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Introducing Ethics Legislation: The Courage to Lead After 200 Years of Silence (Interview with Jill Long Thompson)

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My moral principles tell me that if I'm an elected official, my vote should be consistent with what my constituents would want if they had the same information that I have; if they had the opportunity to sit in the briefings and in the hearings. I never really found morality – my morality – to be that different from the broader range of my constituents that I represent. What I thought was important was doing what I believed was consistent with their values, but taking into account the more detailed information that I had.

— The Honorable Jill Long Thompson, 2009

Introducing Ethics Legislation: The Courage to Lead After 200 Years of Silence

THE HONORABLE JILL LONG THOMPSON
U.S. CONGRESSWOMAN AND INDIANA GUBERNATORIAL CANDIDATE

On July 26, 1993, Congresswoman Jill Long Thompson, Indiana (D), ended a two hundred-year drought by introducing new ethics legislation on Capitol Hill. Her childhood experiences, sense of work ethic, and working for others led to this point.

For the past 30 years, Ms. Thompson has been a tireless advocate and through her achievements and struggles, she has demonstrated herself to be a true pioneer in pursuing principled conduct and moral accountability.

On October 15, 2009, President Barack Obama appointed Jill Long Thompson to serve on the Farm Credit Administration Board. She was sworn into office on March 28, 2010. As in the past, she continues to serve the public while commuting between her home near Culver, Indiana and Washington, D.C.

Her story is more fully investigated in the following interview granted to the Journal of Values-Based Leadership in the Spring of 2009. Following her discussion, Ms. Thompson's historic bill is reprinted in its entirety.

*March 27, 2009
Valparaiso University
Valparaiso, Indiana*

Q: You have served in many different capacities as a public servant. With your chosen career path, I am interested in whether certain morals and principles may have been instilled during your upbringing and whether you may have been influenced by an immediate family member, a relative or friend of the family, an incident, a spiritual experience, religious practices, faith, a particular book or speech, or some other epiphinal experience that might have indelibly affected your personal and professional development.

Actually, faith and religion are very different. In fact I had a conversation yesterday with a friend who has cancer and we were talking about the difference between faith and religion, and they are not the same. Faith and spirituality are the same, but faith and religion are not.

Q: Agreed. So let's go back. Where were you born?

Warsaw, Indiana.

Q: So you're a native of the state you ultimately chose to represent. And your family structure?

I have an older brother who's a dairy farmer. And I have a younger brother who works in newspaper advertising

Q: So you all were raised in an agricultural community?

Yes, we were. We farmed. My grandparents farmed. My aunts and uncles farmed. And most of my early classmates at my elementary school came from farming families.

Q: Was there any diversity in your classes?

While I was born in Warsaw, I went to school in Whitley County. There was very little diversity. But we were quite privileged for a Midwest farm community to have families who worked in produce who migrated back and forth between south Texas and Whitley County. So at a very early age, I was fortunate enough to have some diversity in the classroom that was not typical in Midwest rural communities at that time.

Q: These were children of Mexican migrants?

Yes.

Q: In what year were you born?

'52.

Q: And looking at post World War II agricultural communities, this was a time, was it not, that neighbors and community members came together and helped one another in times of dire circumstances?

It was very much like that. I can remember my Dad getting sick when I was 10 and neighbors brought a load of wood for burning in our furnace, and during that Fall, one day we looked out the window and the neighbors had come over to harvest our corn for us.

Q: So your father was a farmer?

Still farms — he'll be 84. And he ran a combine the year before last. He didn't last year because he had a knee replaced. So the last time he did that was in 2007.

Q: And your mother?

She worked in a factory until she was 72.

Q: While she was raising three children?

She did professional cleaning and also raised calves on the farm. My parents were both very engaged in raising us.

Q: So when the three of you were basically growing up, she was still at home doing farm work and professional cleaning?

Off and on. She did both.

Q: At which factory did she work?

She worked on the line for Dekko Industries.

Q: So in addition to fellowship in the community, would you say that there was a strong Midwestern work ethic?

A VERY strong Midwestern work ethic. We worked all day long. When I had graduated from high school, my family had taken one vacation and it was for about half a day. We went to Sturgis and White Pigeon, Michigan. Because we had the cows, we really couldn't go anywhere. We had to be home and at the barn milking by 5:00 p.m.

Q: So no long family vacations? And both you and your older brother and your younger brother, in addition to your formal education, were you all expected to assist with farming activities and chores around the home?

My older brother was driving a tractor at a very early age. I learned when I was 11 or 12.

Q: So is it correct to say that at a very young age, the kids were out in the fields?

By first or second grade my brothers and I all were helping with chores. We were all together and it was fun. I was milking cows at 8.

Q: Would you say that the collegiality with community members and the strong work ethic that was a part of your life an early age basically shaped how you viewed you life?

It was a combination of so many things. My parents were very education-oriented, but we were always expected to milk the cows. So we could be milking a cow and simultaneously having a spelling contest. Or if we were driving to the feed mill to get corn ground, we would have a math exercise. Or a geography lesson. So we never just did manual work; there was always this other aspect to it. I just assumed everyone did this. But the other thing that my Dad taught us – and I think this was probably key to working hard – was to enjoy what we did. He taught us that you have to define what “fun” is, nobody can define that for you. You define that for yourself. So if you define “fun” as hauling manure, then hauling manure is fun. Therefore, anything that you do can be “fun” if you define it as such.

Q: Sort of like the scene from *Mary Poppins* when the children have to clean their room.

Right.

Q: What was the extent of your parent’s education?

High school. And none of my grandparents went beyond the 8th grade.

Q: So with the emphasis on education, did they expect that all three of you go to college?

No, but they expected that we graduate from high school and beyond that was an individual decision. My older brother did not go on to college; my younger brother and I did.

