

If Congress Had to Live by Its Own Laws—

Is the Capitol “the last plantation”? Pressure grows on legislators to obey the hiring, firing and safety rules that bind other employers.

Controversy over the employment practices of Congress is drawing attention to a Washington fact of life almost as old as the Capitol building itself—

When it comes to protecting workers against their employers, lawmakers can dish it out but they can't take it.

Over the years, the Senate and the House of Representatives have imposed a wide range of statutes on industry to protect employes against unsafe conditions, low wages, heavy-handed antiunion tactics, and racial, sexual or age discrimination. Yet legislators have balked at giving the same protections to their own workers.

Each regulatory law enacted—from the National Labor Relations Act of 1935 through the Equal Pay Act of 1963, the Civil Rights Act of 1964, the Occupational Safety and Health Act of 1970 and the Equal Employment Opportunity Act of 1972—has exempted Congress and its staff. The same holds true for every minimum-wage law since the first in 1938.

Until recently, little was made of this double standard. But now, growing disenchantment with the bureaucracy and many of the rules that Congress has placed on employers is kindling resentment over the exemptions that legislators have fashioned for themselves.

“It's flat-out wrong,” declares Richard L. Leshner, president of the Chamber of Commerce of the United States. “We'd have more reasonable laws if Congress were under them, too.”

Criticism from within. Pressure for change also is coming from some lawmakers themselves and from a coalition of congressional employes and civil-rights groups. “No longer can the Congress of the United States be viewed as the ‘last plantation’ where ‘anything goes,’” says Senator John Glenn (D-Ohio), a backer of reform.

The 18,000 employes of the House and Senate are split up among almost 1,000 offices. Each of the 100 senators and 435 representatives hires and fires his office staff members at will. Com-

mittee chairmen have the same power over the staffs of the several hundred committees and subcommittees.

Lawmakers control staff salaries down to the penny and set their employes' working hours. Top aides usually are well paid, sometimes earning as much as \$50,000 a year. Upper-echelon aides and lower-level clerical workers alike, however, frequently must work long hours. And since the minimum-wage law does not apply to Congress, these employes are not eligible to collect any overtime pay.

Job-safety questions, too, are left entirely to each lawmaker. Just as the Civil Service Commission and the Equal Employment Opportunity Commission have no power to come poking around the halls of Congress, the Occupational Safety and Health Administration is powerless to conduct safety inspections on Capitol Hill.

“Spaghetti cords.” Congressional workers have significantly less working space than do employes of the executive branch and private industry. In many offices, the staff works elbow-to-elbow, while the senator or representative uses the biggest room in the suite as a personal office. Confides one Capitol safety inspector: “You find some of the staff just about wrapped up in extension cords like spaghetti.”

Whenever safety checks are made, the job is performed by inspectors

from the office of the architect of the Capitol, who do not barge in where they aren't wanted. “We don't go in and out of congressmen's offices except by invitation,” concedes J. Raymond Carroll, the director of engineering.

Congressional employes and reform-minded legislators report that aides sometimes must perform demeaning tasks to keep their jobs. “Some of my colleagues want their staff to be like groupies, fetching drinks, baby-sitting for their kids, doing their laundry, maybe even granting a sexual favor,” says one House member.

End to elitism? Another charge made: Certain lawmakers discriminate in hirings and promotions. Allegations in the press that the congressional placement office, a job-referral unit, was accepting discriminatory requests from lawmakers triggered an investigation in 1974.

The Joint Committee on Congressional Operations screened the files and found 48 discriminatory orders from 25 Senate, House and committee offices. The job orders contained such requests as “whites only,” “no blacks,” “young,” “attractive” and “no Catholics.” The committee ordered an end to discriminatory requests, but clapped a tight lid of secrecy over the identities of past offenders.

In the Senate, only 33 of some 1,100 professional staff members are black, according to the Black Legislative Assistants Staff Group. In the House, blacks hold 7 percent of all jobs. A special survey last year, conducted by a House commission reported that blacks



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Federal safety rules don't cover Capitol Hill, where workers are elbow-to-elbow.

frequently are paid less than whites with the same amount of education.

A *U.S. News & World Report* survey in mid-March found that 27 of the Senate's 100 members did not have any blacks on their office staffs. Most of these senators represent states with negligible black populations. Five, however, come from states with substantial numbers of black constituents.

