

IN THE MATTER OF
REPRESENTATIVE JOHN W. JENRETTE, JR.

REPORT
together with
SUPPLEMENTAL VIEWS
OF THE
COMMITTEE ON
STANDARDS OF OFFICIAL CONDUCT
HOUSE OF REPRESENTATIVES



DECEMBER 16, 1980.—Referred to the House Calendar and ordered to be
printed

U.S. GOVERNMENT PRINTING OFFICE

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IN THE MATTER OF REPRESENTATIVE JOHN W.
JENRETTE, JR.

DECEMBER 16, 1980.—Referred to the House Calendar and ordered to be printed

Mr. BENNETT, from the Committee on Standards of Official Conduct,
submitted the following

R E P O R T
together with
SUPPLEMENTAL VIEWS

REPORT OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The House Committee on Standards of Official Conduct submits this Report to the House of Representative in order to summarize the proceedings in the Committee's investigation of Representative John W. Jenrette, Jr., pursuant to Article I, Section 5, Clause 2 of the United States Constitution, Section 3 of House Resolution 608, and Rule 14 of the Committee's Rules. The investigation preceded Mr. Jenrette's resignation from the House of Representatives on December 10, 1980.

A. PROCEDURAL HISTORY

On February 2, 1980, reports were widely circulated in the media to the effect that a number of named Congressmen were allegedly involved in a so-called "ABSCAM" investigation being conducted by the Department of Justice. Mr. Jenrette was one of those so named. On March 27, 1980, the House of Representatives overwhelmingly passed House Resolution 608, which "authorized and directed" the Committee "to conduct a full and complete inquiry and investigation of alleged improper conduct which has been the subject of recent investigations (commonly referred to as ABSCAM) by the Department of Justice * * *," and to "report to the House of Representatives its recommendations as to such disciplinary action, if any, that the committee deems appropriate by the House of Representatives * * *" (Jenrette Exhibit A).¹ Pursuant to Section 6 of that Resolution, Special

¹ Exhibits introduced at the Committee hearings in this matter are appended as exhibits to the Report of Special Counsel Upon Completion of Preliminary Inquiry, and are cited throughout as "Jenrette Exhibit —."

Counsel entered into an agreement with the Department of Justice on March 27, 1980, covering the receipt of confidential information in respect to the investigation.

On June 13, 1980, Mr. Jenrette and Mr. John R. Stowe were indicted by a Federal Grand Jury in the District of Columbia on two counts of bribery and one count of conspiracy, violations of Sections 201(c) and 371 of Title 18, United States Code, respectively. On September 18, 1980, the United States District Court for the District of Columbia entered an order permitting the Department of Justice to grant the Committee access to certain information and materials in the custody of the Grand Jury and the Department relating to Mr. Jenrette and ABSCAM (but excluding Grand Jury transcripts), provided the Department and other interested parties were given 10 days' notice prior to any public disclosure of those materials (Jenrette Exhibit B).² Pursuant to the court's order, Special Counsel thereafter began receiving materials from the Department, including copies of all relevant audio and video tapes. On October 7, 1980, after a 22-day jury trial, Mr. Jenrette and his co-defendant were found guilty by a jury of all three counts charged in the indictment.

On November 13, 1980, pursuant to House Resolution 608 and Rules 11(a) and 14 of the Committee's Rules, the Committee voted to commence a preliminary inquiry into the Jenrette matter (Jenrette Exhibit J). Mr. Jenrette and his counsel were immediately notified of the Committee's action and were afforded an opportunity to present written or oral statements to the Committee (Jenrette Exhibit K).

From October 17, 1980, to November 17, 1980, Special Counsel exchanged correspondence with counsel for Mr. Jenrette, attempting to stipulate to the authenticity of certain materials from the criminal trial record and to reach agreement as to the appropriate portions of that record to be presented to the Committee (Jenrette Exhibits F, G, H, I, L, M, and N). Ultimately, both counsel agreed to include in the record essentially all trial testimony, plus certain exhibits and non-testimonial portions of the transcript; in addition, while Special Counsel felt that other non-testimonial portions of the trial transcript (*e.g.*, bench conferences and certain legal arguments) were irrelevant for the Committee's purposes, he agreed not to object to including such materials in the Committee record if Mr. Jenrette wished to offer them (Jenrette Exhibit N). On November 19, 1980, the agreed-upon portions of the written record were distributed to the offices of Committee members, and the stipulated audio and video tape exhibits were made available for listening and viewing at the Committee offices beginning on the same day.

Pursuant to a request by his counsel (Jenrette Exhibit O), Mr. Jenrette personally appeared, with counsel, before the Committee on November 20, 1980. At that hearing,³ which was held in open session at the request of Mr. Jenrette, his counsel presented to the Committee three motions (Exhibits P, Q and R) seeking to defer Committee proceedings on the grounds that (a) Mr. Jenrette's conviction allegedly

² Such notice, to the extent that it was still required after the materials were made public at the Jenrette trial, was given by letter from Special Counsel to the Department of Justice and to Mr. Jenrette and his co-defendant on October 10, 1980 (Jenrette Exhibits C, D and E).

³ A transcript of the November 20 hearing appears in vol. II.

was not yet final; (b) the record should be held open for consideration by the Committee of additional witnesses and additional materials from ongoing post-trial judicial proceedings; and (c) the Committee's intention to conduct disciplinary proceedings was inconsistent with the provisions of the bribery statute allowing for removal from office as a possible judicial sentence upon conviction. After oral argument by both counsel on these motions, the Committee deliberated in Executive Session and announced that it had voted to deny all three motions.

Counsel for Representative Jenrette then advised the Committee that in view of its denial of these motions—particularly the Committee's unwillingness to call additional witnesses—Mr. Jenrette was unwilling to testify at that time.

Mr. Jenrette's counsel then offered—and the Committee accepted into the record—numerous additional items of evidence. See Report of Special Counsel Upon Completion of Preliminary Inquiry ["Special Counsel's Report"], at 50-52. See also *id.* at 55 n.28. With one exception, no evidentiary exhibit offered by Mr. Jenrette's counsel was rejected by the Committee.⁴

Mr. Jenrette's counsel argued at the November 20 hearing that the Committee should hear from other witnesses before Mr. Jenrette decided whether to testify. Committee members then asked Mr. Jenrette's counsel to make a detailed proffer of precisely which witnesses he wished the Committee to call, and to describe generally the anticipated testimony of such witnesses. Following a proffer, and further deliberations, the Committee voted, 7-3, to instruct Special Counsel to seek to obtain the testimony of Mr. John Stowe, Mr. Jenrette's co-defendant at the criminal trial. The November 20 hearing then was adjourned.

On November 21, 1980, at 1 p.m., the Committee met again, at the call of the Chairman.

At the November 21 hearing, a transcript of which appears in Vol. II, Special Counsel informed the Committee that Stowe's counsel had stated that Stowe would not appear before the Committee voluntarily and, if subpoenaed, would claim his Fifth Amendment privilege and would not testify. The Committee then voted to issue a subpoena for Stowe's appearance at a hearing on December 1, 1980, with the understanding that the subpoena need not be issued or enforced if prior to that time Stowe himself, rather than his counsel, had submitted to the Committee an affidavit stating his intention to rely on his Fifth Amendment rights and to refuse to testify. The Committee then adjourned.

⁴The only piece of "evidence" ever offered by Mr. Jenrette's counsel and not accepted by the Committee was a transcript of a tape recording made by Mrs. Rita Jenrette on February 2, 1980, when FBI agents were interviewing her husband. The Committee accepted into evidence the tape recording itself. The transcript, however, had been prepared by one of Mr. Jenrette's prior attorneys, had not been part of the trial record, and was never authenticated for accuracy. The Committee accordingly advised Mr. Jenrette's counsel that it would not consider the transcript *unless* an affidavit was submitted from the person who had prepared the transcript, attesting to the accuracy of the tape transcription. Since no such affidavit was ever submitted by Mr. Jenrette's counsel, the transcript ultimately was not admitted into evidence.

At the Committee's December 2, 1980, hearing Mr. Jenrette's counsel offered into evidence a copy of a recent judicial decision in an "ABSCAM" case involving other defendants. The Committee did not accept the opinion as evidence, noting that copies of the opinion had been made available to Committee members and that counsel were free to refer to judicial opinions without making them part of the evidentiary record.

The Committee met again on December 1. Since an affidavit had been received from Stowe (Jenrette Exhibit Z), as discussed above, he was not called as a witness. In the light of the statement by Mr. Jenrette's counsel at the November 20 hearing that Stowe, if called to testify, might prove that "you have the wrong man sitting here" (November 20, 1980, transcript at p. 110; *see also id.* at 129), Special Counsel attempted to make a proffer as to what Stowe had told FBI agents on February 2, 1980, the day he was arrested, concerning the events involving himself and Mr. Jenrette. The Committee rejected the proffer.

On December 1 and 2, 1980, counsel for Representative Jenrette and Special Counsel were each given two hours to present their respective summaries of the evidence and oral arguments. Transcripts of those hearings appear in Vol. II.

Following the December 2, 1980, hearing the Committee met in executive session later that day and again on December 3, 1980. The Committee then unanimously passed the following Resolution:

Pursuant to Rule 14 of the Committee's Rules, the Committee, having reviewed the evidence relating to the conviction of Representative John W. Jenrette, Jr., in the United States District Court for the District of Columbia for the offenses of violating Sections 201(c) and 371 of Title 18 of the United States Code; and upon consideration of the Report of Special Counsel Upon Completion of Preliminary Inquiry filed December 2, 1980, in the above-captioned matter, and of all relevant evidence, including the exhibits and record herein, now determines that such offenses were committed and constitute violations over which the Committee is given jurisdiction under Clause 4(e) of Rule X of the Rules of the House of Representatives, including House Rule XLIII, Clauses 1-3, and it is hereby:

Resolved, that the Committee shall proceed promptly to hold a disciplinary hearing for the sole purpose of determining what sanction to recommend that the House of Representatives impose on Representative Jenrette for these offenses;

And Be It Further Resolved, that Representative Jenrette and his counsel shall be promptly advised of this action and informed of the Member's rights pursuant to the Rules of this Committee.

The Committee on December 3, 1980, also approved, by a vote of 10-1, the following motion:

Sanction hearings in this case are set one week from today if the House is still in session but may be set earlier by the Chairman upon request from Representative Jenrette.

Pursuant to the above Resolution Special Counsel informed Mr. Jenrette through his counsel on December 3 of the actions of the Committee and notified him of his rights. Mr. Jenrette responded through his counsel that he was not requesting an earlier hearing.

On December 10, 1980, the Committee held its sanction hearing in this matter. The Committee heard evidence presented by Mr. Jenrette, after which Mr. Jenrette offered his resignation from the House. In

view of that resignation, the Committee voted to terminate its proceedings after approving this report summarizing the Committee's actions and conclusions to date.

B. THE COMMITTEE'S CONCLUSIONS

The extensive evidence admitted at the Jenrette trial is summarized in the Report of Special Counsel Upon Completion of Preliminary Inquiry, which was received by the Committee and which appears in Vol. II to the instant Committee Report. Substantial testimony against Mr. Jenrette was given at his criminal trial by a number of witnesses, including agents of the Federal Bureau of Investigation and an informer. Numerous audio and video tapes were presented at trial. The trial court charged the jury that in order to convict, it must find that Mr. Jenrette received money at the time he was a public official in return for being influenced in his performance of an official act, and that he acted with specific intent and in a knowing, willful and corrupt manner. Mr. Jenrette is guilty of exceedingly grave violations of House Rules and, indeed, of the public trust.