Q: What’s your older brother doing now?

He’s a dairy farmer with a terrific wife and three wonderful children.

Q: Were your parents supportive of your decision to attend college?

They were supportive of everything. As an example, I have a niece who is completing her last semester studying business at Manchester College. When she graduates, she plans to go to cosmetology school because she wants to be a hair dresser. And there are people who put certain jobs into “phony” categories, but if you like to do it and can support yourself and it’s honest work, it’s good. Our entire family is thrilled with her education and career decisions.

Q: So would you agree, regardless of education, regardless of background, if you don't have passion for the job you've chosen or that you must do to pay the bills, it's going to be a miserable life?

If not miserable, than not as enjoyable. I also think it's a combination of being passionate and learning to enjoy what's in your environment.

Q: When you say "learning to enjoy," does that also mean "learn to appreciate"?

Absolutely.

Q: When people start comparing themselves with citizens living in a developing country, it appears that many gain a new perspective on what they have and perhaps a redefinition of happiness or enjoyment comes more easily.

Or just looking at what you have compared to what many in the United States have. You don't have to go far. And another thing my parents taught us is that everything is a gift.

Q: Was that derived from some sort of religious tenet?

They are both conservative Christians.

Q: What denomination?

They both grew up in independent churches but raised us in the Methodist then United Methodist Church. And the way they chose the Methodist Church was that they were going to try different churches in the community as a married couple and the first church they visited happened to be Methodist and that's where they stayed.

Q: You say that they were conservative...would you align them with the "Moral Majority?"

No, they were very conservative in how they lived their lives. There was no swearing, no smoking, no alcohol. We were taught to "do unto others as you would have done unto you." They were extremely open-minded regarding how other people chose to live their lives and made a clear distinction between how we live our lives and a limited government role in personal lives.

Q: Because of their beliefs, did they refrain from judgment? "If you haven't stood in that person's shoes, you can't judge them without knowing the circumstances."

And if you don't have anything nice to say, don't say anything at all.

Q: You're a Democrat. Your parents, being conservative Christians, have they normally voted Republican?

My Dad was a Democratic precinct committeeman and Mom has also always been a Democrat.

Q: At what age did your Father become a precinct captain?

I believe it was in 1958 when I was six. We were supporting our neighbor, a fellow farmer, who was running for county sheriff. My Mom is the one who maintained the precinct records. I would come home from school and go through our precinct with my mom to register voters. My dad and brother would milk the cows and I thought it was much more fun to register voters than to milk! She was volunteering for the Democratic Party and, of course, she would only register Democrats.

Q: Basically, between the cows and the migrant workers' kids and local community members, you got a taste of not just the work ethic but of civil servant life. Serving the public, a quasi-governmental division.

I never thought of it that way, but my parents were very serious about everything being done for the greater good and for the government as well. This applies to farming, too. You don't grow things just because you like to; you grow things because you need to feed people.

Q: Who else in your family – not just your immediate members – but within your extended family, served in a capacity that you might say would be a public servant or quasi public servant?

My Dad was on the Township Advisory Board. We have public school teachers in the family. I have a niece who's an occupational therapist, but nobody working in the government. My nephew and niece-in-law Chad and Gina are public employees because they're teachers.

Q: What happened after you graduated from high school? No teenage rebellion years?

You know, both of my brothers did, but I did not. I was the first in the family to go to college. This is the way we chose Valparaiso University. We got the Indiana map out and sat at the kitchen table one night, my Dad and I. My Mom, for some reason, didn't get involved in that. We looked at the colleges and universities that were located within a couple hours of the farm and Valpo was 90 minutes away and Christian.

Q: So a faith-based institution was important?

It wasn't a requirement but it was important to us.

Q: And geography?

Geography was most important.

Q: Was this because of the type of tight-knit family you had that you parents didn't want their daughter to go too far?

We had never been anywhere far away from each other. Plus, we had to be able to drive to the campus and get back home in time to milk cows in the late afternoon.

Q: So was this a mutual decision?

It was a mutual decision and I was very happy with it.

Q: For most kids, college is the time to spread their wings and fly; to exercise a certain amount of independence.

My parents tell me I was always independent!

Q: Was there an expectation that in addition to going to school you would continue to help with the farming activities – at least during recesses? What did you do during your summers?

I started working away from the farm in 1968. In 1966, between the 8th grade and freshman year, I actually started my own business. I did housecleaning and operated a baton twirling school. It was a diversified portfolio!

Q: So you were making your own money?

I was and I liked it.

Q: You got an early taste of entrepreneurship then?

Yes. And the independence from that. And then when I was 16, it was during the summer that I turned 17 – so actually the summer of '69 – I went to work in a really nice clothing store in North Webster, Indiana. It is a resort town and it was a great deal of fun.

Q: So with the newly-acquired independence, it was basically independence in the financial sense?

Yes, because all through high school, even before I was driving a car, I was teaching baton twirling. So I had my own money.

Q: So then you already had some business experience by the time you got to college. During the summers, did you go back to the home farm?

Yes. Although I actually worked at a Walgreens back at home. And I also worked at a grocery store in Wanatah and did some cleaning. I also did babysitting in college.

Q: So you did what was necessary to pay your own tuition?

My parents helped; it was a family effort. I had an academic scholarship and student loans. I worked and they also provided a great deal of support.

Q: What was your major?

Business.

Q: Any particular area of concentration?

Marketing.

Q: And when did you graduate?

1974.

Q: So no interruptions — you went straight through four years? And after that?

I worked at Valparaiso University in the Admissions Office for two years and then I went to Indiana University and registered in the MBA program and after one semester, I was accepted into the doctoral program. I earned both an MBA and a Ph.D. in Business.

