12. ...Congressman for several years we've had a Financial
13. Disclosure Statute and we've been talking about the
14. Financial Disclosure plus the Campaign Disclosure and we've
15. crossed lines. Tell me, in your opinion, what have we
16. accomplished by Financial Disclosure and what's the philo-
17. sophy behind it?

18. ABNER MIKVA:

19. Well...I have to say that...and I say this with all
20. deference because I wasn't here when the bill was passed,
21. but I have to say that I think that the current Financial
22. Disclosure Law that we have applying to public officials,
23. I'm talking now about the Statute, is a Swiss cheese law, it
24. has more holes in it than substance and...it hasn't
25. accomplished very much. I think it has accomplished a
26. little bit. I think it's called attention to the fact of
27. a lot of people that there have been some efforts made,
28. even notwithstanding the climate for non-reform, that the
29. Legislature did bestir itself to pass that law. I think
30. it has given people like you Senator Saperstein an oppor-
31. tunity to...to know what the rules are and what is expected
32. of you and I know that the people who have had to fill out
33. those forms, however imperfect they are and however undis-
34. closing they are, have given...it's given them a feeling

1. at least they have some standards of objectivity...some
2. objective standards that they're supposed to follow in
3. terms of what they're supposed to disclose and what
4. they're supposed to be involved in. For instance, as
5. I recall in the Ethics Law that was passed there was
6. some, what I would call precatory language, some...some
7. wishful, hopeful language that...Legislators ought not
8. get involved in conflicts of interest that are improper
9. and so on. Those are helpful. At the Congressional
10. level we have a Code of...we had a Code of Congress for
11. Congressmen that...is somewhat similar, it doesn't in-
12. volve much public disclosure but you do, fill out a form
13. with two pieces, one an A form and one a B form, a two-
14. tier kind of an arrangement. It's helped some. There's...
15. I think the...climate of confidence is slightly better than
16. would otherwise be if you hadn't passed anything. But I
17. must say in all candor Senator, that rather than have
18. another law that is headed...campaign reform law or ethics
19. reform law and just pass another piece of Swiss cheese, I'd
20. rather the Legislature not pass anything and let us come
21. back and fight again. I hope the time that...your...dis-
22. tinguished colleagues and you are ready for a meaningful
23. bill. If so, I hardly commend...SB 5 and SB 1 through 5
24. to you. If not those, then maybe some others like it
25. or with the amendments that Senator Fawell or others
26. have suggested. These bills have some teeth and some bite.
27. Maybe that will make some people here oppose them but I
28. hope that...that if you're going to pass some legislation
29. it would have teeth and bite so that we not play the shell
30. game with the people, so that two years or three years from
31. now someone doesn't stand up here and is subject to being
32. asked the same question, we passed the bill and it isn't
33. worth very much and he'd have to answer the way I am answering

1. you. I don't think that the bill that was passed a few
2. years ago was worth very much and it wasn't intended to
3. be worth very much.

4. CHAIRMAN:

5. Senator Soper.

6. SENATOR SOPER:

7. Congressman, just a few questions I thought of while
8. we were sitting here. Now, the Congressional Disclosure
9. Act, after you disclose whatever you are supposed to do,
10. is that available to anyone?

11. ABNER MIKVA:

12. Are you referring now to the personal...

13. SENATOR SOPER:

14. Yes.

15. ABNER MIKVA:

16. ...financial disclosure? Part of it is and part of
17. it isn't, Senator. It's in two parts.

18. SENATOR SOPER:

19. You mean that it isn't the same as this Act?

20. ABNER MIKVA:

21. No. Oh, no.

22. SENATOR SOPER:

23. Under this Act, any...anybody can come in the way
24. the do now and sign a little...sign a little declaration
25. or request and say,...for whatever purpose he wants, they're
26. going to college, they're doing some research and they can
27. pick up your whole...pick up your whole...your whole dis-
28. closure or whatever you put down there.