1. *Factual findings* ⁵

On November 15, 1979, Mel Weinberg, an FBI informant, told John Stowe that Weinberg's Arab clients might need help from a congressman if unrest in their own country required them to move to the United States. Weinberg stated that his Arab clients would be willing to pay \$50,000 up front and an additional \$50,000 when an immigration bill was introduced. In a second telephone conversation that same evening Stowe informed Weinberg that Representative Jenrette would meet Weinberg and "Tony DeVito" (the alias for undercover FBI agent Anthony Amoroso) and would aid them with the immigration problems that had been discussed.

A meeting was arranged for December 3, 1979, between Weinberg, DeVito and Stowe, and a second meeting was arranged for the following day, December 4, at which Jenrette would meet DeVito and DeVito would bring with him the first \$50,000.

At the December 3, 1979, meeting, it was reiterated that Jenrette had been promised "\$50,000 now and \$50,000 when he works for it." There was talk about meeting at a townhouse rather than in a restaurant because of the danger of carrying \$50,000 around in cash. DeVito explained again about the possible plight of the Arabs, and he suggested that Stowe talk further with the congressman to make sure he wanted to go forward.

The next day, December 4, 1979, Jenrette and Stowe had either lunch or drinks at a restaurant. Jenrette at trial denied that any bribe was discussed at that time, and he testified that the purpose of the meeting was to help Stowe obtain financial aid in order to purchase the American Gear and Pinion Company ("AG&P") a business in Jenrette's home district. Jenrette conceded, however, that, in addition to that business transaction, Stowe discussed the problem of obtaining citizenship for the sheiks. Mr. Jenrette also admitted that Stowe had said, "these people just wanted to meet someone in Washington" and "they

⁵ Citations to the record supporting all of the factual findings set forth in this section are contained in the Report of Special Counsel Upon Completion of Preliminary Inquiry.

might could, at point in time, *help me financially if I need help, or do me a favor*" (emphasis added).

Later that same day Stowe placed a call to Weinberg, which was recorded. Weinberg made clear that Mr. Jenrette would have to "tell us he's gonna take care of it for us" at the meeting the next day, and Stowe replied that "[y]eah he will. * * * Even as far as citizenship if he want it."

That evening, Stowe and Jenrette went to a meeting with DeVito and Weinberg at a townhouse on W Street, Northwest, in Washington. The FBI videotaped this meeting, without Jenrette's and Stowe's knowledge. The meeting began with Jenrette discussing how he could be of assistance to the Arabs with their immigration problems. DeVito explicitly referred to the payment to Jenrette of \$50,000 now and \$50,000 when legislation was introduced. Jenrette responded by suggesting a number of reasons why he wished to wait a day before deciding whether to take the money.

In a tape recorded telephone call the next day, Stowe told DeVito that Jenrette had said "OK," and that he might want Stowe to pick up the money. Stowe said that Jenrette would call DeVito. Stowe added that Jenrette did not want to get into trouble.

In another recorded telephone call that same day, Stowe called DeVito and then put Jenrette on the telephone. Jenrette said, " * * * I think we're all right in the same way we were last night and I am ready to go forward * * * " Jenrette then indicated that he might want Stowe to see DeVito for the pick-up. Jenrette asked, "[a]nd all the document [sic] that you have uh are clean as far as numbers and all?" DeVito replied, "Oh yeah * * * No numbers will ever appear." Jenrette then gave assurances that he was "on the team."

Another recorded telephone call was made the next day by Jenrette to DeVito. Jenrette explained that he would not be coming to meet DeVito, and he wanted Stowe to "take it"—a step that "keeps me just a little bit 'a one step away from a section in the code about, uh, public officials. * * * [W]e've got these ethics rules about the amount 'a money that we can make. * * * [I]f my friend of twenty years, John, asks me to do something, i.e. introduce some legislation, I'm gonna do it." DeVito then said, " * * * [Y]ou want him to pick up the money * * * " and asked that time Stowe would be over. In reply Jenrette put Stowe on the phone and they arranged for Stowe to pick up the "stuff" shortly after 5 p.m.

Stowe did meet with DeVito later that day. The video tape of that meeting shows that DeVito gave Stowe \$50,000 in cash. DeVito requested of Stowe that "when you get back to 'im, at least have 'im call me back, all right, and verify, all right?" Later that evening Jenrette called DeVito and DeVito asked, "[y]ou got the package * * * from John?" Jenrette replied "[e]verything's fine. I'll do my share."

Jenrette testified in regard to this tape that Stowe came back to his office, put bills on his desk, and said they were \$10,000.⁶ Jenrette knew Stowe had gotten the money from DeVito. At one point Jenrette testified that "the package" in the conversation referred to a package relating to AG&P, but at another point he said he knew

⁶ At another point in his trial testimony, however, Jenrette said he could not recall what Stowe said when he came back.

DeVito was talking about the \$50,000. According to Jenrette, Stowe asked Jenrette to hold \$10,000 for Stowe, and Jenrette thereupon insisted upon having his director of Staff Support Services prepare a note for \$10,000 payable to Stowe.⁷ Jenrette said he put the \$10,000 in his desk drawer and it remained there until the following month when he gave it to his inlaws for their personal use.⁸

On December 8, 1979, Stowe informed Weinberg that Jenrette had said he was in financial difficulties and would need an additional \$150,000. Jenrette confirmed this is a telephone call to Weinberg two days later, but nothing further became of this particular request.

On January 7, 1980, Jenrette met again with Stowe, DeVito and Weinberg. During that videotaped meeting, Jenrette asked when the Arabs might be coming to the United States, because he thought he had a Senator in a position to help. He identified the Senator as Strom Thurmond from South Carolina, but said that he was "damn expensive." Jenrette said that the Senator would not come to the townhouse but rather would go along with the legislation on the word of Jenrette and Stowe.

All except DeVito and Jenrette left the room at DeVito's request, and the following conversation took place:

TD [DEVITO]. Ahh I'm gonna see if this thing goes, well ya know, when we have ta bring em in, ok. Ahh I'm gonna put another . . . (DeVito drops something) . . . excuse me . . . another twenty-five thousand on top of that ok (pause) all right? Are you satisfied with the ahh the way the fifty was . . .

JJ [JENRETTE]. Oh yeah.

TD. . . . was divided up between you and him? OK, good.

JJ. Yeah, then I would, yeah . . .

T.D. OK . . .

JJ. . . . just . . .

TD. The bills were ok, I mean . . .

JJ. Ohh yeah. ©

TD. You know we were concerned about the serial numbers and what not. I didn't want ahh I I think there's only one new pack of money, but the rest was all, ya know, old old used money and I I, ya know, I I just wanted to make sure you felt good about it.

JJ. Well I just got ahh, ya know, it's ahh (long pause) . . . I'll feel good after I finish up what we're supposed ta do . . .

TD. OK, well . . .

JJ. . . . I'll feel better about that.

TD. Like I say, I'm I ahh I talked with ah those people over there about this thing extensively, ok, about helping ya out, and ahh it's it, ya know, I said that I think that maybe

⁷The director testified that she prepared such a note and witnessed its signature and the note itself was introduced into evidence. There were several discrepancies between this witness's testimony at the trial and the testimony she gave before the Grand Jury.

⁸Jenrette's director of Staff Support Services, testified, however, that Jenrette put the note in his desk drawer and the money in his pocket. It should also be noted that Jenrette was shown financial statements of January 7 and January 10, 1980, which did not reflect an indebtedness from Jenrette to Stowe of \$10,000.

the price was a little low on the fifty thousand and I said that, ya know, if it would be ok, that ahh, ya know, when when the move had to be made ta put another twenty-five thousand on top of that, and they said ok, so I ju . . . I just wanted ya to know, ok that ahh that was added on, and I just wanted to make sure that everything was ok and the . . .

JJ. Ohh yeah.

TD. . . . the way the fifty thousand was . . .

JJ. And he did exactly what I told ya he was gonna do, that's fine and I had no . . .

TD. Yeah.

JJ. . . . no argument about that, but I wanted, ya know, I I as in that heat. I feel much better now, next couple of days I'll . . .

TD. Aww hey, hey . . .

JJ. . . . feel a hell of a lot better, but I just didn't want it to come back to you . . .

TD. I I real . . . I realized when you told me and you were very up front about it, that you know, ahh y . . . you didn't want to take it and leave and then have ta maybe come back ahh with thirty-five thousand instead of the fifty thousand because you had ta give him the fifteen and, you know, and it would have have been embarrassing and I understand that, so and I'm and I'm, that's that was one of the reasons why I felt that, you know, you were being straight forward with me about it. That's why when I went over there I told him, you know, I, and I laid the thing out and so they sa . . . ya know, and I said I says look how bout lets go a little more, and like I say, they they didn't trust in my judgment on on how ta handle things, ok, and I trust Mel's judgment on a lot of it. He's he's into the . . .

JJ. Finances.

TD. . . . the financial ahh aspects of these things a lot more than I am, but ahh, ya know, dealing with the people and what not, I think I have . . .

JJ. Ohh especially, yea that. Yeah.

TD. . . . I have the edge ahh in in that respect so they they ok'd another twenty-five . . . (IA) . . .

JJ. Well I appreciate that.

TD. . . . but I just wanted to make sure that ahh you know, that everything was ok and that ahh that was, you know, I . . . don't know a hundred dollar bill's were a little high, but I I made sure that they were all in, ya know, not in in numerical sequence, I think except for one pack was a little bit in sequence, but there was no problem, so as long as you're you're happy with it that way, there's no there's no problem. I'll get, we'll get it for ya for the nineteenth.

JJ. OK.

The conversation ended with a promise from Jenrette to call the Senator the next day and a statement that the price would be within the range they had discussed.

Jenrette testified that before this meeting Weinberg had told him that if Jenrette did not get a Senator involved, there would be "hell to pay." Jenrette said that his statements about Senator Thurmond had been false and just part of his stalling tactics. He did not mean, he said, to state that Senator Thurmond would take a bribe. And finally, he said that he thought he was going to pass on to one of three Senators the money that Stowe had given to him.

On January 25, 1980, Weinberg called Stowe. Stowe made a reference to Thurmond, said that Jenrette had had lunch with him, and that the Senator would "go along with anything to help me. In other words, whatever, you wanted he'll do." However, "this guy won't go the way John did. It has to be in private." Stowe said that DeVito could not even talk to the Senator about the matter.

On the same day, January 25, but later in the evening, Jenrette called Weinberg and said he had made the initial contact with "the man" (identified at trial as Senator Thurmond). Jenrette spoke of setting up a meeting with DeVito and the Senator, not at the townhouse but perhaps in a hotel. Weinberg said the meeting would have to take place that week. Weinberg said he liked a hotel because no one knows anyone and "I don't like carrying that stuff with me * * *." A meeting was planned for Thursday of that week.

The following day, January 26, DeVito called Jenrette at his home in Washington, D.C. The purpose of the call was to find out if Jenrette had talked again with Thurmond. DeVito made clear in the call that he wanted to speak personally with Thurmond and make sure that the Senator wanted the money.

DeVito said he thought the figure they were talking about was "in the neighborhood of uh 75 or one" (by which he meant \$75,000 to \$100,000). Jenrette said he would be back in touch with DeVito.

Two days later, on January 28, DeVito again called Jenrette at his home. Jenrette said on the tape that he had tried all weekend to "find the guy" (identified at the trial as Thurmond), that he did not know whether the Senator would meet in a hotel suite, that Thurmond had become paranoid about the press, and that Thurmond would do a favor for Jenrette knowing that "something" was coming later—in other words, there was no need for "upfront stuff." DeVito at first disagreed, insisting upon a face-to-face confrontation with Thurmond, and then said that he could live with the fact that the Senator "produces" and "then I pay." Jenrette said: "I'm gonna say when it's done, there will be 'X' * * * [a]nd when, it passes the Senate, it will be 'Y.'" DeVito replied that as soon as something was introduced, \$125,000 was guaranteed. It was emphasized between them that the deal had changed from that arranged with Jenrette—now no money had to be forthcoming until a bill was introduced.

