



Judicial Watch

Because no one is above the law.

January 26, 2001

BY HAND DELIVERY

Senator Pat Roberts, Chairman
Senator Harry Reid, Ranking Member
Senator Bob Smith, Member
Senator George Voinovich, Member
Senator Kent Conrad, Member
Senator Richard Durbin, Member
Senate Select Committee on Ethics
United States Senate
Washington, DC 20510

Re: Ethics Complaint Against Senator Hillary Rodham Clinton.

Dear Senators:

Under the provisions of the Senate Ethics Manual, Appendix C, Part II, Rule 2, "Procedures for Complaints, Allegations or Information," Judicial Watch, Inc. (hereinafter "Judicial Watch"), in the public interest, files this formal complaint against Senator Hillary Rodham Clinton of New York State for violation of United States law, the Senate Code of Official Conduct, and for improper conduct that reflects upon the United States Senate. Judicial Watch is a non-profit, public interest law firm that investigates and prosecutes government corruption. Specifically, Judicial Watch alleges Senator Hillary Rodham Clinton is in violation of:

A. 5 U.S.C. § 7535 (Gifts to Federal employees)

- B. 18 U.S.C. § 203 (Compensation to Members of Congress, officers, and others in matters affecting Government) and Senate Rule 37.1 & 2.
- C. 18 U.S.C. § 211 (Acceptance or solicitation to obtain appointive public office)
- D. 18 U.S.C. § 599 (Promise of appointment by candidate)
- E. 18 U.S.C. § 600 (Promise of employment or other benefit for political activity)
- F. 18 U.S.C. § 607 (Place of solicitation)
- G. 18 U.S.C. § 1001 (Statements or entries generally)
- H. Senate Rule 35.1(a)¹

Senator Clinton is in gross violation of federal law and the Senate's "basic rule on accepting gifts,"² Senate Rule 35.1(a). Senator Clinton accepted gifts from constituents and others totaling over \$190,000.00.³ These gifts are reported to include items of furniture, artwork,

¹Senate Rule 35.1(a) states:

- (1) *No member, officer, or employee of the Senate shall knowingly accept a gift except as provided in this rule.*
- (2) *A Member, officer or employee may accept a gift (other than cash or cash equivalent) which the Member, officer or employee reasonably and in good faith believes to have a value of less than \$50, and a cumulative value from one source during a calendar year of less than \$100. No gift with a value below \$10 shall count towards the \$100 annual limit. No formal record keeping is required by this paragraph, but a Member, officer or employee shall make a good faith effort to comply with this paragraph.*

²Senate Ethics Manual, p. 22.

³Press Reports:

- "Clinton Discloses Gifts He'll Keep," *Associated Press*, January 19, 2001;
- "Clintons Take Away \$190,000 In Gifts; Hollywood Helped With Furnishings," By Thomas B. Edsall, *Washington Post*, January 21, 2001, p.A18;
- "Clintons Cart Off Truckload of Gifts; Amount is Called 'Absolutely Unprecedented,'" By Kenneth Bazinet, *Detroit Free Press*, January 21, 2001, found at: www.freep.com/news/politics/clint21_20010121.htm;
- "Gifts Galore," *The Orlando Sentinel*, January 21, 2001, p.A23.;
- "Clinton Rakes In More Than 190,000 Dollars in Gifts in 2000," By Maxim Kniazkov, *Agence France Press*, January 21, 2001.;
- "After Chaos of Last Days; He's Citizen Bill Clinton," By Bill Nichols, *USA Today*, January 22, 2001, p.8A.;

china, flatware, apparel, electronics, and lighting. They include two coffee tables and two chairs, valued at over \$7357 from Ms. Denise Rich⁴, the estranged wife of Mr. Marc Rich who received a pardon from Senator Clinton's husband, President Clinton⁵, in what appears to be an illegal, unethical *quid pro quo*. Senator Clinton took her oath of office and assumed her official duties on January 3, 2001. She reportedly claimed and took direct personal possession of approximately \$190,000.00 worth of gift items, for her personal use and enjoyment, on or about January 20, 2001 – seventeen days into office and nearly two years since becoming a candidate for elective federal office. Pursuant to the provisions of 2 U.S.C. § 431(2) and 11 CFR § 100.3, Senator Clinton was a candidate for federal elective office within the meaning of the Federal Election Campaign Act ("FECA") since May 16, 1999, and her conduct must be taken into account from that date forward.

Senator Clinton's unethical, improper conduct violates the general principles of public service and reflects negatively on her office and the United States Senate as a whole⁶. Her improper conduct in the acceptance, possession and personal use of the subject gifts is "so notorious and reprehensible that it could discredit the institution as a whole, not just the individual, thereby invoking the Senate's inherent and constitutional right to protect its own

"Clinton Around Forever," By Dan K. Thomasson, *Scripps Howard News Service*, January 22, 2001.;

"Clinton Keeping Gifts Valued at \$190,000" *The New York Times*, January 22, 2001, p.A11.;

"Liberties; Cats, Dogs and Gifters" By Maureen Dowd, *The New York Times*, January 24, 2001, p.A19.

"Count the Spoons," *Washington Post*, January 24, 2001, p A14.

"Who Says You Can't Take It With You," *Washington Post*, January 26, 2001, found at: <http://www.washingtonpost.com/wp-dyn/articles/A48477-2001Jan25.htm>

⁴"Who Says You Can't Take It With You," *Washington Post*, January 26, 2001, found at: <http://www.washingtonpost.com/wp-dyn/articles/A48477-2001Jan25.htm>

⁵U.S. Department of Justice "Pardon Grants January 2001," found at: <http://www.usdoj.gov/opa/pardonchart1st.htm>.

⁶Senate Ethics Manual, p. 430 - 434.

integrity and reputation.”⁷ Senator Clinton’s behavior in this matter is so outrageous as to compel the *Washington Post* to opine in their lead editorial of January 24, 2001 that, “They have no capacity for embarrassment. Words like shabby and tawdry come to mind. They don’t begin to do it justice.” This, Members of the Select Committee on Ethics, is an explanation of the “defining characteristics”⁸ of the freshman senator from New York.

Judicial Watch, in the public interest, respectfully requests your prompt investigation of these clear ethical violations by Senator Clinton. Judicial Watch is prepared to provide the Committee with additional documentation and testimony concerning our investigations and litigation relating to various campaign finance illegalities and other matters.

Thank you for the opportunity of providing this important information for the Committee’s consideration and investigation.

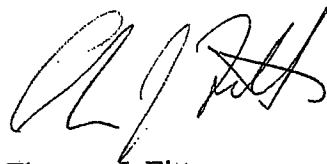
Sincerely,

JUDICIAL WATCH, INC.



Larry Klayman

Chairman and General Counsel



Thomas J. Fitton

President

⁷Senate Ethics Manual, p. 430.

⁸“Count the Spoons,” *Washington Post*, January 24, 2001, p A14.

Attachment 1

particularly sensitive to the source and value of a gift, the frequency of gifts from one source, and possible motives of the donor.³⁹ A gift of cash or a cash equivalent (for example stocks or bonds) is not an acceptable gift, unless it is from a relative or is part of an inheritance. Members and employees should never "discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not," and never accept favors or benefits for themselves or their families "under circumstances which might be construed by reasonable persons as influencing the performance of [their] governmental duties."⁴⁰ One should always be wary of accepting any gift, favor, or benefit that may not have been offered "but for" one's position in the Senate.

In addition to these general principles, detailed Senate rules regulate the gifts that a Member, officer, or employee may accept. Under Rule 35, a Member, officer, or employee of the Senate may generally not accept any one gift valued at \$50 or more, or gifts with an aggregate value of \$100 or more, from any one source in a calendar year. Definitions and exceptions are set forth in the rule.

THE GIFTS RULE

A limit on the amount and/or source of acceptable gifts for Senators and their staffs has been in effect since 1977, when the Special Committee on Official Conduct, 95th Congress, proposed the first Code of Official Conduct for Members, officers, and employees of the United States Senate. The report issued by that committee provides a useful source of legislative history on the original intent of the Gifts Rule, which has been amended on several occasions since 1977.⁴¹ The original Rule limited gifts from those with a "direct interest" in legislation to \$100. Later, a \$300 limit on gifts from all other sources was added. Thereafter, a uniform \$250 annual limit was placed on all sources of gifts.

Most recently, the Senate Gifts Rule was revised by Senate Resolution 158, 104th Congress, effective January 1, 1996. A 1994 Report of the Senate Committee on Governmental Affairs (S. Rpt. No. 103-255, 103d Cong., 2d Sess.) offers insight into the purposes behind changes to the Rule effectuated by Senate Resolution 158. The current Rule places significant new restrictions on the ability of Senate Members, officers, and employees to accept gifts.

Senate Rule 35.1(a) sets forth the basic rule on accepting gifts. It states:

(1) No Member, officer, or employee of the Senate shall knowingly accept a gift except as provided in this rule.

(2) A Member, officer, or employee may accept a gift (other than cash or cash equivalent) which the Member, officer, or employee reasonably and in good faith believes to have a value of less than \$50, and a cumulative value from one source during a calendar year of less than \$100. No gift with a value below \$10 shall count toward the \$100 annual limit. No formal recordkeeping is required by this paragraph, but a Member, officer, or employee shall make a good faith effort to comply with this paragraph.

The figure of \$50 (which is actually a dollar limit of \$49.99) applies to each gift received, unless the gift falls under an exception. The figure of \$100 (which is actually a dollar limit of \$99.99) applies to the aggregate value of all non-exempt gifts received from a single source during a calendar year. Thus, the value of all non-exempt gifts from a single source in a calendar year must be tallied. Any gift worth less than \$10 is excluded under Rule 35.1(a)(2) and does not count

³⁹ *Id.*

⁴⁰ Code of Ethics for Government Service, *supra* note 2, ¶ 5.