Q: And this was the Kelley School of Business?

Correct.

Q: During the years in Bloomington, did you do anything that would eventually sow the seeds of public service?

Well, I was active academically, of course. I taught most of the semesters I was there. The first year I didn't teach, but I worked in the business placement office. I was a Big Brother/Big Sister volunteer.

Q: So was this volunteerism something your parents instilled?

I guess it was.

Q: And after you completed your doctoral degree?

I returned to Valparaiso in January of '81. And then in '83, I ran for City Council.

Q: What prompted you to run for City Council?

My sense of civic engagement.

Q: But wasn't your concentration in business?

Yes, but many of the decisions of the City Council are budget decisions.

Q: Your undergraduate major was in marketing. Did you pursue a different field of concentration in your PhD program?

With respect to my PhD, my major area was marketing and my supporting field was statistics. My PhD dissertation had a public policy component as it measured pre-school and elementary school children's perceptions of television commercials. In other words, to what degree children have the cognitive capability to understand commercials and distinguish them from regular programming. They just come to know, "I want that." They know the commercial is different from programming but they are unable to understand the difference.

Q: So what happened when you ran for City Council?

I won.

Q: How would you describe your method of campaigning?

I went door to door. Not just to registered voters, I went to every door because I didn't have a precinct list of registered voters.

Q: So you made your name known. Would you say at the beginning you were a virtual "unknown?"

Oh yes, I was completely unknown.

Q: How many months of campaigning did this bid entail?

I started right around Labor Day and I would, gosh, I would do 20 doors an evening, starting around 5:00 or 5:30. I think there were 1700 voters in the district I represented. And then on Saturdays, I would also go out.

Q: So I would imagine that time for you didn't exist?

Well, I enjoyed going door to door — IT WAS FUN!

Q: And did you find that you were well received? Did they let you inside?

I was well received, but most people did not invite me into their homes. They would just take my literature and if they had a question, I couldn't answer, I'd go back and find the answer for them. Then I would send a follow-up note.

Q: Did you feel any gender gap?

I did not at that point. There is still a huge gender gap in higher office.

Q: Who was your opponent?

Don Larr. He was a great individual.

Q: And had he been in office before?

No, but he had been the Fire Chief, and he was well known. And I think it was expected he would win.

Q: And this was in '83? And being a female in a Republican-dominated district against somebody well known in the community, had you not done this grass roots, door-to-door campaigning, do you believe you would have had a shot?

Not even close.

Q: In so doing, you made some friends?

I did.

Q: ...and established some connections? And what exactly did the council seat command of you in terms of duties and time?

I served for three years, and as I recall, we met twice a month. I think Dr. John Wolf finished my term.

Q: Why didn't you finish the term?

In early 1987 I moved back to my farm in Whitley County to be of help to my parents who were struggling through the farm crisis. In 1986, I had run for the U.S. Senate. The State Party endorsed me to run when State Senator Louis Mayhern got sick in the course of his campaign for U.S. Senate.

Q: Who contacted you about this? Or was this something you thought "I want to do this."

I was running for Congress in a contested primary for an open seat. Former Congressman Andy Jacobs said that I ought to consider running for United States Senate and I initially laughed at that. The state party chair made a decision to hold an endorsement meeting and they endorsed me to run.

Q: So that endorsement effectively swayed you to abandon the run for Congress and pursue a Senate seat instead?

I'm the first and only woman to ever be nominated in the State of Indiana for U.S. Senate. I'm also the first to ever be nominated for Governor, at least by one of the major parties. Even though I did not win either of those races, I feel like I have advanced opportunities for girls and

women and that is also very, very important to me. Everyone should have the opportunity to fill his or her potential.

Q: Who was your opponent?

Dan Quayle.

Q: How much did your campaign raise?

We raised \$125,000.

Q: Were you underfunded?

Oh yes, I was underfunded. But I also think that many people thought Dan Quayle could not be defeated and so I think they were only looking for someone who could represent the party well.

Q: Where was Dan Quayle coming from at that point?

He was running for reelection; he had been elected the first time in 1980.

Q: So this was his second term. You were running against the incumbent?

And 2 years later he was nominated for Vice President.

Q: Did this dissuade you at all, at least temporarily, from running?

It didn't. It's very hard to run as a Democrat in Indiana, but very important. Very few women have served in Congress and progress comes in many forms.

Q: You were defeated in '86. Then what happened?

I moved back to the farm. My parents were going through a Chapter 11 reorganization; that was at the height of the farm crisis. So I moved back. I had bought some land from them and moved back to that property. I ran for Congress in '88 and lost, but won in '89 in a special election.

Q: So Dan Coats assumed the senatorial position formerly occupied by Dan Quayle and this was by special election — not by appointment?

You can be appointed to the U.S. Senate, but not to the U.S. House of Representatives.

Q: And you won.

March 28, 1989.

Q: Do you remember the vote?

It was close; I think I had just under 51% of the vote.

Q: Do you remember your opponent?

It was Dan Heath.

Q: From?

He was from Allen County, the Fort Wayne area. He worked for the City.

Q: So knowing that Indiana is historically a strong red state...

And that was one of the most Republican districts in the country.

Q: Were you ever dissuaded?

I always believe you do things because it's the right thing to do. I have a poster in my office of a little girl roller-skating and she's all bandaged up and she has a big smile on her face. The saying under her is "Success is getting up once oftener than you fall down." And I think that, to me, success is staying in the fight. You win some, you lose some. There is still a great deal of bias against women, particularly for higher office. Executive positions are the most challenging for women candidates — governor, president, vice-president.