Jenrette in his testimony acknowledged this call and the fact that he had talked about Thurmond introducing legislation. Jenrette denied both that he intended to give Thurmond \$125,000 and that he intended to get Thurmond to introduce legislation and keep \$125,000 for himself.¹⁰

⁹ By "stuff," Weinberg said he meant the money.

¹⁰ Senator Thurmond and his secretary testified at trial and denied any knowledge whatever of Mr. Jenrette's scheme. Mr. Jenrette himself conceded on the witness stand that everything he had said about Senator Thurmond had been lies.

On February 2, 1980, the ABCSCAM operation ended. Agents went to Jenrette's house and revealed that DeVito was an agent, and Weinberg an informant, for the FBI.

Mr. Jenrette's first defense at trial, and before this Committee, was that he never intended to accept a bribe and in fact did not receive for his own use any of the \$50,000 picked up by Stowe. Mr. Jenrette argued that he simply was "holding" \$10,000 for Stowe and intended to return it upon request. The jury obviously disbelieved this story, as does the Committee. It is simply fanciful to suggest that—after all the discussions between DeVito and Jenrette about such things as the serial numbers of the bills, and the need to have someone else pick up the money in view of Congressional and statutory rules of ethics—Mr. Jenrette had no idea that this money was intended as a bribe. Moreover, Mr. Jenrette's spending the money in January is hardly consistent with his explanation that he was simply holding it as a favor for Mr. Stowe because Mr. Stowe was a spendthrift.

Mr. Jenrette also argued in his defense that he was not guilty of these crimes because he lacked the necessary criminal intent. In support of this contention, Mr. Jenrette argued that at the time of these events he was an alcoholic, and his actions were the result of his intoxication and/or the "duress" he felt by virtue of his fear that Weinberg and DeVito were mobsters.¹¹ After reviewing the evidence, including the video and audio tapes of Mr. Jenrette's involvement, we reject these contentions.¹²

Finally, Mr. Jenrette argues that he is not guilty because he was "entrapped" into these offenses by governmental misconduct. Based upon all the evidence, we are convinced, as was the jury that was instructed on the issue, that Mr. Jenrette had sufficient criminal predisposition to negate any entrapment defense. The government made available to Mr. Jenrette the opportunity to commit a crime and he willingly seized that opportunity.

2. Conclusions

Based upon the foregoing, the Committee has concluded that Representative Jenrette did commit exceedingly grave offenses within the jurisdiction of this Committee.¹³ He violated the public trust by accepting a bribe in exchange for promises to perform legislative acts. He compounded his crime by his duplicity in trying to insulate himself through the use of an intermediary to collect the bribe and the use of a sham loan document to cover up the true reason for his

¹¹ There was much lay and expert testimony and documentary evidence to the effect that Mr. Jenrette is indeed an alcoholic. There was also expert testimony, however, that he fully comprehended what he was doing and what was going on around him at the time of the crucial events surrounding the bribe offer and the transfer of money.

¹² The Committee finds it inherently unbelievable that Mr. Jenrette would at one and the same time be in fear for his life because he thought he was dealing with mobsters and yet continue to deal with these people as he did, sometimes at his own initiative.

¹³ These include violations of House Rule XLIII, Clause 1 ("[a] Member * * * shall conduct himself at all times in a manner which shall reflect creditably on the House of Representatives"), Clause 2 ("[a] Member * * * shall adhere to the spirit and the letter of the rules of the House of Representatives and to the rules of the duly constituted committees thereof"), and Clause 3 ("[a] Member * * * shall receive no compensation nor shall he permit any compensation to accrue to his beneficial interest from any source, the receipt of which would occur by virtue of influence improperly exerted from his position in the Congress"). See also Rule 5 of the Code of Ethics for Government Service, House Concurrent Resolution 175, 72 Stat. pt. 2, p. B12 (July 11, 1958), ("Any person in Government service should * * * 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 government duties.")

receipt of the ill-gotten money. He then proposed still further bribes, by putting forward the name of a Senator who had no knowledge whatever of these matters, so that Mr. Jenrette could pretend to bribe the Senator and instead pocket the bribe money himself.

But for Mr. Jenrette's resignation, the Committee would have proceeded to determine what sanction to recommend that the House impose upon Mr. Jenrette in the light of the facts outlined in this report.

STATEMENT PURSUANT TO RULE XI, CLAUSE 2(1) (3) (A)

The Committee makes no special oversight findings in this report. This report was approved by the Committee on Standards of Official Conduct on December 11, 1980, by a vote of 8 yeas and 0 nays.

SUPPLEMENTAL VIEWS OF REPRESENTATIVES WYCHE FOWLER AND LOUIS STOKES

While we do not specifically dissent from this Report of the Committee, we would like to submit these supplemental views for we think the Report does not place sufficient emphasis on some elements of this case that the Committee was unable to explore.

We believe that this case does not precisely parallel the Myers' case. Representative Myers admitted to unethical conduct at the hearings, and it could be said that the Committee's function then was limited to determining the appropriate sanction.

In this case, however, Mr. Jenrette staunchly denied receiving any money and argued that the government's agents took advantage of his alcoholism and his fears of organized crime to "structure" the damaging evidence filmed on video tape.

The Committee, operating under its own Rule 14, as well as lacking any jurisdictional authority, was effectively barred from exploring in depth whether there had been prosecutorial overreaching or other governmental misconduct as urged by Mr. Jenrette. The question as to what conduct of Mr. Jenrette was free and uninduced, uninfluenced by intoxication, is likewise troublesome.

We do not assert that the final results of the Committee's action would have been any different if such evidence had been available to us and to the trial court. But we do note that if the evidence so damaging to Mr. Jenrette was in any way improperly induced, then his conviction might not have occurred and the ensuing actions under Committee Rule 14 would not have come about.

For these reasons we urge the Congressional Committees with appropriate jurisdiction to look into establishing legitimate parameters to government investigatory conduct, and we will urge a thorough re-examination of Committees Rules 14 and 11(a) in the 97th Congress.

WYCHE FOWLER.
LOUIS STOKES.

PENDING BUSINESS

WEDNESDAY, DECEMBER 10, 1980

HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
Washington, D.C.

The committee met, pursuant to call, at 10:25 a.m. in room 2359, Rayburn House Office Building, Hon. Charles E. Bennett (chairman of the committee) presiding.

Present: Representatives Bennett, Hamilton, Preyer, Stokes, Spence, Livingston, Sensenbrenner, Cheney, and Fowler.

Also present: Representative John W. Jenrette, Jr.; Kenneth Robinson, counsel to Representative Jenrette; E. Barrett Prettyman, Jr., special counsel to the committee; Allen Snyder, special counsel to the committee.

Staff present: John Swanner, staff director.

The CHAIRMAN. The committee will come to order.

A quorum is present. We are in open session.

Pursuant to House rule X1-2(k) (1), I am announcing that the subject of this meeting is to hear testimony and receive evidence only with respect to what sanction, if any, the committee shall recommend to the House in the matter of Representative John W. Jenrette, Jr. That means that matters of fact relating to guilt or innocence have already been heard and acted upon and the remaining matters are those only which go to the nature of the punishment, if any, which the committee will recommend.

I ruled heretofore, and Mr. Jenrette was so notified, that he may have 1½ hours to present his witnesses, including himself. After this I will recognize special counsel to the committee and counsel for Mr. Jenrette in that order for 30 minutes each to summarize their positions and make final arguments.

Any time special counsel may not consume in his initial presentation may be reserved for rebuttal.

Now, prior to hearing from the witnesses, there are several procedural matters which should be disposed of. At this point, however, I would like to ask the media, the electronic media, to leave the room. Not that it is secret; it is just confusing to the procedure.

I am not excluding you personally. I am excluding all this equipment.

First, Mr. Prettyman, I believe you have three or more additional exhibits which you would like to make a part of the record.

Mr. PRETTYMAN. Yes, Mr. Chairman.

As Jenrette exhibit FF, I submit a letter to Mr. Robinson from me, dated December 5, 1980; as exhibit GG, a letter to the chairman from

Mr. Jenrette dated December 5, 1980; and as exhibit HH, a letter to Mr. Jenrette from the chairman, dated December 8, 1980.

I would ask that they be made part of the record.

The CHAIRMAN. Without objection, they are so ordered.

MR. PRETTYMAN. In addition, I would like to read a letter dated December 8, 1980 into the record. It is addressed to the chairman from Mr. Jenrette, and it reads as follows:

Dear Mr. Chairman: At no time during the Justice Department investigation or the subsequent proceedings have we asked for any delay or continuance.

At this time, however, I respectfully request a continuance of further proceedings until December 15.

Reasons for the request for the continuance are as follows:

(1) My wife, Rita, based on our assumptions of adjournment which proved to be wrong, is presently on the west coast negotiating an employment contract for our livelihood. I delayed going in order to finish up my work in Washington.

(2) We have been unable to locate Mrs. Barbara Stowe, the present wife of John Stowe. They are separated and we are diligently looking for her now.

(3) Sue Stowe, his former wife and a resident of Myrtle Beach, South Carolina, and his present wife, Barbara, will help verify expenditures in excess of the amount stated by John Stowe to have been received by him.

I regret having to make this request, but I would be most appreciative if we could have a short additional delay to better prepare.

Yours very truly,

JOHN W. JENRETTE, JR.,
Member of Congress.

P.S. Mr. Robinson is out of town and I have not been able to contact him, therefore, I am sending this without benefit of counsel.

If I may, I would like to make just a few brief remarks about that letter.

First of all, the record should reflect that on December 3, as soon as the committee acted, passed the resolution to go into the sanctions hearing, I called Mr. Robinson and informed him that there would be a hearing 1 week from that date—namely, today—if Congress was in session.

I both called his office and wrote a confirming letter, a copy of which you have just seen, on December 5, notifying him that it appeared that Congress would indeed be in session today and that, therefore, he and Mr. Jenrette should prepare themselves for that hearing.

I received a note, telephone call, back from his office, who had spoken with Mr. Robinson, and Mr. Robinson wanted me to know that he was going to be in court today. I sent a note back to him through his secretary to the effect that I was sure that the chairman would be happy to do what he had done in the case of Judge Revercomb, and that is to call the judge wherever he was appearing and see if his case could not be put off. I got no response from that.

The second thing I would like to point out is I believe this letter of December 8 reflects a misunderstanding on the part of Mr. Jenrette as to what this hearing today is about. He says, for example, that—he does not say what his wife is going to testify about, but he does say that both Mrs. Stowes are going to help verify expenditures in excess of the amount stated by John Stowe to have been received by him. That, I would submit, is a matter that goes to guilt or innocence, a matter the committee has already considered, and does not go to the question of what sanction, if any, should be recommended to the House.

Finally, I would merely note that when he says that he has not asked for any delay or continuance, while that might technically be true, I would submit that in—the effect of the three motions which were submitted by him on November 20 would in fact have delayed and continued the committee's hearings if they had been granted.

The CHAIRMAN. Mr. Jenrette has requested the committee to delay this proceeding until December 15 or other time. Since this is not a formal motion on his part—but we could consider it as a motion and vote on it that way. Perhaps that would be the best way to do it.

Therefore, the motion before us at this time, or the request, is that there be a delay until December 15. Any discussion of this motion?

Mr. SENSENBRENNER. Mr. Chairman, I believe Mr. Robinson wishes to state something relative to that. He should be given an opportunity to. If he wishes a few moments to collect his thoughts, he should get that as well.