29. ABNER MIKVA:

30. That is correct. But for financial disclosure this
31. bill is stronger than the Federal Bill than the Federal Law.

32. SENATOR SOPER:

33. Well, it comes to my mind that, where Hudson Sours

1. states, you know that would be a nice place for any
2. burglar to find out whatever anybody's got as far as
3. coin collections are concerned or stamp collections.
4. You know it's almost impossible today to...get insurance
5. on stamp collections or coin collections, prohibitive.
6. And...you can't keep...you can't, if you have a big
7. collection of documents, you can't keep all those docu-
8. ments in a bank vault because that becomes prohibitive.
9. And...wouldn't that be avenue for...some burglar to
10. just go in at anytime and pick up the...your statement...
11. of economic interests?

12. ABNER MIKVA:

13. Senator, I can only tell you that at the Board of
14. Ethics what we did on that Statement of Economic Interest
15. and I think-it would be allowed under this law as well,
16. was to tell the State Employees that have to file them,
17. that as far as personal property of the kinds you're
18. describing, stamp collections or rare book collections
19. or so on, those would be lumped merely as to value with-
20. out describing them specifically. In other words, you
21. wouldn't have to say rare book collections, you would
22. merely say personal property and the value of.

23. SENATOR SOPER:

24. Now who makes the determination...what the value is?

25. ABNER MIKVA:

26. The individual filing.

27. SENATOR SOPER:

28. The individual filer?

29. ABNER MIKVA:

30. Sure. Sure.

31. SENATOR SOPER:

32. Don't you think you ought to put this in here and all
33. Statements of Economic Interests that are...that are to be

1. filed as to personal property you won't be in violation
2. of the law if you use your own...if you use your own formula
3. and...and state there that whatever you declare is the...
4. value of these interests would be taken as face value
5. by the Committee? Because a guy could go to jail you
6. know if he made a misstatement. If he didn't guess right
7. maybe he was...

8. ABNER MIKVA:

9. Senator, let me say again, that of all the things
10. that I'm not interested in is these jail provisions here,
11. but in any event, we had thought, I had thought when I
12. reviewed the draft, it's very clear that it must be a
13. knowing and intentional violation. And if that isn't
14. clear, I urge you and others similarly concerned to offer
15. amendments to make that crystal clear. No one wants...I
16. don't want to send anybody to jail even for an intentional
17. violation and certainly no one wants to send anybody to
18. jail for an unintentional one. I think that it's clear
19. that the Board has that kind of discretion and that the
20. individual makes the evaluation in the first instance.
21. If you can recommend any perfecting amendments along that
22. line, I am sure they would be well received.

23. SENATOR SOPER:

24. Well, I...I say this Congressman that if that's what
25. you mean that the person who makes the statement could put
26. his own value on that personal property, then...it ought
27. to be stated so that somebody doesn't come in just for...
28. political reasons and pick up his file and say, now you
29. say it was worth \$5,000 or \$10,000 and on...on...on a good
30. appraisal by the people who are knowledgeable in this type
31. of thing, they say it's worth \$50,000. Now, that's beside
32. the point. Now another thing...that I find. If you don't...
33. if you don't divulge a loan that you made during your campaign

1. you're in trouble. Right?