⁴¹ Senate Code of Official Conduct, Report of the Special Committee on Official Conduct, United States Senate, to accompany S. Res. 110, S. Rep. No. 95-49, 95th Cong., 1st Sess. (1977).

Attachment 2

LEVEL 1 - 21 OF 22 ITEMS

Copyright 2001 Associated Press
AP Online

January 19, 2001; Friday

SECTION: Washington - general news

LENGTH: 252 words

HEADLINE: Clinton Discloses Gifts He'll Keep

DATELINE: WASHINGTON

BODY:

An \$800 photo of jazz musician Duke Ellington, a \$2,500 bust of President Truman, \$300 boxing gloves from Sylvester Stallone and a painting of Buddy are among the \$190,000 worth of gifts that outgoing President Clinton is keeping.

Clinton's final financial disclosure report released Friday night listed more than 50 gifts he's decided to take with him as he leaves office.

He might be able to use some of the gifts at his two residences a house near Embassy Row in Washington and another in Chappaqua, N.Y.

On the list were: paintings, lamps, chairs, china, two carpets worth \$6,282, flatware, a kitchen table and chairs, \$2,993 in televisions and video disc player, two sofas, an easy chair and ottoman, a chandelier, two coffee tables and a framed tapestry someone gave him in Vietnam.

The Clintons reported in 2000 assets worth up to \$2.69 million, much of it in three blind trusts valued at between \$680,000 and \$1.35 million.

They said the Clinton Legal Expense Trust paid \$1.05 million in legal fees, and reported owing more than \$2 million to two law firms, Williams & Connolly in Washington, and Skadden, Arps, Slater, Meagher & Flom.

The Clintons said they owed two other firms Mayer, Brown & Platt and the Little Rock, Ark.-based Wright, Lindsey & Jennings between \$350,000 and \$750,000 for legal fees incurred since 1998.

They also reported \$2,000 in assets from Mrs. Clinton's popular book ''It Takes A Village,'' and an unspecified book advance from Simon & Schuster.

LOAD-DATE: January 19, 2001

LEVEL 1 - 19 OF 22 ITEMS

Copyright 2001 The Washington Post
The Washington Post

January 21, 2001, Sunday, Final Edition

SECTION: A SECTION; Pg. A18

LENGTH: 573 words

HEADLINE: Clintons Take Away \$190,000 In Gifts; Hollywood Helped With
Furnishings

BYLINE: Thomas B. Edsall, Washington Post Staff Writer

BODY:

Former president Bill Clinton and Sen. Hillary Rodham Clinton (D-N.Y.), faced with multimillion-dollar houses to furnish here and in suburban New York, left the White House yesterday with an unprecedented \$ 190,027 worth of gifts received over the last eight years.

In their financial disclosure forms, the Clintons reported a variety of assets and receipts, including "over \$ 1 million" in a Citibank personal account in New York; blind trusts, insurance policies and some common stock worth more than \$ 1 million; and the payment of \$ 1.05 million in legal fees by the Clinton Legal Expense Trust.

Bill Clinton continues to owe "between \$ 1 million and \$ 5 million" to each of two law firms, Williams and Connolly and Skadden, Arps, Slate, Meagher & Flom, resulting primarily from his defense in House and Senate impeachment proceedings, along with a number of other investigations.

Many of the gifts the Clintons are taking with them are from Hollywood figures, Democratic donors and a wide array of friends and associates, including his Georgetown University classmates.

Most of the gifts are artworks, flatware, furniture, china and rugs for a couple who for nearly two decades have not had a home of their own but now suddenly have two large houses, one in Northwest Washington, the other in Chappaqua, N.Y.

The Clintons received, for example, five gifts of china ranging in value from \$ 2,110 from Jill and Ken Iscol, of Pound Ridge, N.Y. -- two of Sen. Clinton's new constituents -- to \$ 5,000 from Mr. and Mrs. Bill Brandt of Winnetka, Ill.

Actor-actress couple Ted Danson and Mary Steenburgen of Los Angeles spent \$ 4,787 for china, but they didn't quite match the \$ 4,920 that movie director and producer Steven Spielberg and his wife, actress Kate Capshaw, paid for the china they gave the Clintons. Altogether, the Clintons reported receiving \$ 21,819 worth of china.

The Clintons will have no problem with silver and flatware for their guests in the future: They received five gifts of flatware worth a total of \$ 17,966,

The Washington Post, January 21, 2001

including \$ 4,944 worth of settings from Ghada Irani of Los Angeles and \$ 4,967 worth from Edith Wasserman of Beverly Hills.

One of the biggest gifts was from Steve Mittman of New York, who gave the Clintons two sofas, an easy chair and ottoman worth \$ 19,900. That was more than double the value of the china cabinet, travel humidor, chandelier and copy of Abraham Lincoln's Cooper Union speech, together worth \$ 9,683, from Mr. and Mrs. Walter Kaye, of New York.

In addition, the Clintons left the White House with \$ 52,021 worth of furniture, \$ 71,650 in artworks and three carpets valued at \$ 12,282.

Bill Clinton's 1968 class at Georgetown University gave the former president and new senator a basket by artist Dale Chihuly said to be worth \$ 38,000, and Chihuly gave the couple a \$ 22,000 glass sculpture.

In addition to the home furnishings, the most common gift given to the Clintons was golf equipment. Ten people gave drivers, putters and other golf paraphernalia worth \$ 300 to \$ 650. Actor Jack Nicholson gave Clinton a \$ 350 driver.

Actor Sylvester Stallone gave the couple boxing gloves.

In seven previous years, the most the Clintons had reported receiving in gifts was \$ 23,602 in 1999.

Clinton's predecessor in the White House, George Bush, listed \$ 52,853 in gifts in 1992.

Researcher Madonna Lebling contributed to this report.

LOAD-DATE: January 21, 2001

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Clinton's cart off truckload of gifts

Amount is called 'absolutely unprecedented'

January 21, 2001

By KENNETH R. BAZINET

KNIGHT RIDDER NEWS SERVICE

WASHINGTON -- Bill Clinton and his wife accepted a massive amount of gifts last year, most of it in furniture, art, rugs and flatware that could fill much of their new mansion in Washington.

A member of a previous administration called the amount of gifts carted off as "absolutely unprecedented ...I've never heard anything like it."

The final financial disclosure statement of the Clinton presidency also showed the couple's legal defense fund chipped in \$1.05 million for attorney fees in 2000 as a result of various federal investigations faced by the administration.

The Clintons' assets, including investments, savings and income, were listed at \$1 million to \$5 million in the report, which requires presidents and their families to estimate their net worth.

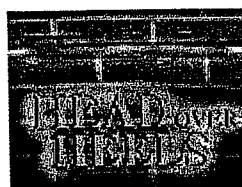
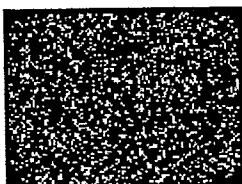
The release of the disclosure statement Friday night was part of a day-long document drop at the White House as Clinton wound up his second term in office.

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But it was the seven pages of gifts that the Clintons received last year that broke from the norm for the Clintons. The most they had ever reported before was \$23,602 in gifts, in 1999.

By comparison, \$52,853 in gifts in 1992 was the most President George Bush listed in his four annual disclosure statements.

The gift issue was so sensitive that Lori Krause, director of the White House Gift Office, advised the press staff who released the disclosure form to be cautious.

"Please keep in mind that the first family has stressed to my office their desire for privacy regarding the gifts they receive," Krause said in a White House memo.

Among the biggest gifts were two sofas, an easy chair and an ottoman valued at \$19,900 from Steve Mittman of New York; china worth \$4,920 from movie mogul Steven Spielberg and his wife, actress Kate Capshaw; two coffee tables and two chairs estimated at \$7,375 from songwriter-philanthropist Denise Rich of New York, and \$4,787 in flatware from husband-and-wife actors Ted Danson and Mary Steenburgen.

The class of '68 at Georgetown University, the former president's alma mater, gave the Clintons a \$38,000 basket set by artist Dale Chihuly, and Chihuly himself chipped in a glass sculpture worth \$22,000.

The Clintons also were given a travel humidifier, china cabinet and a copy of President Abraham Lincoln's Cooper Union Speech worth \$9,683 from insurance magnate Walter Kaye, who lobbied to get Monica Lewinsky her White House internship.

Other gifts included a \$5,000 rug from Martin Evans of Chicago, a sofa valued at \$2,843 from Brad Noe of North Carolina, a cashmere shawl and flatware worth \$5,767 from Morris Pynoos of Beverly Hills, Calif., and a painting listed at \$3,000 from Joan Tumpson of Miami.

Actor Sylvester Stallone gave the president

boxing gloves valued at \$300, actor Jack Nicholson gave him a golf driver worth \$350 and documentary filmmaker Ken Burns (PBS' "Jazz") forked over an \$800 photo of Duke Ellington.

Lamps, more flatware, antiques, a portrait of Buddy the dog, television sets, a DVD player and a leather jacket were among the remaining gifts.

"It's almost enough to furnish an entire house," said one source who reviewed the list.

Sheila Tate, Nancy Reagan's White House press secretary, called the amount and value of the gifts "absolutely unprecedented."

"Now we know why they had to have such a big house," an incredulous Tate said.

"I've never heard anything like it," she added. "These are not the kind of gifts you take with you. It's usually a silver bowl with your name on it."

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LEVEL 1 - 17 OF 22 ITEMS

Copyright 2001 Sentinel Communications Co.
THE ORLANDO SENTINEL

January 21, 2001 Sunday, METRO

SECTION: A SECTION; Pg. A23

LENGTH: 572 words

HEADLINE: GIFTS GALORE

BODY:

Who says you can't take it with you? As Bill and Hillary Rodham Clinton left the White House, movers packed up an astonishing \$190,000 worth of gifts, including furniture, rugs and flatware -- even a portrait of Buddy the dog -- that the Clintons accepted in the past year.