The CHAIRMAN. All right. While he is doing that, we have two formal motions that have come from Mr. Spence. The first is required because of the fact that rule 16 (f) says that testimony by witnesses in this part of the procedure will not be heard—at page 2, that is—except by a vote of a majority of the committee. So, a motion is required at this point.

Mr. Spence, do you have a motion?

Mr. ROBINSON. May we be heard before that motion is made?

The CHAIRMAN. You want to be heard on that?

Mr. ROBINSON. Yes, sir.

The CHAIRMAN. All right, you will be heard.

Mr. ROBINSON. In the first place, I understand this committee has been here since 9:30. I think a letter went to your chambers, Mr. Chairman, and to Mr. Prettyman, and everyone, that we were unavailable until 10:30. That was not meant to be a delaying tactic. It was a convenient thing that we had set up previously. I had obligations in the Federal court in Baltimore. I cannot continuously jockey my schedule on short notice to the detriment of other clients.

The CHAIRMAN. There wasn't any short notice. You had notice over a week.

Mr. ROBINSON. We had notice on Monday that we had hearings—Monday afternoon would be set from 9:30 to 12:30. That is when I got notice 9:30 to 12:30, we were to be here at 9:30.

Now, I have a Federal judge in Baltimore who had that matter set for 9 since late October. While some judges may like to defer to the Congress, others feel that when they have matters pending that long, that they are not necessarily obliged.

I don't think that I should have to go to the well so many times with all the judges and try to impress them that I have an important matter before the Congress involving Mr. Jenrette, when I have other important matters with other clients. I didn't think that the delay of an hour in protecting another client's rights and keeping harmonious relationship with a Federal judge, who possibly will sentence that client some day, should be dealt any kind of a blow because this committee could not wait another hour. That is why I was unavailable.

The CHAIRMAN. We are not criticizing you.

Mr. ROBINSON. All right. Good.

The CHAIRMAN. The thing before us now is the motion of Mr. Spence.

Mr. ROBINSON. Yes, sir.

The CHAIRMAN. All right.

Mr. ROBINSON. I understand that in Mr. Myers' case he was given a full day of hearings in which witnesses were permitted to testify. My understanding of what a sanction is, is a penalty. It is almost like a sentencing. I know Congressman Preyer has been a Federal judge. I know there have been some former prosecutors in here. I know that all of you as lawmakers appreciate the importance—

The CHAIRMAN. Just a second. Very well.

Mr. ROBINSON. All of you recognize the importance that prior to sentencing any person to any kind of penalty which can have an effect on his life, that you have a full picture of who you are sentencing and what you are sentencing him for. It is elementary in any State or Federal court before a person gets sentenced that you do a thorough presentence report, to see what the background is and what the mitigating—

The CHAIRMAN. That is our purpose here today.

Mr. ROBINSON. How there can be a motion heard to proceed without taking testimony from anybody who knows John Jenrette—

The CHAIRMAN. The motion is to allow it.

Mr. ROBINSON. Oh. I am jumping the horse again. I thought it was the other way.

The CHAIRMAN. Without that motion—

Mr. ROBINSON. I think Mr. Spence has a good motion.

The CHAIRMAN. Without that motion, under the rules you cannot be heard at all.

Mr. ROBINSON. I think Mr. Spence is probably making a very good motion.

Mr. SPENCE. You haven't heard it yet, though. The chairman has previously written I think to Mr. Jenrette a letter notifying him that he would be allowed an hour and a half for the purpose of calling witnesses and for his own statement. Rule 16, as you said earlier, says that testimony by witnesses will not be heard at phase two except by a vote of a majority of the committee.

So, Mr. Chairman, I will move that the committee agree to hear witnesses at this hearing, and that Mr. Jenrette be allowed 1½ hours for his own statement, and for such other witnesses as he may desire to call on his behalf.

Mr. PRETTYMAN. Mr. Chairman, may I speak to that.

I would submit to you that the rule is designed to prevent witnesses from testifying about things that have nothing to do with the sanctions hearing. I would think that the more proper procedure would be as each witness is to appear, to have Mr. Robinson make a brief proffer as to what the witness intends to speak to, and then allow the committee to determine whether in fact it wants to hear that witness.

I would guess, from the tenor of this letter, that some witnesses are going to be talking about things that I believe, or would argue to you, have nothing to do with the sanctions matter before you.

The CHAIRMAN. Well, I think in an orderly procedure which you observed is correct. Since it is something that he is going to be limited in time anyway to do, I don't want to consume time in debating about

whether the person has violated that rule or not myself. Maybe the rest of the committee would feel differently.

Mr. FOWLER. I would just like to ask, how many witnesses do you have? Where is Mr. Jenrette? How much time do you think you need?

Mr. ROBINSON. Is the hour and a half what is being proposed for Mr. Jenrette's statement, or is that the total time we are going to get?

Mr. FOWLER. How many witnesses do you have?

Mr. ROBINSON. Well, Congressman Nolan is a witness who would testify probably in excess of half an hour. Congressman Pete Stark has some very important testimony to give concerning the condition of Mr. Jenrette on the day the bribe supposedly was made, December 4, 1979. Congressman Fauntroy. I think Congressman—I am trying to—Ken Holland is a Congressman that Mr. Jenrette wants to have here to testify. Mendel Davis from Charleston, S.C., is a witness Mr. Jenrette would wish to have testify. He would like to have Mr. Gonzalez back, Congressman Gonzalez. Rita Jenrette is not even in the area, she is in California. I think she has some answers to make, especially in view of the fee she said I am getting in that article. So, she is a very important witness. So I think I have listed five there.

I think Dr. Moser, who is the treating doctor, who has viewed the videotapes and given an opinion before that Mr. Jenrette was intoxicated—

Mr. FOWLER. Except for Mrs. Jenrette, do you have them all lined up ready to go?

Mr. ROBINSON. Mr. Jenrette, I understand, is at standby at his house. But his aide says he is not at his house now. He must be on the way. He has written letters and had them all on standby to testify. He talked to me last night about 6:30 on the phone and was trying to get Congressman Nolan at that point. But the others have indicated they would be available.

Mr. PRETTYMAN. Mr. Fowler, if I might say so, what he has just said illustrates the point I was just making. A number of these people, including Congressman Nolan, Congressman Fauntroy, Dr. Moser, all testified at trial. They testified about alcoholism. That was thoroughly and completely gone into as part of the question of criminal intent.

If they are going to come back here and say the same thing that they did before, that the man was an alcoholic, and that he was in a bad condition at the time he committed it, I would submit to you that that is not proper for this hearing.

Mr. ROBINSON. This hearing is a sentencing recommendation.

Mr. FOWLER. Wait a minute. We have heard that. I know that. Let me just reclaim my time for a minute.

Mr. ROBINSON. Sorry.

Mr. FOWLER. What I want to know—and certainly it seems like the chairman is asking—is how much time—no question about some things. There is no question about adequate notice for this hearing. You had a week. You knew it was going to happen today. Mr. Jenrette knew it was going to happen today. Congress is in session. Whether it started 9:30 or 10:30 is now irrelevant. We are here. We have a responsibility under the rules. We have to have a sanction hearing.

Now, how much time do you think you need?

Mr. ROBINSON. Two days.

Mr. FOWLER. Why do you need 2 days?

Mr. ROBINSON. The recommendation is for expulsion. That is the heaviest recommendation you can have.

Now, before a person should go down in history as expelled in Congress, he should be entitled to show this committee who he is and how he got in the predicament, so you can look at witnesses testify and hear them, and have some kind of a feel, more than these cold pages which are restricted by Federal judge's rulings in a trial, which is a completely different, sterile environment than it should be for a sentencing.

Mr. FOWLER. Mr. Robinson, you will have adequate time to make a speech.

Mr. ROBINSON. I am not making a speech, I am answering your question, Mr. Fowler.

Mr. FOWLER. You have listed five witnesses. That does not take 2 days.

Mr. ROBINSON. Mr. Jenrette is going to be given 1 hour. In the first place, you said 1½ hours. Mr. Jenrette should be able to speak for 3 hours. He spoke for 4 days on his testimony at trial.

The man is about to have a recommendation by counsel to have him expelled and he gets 1½ hours total.

The CHAIRMAN. He was allowed numerous opportunities to testify.

Mr. ROBINSON. That is a completely different matter, Mr. Chairman. That deals with an interpretation of how I think that the rules are being misapplied. If Mr. Jenrette had testified under rule 11(a), this committee could have then avoided making a decision on (b) through (e) by saying we don't exercise our discretion at this point because his own statement is enough to expell him from the Congress.

We interpret the rules the way we see them. We are not stepping in any of Mr. Prettyman's traps the way other counsel may have done.

The CHAIRMAN. You can interpret them the way you want to, but this committee interprets them finally.

Mr. ROBINSON. I think we need 2 days. I don't—in the first place, a weeks' notice. We got notice Friday. We were told—let me address that. Everyone thought Congress was going to adjourn last Friday. Mr. Chairman, you were quoted to the media as saying it looks like we won't get to these hearings because Congress is going to adjourn.

The CHAIRMAN. I don't think that appeared in the media.

Mr. ROBINSON. I saw that in the Washington Post and on the radio. You were on the floor on Friday morning asking for a unanimous vote, that you could submit your report I understand after Congress adjourns.

Now, that is an indication that you thought Congress was going to adjourn.

The CHAIRMAN. That is not in the language of my request.

Mr. ROBINSON. Mr. Chairman, you made some kind of a recommendation on the floor, with no notice to us. Mr. Jenrette may have wanted to be there and be heard to stop a unanimous vote. We had no notice you were doing that in the morning. The indication was Congress was going to adjourn. So it was a moot point.

Late Friday, when we got word Congress was going to sit over, and it would be Wednesday, because that is what you ruled before on your ruling, whatever the hearing was on Wednesday or Thursday, that we

would be available Wednesday and it was still up in the air as to whether or not Congress would recess yesterday.

I was told it would be 9:30 to 12:30 on Monday. I am here now. I can assure this committee we cannot do it in the time allotted today. I am starting a first degree murder trial tomorrow that had a hung jury the first two times. That man is going to trial. I am more than willing to be down here Saturday morning. I am not able to be a puppet on a string and some down here every time Mr. Prettyman and the committee feels we have to get on with this matter.

There's more things in life than coming down here on short notice. I am not trying to be a fly in the ointment. I am not trying to be a hostile person.

Mr. FOWLER. Mr. Chairman, I just—there is nothing sacred in the motion I am about to make, but I would like to offer a substitute if I may to Mr. Spence's motion. That—

The CHAIRMAN. Mr. Spence hasn't made it yet.

Mr. SPENCE. I reckon we can probably say I did.

The CHAIRMAN. I didn't know you did. Did he or didn't he?

Mr. SPENCE. I made the motion.

The CHAIRMAN. Pardon me.

Mr. SPENCE. I don't know what the substitute might be, but it might be a good one.

Mr. FOWLER. The substitute is simply that we begin the sanction hearing at 11 o'clock; that Mr. Robinson and his client have 4 hours. At the conclusion of that 4 hours, then the committee, of course, can determine if it wants to go another 4 hours, another 40 hours. But there is no question, despite what Mr. Robinson is now saying, of the clarity of what we did last week in setting the hearing for this day. Mr. Robinson asked the chairman to call the court, got that postponed, said he would be ready on Friday, be available on Friday last week.

Mr. ROBINSON. And I was.

Mr. FOWLER. There is no question in anybody's mind that if the Congress stayed in session, that was the only reason, to give you the same week preparation that was given in the Myers case. That we went beyond that date only in the eventuality that the Congress did stay in session, that the hearing would be held today, and all of your protestations to the contrary, Mr. Robinson, I don't see how you can honestly make the argument that you have been dealt with unfairly in any way.

So I make that motion.