2. ABNER MIKVA:

3. Yes, well, you're supposed to divulge them.

4. SENATOR SOPER:

5. I'm supposed to divulge a loan?

6. ABNER MIKVA:

7. Right. Right.

8. SENATOR SOPER:

9. So, if you do have a loan, don't you think that this

10. bill also should state that if the loan...that the...that

11. the note that is given or if there's no note given, that

12. should be described and if there's any interest...any

13. interest to be paid and the due date on the...loan... What's

14. the use of describing a loan and say that you received a

15. loan, if you never have to pay it? And futhermore, before

16. you answer that question to tighten this thing up, if you

17. want to be fair, I think this is a bill that you say...is

18. going to be fair like...Joe Meek said, it's got to be

19. fair to all candidates so that the poor can run and the

20. rich can run. I would say this, maybe it might sound

21. ...absurd to some of the people here, some of the Senators,

22. but if...if somebody's interested in making a loan with-

23. out interest, without a due date, to a candidate, I think

24. that he owes the same thing to his opponent, if he's so

25. altruistic to never collect the money. Because I think

26. that's a gift and that's the way to help someone without

27. ever having it repaid. And, further, I would also state,

28. that if a loan is made there should be a due date on the

29. note and with or without interest but on the date...but

30. it should be with collateral. I don't think this...you

31. talk about loopholes and Swiss cheeses, Congressman, the

32. biggest Swiss-cheese loophole is when you say you can

33. divulge a loan but you never have to collect it. There's

1. no way of collecting it if the fellow that made the loan
2. doesn't...doesn't...doesn't go to court and say, now, I
3. loaned you some money and now you've got to pay me. Now I
4. think that the candidate that...that receives the loan from
5. anybody, if he does not put up collateral, that that...that
6. that person that makes the loan to him should make the
7. loan on the same basis to his opponent. That'd clean up
8. some of this shim-sham-shimmy about these loans that are
9. nothing but fraudulent gifts. And then I would further say
10. Congressman, that when the loan is made with collateral
11. and the due date comes and the person that made the loan
12. doesn't take it upon himself to collect on that loan, that
13. that note be deposited with the Ethics Board and the Ethics
14. Board proceed to collect the money and...and foreclose on the
15. collateral and put that in the Ethics Fund. Thank you.

16. ABNER MIKVA:

17. Senator I happen to agree with the substance of what
18. you're saying. I think that...that loans that aren't really
19. loans ought to be treated as contributions, as what they
20. are. I think the language of the bill covers that on page...
21. 15. I think under Section 508 it says that the...the
22. candidates on each one of these statements of political
23. financing, I mean the Committee must list the amount and
24. nature of all liabilities at the close of the period and
25. then under Section G it says: such other information as
26. the Board shall require. And I can, only say that if I
27. were on that Board, and I have absolutely no intention of
28. being on that Board, but if I were on it I would...whole-
29. heartedly endorse the substance of your remarks.

30. SENATOR SOPER:

31. Just one more thing. I...I was pleased to know that...
32. this is...that everyone isn't privy to the statements that
33. you state that are...on your Congressional Report. Now I

1. don't think that this should be available for every Tom, Dick
2. or Harry to know to kidnap me or somebody in my family and
3. say, we know you've...you've got personal...you've got
4. bonds and so forth or...or personal property which would
5. mean bonds or, and I know you're a collector of stamps and
6. you're a collector of coins and you've got this available,
7. we want this before we let loose of your loved ones.

8. ABNER MIKVA:

9. Well, this is a respectable disagreement Senator, I...
10. I appreciate what you said.

11. CHAIRMAN:

12. Senator Nudelman.

13. SENATOR NUDELMAN:

14. Thank you, Mr. President. Congressman, I don't know
15. whether...what I'm going to say is a question or a comment
16. and you can respond as you will. It seems to me, that the
17. conclusion to be reached by your remarks is that the pur-
18. pose of the Ethics Statement is to restore confidence of
19. the public in its elected officials and appointed officials
20. and everybody who is covered by the Statement. Is that
21. correct?