The seven-page disclosure form the Clintons filed Friday night listed gifts including:

Two sofas, an easy chair and an ottoman valued at \$19,900 from Steve Mittman of New York

China worth \$4,920 from movie mogul Steven Spielberg and his wife, actress Kate Capshaw

Flatware worth \$4,787 from husband-and-wife actors Ted Danson and Mary Steenburgen

A \$38,000 basket set by artist Dale Chihuly, from the class of '68 at Georgetown University, Clinton's alma mater. Chihuly himself chipped in a glass sculpture worth \$22,000

A travel humidior, china cabinet and a copy of President Abraham Lincoln's Cooper Union Speech worth \$9,683 from insurance magnate Walter Kaye, who lobbied to get Monica Lewinsky her White House internship

A \$5,000 rug from Martin Evans of Chicago

A cashmere shawl and flatware worth \$5,767 from Morris Pynoos of Beverly Hills, Calif.

Boxing gloves valued at \$300 from actor Sylvester Stallone

A golf driver worth \$350 from actor Jack Nicholson

An \$800 photo of Duke Ellington from documentary filmmaker Ken Burns (PBS' Jazz).

CLINTON DIGS

The Clintons have plenty of places to stash those gifts. They flew Saturday to one of their houses -- a \$1.7 million home in Chappaqua, N.Y. -- but they'll soon be moving into a new, \$2.87 million brick Colonial in Washington. Clinton will also have quarters at his presidential library in Little Rock, as well as government-paid offices in New York City and Washington.

WHAT THEY'RE WORTH

The former president and first lady won't have to worry much about paying the mortgages either:

Bill Clinton's presidential pension is \$157,000 a year. As a U.S. senator from New York, Hillary Clinton will earn \$141,300 a year.

She also has received an \$8 million advance for a book; he surely will receive a similar advance for his memoirs.

If Clinton chooses, he will rake in \$100,000 or more per speech.

Current assets are reported as up to \$2.69 million, much of it in three blind trusts valued at between \$680,000 and \$1.35 million.

Orlando Sentinel Tribune, January 21, 2001

WHAT THEY OWE

The Clinton Legal Expense Trust paid \$1.05 million in legal fees and reported owing more than \$2 million to two law firms: Williams & Connolly in Washington and Skadden, Arps, Slater, Meagher & Flom.

The Clintons said they owed two other firms -- Mayer, Brown & Platt and the Little Rock, Ark.-based Wright, Lindsey & Jennings -- between \$350,000 and \$750,000 for legal fees incurred since 1998.

MUSICAL MESSAGE

As Bill Clinton's last motorcade rolled down the White House driveway, loudspeakers near the parade stands along Pennsylvania Avenue began blaring out John Fogerty's "Centerfield," a theme song from the Bush campaign in which the former Creedence Clearwater Revival front man belts out the refrain, "Put me in coach, I'm ready to play."

It didn't sit well with one Clinton staffer. "I'm not listening to that," he muttered, shuffling back to clear out his office even as the Bush team was beginning to arrive.

COLUMN: Inauguration

THE 43RD PRESIDENT

Clinton Digest

LOAD-DATE: January 22, 2001

LEVEL 1 - 12 OF 22 ITEMS

Copyright 2001 Agence France Presse
Agence France Presse

January 21, 2001, Sunday

SECTION: Domestic, non-Washington, general news item

LENGTH: 430 words

HEADLINE: Clinton rakes in more than 190,000 dollars in gifts in 2000

BYLINE: Maxim Kniazkov

DATELINE: WASHINGTON, Jan 21

BODY:

Bill Clinton raked in more than 190,000 dollars in gifts during his last year in the White House -- more than the total value of gifts received in his previous seven years as US president, according to newly-released financial disclosure forms.

The gifts, many of which came from famous Hollywood personalities, included furniture, rugs and art. It took seven pages to list the inventory made public late Friday, after most media closing deadlines.

"I've never heard anything like it," commented Sheila Tate, who worked as press secretary for Nancy Reagan in the Reagan White House.

No officials from the Clinton White House were available Saturday to comment of the disclosure.

The biggest gifts included two sofas, an easy chair and an ottoman valued at nearly 20,000 dollars, which came from New York supporter Steve Mittman.

Former first lady Hillary Clinton will be representing New York state in the Senate for the next six years.

Clinton's former classmates, with whom he attended Georgetown University in the 1960s, chipped in and gave the former first couple a basket set worth 38,000 dollars made by artist Dale Chihuly.

Chihuly himself sent to the White House a glass sculpture worth 22,000 dollars.

The list mentions the name of insurance magnate Walter Kaye, who made headlines back in 1998 because he had helped future presidential paramour Monica Lewinsky to land an internship at the White House.

According to the list, he gave the Clintons a travel humidior, a china cabinet and a copy of President Abraham Lincoln's speech -- all worth 9,683 dollars.

The roster also reflects Clinton's well-documented popularity with leading Hollywood personalities and their readiness to support the former president through thick and thin.

Agence France Presse, January 21, 2001

Internationally-acclaimed film director Steven Spielberg, whose list of blockbusters includes "Jaws" and "Jurassic Park," and his wife, actress Kate Capshaw, gave the former first family a china set worth more than 4,900 dollars.

The china was matched by flatware estimated nearly 4,800 dollars given by sitcom actor Ted Danson and his wife, Mary Steenburgen, also an actress.

Compared to such largesse, a gift from actor Sylvester Stallone, who played a plucky boxer in the series "Rocky," looked almost miserly. He gave the president boxing gloves valued at 300 dollars while his colleague, Jack Nicholson, forked over a golf club worth 350 dollars.

The total annual amount of gifts received by the Clintons in their previous seven years in the White House never exceeded 23,602 dollars.

mk/sg

LOAD-DATE: January 21, 2001

LEVEL 1 - 11 OF 22 ITEMS

Copyright 2001 Gannett Company, Inc.
USA TODAY

January 22, 2001, Monday, FINAL EDITION

SECTION: NEWS; Pg. 8A

LENGTH: 782 words

HEADLINE: After chaos of last days, he's citizen Bill Clinton

BYLINE: Bill Nichols

DATELINE: CHAPPAQUA, N.Y.

BODY:

CHAPPAQUA, N.Y. -- The first day of the rest of former president Bill Clinton's life began Sunday morning in a winter storm that started just hours after the former first family arrived here from Saturday's inaugural ceremonies.

Clinton and his daughter, Chelsea, did venture out briefly, for coffee and an egg sandwich for the former president, at Lange's Little Store and Delicatessen here.

"So far it's been wonderful," Clinton said of his roughly 24 hours out of office. "We worked hard at the end, so I'm tired."

The Clintons' first night out of the White House was marked by a winter storm here in suburban Westchester County that left about 6 inches of snow atop already icy roads. Aides assured reporters that the former president wouldn't have to shovel the driveway and sidewalks.

Clinton arrived at the deli in a motorcade of only two cars, a far cry from the dozen or more vehicles that always accompany a president.

While he was in the deli, his new status was brought home by Siobhan McAvoy, 11. Her mother, Kathleen McAvoy, asked her, "Don't you want to have a president's signature?" Said Siobhan, "He's not a president any more."

Her mother replied, "Well, he was."

In the days to come, aides say, Clinton will begin figuring out how to split his time among Chappaqua, the Clintons' new home in Washington and his library in Little Rock.

For the moment, the Clintons will stay out of the wintry weather, unpack and relax, aides said. Sen. Hillary Rodham Clinton, D-N.Y., is scheduled to return to Washington today or Tuesday.

Clinton's emotional last hours in office were preceded by a chaotic two days. On Friday, Clinton settled the remaining legal issues

USA TODAY, January 22, 2001

stemming from the Monica Lewinsky scandal. On Saturday morning, Clinton issued pardons for 140 people and commuted the sentences of 36 others. Those pardoned included convicted bank robber Patricia Hearst Shaw, Whitewater figure Susan McDougal and Clinton's own half-brother, Roger, who had served a year in jail on a drug charge. Also pardoned were former Housing secretary Henry Cisneros and former CIA director John Deutch.

Clinton aides said the former president agonized over whether to pardon another Whitewater figure, former deputy attorney general Webster Hubbell. People close to Clinton said he had decided that Hubbell's case was different from McDougal's, given that, in addition to Whitewater-related prosecutions, Hubbell had embezzled money from Little Rock's Rose Law Firm, where Hillary Clinton once worked.

On Sunday, Clinton defended another pardon, that of fugitive financier Marc Rich, who has been in Switzerland since 1983 avoiding charges of tax fraud. Rich's former wife, Denise, contributed \$ 315,000 to Democratic candidates and causes during the past two years, including \$ 2,000 to Hillary Clinton's Senate campaign. Clinton said he made the pardon "on the merits."

The Clintons also released a final financial statement late Friday, a statement that listed about \$ 190,000 in gifts that they accepted in 2000. Most of those gifts, many of which came from celebrities such as Steven Spielberg and Jack Nicholson, were furnishings that appeared to be headed to the Clintons' new homes. The Clintons previously had not accepted more than \$ 25,000 in gifts in any given year.

The Clintons arrived here early Saturday evening after an emotional day that included two post-inaugural rallies, one at Andrews Air Force Base outside Washington and one at New York's John F. Kennedy International Airport.

"You gave me the ride of my life, and I tried to give as good as I got," Clinton told the cheering crowd of several thousand at Andrews. On arrival at Kennedy airport, he thanked another large crowd, which braved frigid temperatures and sleet, for "welcoming citizen Clinton home."

Pardons and commutations

President Clinton issued 140 pardons and commuted 36 sentences two hours before he left the White House on Saturday, a final-day flurry unmatched by any other departing president. Despite Clinton's action, he ranks 15th among the 18 presidents in the 20th century in the total number of pardons and commutations.

