

Reining In Our Writers on the Hill

Both the House of Representatives in its Dec. 22 vote and The Post in its Dec. 26 editorial ["Don't Ban Congressional Books"] got it half right on the subject of members of Congress writing books for profit. Banning unearned advances and requiring royalties and other terms of book contracts to be approved under a "usual and customary" standard are positive steps. But the new rule falls far short of what the House ethics committee recommended and existing law and sound policy require.

There can be no doubt that the worst potential for abuses occurs when members write books and receive huge advances that look like gifts (which were recently banned) or bribes. Those would now be forbidden. The problem is that the exception for royalties still leaves lots of room for mischief.

What The Post failed to see is that the debate is not about whether members of Congress should write books, any more than the debate about honoraria and speeches was about whether members should be forbidden to express their views. In both cases the issue was the propriety of accepting money in circumstances in which it appears to many that the payment is being made more because of who the speaker or writer is than because of what he or she has to say. Publishers started bidding for the works of Newt Gingrich because he became Speaker Gingrich, not because his prose suddenly turned magnificent and profound.

Officials in the executive branch can write books, but they cannot accept royalties if the book is related to their work—a major impediment to trading on one's office that was not included in the new House rule. At least when Sen. William Cohen wrote his novel, he avoided that problem.

In addition to royalties, there are other ways to funnel money into members' pockets or provide them non-pe-

uniary benefits. Consider the book tour and its potential for extensive travel and exposure to important audiences and media, not to mention lavish living on the road, usually with a spouse in tow. As any author will relate, publishers have enormous discretion in how much publicity they are

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prepared to sponsor, and it will be almost impossible for the House to police those practices, even if its ethics committee is inclined to do so. Moreover, because some authors are "worth" more than others and command higher royalty rates, it will not be easy to determine whether the royalties being paid are usual or are a special payment. And it doesn't take a genius to find opportunities for evasion, especially if friendly lobbyists arrange to buy large numbers of copies for their trade association clients who are dying to read the member's golden words.

Then there is the issue of who is actually going to write these books. The new House rule allows publishers to pay advances to ghost writers and also full royalties to members who may have done no more than lend their names to the book and read over what others have written. The rule would forbid advances for congressional staff, but it wouldn't bar aides from devoting their off-duty, and perhaps not-so-off-duty, time to working on a book, enabling members to save on the advance to outsiders and pocket all the earnings themselves.

There is another reason why the House rules should subject book royalty income to the 15 percent earned income limitation that governs congressional earnings generally: It would bring the House into compliance with the existing ethics law that applies to

all outside earned income, whether from digging ditches, practicing medicine or writing books.

That statute was passed in 1989, as part of a package in which House members received substantial pay raises and now earn more than \$133,000 a year. It applies to senior officials in all three branches of government because Congress decided to pay those officials reasonably well but, at the same time, limit the amount of their outside earnings to 15 percent (although they can continue to clip coupons, collect rents or accept royalty checks from their pre-government writings).

In addition to being clear and easily administered, which the new House rule is not, the 15 percent limit serves as a proxy for another important government interest: seeing that high officials are not diverted from their primary jobs by trying to get rich on the side.

The question is not whether members of Congress should write about their experiences or even earn significant amounts of money from doing so. The question is whether they should do so while in office. Even if the statute limiting outside income to 15 percent did not apply to book royalties earned while in office—which it plainly does—the House rule causes too many problems, for too few benefits, when members write books for profit while serving in Congress.

The Senate has a rule similar to the old House rule, but its leader has no lucrative book contract that might be affected by a change. This should make it easier for the Senate to do the right thing when it reconvenes in January. And maybe, if the Senate adopts the proposal of the House ethics committee and makes all royalty income subject to the 15 percent rule, the House might think the better of it and comply with the law also.

The writer is an attorney with Public Citizen.