22. ABNER MIKVA:

23. The most important purpose, yes.

24. SENATOR NUDELMAN:

25. Then you further went on to say that this would not
26. catch any crooks.

27. ABNER MIKVA:

28. That's right.

29. SENATOR NUDELMAN:

30. And it would not catch any of the alleged crooked
31. public people that have been caught in various acts...in
32. recent history, in the last six months, a year or two
33. years. People who have been mentioned for various criminal

1. activities who are public officials at the time. Is that...?
2. ABNER MIKVA:
3. We have...we have ample laws in the books, at this
4. point, to catch those crooks...
5. SENATOR NUDELMAN:
6. And you further said that you have confidence in the
7. people in this Body.
8. ABNER MIKVA:
9. Yes, I do.
10. SENATOR NUDELMAN:
11. And you fear, however, that the public may not.
12. ABNER MIKVA:
13. That's correct.
14. SENATOR NUDELMAN:
15. Any you said...and...I'll quote you from Mrs. Schiller's
16. statement which she's going to make in a moment. If the people
17. of Illinois are to feel the same confidence in the Legis-
18. lature as does the League, that indicates to me that the
19. League has confidence in the Legislature and they fear
20. the public does not. So it seems to me, Congressman, that
21. if you cause people to do an act which will not catch them
22. in any criminal situation which, if they are honest is un-
23. necessary, and if they are crooked...they will circumvent
24. in some manner or other, you are duping the public. You
25. are telling the public, here these people are honest because
26. they sign Ethics Statements but you and I and Donna
27. Schiller all know that that's not going to make an honest
28. man out of a crook. And it's not going to stop him from
29. the type of activities which various public officials have
30. been caught at in the last year or two. And I think that's...
31. that's basically the deficiency in the...in the philosophy
32. you espouse here today. You are spinning or fooling, or
33. pulling the wool over the eyes of the public. This isn't

1. going to make me any more honest than I am and it wouldn't
2. make Ab Mikva any more honest and I know you're an honest
3. man, when you were in Congress for you to make certain
4. disclosures, and it's not going to make any of my 58
5. colleagues here any more honest than I know them to be.
6. So I think that this is really something that should be
7. given a little more thought. I don't think it's quite an
8. honest approach to the problem.

9. ABNER MIKVA:

10. Senator, if the question is, do I agree with you, the
11. answer is no. When I first came to the Legislature, and
12. maybe you've been more fortunate than I, when I first came
13. to the Legislature, one of the first bills I had to vote on
14. was a bill that a client of my office, I was then still a
15. junior associate, had an interest in. And I happened to
16. be opposed to the bill. I didn't know then and I confess
17. to you I still don't know what was the ethical thing for me
18. to do. Should I have just voted no and be accused by
19. Senator Sours and others of having yielded to the...to the
20. tyranny of public opinion by showing how...how honest I was.
21. Should I have...supported my clients? I think that clearly
22. would have been unethical. Should I have just not voted...
23. and disqualified myself? That's what I finally ended up
24. doing. But if you can tell me where to look to find the
25. rules of the road, then you are a better student of the law
26. than I have been during all the years I was down here or
27. in Congress where I tried to wrestle with these problems.
28. And what bothers me Senator is not only that I didn't have
29. any place to look to wrestle with them but just as I'm aware
30. that most other people have had to wrestle with similar pro-
31. blems, none of us ever get credit on the part of the public
32. to think so. Now, let's divorce Senator Nudelman from this
33. equation. But if you went up to the average person on the

1. street and said, I am a member of the Illinois General
2. Assembly, trust me. The answer would be equivocal and
3. that's what I'd like to get at. And what this says is
4. not that it's going to be...

5. SENATOR NUDELMAN:
6. What would the answer be, Congressman?

7. ABNER MIKVA:
8. Well, I said it would be equivocal.

9. SENATOR NUDELMAN:
10. What does that mean, Senator?

11. ABNER MIKVA:
12. What that means is that some people might and a lot
13. of them wouldn't.

14. SENATOR NUDELMAN:
15. And a lot of them wouldn't if I had signed the Ethics
16. Statement required under this Act...

17. ABNER MIKVA:
18. But if they become aware...

19. SENATOR NUDELMAN:
20. Do the people...do the people respect the Congress any-
21. more because of the '72 Act?

22. ABNER MIKVA:
23. Yes.

24. SENATOR NUDELMAN:
25. They do?

26. ABNER MIKVA:
27. Une...unqualifiedly yes.

28. SENATOR NUDELMAN:
29. Unequivocally?

30. ABNER MIKVA:
31. Unequivocally, the answer's yes. Not as much as they
32. should and not as much as they will, if Congress does the
33. rest of the job. But it clearly...