President Rank Pardons and Commutations
 Clinton 15 456
 Bush 18 77
 Reagan 17 406

Carter14 566
Ford16 409
Nixon 9 926
Johnson 6 1,187
Kennedy 13 575
Eisenhower 7 1,157
Truman 3 2,044
F. Roosevelt 1 3,687
Hoover 5 1,385
Coolidge 4 1,545
Harding 11 800
Wilson 2 2,480
Taft 12 758
T. Roosevelt 8 981
McKinley 10 918

Source: Justice Department

GRAPHIC: PHOTO, B/W, Matt Campbell, Agence France-Presse; Mr. Clinton's neighborhood: The former president, going out for an egg sandwich, greets people Sunday outside Lange's Little Store and Delicatessen in Chappaqua, N.Y.

LOAD-DATE: January 22, 2001

LEVEL 1 - 10 OF 22 ITEMS

Copyright 2001 Scripps Howard, Inc.
Scripps Howard News Service

January 22, 2001, Monday

SECTION: COMMENTARY

LENGTH: 750 words

HEADLINE: Clinton, around forever

SOURCE: Scripps Howard News Service

BYLINE: DAN K. THOMASSON

DATELINE: WASHINGTON

BODY:

If official Washington believes it has heard the last of Bill Clinton, even temporarily, think again.

After a whirlwind week that saw him conducting official business until nearly the minute his successor strolled through the White House door for the ride to Capitol Hill for the transfer of power, Clinton made it abundantly clear that while he has left the White House, "I'm still here," and that he isn't going anywhere.

Where he is likely to go after a few days in New York is to the mansion (the second one he has bought in the last year) a mile and a half away from his old Pennsylvania Avenue office. He and Sen. Hillary Rodham Clinton chose this new home as a seat of power and as a headquarters for future political strategies likely to make George W. Bush's life miserable.

Two factors are at work that will keep him from becoming just another former president to be wheeled out for a moment of patriotism whenever the current holder of the job thinks it is necessary.

The first of these is his age. He is the youngest man to leave the presidency since Theodore Roosevelt and he has the same restless energy displayed by Roosevelt. In fact, he looks nearly as young as he did when he assumed the job eight years ago, remarkable considering the demands of that office. He has no other hobby, except a round of golf now and then, outside of seeking political approval. He is, like the late George Wallace of Alabama, a consummate seeker of votes wherever he can find them.

The second is the fact that unlike any of his predecessors, he has a wife whose position in government gives him not only a power base but a legitimate reason for being here. He isn't about to pass up that opportunity.

His charisma and irrepressible effervescence were never more evident than in the last few days of his tenure, when he made several farewell addresses, continued to hold staff meetings, formed policy, managed to negotiate himself out of possible prosecution, and granted a record 176 pardons and commutations his last morning. He had stayed up all night worrying with the list that included his old Whitewater partner, Susan McDougal, and a variety of other

Scripps Howard News Service January 22, 2001, Monday

big names, including his own brother, Roger, who had pleaded guilty in 1985 to distributing cocaine and was sentenced to two years.

When he arrived at the Capitol for Bush's swearing-in, he worked the inaugural platform like it was a room full of fat-cat donors, smiling and pumping hands in a relaxed fashion that was in sharp contrast to the subdued, serious demeanor of the two men who had fought to a near draw in the protracted presidential election - Bush and Al Gore. He then hurried off to meet more well-wishers gathered at Andrews Air Force Base, turning what is normally a nostalgic farewell into a self-indulgent exercise with obvious political overtones.

"I thought they were going to have to get the Jaws of Death first to pry him out of the office and then from the hangar at Andrews," one television wag commented.

It was here in his rambling, stumplike summation of his two terms that he noticed a sign that urged him not to go. "I'm still here," he said, making it plain that he intends to stay.

One of those on his pardons-and-commutations list was a native American who had given Sen. Clinton an illegal eagle feather. Gifts seemed to be big on the Clinton agenda. They left with a presidential record of more than \$190,000 of them, including a large amount of furniture they will need to make their two multimillion dollar homes livable.

The missing factor in this equation obviously is Gore, whose political future is very much in doubt. Clinton has moved in to control the party machinery, naming his own fund-raiser, Terry McAullife, as national chairman. Gore left the scene Saturday with very little fanfare and not much expectation as the man that leading Democrats blame for blowing what they considered an unbeatable Clinton legacy of peace and prosperity.

Yet he has comported himself well since conceding to Bush. And his attitude in his last official act as vice president - the inauguration - was one of graciousness and warmth, qualities inconspicuous during the bitter campaign. At this point, he would be a long shot for another run in 2004, but then so was Richard Nixon after 1960.

The difference, of course, is that Nixon did not have to contend with his old boss and a boss's wife who have plans of their own.

(Dan K. Thomasson is former editor of Scripps Howard News Service.)

LOAD-DATE: January 23, 2001

Copyright 2001 The New York Times Company
The New York Times

January 22, 2001, Monday, Late Edition - Final

SECTION: Section A; Page 11; Column 1; National Desk

LENGTH: 221 words

HEADLINE: Clinton Keeping Gifts Valued at \$190,000

BYLINE: AP

DATELINE: WASHINGTON, Jan. 21

BODY:

A photograph of Duke Ellington, valued at \$800; a bust of President Harry S. Truman, valued at \$2,500; boxing gloves from Sylvester Stallone, valued at \$300; and a painting of Buddy the dog are among the \$190,000 worth of gifts that former President Bill Clinton is keeping.

Mr. Clinton's final financial disclosure statement, released on Friday night, listed more than 50 gifts that he had decided to take with him.

Among them are paintings, lamps, chairs, china, two carpets, flatware, a kitchen table and chairs, televisions, a videodisc player, two sofas, an easy chair, a chandelier, two coffee tables and a framed tapestry that someone gave him in Vietnam.

The Clintons reported assets worth up to \$2.69 million in 2000, much of them in three blind trusts.

They said the Clinton Legal Expense Trust paid \$1.05 million in legal fees and owed more than \$2 million to two law firms, Williams & Connolly in Washington, and Skadden, Arps, Slater, Meagher & Flom of New York.

The Clintons said they owed two other firms -- Mayer, Brown & Platt of Chicago and Wright, Lindsey & Jennings of Little Rock, Ark. -- \$350,000 to \$750,000.

They also reported \$2,000 in assets from Mrs. Clinton's book "It Takes A Village" and an unspecified book advance from Simon & Schuster, which is widely known to be \$8 million.

<http://www.nytimes.com>

LOAD-DATE: January 22, 2001

LEVEL 1 - 2 OF 22 ITEMS

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The New York Times

January 24, 2001, Wednesday, Late Edition - Final

SECTION: Section A; Page 19; Column 1; Editorial Desk

LENGTH: 731 words

HEADLINE: Liberties;
Cats, Dogs and Grifters

BYLINE: By MAUREEN DOWD

DATELINE: WASHINGTON

BODY:

When Ronald Reagan was president, he used to bring walnuts back from Camp David and feed them to the squirrels in the Rose Garden.

He'd keep the walnuts in the bottom drawer of his desk, and in quiet times between meetings he'd open the patio doors and roll the nuts out onto the colonnade, and legions of squirrels would come jumping up.

Then President Bush took over. He opened the patio doors. The squirrels scampered up as usual. But instead of lunch, they found themselves looking into the jaws of the spaniel Millie, who bounded out to hunt down some fat and complacent quarry.

The squirrels, as Mr. Bush liked to brag, "were history."

The moral: Transitions are a time of danger and opportunity.

Now we have a cats-in-peril trend. On the Clinton plane ride to New York on Saturday, as Buddy romped around and tried to eat the food off a reporter's seat, a sheepish Clinton aide went on background as a "senior administration official" to confirm that Socks had indeed been dumped on Betty Currie.

The cat went the way of anybody who outlives his utility to the Clintons, while Buddy is getting a heated doghouse on Embassy Row. The ostensible reason for Socks's exile was that he refused to get along with Buddy. But the Clintons, who seem to get a fabulous new hacienda every week, certainly had room for both.

Then we learned that W. also banished his orange and white cat, Ernie, to California to live with a friend. W. talked about how much he missed his cats during the campaign, and used to tell reporters they had named the cat Ernie because he had six toes and Ernest Hemingway had six-toed cats in Key West.

But W. deemed Ernie too "wild" to come here, noting he has claws. (As though that disqualifies anyone from the White House.) His other cat, Cowboy, perished during the campaign.

The New York Times, January 24, 2001

Meanwhile the Bushes got a second dog to go along with Spot, Millie's daughter: Barney, a yappy black mop, a Scottish terrier bred by Christie Whitman, bearing such an unfortunate resemblance to an oval throw rug that a news photographer recently stepped on him.

Socks and Ernie became outcasts even as Bill Clinton had the humongous gall to welcome home one of the biggest tax swindlers of all time, Marc Rich, who had been an outcast living in splendor in Switzerland.

Mr. Rich is the ex-husband of a prolific fund-raiser for the Clintons, the New York songwriter Denise Rich, a woman of extravagance who had a soiree recently at her East Side penthouse featuring a glass blower, a "mentalist" and a black chorus singing selections like "I am Jesus" from her latest oeuvre, a musical based on the Book of Revelations.

In their revolving-door exit, the Clintons seemed more like grifters than public servants. They seen their opportunities and they took 'em, as Plunkett would say, leaving the White House with a haul of \$190,000 in gifts, items as historic as a pantsuit and sweater and as unique as TV's and a DVD player.

Like a bride at her shower, Mrs. Clinton got appurtenances for her houses (before the Senate gift ban) from Hollywood friends such as Rita and Morris Pynoos (\$5,767, cashmere shawl and flatware), the Spielbergs (\$4,920, china), Edie Wasserman (\$4,967, flatware), the Danson/Steenburgens (\$4,787, china) and Ghada Irani, the wife of Ray Irani of Occidental Petroleum (\$4,944, flatware).