Mr. ROBINSON. Before you vote on that, please, may I say this? How can you proceed? Rita Jenrette did not get to testify at the trial. The judge put lid on her testimony. Now she is not here and, believe me, she is not here over our protest. Anybody that reads recent publicity can see that Mr. Jenrette obviously cannot control Mrs. Jenrette. Now, she should be here.

The CHAIRMAN. That isn't the responsibility of this committee.

Mr. ROBINSON. But—Congress is still sitting on some civil rights matters. Mr. Jenrette is here with his civil rights at stake. I find it to be a contradiction. His wife should be here if we have to put a subpoena on her to testify. There was a lid put on her testimony at the trial and no one knows more of what he is going through than this committee should hear than Rita Jenrette.

Mr. LIVINGSTON. Rita Jenrette should have known she was required to be here in the event that Congress was in session. She had adequate notice. If she is not here, that is her own fault.

Mr. ROBINSON. But that is a disadvantage of Mr. Jenrette. Mr. Jenrette suffers the consequences every time someone does something that they wish to do. It hurts Mr. Jenrette, not Rita Jenrette, for her not to be here.

The record should show he just came in, by the way, at quarter to 11. I am just simply saying before you vote on that motion, Mr. Chairman, Mr. Fowler, that—I mean I don't see why we cannot have Rita Jenrette testify. I don't know what the rush is. You are not going—

Mr. FOWLER. Mr. Chairman, I insist on my motion and call for the question.

Mr. STOKES. Mr. Chairman, can we speak to the motion?

Mr. FOWLER. I would be delighted to yield to you. It was just a motion off the top of my head. You won't find it in the rules.

Mr. STOKES. That is right. That is precisely what I would like to address myself to. Mr. Chairman, I have some concern with reference to Mr. Fowler's motion.

I have searched the rules here. I see no time limitations that are put upon a Member of the House who is before this committee for the purposes of sanction.

When I put into context what can occur here, that is that the Member well may be expelled from the House, or that the recommendation of this committee would be for expulsion, it seems to me that such time as is necessary to give him a complete hearing with reference to the sanction is incumbent upon each and every one of us on this committee.

Counsel for the Member has already mentioned several Congresspersons that we know are available. We start the hearing at 11 o'clock. Certainly we ought to be able to get them in here, get their testimony. If we run into some exigency where we have to deal with the question of some witnesses that are out of the jurisdiction, then we can deal with it at that point. But we ought to proceed with the hearing, without any type of time limitation, it seems to me.

Mr. FOWLER. If I may respond. All I am trying to do is find a way out of what ought not to be a dilemma. The rules clearly say that we don't have to hear anybody. All of us want to hear from Mr. Jenrette and anybody that he would like to call.

The rules clearly say that we can determine with each witness that is called whether or not we want to hear them and for how long. Judging redundancy, irrelevancy, and everything else under the procedure recommended by Mr. Prettyman, all I am trying to say is to give, to at least let Mr. Robinson give some parameters so he can begin to call those witnesses, that we begin with a 4-hour framework, and when we conclude that, if the committee has not heard enough, we can stay here until the cows come home to enable Mr. Jenrette to call anybody that he wants to, that—if he can convince us that there is more to add to what has been said at the end of 4 hours.

So, Mr. Chairman, that is my motion. I would ask for the question that we begin at 11 o'clock.

The CHAIRMAN. Call the roll.

Mr. SENSENBRENNER. Mr. Chairman, I would like to pose a parliamentary inquiry. I certainly think that there should be liberal time allowed for Mr. Jenrette to present witnesses on the basis of sanctions, but if the witnesses start getting off the specific issue for which this hearing is being held, how does one object to testimony relative to the guilt or innocence or other irrelevant aspects of the witness in his proffered testimony?

The CHAIRMAN. Well, the question can be raised by counsel, and the Chair can rule, and unless the committee overrules the Chair, it would stand.

We do have a great volume of information that has been submitted in this matter already and that is the reason why I thought an hour and a half would be sufficient.

But I have no great fault to find with 4 hours in view of the fact that the counsel feels like he needs more time, and the suggestion that Mr. Fowler has made is one that could be flexible anyway at the end.

It must be borne in mind that the rules seem to imply that normally there would not be witnesses taken at this point anyway, because most of the material has already been gone over, but the committee can vote and must vote if the testimony is allowed.

So certainly it is within the clear prerogative of the committee to limit the time, and I have no fault to find with the suggestion of 4 hours, if that is what seems to be needed.

I am not sure it is needed in view of the fact that we have had most of this material pretty well presented, I think, but that is the way it will be handled. In other words, if there was—if there is a wandering off from the subject matter that is supposed to be testified to, if Mr. Prettyman objects, then I will rule on it, and if the committee wants to overrule me, that will be perfectly all right with me.

Mr. PRETTYMAN. Mr. Chairman, if I may suggest it, I think it would save us time if Mr. Robinson advised each witness who testified at the trial in advance of his testimony here today not to repeat what is already in the record.

The CHAIRMAN. We already have that before us.

Mr. ROBINSON. May I inquire? You see, things are hard to say because if you say them the wrong way it strikes a sensitive nerve.

Has every member of this committee read every page of these documents? I think you could take a vote and see.

The CHAIRMAN. I have, myself.

Mr. ROBINSON. If every member hasn't read it, why is it we cannot repeat it? I think if it has not been read, then how can you vote intelligently on the substance of that testimony if you have not read it?

Mr. FOWLER. Mr. Chairman, please.

If we are going—let's cross those bridges when we come to them. You have been very lenient. We want to hear from Mr. Jenrette for as long as he wants to talk in his own behalf. I am sure that you would agree with that. We want to hear these witnesses. We will worry about irrelevancy. They are going to say a lot of things that are in the transcript. But if we can just begin, I think that a lot of these questions will probably solve themselves.

Mr. ROBINSON. Mr. Chairman, I need to know what the hearing is

for. Mr. Sensenbrenner had a good point I felt because he said what is relevant.

Now, if you stray from the topic, what is the topic we are straying from?

You have already made a decision that Mr. Jenrette is guilty for all practical purposes because of the rule 14 interpretation of what a conviction is. You have applied that based on the hearings thus far. There is no question for purposes of what this committee is going to do at the sanction here today or whenever, that the committee feels Mr. Jenrette is guilty.

So the issue of the testimony here from these sanction witnesses should not deal with innocence or guilt. That has been decided. It deals with mitigation. How can you have anything irrelevant on mitigation that is offered to say who this man is and what he has done in the Congress, what he has done in the community, what his sobriety was, his personal problems.

None of these things can be irrelevant. If there is not going to be a full hearing that way on relevant issues, we will just leave and do what you want.

Mr. FOWLER. Mr. Chairman, I would like to call for the question on my motion. Mr. Robinson knows full well why we are here, and I for one am getting tired of an obvious delay tactic.

Mr. ROBINSON. I am tired of being insulted like that. I am not delaying down here. I would just as soon be down preparing my murder trial, Mr. Fowler.

Mr. SENSENBRENNER. Mr. Chairman, I would ask you to advise Mr. Robinson that the rules of contempt apply in this hearing because I don't think the committee and its members need to be insulted by anybody.

Mr. ROBINSON. I don't think members should insult counsel either. It is not a one-way street.

The CHAIRMAN. There is no need to indulge in personalities here. This is a painful enough thing for everybody without getting into personalities.

Let's vote on the motion. This is a vote on the motion of Mr. Fowler, the substitute motion.

All those in favor, raise your right hand.

All those opposed?

Mr. SWANNER. Seven to one.

The CHAIRMAN. So the substitute motion carried.

There is another motion. I would like Mr. Spence to make it. It is with regard to executive session. We may not need this. In order to clarify any possibility of procedural inadequacy, we will now take the vote on the motion as substituted for. Those in favor of the motion, as substituted for, let it be known by raising your right hand.

Those opposed?

Mr. SWANNER. Seven to one.

The CHAIRMAN. We have now a motion from Mr. Spence with regard to executive session, which we may or may not use.

Mr. SPENCE. Pursuant to rule XI-2(k) (5) and 2(g) (2) (B) I move we go into executive session for today and one subsequent day at the call of the Chair.

Mr. SWANNER. Mr. Bennett?

The CHAIRMAN. Aye.

Mr. SWANNER. Mr. Spence?

Mr. SPENCE. Aye.

Mr. SWANNER. Mr. Hamilton?

[No response.]

Mr. SWANNER. Mr. Hillenbeck?

[No response.]

Mr. SWANNER. Mr. Preyer?

Mr. PREYER. Aye.

Mr. SWANNER. Mr. Livingston?

Mr. LIVINGSTON. Aye.

Mr. SWANNER. Mr. Fowler?

Mr. FOWLER. Aye.

Mr. SWANNER. Mr. Thomas?

[No response.]

Mr. SWANNER. Mr. Stokes?

Mr. STOKES. No.

Mr. SWANNER. Mr. Sensenbrenner?

Mr. SENSENBRENNER. Aye.

Mr. SWANNER. Mr. Rahall?

[No response.]

Mr. SWANNER. Mr. Cheney?

Mr. CHENEY. Aye.

Mr. SWANNER. Mr. Chairman, seven members vote aye; one no; four absent.

The CHAIRMAN. So the motion is carried. At this point, I have a request from the minority leader of this committee that we have a recess for 10 minutes. So, without objection, we will have that.

Mr. ROBINSON. What are we supposed to have when we come back so we can try to get something here?

The CHAIRMAN. This is just a recess. We don't have to clear the room. What did you say, Mr. Robinson?

Mr. ROBINSON. I was trying to find out when we come back, are we going to have testimony so I can use the 10 minutes to have somebody?

The CHAIRMAN. Correct. You might get your first witness ready.
[Brief recess.]

The CHAIRMAN. The committee will come to order just for the purpose of announcing that since it is so close to 12 o'clock, the best thing to do is recess and come back at 1 o'clock so we can have our lunch. We will recess until 1 o'clock.

[Whereupon, at 11:58 a.m., the hearing was recessed, to reconvene at 1 p.m. this same day.]

AFTERNOON SESSION

The CHAIRMAN. The committee will come to order.

Will the media please withdraw from the room?

The committee is in order. Mr. Robinson, do you have something you would like to say?

Mr. ROBINSON. Mr. Chairman, at this time we intend to, with the permission of the committee, first call Hon. Ken Holland, Congress-

man from the Fifth District of South Carolina, to give brief testimony on behalf of Mr. Jenrette, to be followed by Congressman Mendel Davis, from Charleston, S.C., to be followed by Congressman Rick Nolan, if he is available. At this time, he is unavailable, at which time we would then see whether or not Rita Jenrette can be presented as a witness and then get a ruling on that.

Then I would make a statement, and we would proceed with Mr. Jenrette's statement at that time.

The CHAIRMAN. Then you would call Mr. Holland?

Mr. ROBINSON. Yes.

The CHAIRMAN. Mr. Holland, you can address us from any location you want to. You can sit there, stand behind the podium—either one.

It is our custom here to have you sworn. Do you solemnly swear the testimony you will give before this committee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HOLLAND. I do.

TESTIMONY OF HON. KEN HOLLAND, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF SOUTH CAROLINA

Mr. HOLLAND. Mr. Chairman, distinguished members of this committee, perhaps it is appropriate to register again the concerns I have stated to the House of Representatives in previous proceedings of this nature. But by way of background, it strikes me as significant that in these dying hours of this Congress, that we are called on with volumes before us delivered to our offices today—I see those same volumes stacked before the committee members—with very little time and much prejudice to make a decision that is going to affect an entire lifetime of Mr. Jenrette, but in a bigger and probably more significant sense, it is going to affect the House of Representatives as an institution.