Q: With that motto "success is staying in the fight," being a Democrat in a Republican state and being a woman in a male-dominated area especially with respect to these higher positions, you were really fighting. You were going uphill in two different categories. Basically your story represents the personification of this idiom — "Success is staying the fight." You demonstrate this. So, in '89 you're sworn in, you take the seat and you're there for how long?

Three terms. I was elected twice with record numbers for a Democrat and then I lost in '94.

Q: Did your loss in '94 come as a surprise to you? Was this a hard fought battle?

It was a hard fought battle; that was the year the House went Republican. It wasn't "unsurprising." I just wasn't sure what was going to happen on that day because the polls were kind of back and forth and I wasn't sure ultimately what the voters would do.

Q: How'd you take that loss? Where did you go from there?

I was invited to Harvard to be a Fellow at the Institute of Politics for that Spring Semester. And shortly after I arrived there, I was contacted by the Department of Agriculture and asked if I would be interested in being considered for the position of Under Secretary for Rural Development.

Q: What year was that?

'95.

Q: Who contacted you?

Marian Berry, now a Congressman from Arkansas. And a rice farmer and pharmacist in Arkansas...and he at that time was the liaison between the Department of Agriculture and the White House. He called and asked if I was interested and then I met with him and Dan Glickman.

Q: Was this an appointment?

Yes, Senate confirmed.

Q: Would that position typically have gone to a Republican?

No, because it was during the Clinton presidency.

Q: And this was in '95. And you served as Undersecretary for how long?

Until January 21, 2001. I never actually lived in Washington; I just maintained an apartment there.

Q: And then?

I ran for Congress in 2002 while teaching at Indiana University South Bend and Manchester College, but lost. Then I was hired to run the National Center for Food and Agricultural Policy, a think tank.

Q: And who hired you?

The Board, at the time, the Chairman of the Board was Ken Ferrell who was retired from the University of California

Q: This was back in Washington?

Yes, I commuted.

Q: So you've been doing a lot of "back and forth"ing?"

I have, but you know there are very few jobs in Indiana that are in my area of interest.

Q: So you stayed in this position until 2006?

Until July 2007.

Q: Is that when you said “I’ve had enough”?

Oh no, I came back. I gave that job up to run for Governor.

Q: How did that unfold?

Several people called and said I should look at it.

Q: And once again, you were the first female in this particular role? How did you plan your campaign?

It was a winnable race, but there were party leaders in Indianapolis who wanted to maintain control of the party.

Q: To your detriment?

Yes.

Q: With respect to the race for Governor, at any time, did you ever feel the sting of discrimination?

Yes, on occasion. Women still face greater challenges when running for elected office — governor, president. It is easier to run for a legislative position than for an executive position. Even so, there are millions of people across the country who are equally comfortable voting for women or men candidates running for executive office.

Q: What about rank and file support?

Rank and file — a totally different matter. I had great support from voters and the polls reflected that.

Q: Let’s get to the actual election. Everybody felt and knew Indiana was going to be a squeaker. Did you feel you could ride on this new tide of “Clinton to Obama,” this Obama movement that had seemingly become seemingly unstoppable?

I knew President Obama’s strength in Indiana would certainly be of help.

Q: Did you think it would help carry you?

Well, I was hopeful that it would, but there was the fundraising differential between Governor Daniels and myself so I wasn’t sure that it could.

Q: What was the final gubernatorial voting split?

57/42, something like that.

Q: What were your feelings about the whole election process? Do you think it was worth it?

It was worth every long day put into the campaign.

Q: Did you maintain your “door to door” style?

You can’t maintain that practice statewide. I’d love to be able to do that, but you physically can’t.

Q: I’m just saying in selected communities, especially one which might constitute a swing district.

You can’t. I got over a million votes — you just can’t shake hands with a million people. I wish you could. It was a tremendous experience.

Q: You appeared to have a tremendous amount of grassroots workers.

I had very good grassroots support.

I think there’s a reason our Founding Fathers set up our government such that we would have representation in Congress rather than put every issue addressed through a referendum vote. That’s why my standard always was “what is the right thing to do, what is constitutional” and if it is not clear, what do I think my people who elected me to represent them, what would they see as the right answer if they were privy to all information that I have as a member of Congress? They don’t elect someone to simply be a referendum voter; they elect you to use good judgment and to research issues beyond what they can do because they have full-time jobs. My full-time job was to study the issues and to understand them.

— The Honorable Jill Long Thompson, 2009

Q: Do you feel opportunism would be an example of unethical conduct?

It is unethical. Service should be just that — public service.

Q: Would you take the position that Democrats are more ethical in terms of political policy-making than Republicans?

I would have to say I don't believe that.

Q: Do you believe ethical positions may be influenced by the dollar both in the business and in the political worlds? That is, an individual candidate's decision to regard a particular position as a "moral" stance might change when budget and fiscal concerns become a predominant concern?

I think issues are by and large complex, and real leadership, doesn't try to simplify an issue in order to get a vote. I also know there is a great deal of money influencing our political system.

Q: Recently, Secretary of Defense Robert Gates stated that one of the main differences between the current and former Commanders in Chief involves the amount of reflection given to a particular issue. Do you believe that it is important to investigate as many alternative courses of action before actually taking a firm stance?

And there are a number of Republicans who would do the same thing. There are many Republicans who are complex in their analyses.

Q: With respect to voting party lines, what percentage of representatives would you say would go against their party's stance due to conflicting individual moral principles?

Well, my moral principles tell me that if I'm an elected official, that my vote should be consistent with what my constituents would want if they had the same information that I have; if they had the opportunity to sit in the briefings and in the hearings. I never really found morality, my morality to be that different from the broader range of my constituents that I represent. What I thought was important was doing what I believed was consistent with their values, but taking into account the more detailed information that I had.

Q: Isn't that a significant qualifier? If they were privy to the same information as you?