1. SENATOR NUDELMAN:
2. How would this Act, Congressman, have affected your
3. reaction to the situation of your office's client?
4. ABNER MIKVA:
5. This Act?
6. SENATOR NUDELMAN:
7. Yes.
8. ABNER MIKVA:
9. I would have had some place to go to decide what to
10. do...
11. SENATOR NUDELMAN:
12. How would this have affected that?
13. ABNER MIKVA:
14. ...the Board of Ethics.
15. SENATOR NUDELMAN:
16. You would have gone to the Board of Ethics and asked
17. them for a rul...
18. ABNER MIKVA:
19. ...For a decision...for an opinion, wouldn't you?
20. SENATOR NUDELMAN:
21. How...how to, no, I feel confident in my own ability
22. to...to handle these situations.
23. ABNER MIKVA:
24. Then you're a more honest person than I am...
25. SENATOR NUDELMAN:
26. No, I'm not any more honest than you are...
27. ABNER MIKVA:
28. ...You have more confidence in your honesty than I do.
29. SENATOR NUDELMAN:
30. I have confidence in myself that maybe you don't have.
31. ABNER MIKVA:
32. That may be.
33. SENATOR NUDELMAN:

1. And maybe you should because you're an honest man
2. and that's well known, too.

3. CHAIRMAN:

4. There will be no...

5. SENATOR NUDELMAN:

6. Why is it...?

7. CHAIRMAN:

8. Let's...patience is golden and mine has run out.

9. There are five more witnesses that want to question
10. Mr. Mikva. There are three more witnesses to testify.

11. Mr. Nudelman would you wind up your questioning. Senator
12. Nudelman.

13. SENATOR NUDELMAN:

14. Thank you, Mr. President, I think my position has
15. been made known as has the Congressman's...

16. CHAIRMAN:

17. Senator Carroll.

18. SENATOR CARROLL:

19. Thank you, Mr. Chairman, Ab, a couple of questions.
20. ...First of all, I think you should have advised Senator
21. Palmer not to send back the check but merely send the guy
22. the disclaimer form and wait for that to come back rather
23. than send the check and hope that the check comes back to him.

24. ABNER MIKVA:

25. Check back with me.

26. SENATOR CARROLL:

27. All right. Okay. On the way of political committees,
28. though, and I'm serious in my concern and I don't know the
29. answer at all. We talk about a campaign committee that may
30. be working for me or for you up in our area but are we
31. talking about, and should we not be talking about, the
32. independent voters of Illinois? Are we and should we not
33. be talking about the Independent Precinct Organization, the

1. Americans for Democratic Action when they do support
2. candidates, the John Birch Society, the Better Govern-
3. ment Association, the New Democratic Coalition, the
4. Coalition for a Democratic Majority and all of those
5. organizations that are soliciting funds and spending funds
6. for and on behalf of a position or a candidate?

7. ABNER MIKVA:

8. The only...this possible exemption I would make, is
9. I don't think the Better Government Association any longer
10. endorses candidates. They used to but...

11. SENATOR CARROLL:

12. But, sometimes propositions and things like that...

13. ABNER MIKVA:

14. Let me say this, that any committee that is involved
15. in the political process I think is covered by this bill
16. and if it isn't, I hope that you or somebody will offer an
17. amendment to make it clear that it...they are. As I read
18. it, they are covered.

19. SENATOR CARROLL:

20. All right. Now, you talk in terms of not only
21. disclosure of contributions and the expenditures incumbent
22. therewith, but the personal network, the personal income...

23. ABNER MIKVA:

24. ...For a public official.