I have admired the courage and dedication of each and every member of this committee, as you have had to deal with probably the most difficult matters that we have come before us; and I have tried to say time and again that beyond being difficult, your task is sometimes impossible, but, Mr. Chairman, I do not believe the impossibility or difficulty of the task this committee has dictates pure political expediency, and I believe that is what we are into at this stage and this Congress today.

Again, we are rushing to get out a committee report and recommendation, to bring it before the House of Representatives, as we did the last case in the dying hours. I recognize there are people on this committee who are totally devoted to clearing the image of the House of Representatives. I do not believe, though, we clear that image by appearing to be in a hasty rush to judgment.

Mr. Chairman, the time is expiring, as you well know. The question I would ask and urge upon you is we have before us a colleague whose legal status in the courts is not adjudicated, who has, if all press and stated reports are true, expended his entire earthly belongings on his own defense. He has been defeated in his re-election attempt. He has been made a public spectacle.

Just how far do we have to go to extract the last pound of flesh? I believe the punishment obviously and the question of guilt or innocence has not yet been determined in this matter. The punishment inflicted already is probably more than anyone could have expected at the outset, and now we are going to be asked as a House of Representatives to inflict even more punishment.

I don't envy your task, Mr. Chairman. Again, I commend you for your devotion, but that devotion once and lastly should not make us look too much in a hurry to punish a member or members. It strikes me as somewhat of an anomaly that two other of our colleagues have now been found guilty by a jury in this same matter, and by the passage of time, the same procedure will not be imposed upon those two Members.

There is something inequitable about that. I think if I had a recommendation to make to this committee, it would be one of introspection. Before we again examine charges against a colleague, probably the most serious examination should be of the process, itself.

As a member concerned probably more with the Constitution than with the Rules of the House, that is my nature, and my training and my professional background. I would say that again we may be sacrificing in the interests of appearing to be just and equitable and honest, we may be sacrificing something in the long term that someday we will be called upon to regret. The protections afforded by the Constitution should be no less afforded to a Member of Congress.

There should be no discrimination against any person because of serving in this body or any other public body in America.

I have been honored, I suppose, to be called upon at this time to say something on behalf of John Jenrette. I have been criticized because it presents me with political problems, as it would anybody, but I have known John Jenrette—we have been friends since our law school days. Over all these years, and coming to Congress together, I have had occasion to be his friend in good times. I have had occasion to stand with him now in this instance in the worst time of his life, and I would say, not by way of apology to anybody, but it is a real honor to be able to stand with your friends in the bad times.

This—I know the life story of John Jenrette. I know his love for this institution and his country, and I know this is the most difficult time he will ever face in his life, because of those deep loves.

I cannot commend the difficulties that he faces to anyone, but I can say that knowing him and his commitments that already at this moment, if this committee never takes another action, it has punished him beyond imagination for the rest of us, in my opinion.

Mr. Chairman, I again thank you for this opportunity to come and say a word on behalf of my friend in spite of the difficulties.

I know you have a difficult task. I commend you for whatever you do.

The CHAIRMAN. We appreciate that.

Mr. HOLLAND. Do I have to submit to cross-examination?

The CHAIRMAN. We appreciate your statement very much.

Mr. HOLLAND. Thank you, Mr. Chairman.

The CHAIRMAN. Who will be your next witness?

Mr. ROBINSON. Mendel Davis.
[Witness sworn.]

TESTIMONY OF HON. MENDEL JACKSON DAVIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF SOUTH CAROLINA

Mr. DAVIS. Mr. Chairman, members of the committee, let me say first of all that I appreciate the opportunity that you have afforded us, several of us, to speak to you in this matter of sanctions concerning our colleague from South Carolina, John Jenrette.

First of all, let me say that I sincerely sympathize with the position that you have, having one time had a similar position not on ethical conduct but, as one of the members of this distinguished committee knows, been chairman of a panel on a hearing on election fraud concerning one of our members that was brought to almost the final point.

So I realize the pressures that you deal with when you concern yourselves with whether or not a man is going to be allowed to continue to serve in the position that you hold and that I hold, a position that is probably the greatest trust in the entire American Government, because our position, as a Member of the House of Representatives, is the only position in the entire Federal Government that you can serve in only by election from the people.

Therefore, it is a high and a trusted office. We can have an appointed President, as we have seen, a Vice President; Senators are appointed; judges are appointed; Cabinet members are appointed, but only the House of Representatives is elected.

So, therefore, your duty is a hard one. Your job is a hard one, but like my colleague from South Carolina, Mr. Holland, I, too, am concerned about the way we go about these matters.

I am concerned about the rules of this institution that allow us to, with public clamoring, at times go forward to make a judgment on a man before he has exhausted his remedies in the courts, to maybe say that the constitutional rights that are provided for us in the judicial system are not the same constitutional right you have when you are an elected Member of Congress.

Because our rules dictate to you—and you have had to follow the rules—they say you proceed immediately.

As a retiring Member of Congress, I would say maybe the same thing Mr. Holland said: Maybe it is time this institution really thought about preserving itself and its integrity.

The way to preserve itself and its integrity is to do all it can to preserve the integrity of the Members of this body.

The sanction today that you would vote would be expulsion, and it would carry to the floor. If Mr. Jenrette were voted to be expelled and then Judge Penn happened to throw out the verdict, we have no power to put a Member back into the Congress. We have no power to correct the mistake that was triggered, a rule that was triggered by a jury verdict that we went ahead because of our rules before the final conclusion and due process was given to the individual.

So maybe I would say to you that introspection is exactly what you need. Maybe your first caucus next year should be a discussion of proposed rules changes to where we protect the rights of the people. You

know, there is a quotation from the Bible that has always been my favorite one. It is from the Book of Micah. It says:

What does the Lord require of the old man but to do justice, to love mercy, and to walk humbly with thy God.

I wonder by these rules if we are doing justice? I wonder if we are loving mercy? That is a question you have got to ask yourselves. I wonder if by that same quotation when we read something that might be the final act of this Congress in this year, whether sanction to be expulsion, have we loved mercy or have we done justice?

The people of the sixth district, the people who hire and fire the Representative from that area, spoke on November 4, when Mr. Jenrette was not returned. So what good does it do to expel a man now at the end of a session when maybe the last act of Congress may be that?

What have you protected in the dignity of the House? I ask you that question honestly and sincerely. I have known John Jenrette for 20 years. I first met him in the State student legislature, Mr. Chairman, where we served together. I knew him when I was a page in the South Carolina Legislature and he was a representative. I have known him since he came to Congress. I have known his diligence and his efforts for his people.

I have known how he has taken hard issues and voted with a good conscience. I know that he has probably been one of the best Representatives for his people, and he has given representation to people in a district that never really had representation before, believe you me. At a time when the old South was in existence, 40 percent of John Jenrette's district that was black never really had effective representation, but John Jenrette set about the task of bringing people together. Wherever you lived in the sixth district, you were a constituent, black, white, Republican, Democrat, rich or poor.

So I would say that maybe today John Jenrette is a case where when you are thinking of sanctions, you should maybe do justice and love mercy because he has earned it.

Mr. Chairman, it is an honor for me to be able to appear for my colleague, John Jenrette. He has served the people of my State with great honor. Maybe in these closing days he has been accused and has suffered at the hands of a court and a jury. Who knows what the final verdict will be? You don't, I don't.

I think our system says that the court renders that final verdict. So today let me just ask you, please, look at what has gone forward and the burden placed on this man and consider it, do the rules of the House guarantee the rights of the Members or do the rules of the House guarantee to you an obligation to go forward with something that the record may be incomplete on?

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Any questions?

Thank you very much.

Mr. ROBINSON. Mr. Chairman, I don't see Congressman Nolan here. We have been trying to reach him. It looks as if he won't be here and we have certain time restrictions. If it is permissible, I would like to read a few of the very brief answers he gave during the trial which I think highlight in part why John Jenrette is here. If I could be permitted to read that?

The CHAIRMAN. You are permitted to do so.

Mr. ROBINSON. Congressman Nolan was our first witness in the trial. He began to testify at page 2397. On the following page he indicated that he and John Jenrette came to the Congress together, what he considered a unique class, in 1974.

A lot of people had a lot of hopes and a lot of expectations for that 94th Congress and that John was one of the people that was admired and respected the most. In fact, he was elected to be the Whip of that class.

He continues on the next page stating that:

It was common knowledge in 1979 among colleagues of John's that he had a very serious drinking problem and that he was having legal and financial problems.

He continues that it just became apparent to him—Congressman Nolan—that a lot of people knew that John had these problems. A lot of people knew that John had the legal and financial problems and that he was drinking too much and they were concerned about him.

If I can interrupt that, that is where I really wish the committee, as they hear this, would think back to what I was trying to raise when I got those documents that I considered very helpful the other day because it shows that every Government witness who knew anything that was involved really did lie. I am not using hyperbole here, believe me, and I do use hyperbole once in a while. They knew that Mr. Jenrette had an excessive drinking problem and that he had serious financial problems and they knew it a year before they admitted it at the trial.

That is the thing that is tragic here because Congressman Nolan, Congressman Fauntroy, were trying to tell the jury this was something that was known to anybody who knew John Jenrette. The Government was denying they knew it.

The point I am trying to make through Mr. Nolan's testimony is if the Government knew it, and if they waited and waited to the most vulnerable moment to tempt him, then I think you all should think about that. You shouldn't ever let that happen again to a Member of this House whether it is John Jenrette or some youngster who is in the third grade now who will be up here in the year 2000.

At page 2400, Mr. Nolan said:

I have some personal experiences with alcoholism, young people who are alcoholics. Unfortunately, an alcoholic is always the last one to realize he is an alcoholic. So over a period of, you know, at least several years I just took it upon myself to sit down and talk to John Jenrette. John knew he had a drinking problem. He wouldn't admit to the fact he was an alcoholic, just to the fact he had a serious drinking problem. I tried to as gently as I could. I tried to persuade him that he was an alcoholic and he should take some treatment and do something about it before it destroyed his life.

He continued at page 2402:

Alcoholics are very good at appearing to function when in fact they are not except when they finally reach the pits, you know, where they get into a stupor. But, you know, if they go far enough, they will just drink themselves to death, but you know at the middle level, I suppose like any disease there are various levels of development.

Mr. Nolan went on to describe John was basically at the pits of alcoholism when the Government, knowing all this, came calling on him in December of 1979.

That is another tragedy this committee should never permit to happen to its Members.

At page 2404 Mr. Nolan admitted that he had seen the video tapes in my presence, and that he was familiar with John Jenrette when John's drinking and when he is sober. He said clearly in his judgment John was drunk on the December 4, 1979, tape. I hope you consider that. That is very important in deciding how he talked, and whether or not he got himself in a position he could not extricate himself from.

Mr. Nolan could have said much more, could have shared some personal matters if he had deemed it appropriate. I think that testimony, coupled with what Congressman Fauntroy said at the trial, which I won't refer to now, and what 23 other witnesses said at the trial show a picture of a man that was victimized rather than a man who was making the American public his victims. I think that is what they would say.

I would ask at this time for a ruling—

Mr. PRETTYMAN. Before you proceed, Mr. Robinson, just by way of the only kind of cross-examination I can have in the absence of the witness, may I call the committee's attention to the cross-examination of Congressman Nolan which begins at 2404, and I would, in particular, refer to 2410 where he, despite his close acquaintanceship with the Congressman, was asked whether the Congressman had ever told him that he had been dealing with sheiks, that he had gone to the House on W Street, that he was dealing with organized crime figures, he was offered money and so forth, and the Congressman said that he had not.

Mr. ROBINSON. That is correct.

Mr. PRETTYMAN. Thank you. Excuse me for interrupting.

Mr. ROBINSON. Mr. Chairman, I would like to at this time get a ruling, if I could, as to whether or not the committee will adjourn these hearings until such time as Rita Jenrette—I understand Mrs. Jenrette can be here Friday morning. I would like before we move to whatever else we do to have a ruling by the committee as to whether or not they will adjourn the hearings until Rita Jenrette can be here to testify on Friday morning.