It's a huge qualifier, and it's a judgment call every time.

Q: So because so many people don't watch newscasts or read newspapers, they might not be adequately informed. It would seem to me the majority of people you represent would not be privy to the same information you would have as their elected representative. If you were to poll your constituents on a particular issue and their position might be completely different from yours, do you believe that it is up to you to make an informed judgment call?

That's right, that's exactly right. I think there's a reason our Founding Fathers set up our government such that we would have representation in Congress rather than put every issue addressed through a referendum vote. That's why my standard always was "what is the right thing to do, what is constitutional" and if it is not clear, what do I think the people who elected me to represent them, what would they see as the right answer if they were privy to *all* information that I have as a member of Congress? They don't elect someone to simply be a referendum voter; they elect you to use good judgment and to research issues beyond what

they can do because they have full-time jobs. My full-time job was to study the issues and to understand them.

Q: When you were in Congress, did you make a point of trying to allow your constituents gain some access to the information only you had? A regular newsletter or other form of communication?

I did. I sent out newsletters somewhat regularly. I always tried to keep costs down, but I also held town meetings...very often.

Q: Were these meetings well attended?

Yes.

Q: I want to now address ethics legislation. As I understand, you introduced a particular piece of legislation dealing with ethical issues. What prompted this action?

Well, there are two reasons. One was that I thought the appearance, just the appearance of being allowed to accept gifts from lobbyists, was unethical. When I was first elected to Congress, it was standard practice for major lobbying organizations to send gifts to Congressional offices for members of Congress, such as hams at Christmastime, wrapping paper from the paper industry...and I think Giorgio perfume was sent to members of Congress prior to my serving. And some of that had tapered off, but there was some serious negative publicity, negative press on that particular practice. I thought it was important just for the sake of appearance because it is important for Members of Congress not only to conduct themselves ethically, but also for the public to perceive them as behaving ethically. The other reason is, I firmly believe, from my work as a doctoral student and my studies in consumer behavior and human behavior — that people are influenced by small gifts as well as by larger gifts. And I remember reading a study in graduate school where an experimental group was given peanuts to eat while reading propaganda were more likely to accept the position espoused in the propaganda literature than the control group that did not receive the peanuts. If you can be influenced by peanuts, you can be influenced by a fine dinner provided for by a lobbyist.

Q: Were you surprised no one else had introduced a piece of legislature previous to yours?

Well, Congressman John Bryant was working on similar legislation at that time. There were a number of us that were, but there were other members of Congress who were highly insulted by it and would say “I don’t want to get involved in that; I don’t think members of Congress are influenced.” Members of Congress thought they weren’t influenced, but they were.

Q: Did you share your research with them?

I did.

Q: And did it fall on deaf ears?

Pretty much.

Q: And would you say a majority of Congress people are JDs?

Law degrees you mean? There are a disproportionate number of attorneys; the representation of attorneys in the United States Congress is very strong.

Q: I ask this because one of the ethical rules that is inculcated in a law student's mind from the onset is to avoid even the appearance of impropriety. So I'm just wondering, why did it take so long for something this simple to be enacted into law to bind our public representatives?

I think some Members of Congress liked it; I think they liked the fact that lobbyists could take them out to dinner. They enjoy the perks. I remember the time the wife of a good friend of mine said "Frankly, we couldn't go out to dinner this often if the lobbyists weren't buying the meals." I didn't respond to her because she wasn't a member, but that was exactly my point.

Q: When you drafted this, what procedures were used?

I introduced it, but another version of it was passed after I left Congress. And now there are much stricter regulations for the House of Representatives.

Q: So when you started this, you basically got the ball rolling. Many people would regard government ethics as an oxymoron, or at least that most political figures are corrupt in some form or fashion, a conclusion often confirmed by news headlines. Would you agree?

There's actually a pretty strict Code of Ethics in the Federal Government, in both the Executive and Legislative branches. At one time, that was not the case. But since the ethics legislation was passed in the 1990s, the Legislative branch has been impacted.

Q: But from our Founding Fathers on, it's taken this long?

There have been ethics rules for a long time, but they simply were not as strong as they needed to be. It's taken a very long time, but what I think is even more interesting is that each state has its own ethics rules and laws, and some are very weak.

Q: Do you think the doctrine of preemption should apply to states' ethics codes, where state laws are trumped by federal laws when dealing with the same issue, unless the state laws give its citizens more rights? Do you think the states should do more?

I think the states should make their own laws. I think states should determine their own ethics laws. I think for state elections and state office holders and local office holders, policy should be determined at the state level and not at the federal level.

Q: Should there at least be a starting point, where, similar to the general doctrine of preemption, the federal government should establish a minimum standard?

No, because of state offices. I think there needs to be that separation. That's very important.

Q: So even if a particular state operates as if it were in the Wild, Wild West and less-than principled leaders don't look like they are going to be roped in anytime soon, how should that situation be handled?

I think that there should be a better effort to inform the public, but I also think that the serious work of state legislatures ought to be recognized as well, and even though the legislature is a part-time legislature, if they're doing their job, and most of them are, they're doing it year-round even though they only get paid for part-time work. And I think we need to be more open and honest, about the time demanded of people who are in the state legislature.

Q: It seems to me with the disclosure of former Governor Blagojevich's alleged attempt to exact money from certain individuals before new ethics legislation was scheduled to take effect in the State of Illinois in 2009, the issue of ethics — or the lack thereof — was brought to the surface concerning state governments. Where would you find the greatest differences in ethical practices with respect to federal branches?

The federal legislative and executive branches. And there are differences. There used to be a bigger differential.

Q: Let's go back to the various factors which influenced your decision to enter public service. Do you believe that your personal experiences (e.g., childhood, relationships with family members, spiritual experiences, and educational training) helped to provide the necessary impetus to translate your own sense of ethical behavior into actual government practices?

