

# KEEPING THE LID ON THE KOREAN SCANDAL

*The House Ethics Committee  
won't name the names of  
fellow Congressmen*

By RICHARD HALLORAN

**T**HE HOUSE ETHICS COMMITTEE IS fast approaching a moment of truth: The issue is whether the committee will name those congressmen who have improperly accepted money, gifts, or favors from officials or agents of the South Korean government. Put another way, the question is whether the committee will identify for the public those members of the House who have violated the Constitution, the standards of official conduct, and their public trust.

The issue is in doubt because the record of the Ethics Committee, in this and in earlier inquiries, is less than stellar. Led by Representative John J. Flynt, Jr. (D.-Ga.), the committee has not achieved a reputation for the sort of tough, detached, impartial investigative work that everyone in

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Washington agrees will be necessary for this unenviable task.

As the Congress reconvenes, the committee is proceeding along two tracks, both of which take it beyond the investigation of the Justice Department, which is limited to criminal prosecutions. One is to question congressmen, their staff aides, and other witnesses on what the congressmen may have taken from Korean officials or such covert agents as Tongsun Park, the businessman who had his headquarters in Washington. The other is to try to persuade the Korean government to make information available from Park and from former Korean ambassadors to Washington, senior officers of the Korean Central Intelligence Agency, and intelligence officers who served in the United States.

Neither of these inquiries, however, can proceed forever. The committee has nearly exhausted its sources of information, including those in the American intelligence agencies. The Korean government, barring a stunning turnabout, has given little sign of cooperating with the committee. There is talk in Washington of forcing the Koreans to cooperate by cutting off economic and military aid. But that would be time-consuming and risky, both politically and strategically. Thus, the committee will soon be confronted with a decision to go public with what it has, even if that is incomplete, or to keep plodding along in hopes that the issue will somehow either resolve itself or quietly die.

Representative Bruce F. Caputo, Republican of New York and the committee's resident critic, is pessimistic. In a recent interview, he said he does not foresee any public action within the next few months. "Chairman Flynt has been telling the speaker [Thomas P. ("Tip") O'Neill of Massachusetts] that nothing has changed, that everything is under control, and to trust him."

But Caputo was a bit more optimistic about the more distant future. "The committee is on a collision course," he said. "The staff won't tolerate an indefinite delay. The evidence against some congressmen is compelling and too many people know about it, including me, for it to go away unnoticed." Moreover, Caputo, who has been outspoken since he came to Congress a year ago, warned that "there are ways to bring it out if the committee doesn't do it." Caputo doesn't come right out and say it, but one of those ways is obviously full-scale leaks to the press, with all the turmoil that might cause. Insiders on Capitol Hill have said the same thing privately.

**C**HAIRMAN FLYNT, THE COURTLY Georgian who has been feuding with Caputo almost since the day the Korean inquiry began, was in Europe on an appropriations committee trip and was not available to comment for this article. A spokesman, however, indicated that the chairman feels no sense of urgency about the investigation and said that Flynt favors "just plodding along, doing just what we've been doing all along."

On the other hand, Jaworski, the special counsel to the committee who gained fame as special prosecutor of the Watergate case, has maintained since he began with the committee in August that the investigation would be a thorough one. "The trust of the people in this great chamber is in issue," he said then. "To preserve that trust, we can agree that the House itself must ferret out all the facts, it must lay them before the American people, and wherever guilt is found, it must take appropriate corrective measures."

Jaworski's view was echoed during a hearing in October

by Representative Richardson Preyer, Democrat of North Carolina and a former judge. Said Preyer, "I think one of the questions the public will be asking during these hearings is whether Congress can be trusted to investigate itself." Preyer, who is quiet but perhaps the most judicious of the 12-member committee, seemed to have misgivings. "I don't think any final verdict on that can be entered until all the hearings are completed, until the report is written. I hope judgment will be suspended until that time." Then, in a tone of hope, he added, "I personally feel that we will answer that question in the affirmative."