The CHAIRMAN. Well, as I announced earlier in the hearings, the committee will proceed on things like this. I will rule, and then if the committee wants to overrule that by a vote, anybody can suggest it and we will.

It seems like to me since we set the time for this hearing and we have been reasonable in allowing time to expire, that this is, in fact, of importance to Mr. Jenrette his witnesses would be here. There never was any indefiniteness about the time being set. It was set and a week was allowed to elapse.

In view of that, I think we should go ahead. Unless Mrs. Jenrette comes in while we are in the process of handling the matter, I think it should be concluded today.

Mr. ROBINSON. Could we have a vote?

Mr. JENRETTE. May I speak?

I take part of the responsibility for her not being here after the anticipation of adjournment on Friday. For our future employment, there were some obligations made in California about my future while the appellate process was in line. I could not go after receiving indi-

cation that there would be hearings, but she had already gone on, and is in the process of negotiating on employment for both of us for the future.

I understand that on Friday, the counsel called Mr. Robinson and stated that we would have hearings that would go forward on Wednesday, and that Congress would not adjourn, or did not anticipate adjournment.

Your letter—I wrote you, as you recall, Mr. Chairman, and then I got the letter back that I received Monday night stating that we would go forward with an hour-and-a-half.

Several of the witnesses from South Carolina, including former Congressman Mann and former Congressman Dorn, as well as two individuals—three individuals to trace the money had been notified to be present to testify.

From the counsel's statement that Mr. Robinson look at rule 16(f) and coupled with your letter of an hour-and-a-half, I came in today without knowing what to tell any witnesses. I was going to have to pay a great deal of expenses to have them here, and I—if I had to choose, I would rather have had the Members of Congress and the people from South Carolina to come.

I came in with your letter of an hour-and-a-half, with Mr.—counsel's statement that we might have to vote on whether or not we would have any witnesses, not knowing what witnesses would be available to testify—not available, what witnesses would be allowed to testify, if I make myself clear. That doesn't go to Rita Jenrette as such. That was a matter I took a calculated risk for my future, and she is not here and is unavailable until Friday.

I would like for her to be here. I can understand the committee's feeling that maybe this is an effort to delay, but if you look back at the record, from the time of this very unfortunate circumstance, I have not asked for any delay. I did not ask for a delay in the court. I did not require subpoenas to be issued.

I turned over everything and went to trial and even asked to go to trial, waiving an indictment in March, to expedite it—for my future as well as for the people I represent, so they would know.

From that, Mr. Chairman—and I go through what my colleagues, Mr. Holland and Mr. Davis—had I asked for any delay, were I in trial right now, I believe those of you who are attorneys, I believe we could have some delay. I wouldn't be here. I wouldn't be here had I asked for a delay in just the time elements as Representative Holland mentioned about two of our other colleagues—I want to cause no pain. But I did not ask for a delay and I am being punished.

I understand your situation. I understand the committee's situation. But had I asked for the delays we would not have been here. This is the first one other than the time that we have consumed that some members I think probably are irritated with my counsel and very good friend. But I have asked for no delay in the court or here.

I would like for the committee to hear the additional statements that Rita was not able to give in court about the situation, about the tapes, the phone calls that she overheard, that were not admitted in court. Mr. Holland and Mr. Davis said I have suffered a great deal. That does not mitigate the situation for you. You have a responsibility.

I wonder if it is fair in the rush to finish without me having an opportunity to have Congressman Mann and Congressman Dorn and particularly my wife back for questioning and cross-examination by Mr. Prettyboy—Prettyman—whoever you would like.

I wanted to speak to that, sir, before you took a vote, or before the final decision. I can understand and respect your time. Mr. Robinson doesn't understand that as much as I do. I know how tight you are on time, even in the waning days, and I know how many demands you have.

This is something that will go down in history that I will have to look at and my children, as well as the institution of the Congress, for a long, long time. Is there not, with the case that is being tried right now, the case to be tried, with other cases, are we not selectively here today in a situation that maybe we are rushing where we do not have to be. No one—I am through, I am gone—no one would be faulted, it would seem to me. The record is clear.

MR. PRETTYMAN. Mr. Chairman.

May I make two points in response.

Both Mr. Jenrette and Mr. Robinson have stated several times, referred to the notices that they received on Friday about the hearing today. I just want to make clear again the point I made before they arrived this morning, that I called Mr. Robinson last Wednesday, right after the committee acted, and told him what the committee had decided, was that (a) they were going to hold a sanction hearing and (b) it would be a week from that day if the Congress was going to be in session.

It is quite true that I think both of us thought at that time that the likelihood Congress would not be, but he was fully alerted to that. I would submit that they made a calculated guess, risk.

Now, Friday they knew for sure. They have chosen, for reasons which I am sure are good in terms of the Congressman's financial situation, et cetera, to have his wife on the west coast. But I would submit to you that this committee should not have to wait on the convenience of that situation when they were fully alerted a week ago, they could have anybody here they wanted to have here to testify.

THE CHAIRMAN. Well, I would like to say just a word or two.

In addition to what Mr. Prettyman has said, which was there was a good full week's notice of this meeting, and never any deviation from it, I would like to also add that I don't feel there is any intent on the part of this committee to do anything except justice. The fact that there may be some Members of Congress who may not have had a verdict against them at a time when the committee might be able to conclude those matters in their case doesn't mean any selectivity.

The rules of the House prescribe what Congress should do and what this committee must do. It is mandatory language. It says they shall. We have proceeded like the rules say we should do. So, it is not being done in any rush. It is being done deliberately, in a timely way.

We really didn't feel that all those hours of discussion that we had earlier were needed, but the committee gave the hours, I think 4 hours we consumed at one time. I am talking about discussion before the committee. We did do that, and we have tried to be followers of what the rules tell us to do, and deal without any choosing between people.

After all, if we did not pursue this particular case, since we did pursue the Myers case, a selectivity might be urged there, that we were dealing differently with the gentleman before us today.

So, it is my feeling, and I therefore do rule, and if Mr. Jenrette would feel better, we will have a show of hands. I have no personal feeling about it at all. I don't have to be upheld. But it just seems to me if we are going to fulfill our responsibilities that we have to go forward. Therefore, I ask at this time for a show of hands of all those who favor the ruling of the Chair.

Mr. SWANNER. Five, Mr. Chairman.

The CHAIRMAN. All those opposed.

Mr. SWANNER. Two, Mr. Chairman.

The CHAIRMAN. So the ruling of the Chair is sustained.

I notice you have another possible witness that has come in.

Mr. ROBINSON. Yes, sir.

The CHAIRMAN. Mr. Fauntroy, would you like to address us. If you would just take that chair.

[Witness sworn.]

STATEMENT OF HON. WALTER E. FAUNTROY, A DELEGATE IN CONGRESS FROM THE DISTRICT OF COLUMBIA

Mr. FAUNTROY. Mr. Chairman, and members of the committee, I had the opportunity to appear at the trial of Mr. Jenrette as a character witness. I did so both as a minister and a colleague in the Congress. It is on the basis of that representation that I now come before you.

As a minister, I am one who works in an innercity parish, where I often come in contact with people who have a problem with alcohol.

I was moved to testify on behalf of Mr. Jenrette, not only on the basis of my association with him as a politician, and one whom I had supported in every election from the Sixth Congressional District of South Carolina, but also on the basis of my sense of the unfairness of the situation in which he found himself, in the situation which has brought his case to your attention.

The fact is that I and many Members of this Congress know that at the time of the actions which Mr. Jenrette took, for which he was convicted, he was not himself. He was a person who, against the background of my own experience in watching people who have alcohol problems, was having an alcohol problem. It troubled me then.

As I stated to the court, my only regret is that I did not become more forceful in suggesting that he get a hold of himself and that he begin to seek help with respect to what was obviously, from the glazing of his eyes, from the redness of his cheeks, an alcohol problem.

I have known Mr. Jenrette as a man of strength and courage of conviction and integrity in the political arena. I have not known him socially. But he is not here by virtue of any social concerns. He is here on the basis of a conviction, which troubles me deeply for the reason that I teach the young people in my parish, in my church, and in my community, something that my grandmother impressed upon me very pungently.

She taught me never to take advantage of old people, children, and drunks. I still feel a sense of outrage that that rather basic principle I

believe was violated by our Government in the circumstances surrounding the charges which were brought against Mr. Jenrette.

I would hope that you would take into consideration those human factors and a view which I think you would find generally shared around this Congress, that our colleague, who is leaving us, had a very serious problem during that period which may have contributed I believe substantially to the charges and the conviction which has been rendered at least by the courts at this point.

Mr. PRETTYMAN. May I ask one question, Mr. Chairman?

The CHAIRMAN. Yes.

Mr. PRETTYMAN. Mr. Congressman, how are you today?

Mr. FAUNTROY. Fine.

Mr. PRETTYMAN. You were asked on cross-examination, "And you do not have any personal knowledge as to whether Congressman Jenrette was drunk when he went to the W Street house; correct?" You answered, "No; I do not." I take it your answer would be the same?

Mr. FAUNTROY. My answer would be the same. I spoke only to the general condition of Mr. Jenrette as I remember it during that period. I remember it particularly because it was the fall of the year.

Mr. PRETTYMAN. Thank you very much.

The CHAIRMAN. Thank you very much.

Any further questions?

Mr. STOKES. Nothing of this witness, but I have something I would like to inquire.

The CHAIRMAN. All right.

Thank you very much, Mr. Fauntroy.

Mr. STOKES. Mr. Chairman, in light of the ruling of the committee with reference to Mrs. Rita Jenrette, I wonder if counsel for Representative Jenrette would care to proffer into the record what Mrs. Jenrette would testify to had she been permitted by virtue of the adjournment requested to appear here and testify on behalf of Mr. Jenrette.

Mr. ROBINSON. If I were given that opportunity, I would.

Rita Jenrette, if given the opportunity to testify, would basically describe the deterioration of her husband, John, from January 1979 up to and through February 1980, at which time John Jenrette followed the advice that Congressman Nolan had been giving him for a long, long time, to go in and try to deal with this alcoholism as a problem.

Rita Jenrette's father is an alcoholic and has been for years, and a personal fortune had been wasted and thrown aside because of his bouts with liquor.

She met John Jenrette sometime in 1975. It was a more dear relationship than the sort of comical, flippant-type article that was in the paper this past weekend.

At the time when she met John Jenrette, he was experiencing alcoholism as a serious problem, and he was having financial troubles. And through her guidance, he was able to get back up on top of the mountain and by 1978 he was more successful than he had ever been before as a politician. He was unopposed. He was running for the Congress. He had pushed the bottle aside, except for once in a while

socially. He was doing well financially. It looked like he was going to have a good venture in an island golf course project. Unknown to him, his partner was less of a crook, but—he just could not manage money. He didn't pay attention to the business and soon that business was in jeopardy because of poor management.

Mr. Jenrette was just a financial backer. He was tending to his needs here in the Congress. I have stated before what the testimony of many people shows occurred at the first of the year 1979 regarding the arrest of John Jenrette's campaign manager for smuggling drugs in on a plane, and implicating various high officials. And she would relate—she didn't get to testify at trial much of this—she would relate how John Jenrette began to reach out for the bottle, trying to find some comfort in the liquor, trying to find some solutions. She would tell how John was investigated on about everything you could investigate somebody on, and he was not indicted or charged in any of those things. And that he was struggling, trying to get his life in order, to try to hold on.

Politically he was being destroyed by all these investigations which made the front page of the papers down there, and when he would be cleared, they would always put it on column B-17, back next to Jack Anderson, which you can give whatever weight you want to give to it. And his life was in shambles and he was losing the Aristo project. He had \$300,000 in commitments in there.