Definitely. I also believe that if you're not involved, you're letting someone else make the decisions and God didn't create you to let somebody else make all the decisions. It is so important to be a part of the process; it's what you're supposed to do.

Q: When we compare elected officials with the general electorate, is there really a difference in the general character between the populace and their elected officials?

I think elected officials are very much a reflection of the voters, and I often say when speaking to a group of students — elementary, high school, and even college — the people who get their names in the paper are either doing a great job or they are misbehaving. This is the case when it comes to corporate America, to the political arena, and even in organized religion. So we hear

more about the politicians who are misbehaving, but most people in elected office are really good people. They're smart, they get up and go to work every day, and they try to make the world a better place.

Q: However, if you say representatives are a reflection of the voters, should there be a double standard?

I think that if you're entrusted with public money, there should be a higher standard than what you would expect from the average citizen. But they are a reflection of the voters regardless; voters vote for them. If you don't like what you see in elected office, then make some changes. That's what I mean that they're reflections; elected officials are elected by the people and if the people allow themselves to be fooled, then they need to work a little harder to be good voters.

Q: What is your future forecast of the future of ethics in government?

I think that for the next five to ten years we're going to put new emphasis on ethics, not just in government, but in corporate America, because of the global financial crisis, and what we're learning. I think you're going to see a period of re-regulation that will hopefully constitute better regulation — not just more regulation.

Congressional Ethics Reform Act

MS. LONG: *Mr. Speaker, today I am introducing legislation to limit the acceptance of any bonus or gift offered to a Member of either the House or Senate.*

Specifically, the bill would disallow: gifts of any value; private financing of Congressional retreats; and Members from giving honoraria for speaking engagements to charities. The bill provides that gift limits would not apply to books or other informational materials, any gift accepted by the Congress under specific statutory authority, or any of the benefits granted to the general public or government employees.

In contrast with employees and officials of the executive branch who may accept gifts in certain instances, this legislation includes restrictions on Members receiving gifts from any person other than a family member or close personal friend.

Congressional Ethics Reform Act

103rd CONGRESS

1st Session

H. R. 2735

To limit the acceptance of gifts, meals, and travel by Members of Congress and congressional staff, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

July 26, 1993

Congresswoman Jill Long (Thompson) introduced the following bill which was referred jointly to the Committees on House Administration, the Judiciary, and Standards of Official Conduct:

A BILL

To limit the acceptance of gifts, meals, and travel by Members of Congress and congressional staff, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Ethics Reform Act."

SEC. 2. GENERAL STANDARDS.

(a) GENERAL PROHIBITIONS — A Member or employee shall not, directly or indirectly, solicit or accept a gift from any source except as provided in this Act.

(b) RELATIONSHIP TO ILLEGAL GRATUITIES STATUTE- Unless accepted in violation of subsection (c)(1), a gift accepted under the standards set forth in this Act shall not constitute an illegal gratuity otherwise prohibited by section 201(c)(1)(B) of title 18, United States Code.

(c) LIMITATIONS ON USE OF EXCEPTIONS — A Member or employee shall not:

- (1) accept a gift in return for being influenced in the performance of an official act;
- (2) solicit or coerce the offering of a gift;
- (3) accept gifts from the same or different sources on a basis so frequent that a reasonable person would be led to believe the Member or employee is using his public office for private gain;
- (4) accept a gift in violation of any statute; or
- (5) accept vendor promotional training contrary to any applicable regulations, policies, or guidance relating to the procurement of supplies and services for the Congress.

SEC. 3. DEFINITIONS. For purposes of this Act —

(1) EMPLOYEE- The term "employee" means an employee of the legislative branch.

(2) GIFT- The term "gift" includes any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of training, transportation, local travel, lodgings and meals, whether provided in-kind, by purchase

of a ticket, payment in advance, or reimbursement after the expense has been incurred. It does not include—

(A) modest items of food and refreshments, such as soft drinks, coffee, and donuts, offered other than as part of a meal;

(B) greeting cards and items with little intrinsic value, such as plaques, certificates and trophies, which are intended solely for presentation;

(C) loans from banks and other financial institutions on terms generally available to the public;

(D) opportunities and benefits, including favorable rates and commercial discounts, available to the public or to a class consisting of all Government employees, whether or not restricted on the basis of geographic considerations;

(E) rewards and prizes given to competitors in contests or events, including random drawings, open to the public unless the Member's or employee's entry into the contest or event is required as part of his official duties;

(F) pension and other benefits resulting from continued participation in a Member or employee welfare and benefits plan maintained by a former employer;

(G) anything which is paid for by the Government or secured by the Government under Government contract;

(H) any gift accepted by the Congress under specific statutory authority;

(I) anything for which the market value is paid by the Member or employee; and

(J) any books, written materials, audio tapes, videotapes, or other informational materials.

(3) MARKET VALUE- The term 'market value' means the retail cost the Member or employee would incur to purchase the gift. A Member or employee who cannot ascertain the market value of a gift may estimate the market value by reference to the retail cost of similar items of like quality. The market value of a gift of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit shall be the face value of the ticket.

(4) MEMBER- The term 'Member' has the meaning given such term in section 109(12) of the Ethics in Government Act of 1978 (5 U.S.C. App. 6 sec.09).

(5) SOLICITATION OR ACCEPTANCE —

(A) A gift is solicited or accepted because of the Member's or employee's official position if it is from a person other than a Member or employee and if a reasonable person with knowledge of all relevant facts would conclude that it would not have been solicited, offered, or given had the Member or employee not held his position as a Member or employee.