There is no certainty, however, that the views of Jaworski or Preyer are shared by the chairman or the majority of the committee. Jaworski is responsible to the speaker, Tip O'Neill, and to the House itself for the conduct of the investigation. But Flynt controls the committee, when it will meet, whether it will meet in open or closed session, how it will proceed, what issues it will raise, and to some extent how it will vote. O'Neill, despite his public endorsement of a complete examination of the scandal and his recruitment of

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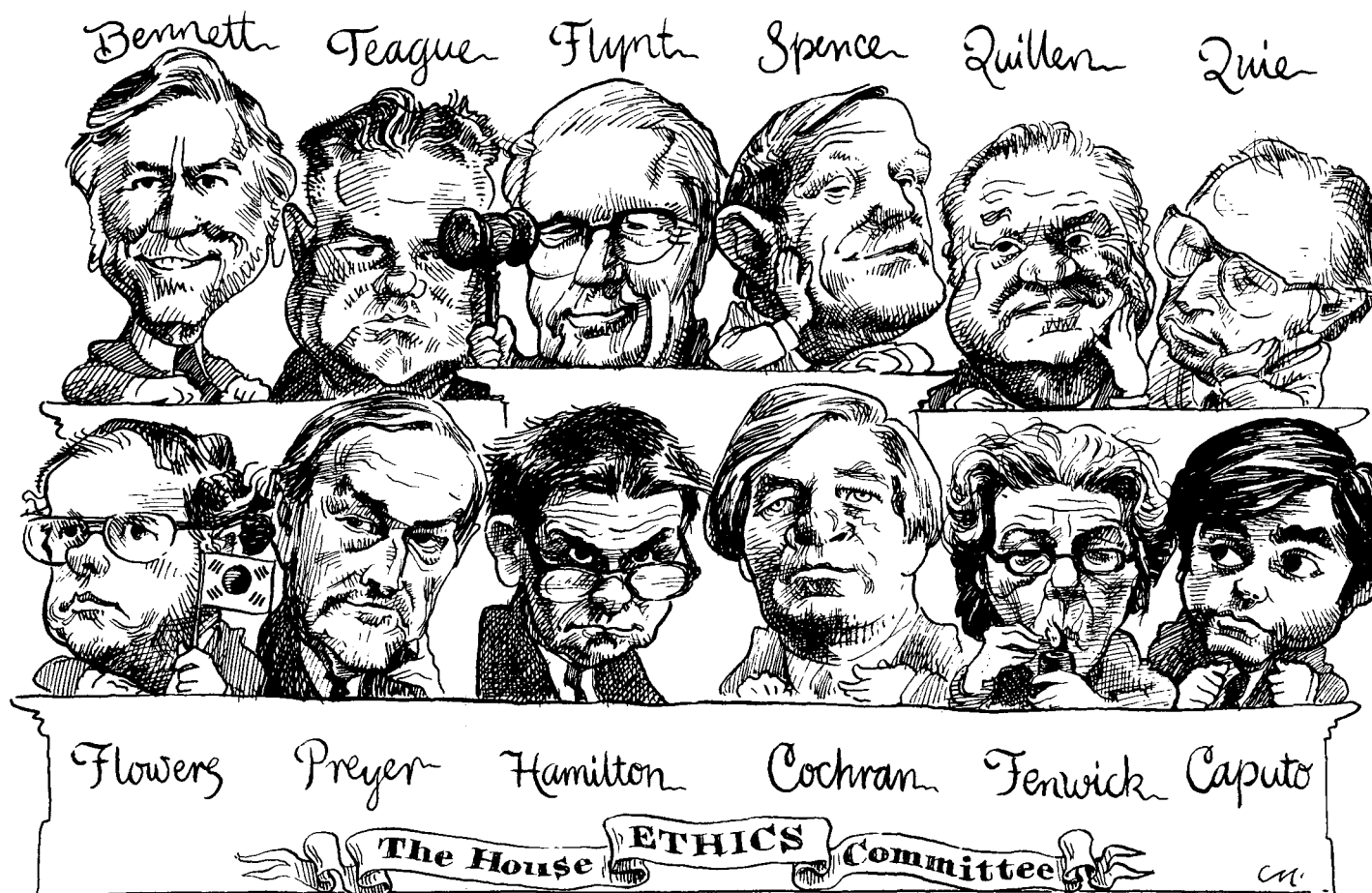
Jaworski, has shown no inclination so far to interfere with Flynt's prerogatives as chairman.