25. SENATOR CARROLL:

26. ...of the individual public officials. And I see in
27. here, if I read it right, when you come to those who serve
28. on non-constitutional boards, that those are not public
29. documents? Is that right?

30. ABNER MIKVA:

31. That's correct.

32. SENATOR CARROLL:

33. What's the theory there?

1. ABNER MIKVA:
2. The theory is that it carries out Executive Order Four
3. ...a distinction that was drawn in Executive Order Four,
4. that says those people who work without compensation of
5. any kind will not have their income or net worth disclosed.
6. SENATOR CARROLL:
7. They still have to submit it though?
8. ABNER MIKVA:
9. They still have to submit it to the Board of Ethics.
10. SENATOR CARROLL:
11. What is it subject to once they submit it to you?
12. ABNER MIKVA:
13. To any review by the Board of Ethics for possible
14. conflicts because some of those...you know, some of the
15. unpaid jobs we're talking about includes, for instance,
16. the Racing Commission.
17. SENATOR CARROLL:
18. Right.
19. ABNER MIKVA:
20. And I...if you press me far, Senator Carroll, I would
21. say that I happen to think that that distinction is not
22. meaningful.
23. SENATOR CARROLL:
24. That's my point.
25. ABNER MIKVA:
26. Well, the Governor enunciated it in, originally in
27. Executive Order Four. It is consistent with that Executive
28. Order. I must say that you and I are in the small minority
29. most people think that if you're not getting paid for the
30. office you ought not have to make public disclosure.
31. SENATOR CARROLL:
32. I don't think necessarily you should put us yet in
33. the same category because I'm not sure that any candidate

1. for any office should have to make public disclosure. And
2. I know that you yourself at one time favored, at best a two-
3. tiered system.

4. ABNER MIKVA:

5. No, I have lived under a two-tiered system but I've
6. always made full public disclosure.

7. SENATOR CARROLL:

8. Of all sources of income. Do you think that every
9. member that's running for office, as opposed to those who
10. are going into some of the most critical boards of govern-
11. ment within the Executive Branches and all of its levels,
12. should have to disclose to the public the source of their
13. income every client upon which they get a legal fee.

14. ABNER MIKVA:

15. No, you don't...no one is suggesting that you have to
16. name your clients but I happen to think, Senator, that some-
17. body running for public office ought to have the highest
18. standards of performance imposed on him. More so even
19. than an appointed official. I...I know of no higher honor
20. than to be elected to public office.

21. SENATOR CARROLL:

22. And you still...I mean, you still...I happen to feel,
23. I personally have made disclosures in a recent campaign of
24. all contributions and all expenses and distributed thousands
25. of copies of it for everyone to see but I don't think any-
26. one is entitled to know of my personal income or...my net
27. worth as to a public disclosure so that becomes a campaign
28. issue. Maybe my constituency up in the suburbs feel that
29. I'm not making enough money to suit their purposes and another
30. part of the district might feel I'm making too much money to
31. suit their purposes, I don't think that should be the issue.
32. I think it should be based on other much higher issues.

33. ABNER MIKVA:

1. I understand the argument. I can only say that for
2. five years now I have made that kind of full disclosure.
3. It has never been an issue. The only place it's an issue
4. is with my wife who wonders why I don't make more money.