(B) A gift which is solicited or accepted indirectly includes a gift—

(i) given with the Member's or employee's knowledge and acquiescence to his or her parent, sibling, spouse, child, or dependent relative if a reasonable person with knowledge of all relevant facts would conclude that the gift was given because of that person's relationship to the Member or employee; or

(ii) given to any other person, including any charitable organization, on the basis of designation, recommendation, or other specification by the Member or employee, except as permitted for the disposition of perishable items by section 5(a)(2).

(6) ETHICS COMMITTEE — The term Ethics Committee with respect to the House means the Committee on Standards of Official Conduct and with respect to the Senate means the Select Committee on Ethics.

(7) VENDOR PROMOTIONAL TRAINING- The term 'vendor promotional training' means training provided by any person for the purpose of promoting its products or services. It does not include training provided under a congressional contract or by a contractor to facilitate use of products or services it furnishes under a congressional contract.

SEC. 4. EXCEPTIONS.

The prohibitions set forth in section 2 do not apply to a gift accepted under the circumstances described in paragraphs (1) through (9) of this section and a gift accepted in accordance with one of those paragraphs will not be deemed to violate section 2 of this Act.

(1) **GIFTS BASED ON A PERSONAL RELATIONSHIP-** A Member or employee may accept a gift given under circumstances which make it clear that the gift is motivated by a family relationship or personal friendship rather than the position of the Member or employee. Relevant factors in making such a determination include the history of the relationship and whether the family member or friend personally pays for the gift.

(2) **DISCOUNTS AND SIMILAR BENEFITS-** In addition to those opportunities and benefits excluded from the definition of a gift by section 3(2)(D), a Member or employee may accept—

(A) reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications; and

(B) opportunities and benefits—

(i) offered to members of a group or class in which membership is unrelated to congressional employment; or

(ii) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment if the same offer is broadly available to large segments of the public through organizations of similar size. A Member or employee may not accept for personal use any benefit to which the Government is entitled as a result of an expenditure of Government funds.

(3) **HONORARY DEGREES—**

(A) A Member or employee may accept an honorary degree from an institution of higher education (as defined in section 1141(a) of title 20, United States Code) based on a written determination by the Ethics Committee that the timing of the award of the degree would not cause a reasonable person to question the Member's or employee's impartiality in a matter affecting the institution.

(B) A Member or employee who may accept an honorary degree pursuant to subparagraph (A) may also accept meals and entertainment given to him and to members of his family at the event at which the presentation takes place.

(4) **GIFTS BASED ON OUTSIDE BUSINESS OR EMPLOYMENT RELATIONSHIPS —** A Member or employee may accept meals, lodgings, transportation and other benefits —

(A) resulting from the business or employment activities of a Member's or employee's spouse when it is clear that such benefits have not been offered or enhanced because of the Member's or employee's official position; or

(B) resulting from his or her outside business or employment activities when it is clear that such benefits have not been offered or enhanced because of his or her official status.

(5) **POLITICAL EVENTS —** A Member or employee may accept meals, lodgings, transportation and other benefits, including free attendance at events, when provided in connection with active participation in political management or political campaigns by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

(6) **WIDELY ATTENDED GATHERINGS AND OTHER EVENTS—**

(A) **SPEAKING AND SIMILAR ENGAGEMENTS-** When a Member or employee participates as a speaker or panel participant or otherwise presents information related directly or indirectly to the Congress or matters before the Congress at a conference or other event, his or her acceptance of an offer of free attendance at the event on the day of the presentation is permissible when provided by the sponsor of the event. The Member's or employee's

participation in the event on that day represents a customary and necessary part of the performance of his or her responsibilities and does not involve a gift to him or to the Congress.

(B) WIDELY ATTENDED GATHERINGS—

(i) A Member or employee may accept a sponsor's unsolicited gift of free attendance at all or appropriate parts of a widely attended gathering of mutual interest to a number of parties. A gathering is widely attended if, for example, it is open to members from throughout a given industry or profession or if those in attendance represent a range of persons interested in a given matter.

(ii) A gathering is not widely attended if it is a congressional retreat to which a majority of Members of either House of Congress or the majority of the Members of a political party in one or both Houses are invited and which is held outside the United States Capitol grounds.

(C) FREE ATTENDANCE — For purposes of subparagraphs (A) and (B), free attendance may include waiver of all or part of a conference or other fee or the provision of food, refreshments, entertainment, instruction and materials furnished to all attendees as an integral part of the event. It does not include travel expenses, lodgings, entertainment collateral to the event, or meals taken other than in a group setting with all other attendees.

(D) COST PROVIDED BY SPONSOR OF EVENT- The cost of the Member's or employee's attendance will not be considered to be provided by the sponsor where a person other than the sponsor designates the Member or employee to be invited and bears the cost of the Member's or employee's attendance through a contribution or other payment intended to facilitate that Member's or employee's attendance. Payment of dues or a similar assessment to a sponsoring organization does not constitute a payment intended to facilitate a particular Member's or employee's attendance.

(E) ACCOMPANYING SPOUSE- When others in attendance will generally be accompanied by spouses, a Member or employee may accept a sponsor's invitation to an accompanying spouse to participate in all or a portion of the event at which the Member's or employee's free attendance is permitted under subparagraph (A) or (B).

(7) PROTOCOL EXCEPTION — A Member or employee who is on official travel to a foreign area or who is attending an event sponsored by a foreign government may accept food, refreshments, or entertainment in the course of such travel or event provided that such acceptance is in accordance with any rules that the Ethics Committee may establish.

(8) GIFTS ACCEPTED UNDER SPECIFIC STATUTORY AUTHORITY — The prohibitions on acceptance of gifts contained in this Act do not apply to any item, receipt of which is specifically authorized by statute.