With the investigation itself being the province of Jaworski, the committee has become, in effect, a grand jury, which will consider the evidence presented to it by the staff. Insiders on Capitol Hill say that the members of the committee most reluctant to censure or reprimand their colleagues include Flynt, Floyd Spence (R.-S.C.), the ranking minority member; Olin Teague (D.-Tex.); and James Quillen (R.-Tenn.). Two others who have shown little enthusiasm for the inquiry are Thad Cochran (R.-Miss.) and Walter Flowers (D.-Ala.), both of whom, evidence indicates, may have conflicts of interest.

At the other end of the spectrum are the committee's two activists, Millicent Fenwick of New Jersey and Bruce Caputo of New York, the junior Republicans. Both have steadfastly urged that the committee move ahead with all deliberate speed, with Fenwick having been more moderate than the aggressive Caputo.

In between are the swing votes, including those of Preyer and Charles E. Bennett, Democrat of Florida and a longtime campaigner for ethical standards in the House. Representatives Lee Hamilton (D.-Ind.) and Albert H. Quie (R.-Minn.) have both sat quietly through most of the committee's public sessions and must also be considered undecided.

The political pressures on the committee are conflicting. In the Congress as a whole, those most eager to see the investigation completed soon, with the culprits identified and punished, are largely young Democrats who fear they may be hurt in next fall's elections. They are concerned that their



Republican opponents can hit them with the charge that a Democratic Congress cannot or will not clean itself up. The Democratic Party may be vulnerable because senior Democrats are among those alleged to have taken illicit favors from the Koreans. Added to this are the Republicans who have called the Korean scandal the Democrat's Watergate and see it among the best election issues they may have next fall. On the other side are the senior Democrats who have contended that the scandal is more smoke than fire and ought to be let alone. As an official in the administration put it jestingly, in terms reminiscent of the Nixon White House's early statements on Watergate: "They see this as nothing more than a third-rate bribery."

So far the committee appears to have favored the Democratic leadership. Although Jaworski has been careful to say repeatedly that the committee is not interested in Korean political mores, that all the committee wants is the facts so that it can discover which congressmen broke the rules, the committee has focused on the Koreans rather than on the Americans. This was particularly evident during the three days of hearings it held last October. Flynt said then that those hearings would not touch on congressmen because "premature presentation of evidence relating to [the next phase of the investigation] holds a risk of defaming persons who may eventually be exonerated, and the rules of the House preclude the release of such untested information in open session."

Even so, no effort was made to protect the reputations of Koreans repeatedly named in the course of the hearings, some of whom were clearly accused of breaking American law. While a spokesman of the Korean government could have been given the opportunity to testify, the committee did not invite one. Yet the names of congressmen were assidu-

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ously excised from all testimony and documents, with a few exceptions. One was the result of a slip-up, when a former employee of Tongsun Park said he delivered a white envelope to the office of Otto Passman, then a Democratic representative from Louisiana, and picked up a gold watch in return. At another point, the committee staff gingerly brought in the name of Richard T. Hanna, the former Democratic representative from California who has been indicted for conspiracy, bribery, and illegally acting as a foreign agent.

At this point in the hearing, Caputo objected, asserting, "I think we have been highly selective as to whom we defame or incriminate." After a testy exchange with Chairman Flynt, who tried to cut him off, Caputo continued: "I am disappointed that we have clearly made statements to defame and degrade Mr. Tongsun Park this morning. We have made statements as to numerous individuals, some American, some Korean, some members of Congress. I fail to see the



purpose of restriction of information in the nature of testimony and questions." He was ignored by Flynt, who turned to the committee staff to resume questioning.