5. CHAIRMAN:

6. Senator Berning.

7. SENATOR BERNING:

8. Mr. Witness much of what I wanted to touch on has
9. been touched on but I want to share with you an observation
10. and then...ask for your comments on two points that concern
11. me by...in this bill. But first let me say, the observation
12. is this, that in today's climate I think you and I both
13. recognize that even inference of violation is tantamount
14. to conviction and no one would ever be vindicated. One
15. would be forever ruined if charged with a violation under
16. these various sections irrespective of the imposition of
17. these...penalties. And in passing then, I might say what
18. is of great concern to me, in not only this instance but
19. almost every time we pass a bill with a penalty involved
20. for an ordinary citizen that penalty is almost sure to be
21. imposed but what concerns my constituents a good deal more
22. is that murderers, and I make that plural, almost invariably
23. do not serve jail sentences. They are on parole almost
24. immediately to carry on their nefarious activities. But
25. my question now then, Mr. Mikva, since we recognize that
26. most everyone in government is suspect, whether we like
27. to admit it or not and that is elected officials, appointed
28. officials, bureaucrats if you like, what then, is your
29. reaction, and I know I don't mind telling you what mine
30. is? Article 2 on page 4, there is hereby created a State
31. Board of...Ethics consisting of three members appointed
32. by the Governor. Are they not just bureaucrats? Will they
33. not just be again people who are "suspect" even as you and

1. I? Why would they be any more above suspicion than you
2. and me?

3. ABNER MIKVA:

4. Senator that is always one of the great agonizing
5. problems that faces every legislative decision that's
6. made about appointing a board or setting up an agency
7. of government...I can only say...

8. SENATOR BERNING:

9. All right. Let me interrupt right there. I have had
10. in subcommittee for some time SB 867 which is the Public
11. Integrity Commission and which, in my opinion, presents a
12. much more defensible a much more plausible, much more
13. viable approach, if we have to have something like this,
14. than this does. May I respectfully suggest that you
15. examine that and I am going to later suggest when this
16. bill comes up for serious consideration on the Floor that
17. it be sent to the same subcommittee along with any others
18. that we have. Maybe I didn't give you a chance to respond
19. but...

20. ABNER MIKVA:

21. No. No. I only say that I have wrestled with other
22. appointing processes, including, I've seen the processes
23. where the Legislature appoints or the Congress appoints
24. of where we choose somebody because of their...their
25. particular position like a law school dean or so on or
26. sometimes even an election of a separate board. Ultimately,
27. I think Senator that what we're saying in this bill as we're
28. saying in so many others, and I have sat here under
29. Republican Governors and Democratic Governors and the
30. answer always comes up the same is that you have to assume
31. that the Governor when it comes to this kind of an appoint-
32. ment for a six-year term like with the Controller General
33. when those were being appointed...

1. SENATOR BERNING:
2. Or, like Mr. Isaacs appointed by the...Governor...?
3. ABNER MIKVA:
4. You win some and you lose some.
5. SENATOR BERNING:
6. There you are. You see what I'm trying to say, you
7. now put your finger on. If you can't trust us how can you
8. ...possibly and that includes any elected official including
9. the Governor, how can the...public trust whomever we
10. appoint to the Body.
11. ABNER MIKVA:
12. Senator...
13. SENATOR BERNING:
14. I submit again take a look at SB 867.
15. ABNER MIKVA:
16. I think I've looked at it. All I would say that the
17. same Governor that appointed Ted Isaacs also appointed
18. Dr. Gerdy and the same Governor that appointed...I was
19. thinking of...
20. SENATOR BERNING:
21. Pontius Pilate not only crucified Christ but he
22. crucified Barabbas and one other...that didn't make him
23. totally right.
24. ABNER MIKVA:
25. You see the...the problem about using any other
26. appointive system and I appreciate your...your concern
27. Senator I share it, the problem about using any selection
28. system other than asking the Governor to appoint on a bi-
29. partisan basis by and with the consent of the Senate, is
30. that if you don't use that system then any other system can
31. give you the same results and you have nobody to even blame.
32. That's my only concern.
33. SENATOR BERNING:

1. Well, so far as I know we haven't had the same kind
2. of complaints, not that we haven't had complaints, but we
3. haven't had the same kind of complaints about the BGA to
4. my knowledge. Well, let me go on...