New York marks, I mean supporters, sent along presents as well: Iris Cantor (\$4,992, china), Denise Rich (\$7,375, two coffee tables and two chairs) and Steve Mittman (\$19,900, two sofas, easy chair and ottoman).

Showing she holds no grudges when money is involved, Mrs. Clinton even took \$9,683 in items from Walter Kaye, who got Monica Lewinsky her White House internship. His gifts included a china cabinet, a chandelier and a travel humidior. (Wouldn't you think he'd stay away from cigar-related presents?)

There was a suspicious leitmotif to the list: Not only the \$1,170 worth of lamps sent by a Florida man, but other objets that looked like potential projectiles in a conjugal squabble. Bill had better watch his step. This woman is building an arsenal.

There was that \$22,000 Dale Chihuly sculpture given by Dale Chihuly, the glass impresario who did the lobby ceiling of the Las Vegas Bellagio. Let's just hope there's never an explosion of Chihuly over Bill's head.

As I said, transitions are fraught with opportunity and danger.

<http://www.nytimes.com>

LOAD-DATE: January 24, 2001

LEVEL 1 - 3 OF 22 ITEMS

Copyright 2001 The Washington Post
The Washington Post

January 24, 2001, Wednesday, Final Edition

SECTION: EDITORIAL; Pg. A14

LENGTH: 335 words

HEADLINE: Count the Spoons

BODY:

SEN. HILLARY Rodman Clinton and her husband accepted more than \$ 190,000 in gifts last year, according to the financial disclosure statement issued as they were preparing to leave the White House last Friday night. Most of the gifts were in the form of furnishings, flatware and china for the two homes the senatorial couple will now maintain, here and in Chappaqua, N.Y.

Under Senate rules, Mrs. Clinton could not have accepted such expensive gifts once sworn in, absent a waiver from the ethics committee. The purpose is to keep senators from becoming or seeming beholden to people who, the history of the Senate suggests, would otherwise ply them with favors in hopes of affecting their votes. The rules apparently do not apply to Mrs. Clinton because the gifts were accepted before she took the oath. Yet they were given, many of them, precisely to facilitate her chosen lifestyle as a senator. The Clintons have spent many years in public service and public mansions, and no, we don't begrudge them a furnished private home -- not even two -- but once again a corner has been cut.

No previous president appears to have accepted parting gifts of such magnitude, nor did the Clintons approach their last year's total in prior years. The list makes it sound as if the Clintons registered for wedding gifts: some \$ 22,000 worth of china, including several gifts of about \$ 5,000 each; about \$ 18,000 for flatware, some in similar increments; \$ 19,900 for two sofas, an easy chair and an ottoman; \$ 3,650 for a kitchen table and four chairs; \$ 2,993 for "televisions and DVD player." Denise Rich of New York, also a significant campaign contributor whose fugitive former husband Mr. Clinton pardoned in the final hours of his presidency, provided two coffee tables and two chairs valued at \$ 7,375.

The list demonstrates again the Clintons' defining characteristic: They have no capacity for embarrassment. Words like shabby and tawdry come to mind. They don't begin to do it justice.

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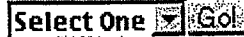


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Who Said You Can't Take It With You?

Friday, January 26, 2001; Page C08

From the U.S. Office of Government Ethics' form titled Executive Branch Personnel PUBLIC FINANCIAL DISCLOSURE REPORT, which was signed by President William J. Clinton 1/19/01.

Year: 2000.

Schedule B

Part II: Gifts, Reimbursements, and Travel Expenses

This list includes gifts received over the last eight years, but which were not accepted by the Clintons until last year. No reportable gifts were accepted in 2001.

(The following items are listed under the headings of source, value and brief description.)

Barbara Allen, Belfast, Northern Ireland. \$650. Watercolor of the Clinton ancestral homestead.

Georgetown University Alumni Class of 1968. \$38,000. Dale Chihuly basket set.

Arthur Athis, Los Angeles. \$2,400. Dining chairs.

Dendez Badarch, Ulaanbaatar, Mongolia. \$1,300. Two drawings of Mongolian landscapes.

—From The Post—

• Clinton's Take Away \$190,000 in Gifts

—Clinton's Legacy—

• A Multimedia Retrospective

—The Clinton Years—

- Jan. 18: Legacy's Evidence Cuts Both Ways
- Jan. 15: Novice Becomes Confident Diplomat on World Stage
- Jan. 13: A Slow Start Built to an Environmental End-Run
- Jan. 10: With Freeh, Mistrust Was Mutual
- Jan. 6: Skill and Luck in an Economic Boom
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Robert Berks, Orient, N.Y. \$2,500. Bust of President Truman.

Bruce Bernson, Santa Barbara, Calif. \$300. Golf putter.

Mr. and Mrs. Bill Brandt, Winnetka, Ill. \$5,000. China.

Ken Burns, Walpole, N.H. \$800. Photograph of Duke Ellington.

Ely Callaway, Carlsbad, Calif. \$499. Golf driver.

Iris Cantor, New York. \$4,992. China.

Robin Carnahan and Nina Ganci, St. Louis, Mo. \$340. Two sweaters.

Glen Eden Carpets, Calhoun, Ga. \$6,282. Two carpets.

Dale Chihuly, Seattle. \$22,000. Dale Chihuly glass sculpture.

Colette D'Etremont, New Brunswick, Canada. \$300. Flatware.

Mary Steenburgen and Ted Danson, Los Angeles. \$4,787. China.

Dennis Doucette, Coral Gables, Fla. \$310. Golf bag, shirt, canvas bag and book.

Ronald and Beth Dozoretz, Washington, D.C. \$7,000. Dining table, server and golf club.

Martin Patrick Evans, Chicago. \$5,000. Rug.

Lee Ficks, Cincinnati. \$3,650. Kitchen table and four chairs.

Lynn Forester, New York. \$1,353. Cashmere sweater.

Paul Goldenberg, La Habra, Calif. \$2,993. Televisions and DVD player.

Myra Greenspun, Green Valley, Nev. \$1,588. Flatware.

Vinad Gupta, Omaha. \$450. Leather jacket.

Richard C. Helmstetter, Carlsbad, Calif. \$524. Golf driver and golf balls.

Hal Hunnicutt, Conway, Ark. \$360. Golf irons.

Ghada Irani, Los Angeles. \$4,944. Flatware.

Jill and Ken Iscol, Pound Ridge, N.Y. \$2,110. China and a jacket.

Mr. and Mrs. Walter Kaye, New York. \$9,683. Travel humidor, china

cabinet, chandelier and a copy of President Lincoln's Cooper Union Speech.

David Kilgarriff, North Yorkshire, United Kingdom of Great Britain. \$300. Golf driver.

Bill Knapp, West Des Moines, Iowa. \$2,500. Painting titled "Flag With Heart."

Steve Leutkehans, Morton Grove, Ill. \$650. Golf clubs.

David Martinous, Little Rock. \$1,000. Needlepoint rug.

Steve Mittman, New York. \$19,900. Two sofas, an easy chair and an ottoman.

Katsuhiko Miura, Hyogo-Ken, Japan. \$500. Golf driver.

Jan Munro, Sarasota, Fla. \$650. Painting of New York City.

Jack Nicholson, Beverly Hills, Calif. \$350. Golf driver.

Brad Noe, High Point, N.C. \$2,843. Sofa.

Margaret O'Leary, San Francisco. \$595. Pantsuit and sweater.

Mr. and Mrs. Joe Panko, Concord, N.C. \$300. Three golf putters.

Mr. and Mrs. Paolo Papini, Florence, Italy. \$425. Italian leather box.

Mr. and Mrs. Morris Pynoos, Beverly Hills, Calif. \$5,767. Cashmere shawl and flatware.

Brian B. Ready, Chappaqua, N.Y. \$300. Painting of Buddy.

Denise Rich, New York. \$7,375. Two coffee tables and two chairs.

Sgt. David Rowland, Springfield, Ill. \$500. 1934 check signed by Harry Truman.

Stuart Shiller, Hialeah, Fla. \$1,170. Lamps.

Steven Spielberg and Kate Capshaw, Universal City, Calif. \$4,920. China.

Sylvester Stallone, Miami. \$300. Boxing gloves.

Mr. and Mrs. Vo Viet Thanh, Ho Chi Minh City, Vietnam. \$350. Framed tapestry.

Joan Tumpson, Miami. \$3,000. Painting.

Edith Wasserman, Beverly Hills, Calif. \$4,967. Flatware.

Mr. and Mrs. Allen Whiting, West Tisbury, Mass. \$300. Painting titled "Oyster Pond." James Lee Witt, Alexandria. \$450. Cowboy boot.

Mr. and Mrs. Bud Yorkin, Los Angeles. \$500. Antique book on President Washington.