The impression that the Koreans are on trial has been enhanced, perhaps inadvertently, by another Korean investigation, that of the House subcommittee on international organizations led by Representative Donald M. Fraser (D.-Minn.). Fraser's charter runs only to looking into Korean efforts, overt and covert, to influence American policy. But during a recent hearing, his subcommittee deleted the names of congressmen, administration officials, scholars, and even journalists that a Korean operational plan listed as targets for "manipulation." Naming them would have carried no connotation of wrongdoing. But deleting them added to the impression that Congress is interested only in protecting congressmen, since many names of Korean officials came into the testimony.

Adding to that impression are the indictments obtained by the Department of Justice. Only one, which names Hanna, is against a former congressman. The other two are against Tongsun Park, the businessman and socialite, and Hancho C. Kim, a naturalized American citizen who lives in a suburb of Washington.

**W**HETHER THIS IMPRESSION is correct or not, the fact is that the Ethics Committee has a good idea of which congressmen took what. According to one insider, they have "tons of evidence" of a few criminal offenses and many unethical actions. Some of this evidence is based, in part, on a questionnaire that about 770 present and former representatives were required to answer last summer. This questionnaire brought an estimated 115 congressmen under initial scrutiny. During the fall, the staff of the committee winnowed that number to about 50 sitting congressmen who, along with their staffs and associates, have been questioned further. (The committee has decided to drop the investigation of many former congressmen because it feels its authority in that area is unclear.)

Some congressmen's names have already been made public in one way or another. The indictment against Tongsun Park lists seven present and seven former congressmen as having gotten campaign contributions from Park in 1970, when the operation began. The seven still in the House are Udall, Democrat of Arizona, who got \$300, and Melvin Price, Democrat of Illinois, Thomas Foley, Democrat of Washington, Eligio de la Garza, Democrat of Texas, John Murphy, Democrat of New York, and William Broomfield, Republican of Michigan, who got \$500 each. Representative John Brademas, Democrat of Indiana and the House whip, got a \$500 campaign contribution and rebates on fund-raisers held at Park's George Town Club in the amounts of \$1700 and \$2950. Representative John McFall, Democrat of California, was given cash, \$1000 one time, \$3000 another, plus a party. Former Representative, now Senator, Spark M. Matsunaga, Democrat of Hawaii, got a \$1000 campaign contribution. Former Senators Joseph Montoya, Stuart Symington, and Harry Byrd got \$3000, \$500, and \$500 respectively. Former Representative Albert Johnson, Republican of Pennsylvania, got \$1000 in cash shortly after inserting a pro-Korean statement into the *Congressional Record* at Park's request. Former Representa-

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tive, now Governor of Louisiana, Edwin Edwards, got \$10,000 in campaign contributions, and his wife got another \$10,000.

The indictment of Hanna repeats some of the information included in the Tongsun Park indictment and adds new facts. Hanna is portrayed as an agent of the Korean government who was paid more than \$100,000 by Park. (He has denied the charges.) Beyond that, the indictment reports that Representative Edward Patten, Democrat of New Jersey, did favors for the Korean government on three separate occasions at the request of Park or Hanna. It also reports that Melvin Price, who was once chairman of the Ethics Committee and is now chairman of the Armed Services Committee, submitted a pro-Korean statement at Hanna's request to a House subcommittee investigating the repression of human rights in Korea in 1974.

Hanna got several others to do the same. One of those who submitted such a statement defending the Koreans was Walter Flowers, a member of the Ethics Committee.



There is more in the public record. Speaker O'Neill, for instance, was honored at two big parties given by Park. So were former Attorney General William Saxbe and the director of the Federal Bureau of Investigation, Clarence Kelley. Another member of the Ethics Committee, Thad Cochran, took a trip to Taiwan and Korea that was financed by the quasi-official Pacific Cultural Foundation of Taiwan.

The indictment of Hanchu C. Kim does not mention congressional names, for reasons unknown. But it does report specific contacts with congressmen, and that information, plus more, presumably can be or has been obtained by the committee from the Justice Department.