(9) ITEMS PRIMARILY FOR FREE DISTRIBUTION TO CONSTITUENTS — A Member or employee may accept food or other items of minimal value intended primarily for free distribution to visiting constituents.

SEC. 5. PROPER DISPOSITION OF PROHIBITED GIFTS.

(a) IN GENERAL- A Member or employee who has received a gift that cannot be accepted under this Act shall—

(1) return any tangible item to the donor or pay the donor its market value (a Member or employee who cannot ascertain the actual market value of an item may estimate its market value by reference to the retail cost of similar items of like quality);

(2) when it is not practical to return a tangible item because it is perishable, the item may be given to an appropriate charity or destroyed;

(3) for any entertainment, favor, service, benefit or other intangible, reimburse the donor the market value (subsequent reciprocation by the employee does not constitute reimbursement); and

(4) dispose of gifts from foreign governments or international organizations in accordance with rules established by the Ethics Committee.

(b) USE OF APPROPRIATED FUNDS TO RETURN GIFTS- A Member or employee may use appropriated funds and franked mail to return gifts.

(c) PROMPT COMPLIANCE- A Member or employee who, on his own initiative, promptly complies with the requirements of this section will not be deemed to have improperly accepted an unsolicited gift. A Member or employee who promptly consults his Ethics Committee to determine whether acceptance of an unsolicited gift is proper and who, upon the advice of the Ethics Committee, returns the gift or otherwise disposes of the gift in accordance with this section, will be considered to have complied with the requirements of this section on his own initiative.

SEC. 6. CHARITABLE DESIGNATION OF OUTSIDE EARNED INCOME.

Subsection (c) of section 501 of the Ethics in Government Act of 1978 is repealed.

SEC. 7. REPEAL OF OLD RULE.

Section 901 of the Ethics Reform Act of 1989 (2 U.S.C. 31-2) is repealed.

SEC. 8. ACCEPTANCE OF TRAVEL AND RELATED EXPENSES FROM NON-FEDERAL SOURCES.

(a) IN GENERAL — The Ethics Committees shall prescribe rules establishing the conditions under which their respective Houses may accept payment, or authorize a Member or employee to accept payment on the House's behalf, from non-Federal sources for travel, subsistence, and related expenses with respect to attendance of the Member or employee (or the spouse of such Member or employee) at any meeting or similar function relating to the official duties of the Member or employee. Any cash payment so accepted shall be credited to the appropriation applicable to such expenses. In the case of a payment in kind so accepted, a pro rata reduction shall be made in any entitlement of the Member or employee to payment from the Government for such expenses.

(b) RULES- The rules prescribed pursuant to subsection (a) shall—

(1) require that the Ethics Committee approve in advance all travel for which related expenses are to be reimbursed;

(2) condition such approval on a determination by the Ethics Committee that acceptance of reimbursement would not cause a reasonable person with knowledge of all the facts relevant to a particular case to question the integrity of the Member, the Congress or congressional operations; and

(3) prohibit reimbursement for items beyond those reasonably necessary for the Member or employee to participate in the event.

(c) GENERAL PROHIBITION- Except as provided in this section or any other statute, no Member, employee, or House of Congress may accept payment in cash or in kind for expenses referred to in subsection (a). A Member or employee who accepts any such payment in violation of the preceding sentence—

(1) may be required, in addition to any penalty provided by law, to repay, for deposit in the general fund of the Treasury, an amount equal to the amount of the payment so accepted; and

(2) in the case of a repayment under paragraph (1), shall not be entitled to any payment from the Government for such expenses.

(d) REPORTS-

(1) IN GENERAL- The Ethics Committees shall, in the manner provided in paragraph (2), publish in the Congressional Record reports of payments of more than \$250 accepted under this section.

(2) CONTENTS- The reports required by paragraph (1) shall, with respect to each payment—

(A) specify the amount and method of payment, the name of the person making the payment, the name of the Member or employee, the nature of the meeting or similar function, the time and place of travel, the nature of the expenses, and such other information as the Ethics Committee may prescribe;

(B) be submitted not later than May 31 of each year with respect to payments in the preceding period beginning on October 1 and ending on March 31; and

(C) be submitted not later than November 30 of each year with respect to payments in the preceding period beginning on April 1 and ending on September 30.

(H.R. 2753 and was introduced in July 1993 and its full content can be viewed at <http://thomas.loc.gov/cgi-bin/bdquery/D?d103:35:./temp/~bdaiDn>)

Biography

Jill Long Thompson: Member, Farm Credit Administration Board Washington D.C.

Jill Long Thompson is a former Member of the United States House of Representatives and the former Under Secretary for Rural Development at the United States Department of Agriculture. She also served as Chief Executive Officer and Senior Fellow at The National Center for Food and Agricultural Policy, a not-for-profit, non-advocacy research and policy organization. She is the first and only woman to be nominated by a major party to run for Governor in Indiana, as well as the first and only Hoosier woman to be nominated by a major party to run for the United States Senate. Long Thompson joined the faculty at Valparaiso University in 1981 and in 1983 was elected to the City Council. In 1989 Long Thompson was elected to represent Northeast Indiana in Congress. She went on to serve three terms in the House, where she was a member of the Agriculture Committee and the Committee on Veterans' Affairs. She introduced one of the nation's first pieces of legislation banning Members of Congress from accepting gifts and expanding the disclosure requirements for lobbying activities. After leaving Congress, Long Thompson was appointed by President Bill Clinton to serve as the Under Secretary for Rural Development at the United States Department of Agriculture. In her five years at USDA, she oversaw a \$10 billion annual budget and 7,000 employees while managing a number of programs that provide services to the underserved areas of rural America. Long Thompson earned a B.S. in Business Administration from Valparaiso University and an M.B.A. and Ph.D. in Business from the Kelley School at Indiana University.