Total value: \$190,027

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Attachment 3



U.S. Department of Justice

Washington, D.C. 20530

January 20, 2001

Pardon Grants January 2001

<i>Name</i>	<i>Home Town</i>	<i>Offenses</i>
ALLEN, Verla Jean	Everton, Arkansas	False statements to agency of United States
ALTIERE, Nicholas M.	Las Vegas, Nevada	Importation of cocaine
ALTSCHUL, Bernice Ruth	Sherman Village, California	Conspiracy to commit money laundering
ANDERSON, Joe, Jr.	Grove Hill, Alabama	Income tax evasion
ANDERSON, William Sterling	Spartanburg, South Carolina	Conspiracy to defraud a federally insured financial institution, false statements to a federally insured financial institution, wire fraud
AZIZKHANI, Mansour T.	Huntsville, Alabama	Conspiracy and making false statements in bank loan applications
BABIN, Cleveland Victor, Jr.	Oklahoma City, Oklahoma	Conspiracy to commit offense against the United States by utilizing the U.S. mail in furtherance of a scheme to defraud
BAGLEY, Chris Harmon	Harrah, Oklahoma	Conspiracy to possess with intent to distribute cocaine
BANE, Scott Lynn	Mahomet, Illinois	Unlawful distribution of marijuana
BARBER, Thomas Cleveland	Hampton, Florida	Issuing worthless checks
BARGON, Peggy Ann	Monticello, Illinois	Violation of the Lacey Act, violation of the Bald Eagle Protection Act
BHATKA, Tansukhlal		Income tax evasion
BLAMPIED, David Roscoe	Ketchum, Idaho	Conspiracy to distribute cocaine
BORDERS, William Arthur, Jr.	Washington, D.C.	Conspiracy to corruptly solicit and accept money in return for influencing the official acts of a federal district court judge (Alcee L. Hastings), and to defraud the United States in connection with the performance of lawful government functions; corruptly influencing, obstructing, impeding and endeavoring to influence, obstruct and impede the due administration of justice, and aiding and abetting therein;

		traveling interstate with intent to commit bribery
BOREL, Arthur David	Little Rock, Arkansas	Odometer rollback
BOREL, Douglas Charles	Conway, Arkansas	Odometer rollback
BRABHAM, George Thomas	Austin, Texas	Making a false statement or report to a federally insured bank
BRASWELL, Almon Glenn	Doravilla, Georgia	Conspiracy to defraud government with respect to claims; perjury
BROWDER, Leonard	Aiken, South Carolina	Illegal dispensing of controlled substance and Medicaid fraud
BROWN, David Steven	New York, New York	Securities fraud and mail fraud
BURLESON, Delores Caroylene, aka Delores Cox Burleson	Hanna, Oklahoma	Possession of marijuana
BUSTAMANTE, John H.	Cleveland, Ohio	Wire fraud
CAMPBELL, Mary Louise	Ruleville, Mississippi	Aiding and abetting the unauthorized use and transfer of food stamps
CANDELARIA, Eloida		False information in registering to vote
CAPILI, Dennis Sobrevinas	Glendale, California	Filing false statements in alien registration
CHAMBERS, Donna Denise	Memphis, Tennessee	Conspiracy to possess with intent to distribute and to distribute cocaine, possession with intent to distribute cocaine, use of a telephone to facilitate cocaine conspiracy
CHAPMAN, Douglas Eugene	Scott, Arkansas	Bank fraud
CHAPMAN, Ronald Keith	Scott, Arkansas	Bank fraud
CHAVEZ, Francisco Larios	Santa Ana, California	Aiding and abetting illegal entry of aliens
CISNEROS, Henry G.		
CLINTON, Roger		
COHN, Stuart Harris	New Haven, Connecticut	1. Illegal sale of gold options 2. Illegal sale of silver options
COOPER, David Marc	Wapakoneta, Ohio	Conspiracy to defraud the government
COX, Ernest Harley, Jr.	Pine Bluff, Arkansas	Conspiracy to defraud a federally insured savings and loan, misapplication of bank funds, false statements
CROSS, John F., Jr.	Little Rock,	Embezzlement by a bank employee

	Arkansas	
CUNNINGHAM, Rickey Lee	Amarillo, Texas	Possession with intent to distribute marijuana
DE LABIO, Richard Anthony	Baltimore, Maryland	Mail fraud, aiding and abetting
DEUTCH, John		Described in January 19, 2001 information
DOUGLAS, Richard		False statements
DOWNE, Edward Reynolds		Conspiracy to commit wire fraud and tax evasion; securities fraud
DUDLEY, Marvin Dean	Omaha, Nebraska	False statements
DUNCAN, Larry Lee	Branson, Missouri	Altering an automobile odometer
FAIN, Robert Clinton		Aiding and assisting in the preparation of a false corporate tax return
FERNANDEZ, Marcos Arcenio	Miami, Florida	Conspiracy to possess with intent to distribute marijuana
FERROUILLET, Alvarez		Interstate transport of stolen property, money laundering, false statements
FUGAZY, William Denis	Harrison, New York	Perjury in a bankruptcy proceeding
GEORGE, Lloyd Reid		Mail fraud
GOLDSTEIN, Louis	Las Vegas, Nevada	Possession of goods stolen from interstate shipment
GORDON, Rubye Lee	Tampa, Florida	Forgery of U.S. Treasury checks
GREEN, Pincus	Switzerland	
HAMNER, Robert Ivey	Searcy, Arkansas	Conspiracy to distribute marijuana, possession of marijuana with intent to distribute
HANDLEY, Samuel Price	Hodgenville, Kentucky	Conspiracy to steal government property
HANDLEY, Woodie Randolph	Hodgenville, Kentucky	Conspiracy to steal government property
HARMON, Jay Houston	Jonesboro, Arkansas	1. Conspiracy to import marijuana, conspiracy to possess marijuana with intent to distribute, importation of marijuana, possession of marijuana with intent to distribute 2. Conspiracy to import cocaine
HEMMINGSON, John		Interstate transport of stolen property, money laundering
HERDLINGER, David S.	St. Simons Island, Georgia	Mail fraud
HUCKLEBERRY, Debi Rae	Ogden, Utah	Distribution of methamphetamine
JAMES, Donald Ray	Fairfield Bay,	Mail fraud, wire fraud, and false statement to a bank to

	Arkansas	influence credit approval
JOBE, Stanley Pruet	El Paso, Texas	Conspiracy to commit bank fraud, and bank fraud
JOHNSON, Ruben H.	Austin, Texas	Theft and misapplication of bank funds by a bank officer or director
JONES, Linda		Conspiracy to commit bank fraud and other offenses against the United States
LAKE, James Howard		Illegal corporate campaign contributions, wire fraud
LEWIS, June Louise	Lowellville, Ohio	Embezzlement by a bank employee
LEWIS, Salim Bonnor	Short Hills, New Jersey	Securities fraud, record keeping violations, margin violations
LODWICK, John Leighton	Excelsior Springs, Missouri	Income tax evasion
LOPEZ, Hildebrando	San Isidro, Texas	Distribution of cocaine
LUACES, Jose Julio	Ft. Lauderdale, Florida	Possession of an unregistered firearm
MANESS, James Timothy		Conspiracy to distribute a controlled substance
MANNING, James Lowell	Little Rock, Arkansas	Aiding and assisting in the preparation of a false corporate tax return
MARTIN, John Robert	Gulf Breeze, Florida	Income tax evasion
MARTINEZ, Frank Ayala	Elgin, Texas	Conspiracy to supply false documents to the Immigration and Naturalization Service
MARTINEZ, Silvia Leticia Beltran	Elgin, Texas	Conspiracy to supply false documents to the Immigration and Naturalization Service
McCORMICK, John Francis	Dedham, Massachusetts	Racketeering conspiracy, racketeering, and violation of the Hobbs act
McDOUGAL, Susan H.		
MECHANIC, Howard Lawrence		1. Violating the Civil Disobedience Act of 1968 2. Failure to appear 3. Making false statement in acquiring a passport
MITCHELL, Brook K., Sr.		Conspiracy to illegally obtain USDA subsidy payments, false statements to USDA, and false entries on USDA forms
MORGAN, Charles Wilfred, III	Little Rock, Arkansas	Conspiracy to distribute cocaine
MORISON, Samuel Loring	Crofton, Maryland	Willful transmission of defense information, unauthorized possession and retention of defense information, theft of

		government property
NAZZARO, Richard Anthony	Winchester, Massachusetts	Perjury and conspiracy to commit mail fraud
NOSENKO, Charlene Ann	Phoenix, Arizona	Conspiracy to defraud the United States, and influencing or injuring an officer or juror generally
OBERMEIER, Vernon Raymond	Belleville, Illinois	Conspiracy to distribute cocaine, distribution of cocaine, and using a communications facility to facilitate distribution of cocaine
OGALDE, Miguelina	Glendale, California	Conspiracy to import cocaine
OWEN, David C.	Olathe, Kansas	Filing a false tax return
PALMER, Robert W.	Little Rock, Arkansas	Conspiracy to make false statements
PERHOSKY, Kelli Anne	Bridgeville, Pennsylvania	Conspiracy to commit mail fraud
PEZZOPANE, Richard H.	Palo Heights, Illinois	Conspiracy to commit racketeering, and mail fraud
PHILLIPS, Orville Rex	Waco, Texas	Unlawful structure of a financial transaction
POLING, Vinson Stewart, Jr.	Baldwin, Maryland	Making a false bank entry, and aiding and abetting
PROUSE, Norman Lyle	Conyers, Georgia	Operating or directing the operation of a common carrier while under the influence of alcohol
PRUITT, Willie H. H., Jr.	Port Richey, Florida	Absent without official leave
PURSLEY, Danny Martin, Sr.	Goodlettsville, Tennessee	Aiding and abetting the conduct of an illegal gambling business, and obstruction of state laws to facilitate illegal gambling
RAVENEL, Charles D.	Charleston, South Carolina	Conspiracy to defraud the United States
RAY, William Clyde	Altus, Oklahoma	Fraud using a telephone
REGALADO, Alfredo Luna	Pharr, Texas	Failure to report the transportation of currency in excess of \$10,000 into the United States
RICAFORT, Ildefonso Reynes	Houston, Texas	Submission of false claims to Veterans Administration
RICH, Marc	Switzerland	
RIDDLE, Howard Winfield	Mt. Crested Butte, Colorado	Violation of the Lacey Act (receipt of illegally imported animal skins)
RILEY, Richard Wilson, Jr.		Possession of cocaine with intent to distribute
ROBBINS, Samuel Lee	Cedar Park, Texas	Misprision of a felony