There is no question that a considerable amount of specific information on the activities of U.S. officials is available to the Ethics Committee. None of the information on congressional behavior in the Park and Hanna indictments has been denied. The Ethics Committee, therefore, need only call in each congressman, ask him to verify the record, and to give his version of how he came by the money. Putting that data together with what has been collected from other sources, the committee must decide whether the congressman acted properly or not. In the early 1970s, it was legal for a congressman to accept campaign contributions from foreigners but not from agents of a foreign government. (It is illegal today to accept a contribution from any foreigner.) The crucial question is, Should the congressmen have known that Tongsun Park was a foreign agent, or should each at least have taken a closer look at the source of the funds since Park's reputation was then beginning to spread on Capitol Hill?

**T**HE COMMITTEE, HOWEVER, HAS given little indication of when it expects to start deciding which congressmen, if any, have transgressed the bounds of constitutional and ethical behavior. Spokesmen for the committee offer several arguments for the slow progress.

To begin with, the House rules dictate that defamatory information against a congressman must first be heard in closed session with the accused given the chance to refute the allegations. That is a critical time, because if the majority of the committee believes the congressman, they can vote not to make the allegations public. Thus the electorate will never be able to judge for itself whether a congressman was unjustly accused and should have been exonerated, or was indeed guilty of an indiscretion or worse.

Secondly, the committee contends that the inquiry must be conducted in what it calls logical sequence. That means first determining what the Koreans did, then moving on to discover what illicit favors the Americans took. Attorneys for the committee have also argued for what one calls the "cookie jar theory." It holds that the investigation should be completed before any congressman faces a committee hearing. Otherwise, the committee may catch him only with his hand in the cookie jar and miss a more serious violation. In addition, some members of the committee argue that going into public hearings too soon may cause the investigators to overlook clues on one congressman that picked up from the investigation of another.

Among the more vigorous arguments Flynt and Jaworski have made is that the South Korean government has not cooperated with the committee. Seoul has withheld from the

committee any testimony from Tongsun Park; from former directors of the KCIA, which coordinated the influence-buying operation; from former Korean ambassadors and KCIA station chiefs in Washington who executed the plan; and from other officials.

The Korean government's grudging and restricted surrender of Park to the Justice Department served only to infuriate Flynt and Jaworski. They contended that questioning Park in Seoul would be next to useless, as he would be under the eye of Korean officials. They further charged that the Justice deal with Seoul would delay the committee's interrogation of the witness and would probably cut off chances of getting other vital information. The chairman and the special counsel have steadfastly contended that the committee would be unable to do a thorough job without those firsthand witnesses. That has led skeptical observers here to wonder whether the committee was preparing to lay the blame on the Koreans for its failure to pursue the inquiry successfully.

An obstacle not discussed publicly—but which insiders note privately—has been the reluctance of the intelligence community and the Justice Department to share information with the committee, or if they do share it, to permit it to be used publicly. The intelligence agencies say they don't want their sources and methods exposed. The Justice Department says it doesn't want to jeopardize its cases by premature publicity.

But there are other reasons for the committee's sluggish pace, some of them subtle. Perhaps the main one is attitude, which shows up in many ways, great and small, in the chairman and among many of the members. Those on the committee are quick to defend their procedures as fair and responsible. But that sense of fairness seems confined to congressmen and does not extend to others, particularly to Koreans.

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During the October hearings, James Quillen, who was in a delegation on a trip to Korea arranged by Park in 1971, interrupted the testimony of General Kim Hyung Wook, a former director of the KCIA. Quillen commented: "Well, I think it's good for these facts to come out, because I can't imagine a stable government like South Korea embarking on such a program to a country that has supported always and still supports the government of South Korea against the government of North Korea.

"To me," Quillen continued, "the semblance of offering favoritism, offering money, offering other gratuities, to me, just stinks to high heaven." Quillen did not comment on the ethics of American congressmen who might have taken the Korean offers of money or other favors.

The underlying protective attitude popped up in other

ways. After former Representative Passman's name inadvertently came out in connection with the white envelope delivered to his office and the gold watch picked up, Bennett came to Passman's defense. He asked the witness: "Since I used to know Mr. Passman quite well, do you know that Mr. Passman for many, many years has had a hobby of collecting antique watches?" The witness answered: "Frankly, I can say I don't know about Congressman Passman."