5. ABNER MIKVA:

6. You haven't heard Mayor Daley then.

7. SENATOR BERNING:

8. I beg your pardon.

9. ABNER MIKVA:

10. You haven't heard Mayor Daley lately.

11. SENATOR BERNING:

12. Oh, yes I have. Now, let me bring up the other point
13. that to me is one that is equally significant in the total
14. picture as the contribution of money and...we have touched
15. on the limitations on the contributions of money to be
16. made available to candidates and that's what it's all about.
17. the candidate is to be able to use money for his campaign.
18. My point now then to you is this...equally as important
19. as that money is time. The man that has unlimited time to
20. parade up and down the State has an undue advantage. If
21. you're going to control money, better control time.

22. ABNER MIKVA:

23. Well, I think the point is well taken that imputed
24. services, time or volunteer services of any kind are worth
25. as much or more than money, but just as we don't allow
26. charitable deductions for those kinds of time contributions
27. I don't think you can measure them here. That's really
28. the point. You...You're right. You and I both know that
29. giving me a good volunteer is worth a lot more than a
30. couple of hundred bucks any day of the week but...

31. SENATOR BERNING:

32. ...Or...or the candidate himself.

33. ABNER MIKVA:

1. Right, if I have six months...

2. SENATOR BERNING:

3. With no restrictions whatsoever on his time is a
4. much more successful, potentially successful office seeker
5. than you perhaps who may expend twenty percent of your time.
6. That to me is as equally indefensible as unlimited funds
7. made available...

8. ABNER MIKVA:

9. I just don't know anyway of measuring it, Senator.
10. I think it's a problem.

11. CHAIRMAN:

12. Well, we have met the...end...end of the witness list
13. here with the exception of Senator Netsch. ...It has been
14. suggested that we conclude the testimony here today and
15. reconvene as a Committee of the Whole at 2:30 next Wednesday,
16. a week from Wednesday, I'm sorry, not tomorrow, a week from
17. Wednesday at 2:30 p.m. Is there any objection? No objection
18. having been heard the Committee will adjourn for the time
19. being and re...be reconvened at 3:30...Senator Partee.

20. SENATOR PARTEE:

21. I just wanted to make a suggestion on behalf of the
22. three witnesses who remain. That if there are any other
23. witnesses or additional witnesses for the next hearing,
24. that these three witnesses should be given priority in
25. terms of the way they were set up today to appear.

26. CHAIRMAN:

27. Senator, I agree with you.

28. SENATOR HARRIS:

29. Mr. Chairman I now move that the Committee of the
30. Whole now arise.

31. CHAIRMAN:

32. The Committee of the Whole will now arise. It's...
33. that's my motion. I have moved that the Committee of the

1. Whole do now arise.

2. SENATOR HARRIS:

3. All in favor signify by saying aye. Contrary no.

4. Motion carries. The Committee of the Whole has arisen.

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1. PRESIDENT:

2. The Senate will come to order. Reading of the Journal.
3. Senator Soper.

4. SENATOR SOPER:

5. Mr. President, I move that we postpone the reading of
6. the Journal of October 29th and the approval thereof...
7. pending the arrival of the printed Journal.

8. PRESIDENT:

9. Senator Soper has moved that the reading of the Journal
10. of October 29th be postponed until the arrival of the
11. printed Journal. Is there discussion? All in favor signify
12. by saying aye. Contrary no. The motion carries. So
13. ordered. Senator Soper is there further business to come
14. before the 1st Special Session? Senator Soper moves that
15. the 1st Special Session adjourn until 10:00 a.m. Wednesday,
16. October 31st. All in favor signify by saying aye. Contrary
17. no. The motion carries and the 1st Special Session stands
18. adjourned until 10:00 a.m. tomorrow morning. Just for the
19. edification for those who are still on the Floor, our
20. schedule tomorrow is: The 1st will convene at 10:00, the
21. 3rd at 10:15, the 4th at 10:30, the Regular at 10:45 and
22. the 2nd at 2:00. The 2nd will be a limited Session. Those
23. of you who are not members of Executive or Revenue will be
24. able to depart following the adjournment of the Regular
25. Session. The 1st reconvenes at 10:00 tomorrow morning
26. 10:00 o'clock.

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