They are John C. Stennis (D-Miss.), Jesse A. Helms (R-N.C.), Kaneaster Hodges (D-Ark.), Harry F. Byrd, Jr. (I-Va.) and William L. Scott (R-Va.). All five or their spokesmen say they follow policies of nondiscrimination. Helms, whose state's population is 21.9 percent black, says he has had no applications from blacks, adding, "A senator does have the right to have on his staff those who agree with his philosophy and are competent."

Sexist hiring? The House Reform Commission found women holding 57 percent of all House jobs. But they are heavily concentrated in clerical positions. Women who do hold jobs in the professional category are paid, on average, only four fifths of the salaries their male counterparts earn.

In some jobs, the discrepancy is greater. One recent study found, for example, that among holders of the title press assistant, women drew a median salary of \$10,878; men, \$26,000.

How does Congress justify its self-exemption from labor-protection laws? For one thing, legislators cite the separation of powers between the executive and legislative branches. They argue that Congress must remain its

own master, and not place itself at the mercy of the bureaucrats who enforce labor and antidiscrimination laws.

They also contend that the politically sensitive nature of the work that aides do requires that legislators have a free hand in hiring and firing. Says one lawmaker: "A congressional office is like a ship that sails for two years. The congressman is the captain, and he must chart the course."

Some remedies. Reformers acknowledge it is not likely that Congress will include itself under major labor-protection laws anytime soon. But they are struggling to pressure Congress into setting up effective procedures of its own to police personnel abuses.

In 1976, two House members, Patricia Schroeder (D-Colo.) and Charles Rose (D-N.C.), set up an informal Fair Employment Practices Committee, made up of lawmakers and workers. The unit has mediated in about a dozen employment-grievance cases so far.

Its intervention is nonbinding, however, and is limited to the offices of 108 House members who have volunteered to participate.

"As I see it, if it's good for General Motors, it's good for the U.S. Congress," says Schroeder. "But we have almost no prospects of getting other House members to join us in providing equal-employment rights. We're the skunks at the garden party."

House rules have banned discriminatory employment practices since 1975. But enforcement is left to the Ethics Committee—a group with a reputation for inaction. No employe has ever filed a complaint.

In the Senate, the picture is somewhat brighter. Last year, the Senate instructed the Governmental Affairs Committee to devise a mechanism for enforcing a new antidiscrimination rule to take effect next January.

The committee on March 7 approved a plan to create a board of six private citizens—three Democrats and three Republicans—to look into the discrimination complaints of Capitol Hill employes. The board's rulings, which could require the promotion or reinstatement of a wronged worker, would be binding unless reversed by the Senate Ethics Committee.

The plan still must win the backing of the Senate as a whole, and some supporters worry that there will be a lot of backstage efforts to sink it.

But even if this happens, the issue is not likely to disappear. Says one backer, Senator James Abourezk (D-S.D.): "I don't think it is too much for citizens to expect lawmakers to abide by the rules we have established for the rest of the country." □

A Tax Lawmakers Keep Ducking

Why aren't senators and representatives required to pay Social Security taxes along with most other Americans?

This question keeps popping up in the angry letters that have been flooding Capitol Hill since January 1, when the Social Security tax started biting even deeper into people's paychecks.

The answer goes back four decades. When Social Security began in 1937, almost two fifths of the work force was exempted from both the taxes and benefits of the new program, including teachers, farmers, the self-employed and government workers of all kinds.

Over the years, Congress steadily broadened mandatory participation. Today, 110 million persons—about 95 percent of the work force—must pay into the system. Yet members of the Senate and House have preserved the exemption from Social Security for themselves and their staffs, the President and Vice President, federal civilian employes and certain state and local government workers—about 6 million persons in all.

Growing resentment. Now that Social Security makes a major dent in many pocketbooks, awareness of the congressional exemption—and resentment of it—is becoming keen.

Attempts to make Social Security coverage universal have run into stiff opposition from federal-employe groups, who charge that the result would be disruption of the civil-service pension system.

Most lawmakers, too, apparently see no personal need for the Social Security umbrella. They have their own pension system, which pays up to \$41,566 yearly. While in Congress, lawmakers pay 8 percent of their salaries into this system. Last fall, the House killed a proposal for universal Social Security coverage by a 380-to-39 vote.

Even so, the days of the congressional exemption appear to be numbered. Congress has authorized a study of the universal-coverage idea, and when it is completed in 1979, backers will launch their campaign anew.