**A** *S IN ANY CONGRESSIONAL COMMITTEE*, it is the chairman who sets the tone—and that, for Flynt, has been colored with reluctance from the start of his tenure in 1975. He once observed that "it is never pleasant or easy to sit in judgment of one's peers," a comment with which few will disagree. His attitude became evident during the investigation of Representative Robert L. Sikes (D.-Fla.) for alleged conflict of interest. Flynt had to be urged by 45 members of the House to undertake the inquiry. Then, after a committee vote to reprimand Sikes, Flynt was upset over the publicity it generated. "The committee has no intention," he said, "to dramatize evil for unsated appetites of writers or readers, broadcasters or listeners."

In the early days of the Korean investigation, Flynt was again in no hurry. He called meetings of the committee infrequently and made clear that the Korean inquiry was well down the ladder of priorities for his time and attention. Some other members felt the same. When Flowers came out of a closed committee meeting one day, a newsman in the corridor asked him why the members weren't spending more time on the investigation. "We've got better things to do around here," Flowers snapped as he walked off.

The lethargy in the committee prevailed from December 1976 until July 1977, when it became too much for Philip A. Lacovara, the smooth but dynamic special counsel who preceded Jaworski. When Lacovara prodded Flynt and the committee, the chairman flared up and stiffly reminded Lacovara that he was an employee of the committee and neither its chairman nor a member. That spoke volumes for Flynt's attitude toward independent inquiry. Flynt then threw back a bill for Lacovara's legal fees, forcing him to resign as special counsel. With the integrity of the House in jeopardy, Speaker O'Neill stepped in to take the investigation itself away from the committee and to hand it to Jaworski.

Flynt is clearly aware of the doubts about his willingness to push ahead. His opening statement in the October hearings was touchy and defensive: "During the course of this investigation," he said, "we have received unsolicited advice and suggestions from many sources. Since such sources have no responsibility for the final end product of this investigation, they could enjoy the luxury of inaccuracy, recklessness, and occasional falsehood which we who shoulder responsibility cannot afford."

"The qualities of a good investigation," Flynt continued, "are as elusive and impossible to define as the qualities which mark a gentleman. Those who need to be told would not understand anyway."

Flynt's sense of fairness came into question in several instances. He and the staff repeatedly cautioned witnesses not to mention the names of congressmen in their testimony. Yet before the hearings opened, the staff issued a list of the names of 24 Koreans as a help in identifying them.

Throughout the testimony, the names of Koreans from President Park Chung Hee down through senior officials of the Korean government, ambassadors, intelligence officers, agents of influence, and even hapless couriers were brought up. But none was given the opportunity to defend himself.

A Korean businessman named Choi Che Yung was identified as the trustee of \$400,000 in funds given him by a senior officer of the KCIA, to be safeguarded in the United States. Choi, who lives near Washington, was not called to give his version of events. He later sought help from American newsmen to make known his claim that he was not an agent of the KCIA, that he had to do the KCIA's bidding or risk retaliation, and that he had suffered a loss of standing in his community because of the one-sided testimony.

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In another departure from accepted legal practice, Nan Elder, secretary to Representative Larry Winn (R.-Kan.), was called to testify that the former Korean ambassador, Kim Dong Jo, had offered Winn money in 1972. Elder, who later returned the money on Winn's instructions, was not asked questions that would occur to a beginning law student. For instance, she was not asked whether she had actually seen Ambassador Kim hand the money to Winn. (She evidently had not, because she testified that the office door was closed during the time the gift was allegedly made.) Nor, in violation of basic legal procedure, was Winn called to corroborate Elder's testimony. Thus Winn was not asked why he took the money in the first place, put it into a desk drawer, and thought to return it only later. Winn declined to answer those questions later, when they were put to him by a newsman.