RODRIGUEZ, Joel Gonzales	Houston, Texas	Theft of mail by a postal employee
ROGERS, Michael James	McAllen, Texas	Conspiracy to possess with intent to distribute marijuana
ROSS, Anna Louise	Lubbock, Texas	Distribution of cocaine
RUST, Gerald Glen	Avery, Texas	False declarations before grand jury
RUST, Jerri Ann	Avery, Texas	False declarations before grand jury
RUTHERFORD, Bettye June	Albuquerque, New Mexico	Possession of marijuana with intent to distribute
SANDS, Gregory Lee	Sioux Falls, South Dakota	Conspiracy to distribute cocaine
SCHWIMMER, Adolph		Conspiracy to commit an offense against the United States, conspiracy to export arms and ammunition to a foreign country and related charges
SERETTI, Albert A., Jr.	McKees Rocks, Pennsylvania	Conspiracy and wire fraud
SHAW, Patricia Campbell Hearst	Wilton, Connecticut	Armed bank robbery and using a firearm during a felony
SMITH, Dennis Joseph	Redby, Minnesota	1. Unauthorized absence 2. Failure to obey off-limits instructions 3. Unauthorized absence
SMITH, Gerald Owen	Florence, Mississippi	Armed bank robbery
SMITH, Stephen A.		
SPEAKE, Jimmie Lee	Breckenridge, Texas	Conspiracy to possess and utter counterfeit \$20 Federal Reserve notes
STEWART, Charles Bernard	Sparta, Georgia	Illegally destroying U.S. Mail
STEWART-ROLLINS, Marlena Francisca	Euclid, Ohio	Conspiracy to distribute cocaine
SYMINGTON, John Fife, III		
TANNEHILL, Richard Lee	Reno, Nevada	Conspiracy and restraint of trade
TENAGLIA, Nicholas C.	Lafayette Hill, Pennsylvania	Receipt of illegal payments under the Medicare program
THOMAS, Gary Allen	Lancaster, Texas	Theft of mail by postal employee
TODD, Larry Weldon	Gardendale, Texas	Conspiracy to commit an offense against the U.S. in violation of the Lacey Act and the Airborne Hunting Act

TREVINO, Olga C.	Converse, Texas	Misapplication by a bank employee
VAMVOUKLIS, Ignatious	Exeter, New Hampshire	Possession of cocaine
VAN DE WEERD, Patricia A.	Tomahawk, Wisconsin	Theft by a U.S. Postal employee
WADE, Christopher V.		
WARMATH, Bill Wayne	Walls, Mississippi	Obstruction of correspondence
WATSON, Jack Kenneth	Oakridge, Oregon	Making false statements of material facts to the U.S. Forest Service
WEBB, Donna Lynn	Panama City, Florida	False entry in savings and loan record by employee
WELLS, Donald William	Phenix City, Alabama	Possession of an unregistered firearm
WENDT, Robert H.	Kirkwood, Missouri	Conspiracy to effectuate the escape of a federal prisoner
WILLIAMS, Jack L.		Making false statements to federal agents
WILLIAMS, Kevin Arthur	Omaha, Nebraska	Conspiracy to distribute and possess with intent to distribute crack cocaine
WILLIAMS, Robert Michael	Davison, Michigan	Conspiracy to transport in foreign commerce securities obtained by fraud
WILSON, Jimmie Lee	Helena, Arkansas	Converting property mortgaged or pledged to a farm credit agency, and converting public money to personal use
WINGATE, Thelma Louise	Sale City, Georgia	Mail fraud
WOOD, Mitchell Couey	Sherwood, Arkansas	Conspiracy to possess and to distribute cocaine
WOOD, Warren Stannard	Las Vegas, Nevada	Conspiracy to defraud the United States by filing a false document with the Securities and Exchange Commission
WORTHEY, Dewey	Conway, Arkansas	Medicaid fraud
YALE, Rick Allen	Belleville, Illinois	Bank fraud
YASAK, Joseph A.	Chicago, Illinois	Knowingly making under oath a false declaration regarding a material fact before a grand jury
YINGLING, William Stanley		Interstate transportation of stolen vehicle
YOUNG, Phillip David	Little Rock, Arkansas	Interstate transportation and sale of fish and wildlife

Attachment 4

IMPROPER CONDUCT REFLECTING UPON THE SENATE

AND

GENERAL PRINCIPLES OF PUBLIC SERVICE

IMPROPER CONDUCT REFLECTING UPON THE SENATE

Certain conduct has been deemed by the Senate in prior cases to be unethical and improper even though such conduct may not necessarily have violated any written law, or Senate rule or regulation. Such conduct has been characterized as "improper conduct which may reflect upon the Senate," and has provided the basis for the Senate's most serious disciplinary cases in modern times.¹

The Senate did not attempt to delineate all the types of conduct or the guidelines which should be followed in determining which actions by a Member would constitute "improper conduct" reflecting on the Senate.² The drafters of the resolution in 1964 intended that "improper conduct" be cognizable by the Senate when it was so notorious or reprehensible that it could discredit the institution as a whole, not just the individual, thereby invoking the Senate's inherent and constitutional right to protect its own integrity and reputation.

Senate Resolution 338, as amended, makes it the duty of the Select Committee to—"receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, violations of the Senate Code of Official Conduct, and violations of rules and regulations of the Senate, relating to the conduct of individuals in the performance of their duties as Members of the Senate, or as officers or employees of the Senate, and to make appropriate findings of fact and conclusions with respect thereto . . ."³ (emphasis added)

S. Res. 338 gives the Committee the authority to investigate Members who engage in "improper conduct which may reflect upon the Senate," regardless of whether such conduct violates a specific statute, Senate Rule, or regulation. Indeed, the original Rules Committee proposal, rejected by the Senate, would have given the Committee the authority to investigate only alleged violations

¹ In February 1980, press reports linked Harrison A. Williams, Jr. to the FBI's ABSCAM sting operation and investigation of business crime and political corruption. Williams was indicted on October 30, 1980, on nine counts, including bribery, receipt of an unlawful gratuity, conflict of interest, and conspiracy to defraud the United States. The Select Committee on Ethics commenced a preliminary inquiry after the initial press reports appeared in 1980, but deferred further action until after the trial. On May 1, 1981, the jury found Williams guilty on all counts. On May 5, the Committee adopted a resolution authorizing an investigation of the Senator, and held hearings at which Williams was represented by counsel and was permitted to call and examine witnesses.

Despite Senator Williams' claims that he never engaged in illegal conduct, on August 24 the Committee found his conduct "ethically repugnant" and recommended his expulsion. In its report, the Committee concluded, among other things, that the Senator had offered to use his influence to win a government contract and that he intended to conceal his interest in the mining venture. The report declared that these and Williams' other actions tended "to bring the Senate into dishonor and disrepute, and only the most severe sanction is appropriate for such an abuse of the public trust."

On March 3, 1982 the Senate began debating whether to expel Senator Williams. Several Senators suggested that censure was a more appropriate sanction. However, when it became apparent that the censure movement lacked support and that the Senate would most likely vote for expulsion, Senator Williams resigned from the Senate on March 11, 1982. Senate Report 97-187 (September 3, 1981).

² When asked about the types of misconduct the committee might investigate, Senator John Sherman Cooper explained as follows: "I cannot foresee every case . . . I believe one of the great duties of such a committee would be to have the judgment to know what it should investigate and what it should not, after looking into a question." 110 Cong. Record 16,933 (1964)

³ S. Res. 338, 88th Cong., 2d. Sess. (1964), as amended by S. Res. 110, 95th Cong., 1st Sess. (1977).

of the rules of the Senate.⁴ In offering the amendment containing the language adopted by the Senate⁵, Senator Cooper described his amendment as authorizing the new committee "to receive complaints of unethical, improper, illegal conduct of members."⁶ Senator Case, in discussing this amendment, noted that the Committee "would not be limited to alleged violations of Senate rules, but it would take into account all improper conduct of any kind whatsoever."⁷

In 1966, pursuant to S. Res. 338, the Select Committee on Standards and Conduct began to develop recommendations for rules and regulations regarding Senators' conduct. The Committee ultimately proposed S. Res. 266, the Senate Code of Official Conduct, which addressed outside employment, disclosure of financial interests, and campaign contributions. The floor debate on this resolution demonstrates that the Rules were not intended to be a comprehensive code of conduct for Senators, but were targeted at a limited area of activity, and more importantly, that they were not intended to displace generally accepted norms of conduct. During that debate, the Committee's Chairman, Senator John Stennis, stated:

"We do not try to write a full code of regulations . . . [O]ur effort is merely to add rules and not to replace that great body of unwritten but generally accepted standards that will, of course, continue in effect."⁸

In addition, the Committee's Vice Chairman, Senator Wallace Bennett, stated that it was impossible to develop written rules that address every possible area of misconduct.⁹

The phrase "improper conduct" as used by S. Res. 338 can be given meaning by reference to generally accepted standards of conduct, the letter and spirit of laws and Rules,¹⁰ and by reference to past cases where the Senate has disciplined its Members for conduct that was deemed improper, regardless of whether it violated any law or Senate rule or regulation.

As early as 1797, Senator William Blount was expelled from the Senate for inciting Native Americans against the government, despite the fact that he had committed no crime, and neither acted in his official capacity nor during a session of Congress.¹¹ In 1811, the Senate censured Senator Thomas Pickering for reading a confidential communication on the Senate floor, despite the fact that there was no written rule prohibiting such conduct.¹² In 1873, a Senate Committee recommended the expulsion of Senator James Patterson, for accepting stock at a reduced price knowing that the offeror intended to influence him in his official duties, for giving a false account of the transaction, suppressing material facts, and denying the existence of material facts which must have been known to him.¹³

In 1929, the Senate condemned Senator Hiram Bingham for placing an employee of a trade association with a direct interest in pending tariff legislation on the Senate payroll. In 1954, the Senate condemned Senator Joseph McCarthy for his lack of cooperation with and abuse of two Senate committees that investigated his conduct.