It may be a small thing, but Flynt's attitude toward Korean and American witnesses was markedly different. The Koreans, some of whom ran the very real risk of vengeance by the KCIA, were curtly dismissed, some without so much as a thank-you. But the wives of two congressmen, who testified that each was given money during a visit to Seoul and that their husbands had returned it, were excused after effusive thanks from Flynt and other members of the committee. Flynt, ever the gentleman, also made sure that he got down from his chair to escort the ladies from the hearing room.

As the hearings drew to a close, Peter White, who is Jaworski's articulate deputy special counsel, summed up: "You have direct testimony, some of it extremely vivid, of the formulation and effectuation of a sophisticated, well-defined plan to exert influence on American officials. The question of whether these things took place is very simply a dead issue."

"The questions that do remain for this committee," White added, "involve the conduct of American officials."

The real question is, When will the American people get the answers to those questions?



*Jimmy Carter is proposing  
a new secrecy order that is even  
worse than Richard Nixon's.  
And Congress is threatening  
to give it real teeth.*

# TOWARD AN OFFICIAL SECRETS ACT

By DAVID WISE

**T**HROUGHOUT THE LONG, hot summer of 1977, a group of middle-level officials of the Carter administration from the Pentagon, the CIA, the State Department, and other agencies labored, in secrecy, in the offices of the National Security Council across the street from the White House. Their task was to revise the government's system for keeping secrets.

By September, the group's efforts had materialized in the form of a 32-page draft entitled "National Security Information and Material." It was designed to replace the existing executive order on classification and secrecy, issued in 1972 by Richard Nixon.

For those who had hoped that in the post-Vietnam, post-Watergate era, a president dedicated to open government would substantially reduce the mountains of rubber-stamped secret paper generated daily in Washington, the draft order came as a bitter disappointment. Nine organizations, including the American Civil Liberties Union, Common Cause, and Ralph Nader's Public Citizen Litigation Group, joined forces to deliver a sharp critique to the White House. The Carter draft was not appreciably different from the Nixon order, the groups said;

in several respects it was "even worse."

The criticism from the president's Democratic colleagues on the Hill was more muted, but no less disapproving. Richardson Preyer, the soft-spoken southern gentleman from Greensboro, North Carolina, who is chairman of the House subcommittee on government information, took the floor and pronounced the proposed order "weighted toward secrecy," and "notably deficient in detecting and correcting abuses of the system." Moreover, said Preyer, the draft order contained some provisions that would have the effect of "promoting secrecy, rather than openness." Senators Joseph R. Biden, Jr., of Delaware, and Edmund S. Muskie of Maine, who head subcommittees studying the classification system, wrote a joint letter to the president. The Carter draft, they concluded, signified "business . . . as usual." One Senate committee aide put the matter more succinctly. "The draft order," he said, "was a disaster."

Despite these expressions of dismay, the Carter draft—since revised in preparation for the president's signature—should not have come as any great surprise. John H. F. Shattuck, director of the Washington office of the ACLU, noted that "early in 1977, during the Hussein flap, the first signals came out from the administration indicating that they would go the wrong way on secrecy." Those signals were emitted in February of last year, less than a month after President Carter

took office, when Bob Woodward reported in the *Washington Post* that the CIA had paid Jordan's King Hussein millions of dollars over a 20-year period.

Carter's reaction was to defend the CIA ("I have not found anything illegal or improper") and to warn that such leaks can be "extremely damaging to our relationship with other nations." The president also said he was "concerned about the number of people who now have access" to government secrets. Soon afterward, Carter told a news conference he wanted "tighter control over the number of people who have access to material that's highly sensitive. . . . We've already initiated steps to that degree. And we'll be pursuing it."

From the start, therefore, Carter adopted a classic pro-secrecy position, consistent with that of his modern predecessors and oddly insensitive, not only to his own campaign promises, but to the lessons of recent history.

For it is largely through the system of official secrecy, embodied in executive orders issued or enforced by the last seven presidents, that the government has all too often been able to mislead the American people and to conceal important foreign policy information from the public. In the case of the Vietnam War, the dimension of the deception was revealed by the publication of the Pentagon Papers, which had been classified "Top Secret-Sensitive." The Nixon administration reacted by at-

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