⁴ S. Rep. No. 1147, 88th Cong., 2d Sess. 1 (1964).

⁵ S. Res. 338, § 2(a)(1) (1964); 110 Cong. Rec. 16939 (1964)(emphasis added).

⁶ S. Rep. No. 1125, 88th Cong., 2d Sess. 13 (1964).

⁷ 110 Cong. Rec. 16933 (1964)(emphasis added).

⁸ 114 Cong. Rec. 6833 (1968).

⁹ Id. at 6842.

¹⁰ In a report of a 1964 investigation into certain activities undertaken by Bobby Baker, then Secretary to the Majority of the Senate, the Committee on Rules and Administration stated: "It is possible for anyone to follow the 'letter of the law' and avoid being indicted for a criminal act, but in the case of employees of the Senate, they are expected, and rightly so, to follow not only the 'letter' but also the 'spirit' of the law." S. Rep. No. 1175, 88th Cong., 2d Sess. 5(1964).

¹¹ See *In Re Chapman*, 166 U.S. 661, 669-670 (1897).

¹² S. Doc. No. 7, 92d Cong., 1st Sess. 6 (1972) (Expulsion and Censure Cases).

¹³ The Senate decided not to act on the Committee's recommendation before the end of the session, and Senator Patterson left the Senate at the end of his term. S. Rep. No. 519, 42d Cong., 3rd Sess. VIII-X (1873).

None of these cases involved conduct that was found to violate any law, rule, or regulation, but in each case, the conduct was deemed to violate accepted standards and values controlling Senators' conduct.

After the passage of S. Res. 338 establishing the Select Committee on Standards and Conduct, the first case involving a finding of improper conduct was the investigation of Senator Thomas Dodd. The Committee investigated allegations of unethical conduct concerning the Senator's relationship with a private businessman with overseas interests; the conversion of campaign contributions to personal use; the free use of loaned automobiles; and the acceptance of reimbursements from both the Senate and private sources. Although no Senate rule or law prohibited the use of campaign funds for personal use at that time, the Committee found that the testimonial dinners investigated were political in character, and thus the proceeds should not have been converted to personal use.¹⁴

The Committee recommended, and the Senate adopted, a resolution censuring Senator Dodd for having engaged in a course of conduct

"exercising the influence and power of his office as a United States Senator . . . to obtain, and use for his personal benefit, funds from the public through political testimonials and a political campaign."

uch conduct, although not violative of any specific law or Senate rule in force at that time, was found to be "contrary to accepted morals, derogates from the public trust expected of a Senator, and tends to bring the Senate into dishonor and disrepute."¹⁵

In 1980, the Select Committee on Ethics investigated charges of financial irregularities in the office of Senator Talmadge, concerning excess official reimbursements, inaccurate financial disclosure and reporting, failure timely and properly to file campaign disclosures, and the personal use of campaign funds, potentially in violation of various federal laws and Senate rules. Finding that Senator Talmadge "either knew, or should have know, of these improper acts and omissions", the Committee recommended and the Senate adopted a finding that the conduct was "reprehensible and tends to bring the Senate into dishonor and disrepute and is hereby denounced." S.Rpt.No. 96-337, 96th Cong., 1st Sess. 18 (1979).

A "denouncement" was expressly recommended because the Committee felt that the facts were "distinguishable from those of earlier matters in which the Senate 'censured' or 'condemned' a Member," and that the judgment of the Committee and the Senate concerning such conduct could be made using "words that do not depend on analogy to dissimilar historical circumstances for interpretation." S.Rpt. No. 96-337, *supra* at 18.

In 1990, upon the recommendation of the Committee, the Senate denounced Senator David Durenberger, in part based on his financial arrangements in connection with a condominium he owned in Minneapolis, finding that his conduct was deemed to have "brought discredit upon the United States Senate" by a "pattern of improper conduct," although the Committee did not find that any law or rule had been violated in connection with the condominium.¹⁶ However, the Committee Chairman noted that the Senator's conduct violated the spirit of 18 U.S.C. § 431, which generally prohibits a Member from benefiting from a contract with the federal government.¹⁷

In 1991 the Committee concluded that Senator Alan Cranston engaged in improper conduct which reflected on the Senate by engaging in an impermissible pattern of conduct in which fund raising and official activities were substantially linked. The Committee found that for about two years, Senator Cranston had personally or through his staff contacted the Federal Home Loan Bank Board

¹⁴ S. Rep. No. 193, 90th Cong., 1st Sess. (1967).

¹⁵ S. Res. 112, 90th Cong., 1st Sess. (1967).

¹⁶ S. Rep. No. 382, 101st Cong., 2d Sess. 14 (1990).

¹⁷ 136 Cong. Rec. 510,560 (daily ed. July 25, 1990) (statement of Senator Heflin).

on behalf of Lincoln Savings and Loan during a period when he was soliciting and accepting substantial contributions from Mr. Keating (Lincoln Savings and Loan) or his affiliates, and that Senator Cranston's office practices further evidenced an impermissible pattern of conduct in which fund raising and official activities were substantially linked. The Committee specifically found that none of the activities of Senator Cranston violated any law or Senate rule. Nonetheless, the Committee found that his impermissible pattern of conduct

"violated established norms of behavior in the Senate, and was improper conduct that reflects upon the Senate, as contemplated in Section 2(a)(1) of S. Res. 338, 88th Congress, as amended."¹⁸

The Committee found that Senator Cranston's conduct was improper and repugnant, and that it deserved the "fullest, strongest, and most severe sanction which the Committee has the authority to impose." The Committee issued a strong and severe reprimand of Senator Cranston.

In 1992, the Committee found that Senator Hatfield engaged in improper conduct reflecting upon the Senate by failing to disclose certain gifts and travel reimbursements as required by the Ethics in Government Act of 1978 (Senate Rule 34). Based upon this finding, at the conclusion of its Preliminary Inquiry, the Committee (with the Senator's agreement to accept it), issued a "rebuke" to the Senator, thereby resolving the matter without further proceeding (See Committee Rule 4(f)(3)).

Most recently, in 1995, the Committee recommended the expulsion of Senator Bob Packwood of Oregon based upon its findings that:

- 1) Senator Packwood endeavored to obstruct and impede the Committee's inquiry, acts which the Committee found to be reprehensible and contemptuous of the Senate's constitutional self-disciplinary process, a violation of his duty of trust to the Senate, and an abuse of his position as a Senator reflecting discredit upon the Senate;
- 2) Senator Packwood engaged in a pattern of abuse of power and authority by repeatedly committing sexual misconduct through 18 unwanted and unwelcome sexual advances between 1969 and 1990, acts which the Committee found to bring discredit and dishonor upon the Senate and conduct unbecoming a Senator; and
- 3) Senator Packwood abused his position of power and authority by engaging in a deliberate and systematic plan to enhance his personal financial position by soliciting, encouraging and coordinating employment opportunities for his wife from persons who had a particular interest in legislation or issues that he could influence, acts which the Committee found to bring discredit and dishonor upon the Senate and conduct unbecoming a Senator.

On September 8, Senator Packwood announced on the Senate floor his intention to resign from the Senate; his resignation was effective October 1, 1995.

Finally, in other circumstances the Committee has stopped short of finding that alleged conduct was "improper conduct reflecting upon the Senate," but has found that the conduct should not be condoned or should otherwise be criticized in a public statement by the Committee.¹⁹

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¹⁸ S. Rep. No. 223, 102d Cong., 1st Sess. 36 (1991).

¹⁹ Decision of the Committee Concerning Senator DeConcini (aggressive conduct with regulators was inappropriate, intervention with regulators gave appearance of being improper and was attended with insensitivity and poor judgment), February 27, 1991; Decision of the Committee Concerning Senator Glenn (exercised poor judgment in arranging a meeting with Congressman), February 27, 1991; Decision of the Committee Concerning Senator McCain (exercised poor judgment in intervening with regulators), February 27, 1991; and Decision of the Committee Concerning Senator Riegle (conduct regarding intervention with regulators not condoned, created appearance of being improper, attended with insensitivity and poor judgment), February 27, 1991; Statement of the Committee Regarding Senator D'Amato (conducting the business of his office in an improper and inappropriate manner, negligent in failing to establish appropriate standards for operation of office). August 2, 1991.

The Code of Ethics for Government Service, passed by Concurrent Resolution on July 11, 1958, is also specifically listed in the Committee's Rules as a source of jurisdiction for the Committee under S. Res. 338. It sets out ten broadly-worded standards that should be adhered to by all government employees, including office-holders. The first and last of these standards state that any person in government service should:

"1. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.

10. Uphold these principles, ever conscious that public office is a public trust."²⁰

Again, these principles generally encompass conduct that may not violate a specific law, rule, or regulation, but that is not consistent with "loyalty to the highest moral principles." A violation of this Code has not, to date, been used as a basis for Senate disciplinary action, although the House has disciplined its Members for violations of the Code on several occasions. The Select Committee's Rules of Procedure (See Appendix C) set out the sources of the Committee's subject matter jurisdiction, which include the Preamble to S. Res. 266, and the Code of Ethics for Government Service.

The Preamble to S. Res. 266, by which the Senate Code of Official Conduct was first adopted in 1968, reiterated the guiding principle that "a public office is a public trust." This Preamble remains a part of Senate's Standing Orders.

²⁰ The Code of Ethics for Government Service, H. Con. Res. 175, 85th Cong., 2d Sess., July 11, 1958 (72 Stat. B12).

The Code further states that any person in Government service should:

2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.
3. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.
4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.
5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.
6. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.
7. Engage in no business with the Government, either directly or indirectly which is inconsistent with the conscientious performance of his governmental duties.
8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.
9. Expose corruption wherever discovered.