He was drinking, trying to find solutions. He was losing his marriage with Rita Jenrette. She was thinking of leaving him.

Finally, in July or June he went into the Schick Clinic and tried to solve his problem. She would show that at this time he was trying to solve his personal, his financial, his drinking problems, and that he was doing OK. He was fighting it. But he still couldn't overcome all these problems, and it was known to everybody, anybody that knew John Jenrette down in South Carolina and North Carolina who he knew, he was having these problems. And that as he came into the fall of 1978 he was more distressed than ever before because his very good friend, Billy Lowe, had been indicted on an old real estate deal that the Government had been hounding Mr. Jenrette on for years, which Mr. Fauntroy, I believe, is familiar with, because Mr. Fauntroy testified at trial that every election year since 1972 the political opponent has brought up the Heritage Shores matter, trying to discredit Mr. Jenrette, and give the impression that he is a crook rather than a decent fellow.

So Billy Lowe was indicted. She would testify how that affected John Jenrette. How he drank heavier than ever. How he ran up bills in excess of \$50,000 to a law firm here in Washington, couldn't pay it. They were threatening to withdraw representation. He was a witness for Mr. Lowe.

At the time he was a witness, he was drinking heavier than ever in his life, that he was consuming over a fifth or a quart a day of liquor and that his staff was hiding liquor from him. She was involved in trying to get the staff not to let him get near liquor. How he would have to sneak over to some place in the House without revealing it to get liquor because his staff wouldn't let it be in the office.

How he was really functional, not much different than, if you go down to DuPont Circle, and see one of the fellows down there on the grates keeping warm.

She would testify that in December John never told her that his life was in danger and he never told her that he was—had been offered a bribe by any Arab sheiks. But, known to her, and unexplainable, he was concerned about debt. He was getting his affairs in order to die. He was telling her to tell various people like her parents how much he loved them.

He was telling her that if these characters named Weinberg and Amoroso called, don't ask any questions, just give me the message and try not to find out what is going on, because John really felt that these were Mafia people and he didn't, contrary to what all the Monday morning quarterbacks can say now, he was scared. She could see fear in him. He was drunk daily and he went into the Shick Center over Christmas.

On Christmas Eve he was such a pitiful person, she found him drunk at 11 o'clock at night in his House office.

She took him to Texas. He went in and got dried out. He was trying to find the sobriety to make rational decisions, but he wouldn't tell Rita what the problems were. She knew there was something bothering him worse than anything she had ever seen before.

There was a call that came to John after the first of the year from Mel Weinberg. She answered the phone and John got on the phone. When he got off the phone, he was pale as a ghost. Scared, but wouldn't tell her what the problem was, and he was sober at that point.

John testified at trial that that was the conversation where Mr. Weinberg told him that it is time to fish or cut bait. That Tony Amoroso is a tough guy, Tony de Vito, and you are going to have a meeting here on January 7 and you better have a Senator to help out on this matter; you better show us something to do on this legislation you talked about before.

It may sound far-fetched to you, sitting up here sober. It may sound like something in the movies, but if you read the whole record, and you heard her testimony, you would see it was very real to John and she would show that he was irrational on a daily basis, which is a thing I have been trying to convince everybody should be the consideration everybody gives to this man's state of mind, as to why he acted like he acted.

You have to look at what he did through the eyes of a drunk, not through the eyes of a rational Congressman. You have to look through the eyes of a man who is intoxicated, who feels threatened, who thinks he is about to be murdered, who is talking about cement on tapes. Rita took this all the way through. Finally she would say in mid-January, when John made it clear he had lost Aristo, the island project, made it clear that he couldn't deal with all the financial pressures and problems, there was no abundance of cash anywhere.

I mean checks were bouncing on the personal account for \$50, \$100. If he got that \$46,000, he sure didn't cover bad checks with it.

He didn't save Aristo and he could have, with \$25,000, which would have saved him \$300,000, if he had saved it. He didn't do that.

She will say that he told her finally, in the middle of January, to take this 10,000, he was drunk when she found him with \$10,000. He said:

I have lost Aristo. I am losing everything else. You take this to your parents and you tell them I love them and I am sorry they got involved in a bad investment with Aristo. They invested \$10,000, just tell them to take this \$10,000 and save their losses. Tell them I love them.

She would say that when he came home—it is late February 1, 1980—that night, or early Saturday morning, before the FBI came to the door he was pale as a ghost. He began to drink.

The FBI came and announced that they, the FBI was involved, and it wasn't Arab sheiks. She tape recorded, and John Jenrette didn't even know it. When John Jenrette found out that the Arab sheiks were FBI and not mobsters, and that his life wasn't in danger, I don't know if you understood that tape in executive session, but in there you can hear, if you listen over and over, when they say Tony de Vito is an FBI agent, John paused and said I am glad, and we keep saying that hoping some day the echo will be heard, that that is the reaction of a sacred and innocent guy.

And how he struggled, and how he went into the Naval Alcoholism Center after Abscam broke, and how he has been off the whiskey, hasn't been swimming in Willy Nelson's whisky river since that time, how he is doing better.

I think that is about what she would say.

Mr. PRETTYMAN. May I make a brief statement, Mr. Chairman, in response to the proffer?

The CHAIRMAN. Yes.

Mr. PRETTYMAN. I would simply like to note for the committee that virtually everything that Mr. Robinson has just said is itself in the testimony of Mrs. Jenrette, which begins at transcript 2415, and runs for 59 pages, or is in other portions of the record. Virtually everything.

She told how her father was an alcoholic, how she dealt with her husband in Congress when he was in an alcoholic condition. The Schick records referred to are actually in the record before the committee.

The CHAIRMAN. I remember reading that, and also the tape was audible, some of that tape was not very audible.

Mr. PRETTYMAN. I was going to add that the tape was played before the jury, and is in the record here.

The CHAIRMAN. And the committee heard that.

Mr. PRETTYMAN. There was much testimony about debt statements and his insurance policies were even introduced at the trial. It is interesting that when she was asked at 2466, did he indicate to you at that time he was being threatened, she replied:

John did not come out and say I am being threatened, but all the signs were there for me, and he didn't want to, when I tried to press him, he would say don't ask me about it.

The tape recording, as I indicated, is all there, and I really heard virtually nothing. I tried to listen hard. I may have missed something, but I recall virtually nothing that has been said that is not already in the record.

I would also point out to you that much of what was said goes to the question of guilt which is now behind the committee rather than to the question of what sanction to impose.

The CHAIRMAN. The repetition of it didn't hurt anyone. I am glad you had that opportunity.

Does anybody want to ask any questions or make any statements?

Mr. ROBINSON. I can just say that obviously Mrs. Jenrette could have articulated the personal observations and the living with Mr. Jenrette in a better and more coherent way than I can abbreviate here now under these conditions, and I think what her story is, what she says happened, in great detail goes to sanctions as well as to guilt or innocence. And I think, with all due deference to John and to his wife Rita—with all due deference, I don't blame him for several reasons for not sharing with Rita what his inner feelings were with threats and Arab sheiks.

Rita is a person of publicity. She is a person that is difficult to control and John, drunk or sober, understood that. And if he was in danger, could have put her and his children in danger, and why should they know something? So I don't think the fact that Mr. Jenrette, drunk or sober, did not share the threat that he felt was upon his life with his wife, a wife of the cut of Mrs. Jenrette as far as contacts with the press, and an outspoken woman, is not something that Mr. Jenrette should be criticized for.

The CHAIRMAN. Any further witnesses you would like to call?

Mr. ROBINSON. No, sir.

The CHAIRMAN. Would Mr. Jenrette like to make a statement?

Mr. ROBINSON. I would like, if it please the chairman, to make a very brief final remarks about certain matters here, and then turn it over to Mr. Jenrette for his statement. And then that would conclude our business, if it is acceptable.

The CHAIRMAN. Yes. Proceed.

Mr. ROBINSON. It was a privilege for me to hear three Congressmen here today speaking on behalf of Mr. Jenrette, especially two gentlemen who go back apparently 20 years or more with John Jenrette from South Carolina, Mr. Holland and Mr. Davis, that had what I consider the political courage to stand beside a friend in his distressing moment and to actually say that it is a privilege to be here because it is obvious from the way I conduct myself—and I don't apologize for it because that is the way I am—I don't mean to be flip but that is the way I fight.

I hope if any of you get in any kind of problems—and I hope you don't—that you don't hire a Secretary of State, you hire a gunfighter to protect your rights. You don't know what it is like until you are fighting the Government and fighting counsel and committees. You can't roll over and be courteous.

I apologize if I am not as courteous as some people. I mean that to you, Mr. Fowler. I get carried away in the heat of battle because I think what I am doing is right. It was a privilege for me to be here as a lawyer on behalf of John Jenrette and hear friends and politicians come to bat and state it is a privilege to be here at this moment on his behalf.

There are political consequences to anybody who comes in as an ally of John Jenrette at this point: People wonder how you can side with a person that the jury has said these things about.

I would briefly state that I have a lot of empathy—not sympathy, although I have that too—because I in my life grew up in the same Horry County that he was elected from and experienced many of the same conditions that he had as a child and have seen these barefoot

sharecropper's kids out on the farms, I find it amazing that a person can come from that background and become a Congressman. It is amazing enough that you can come from there and become a lawyer or stay out of trouble or do something decent with your life.

John Jenrette is a walking epitome of success coming from the have-nots and becoming a have. It is a privilege to have been here on his behalf and to have been able to speak for him here and in the courts.

He has a lot of dear friends down there. As Mr. Fauntroy testified at the trial, and as I believe Mr. Davis spoke and said here today, there are many people in the Sixth District of South Carolina that never really had a Congressman until John Jenrette was elected. He rallied to the cause of poor people and people who needed something who weren't getting it, and he became unpopular for it.

I can't retry the case and know that any time that we have I will mostly give to John Jenrette to make this statement before anything is done here. John Jenrette irritated a lot of people over a lot of years down there because of his political positions on behalf of the little people. There was a lot of resentment because John Jenrette had come up from nothing and became something.

A lot of the white people down there with a lot of money felt John should be more loyal to the fat-cat white people than to the poor blacks and whites. He was tarred and feathered many a time in the press. They set out to destroy him over and over until finally through the Abscam effort they appear to be successful.

I mention that only because when you sentence a person or when you recommend to do with—what to do with a person's life, I think it is important you consider the good times and the bad times that person has experienced, and what he has done is decent and what he has done is indecent.

There has been much that John Jenrette has done that has been beneficial to all mankind. There has been much he has done in civil rights, in constitutional government, much that he has done to further the cause of many, many people everywhere. He stood tall and has had courage. He has spoken for what he believes in.

I find it irritating in part that because the Congress is here over some civil rights legislation—I think that is what they are here for—that John Jenrette is in a sense not getting all the constitutional and civil rights he ordinarily would get. I think if Congress was sitting until mid-January, through some miracle, because they had some things they could get done, or if we had been successful in getting a waiver of indictment and been tried on the information, and if I had been the one that lost the case in June instead of October, John could have at least had the time, I feel, to have hearings here, to present evidence that would justify recommendations contrary to what I feel the recommendation may every well become.

To get caught in a time crunch because the Congress must adjourn and matters must move on is unfair to John. I think it is unfair that—and the Congress, you remember, should look at that. I know that you don't have to, but if you are here doing your job as the 96th Congress ends on behalf of all the American people on civil rights, don't get so caught up in the forest of protecting the civil rights of the individual Americans that you forfeit the rights of a colleague in the Congress to his civil rights.

I really think that that is happening here. I think that John has many pressures from many directions now, and he has got to move on with the decision and with the testimony he is about to give to you.

I didn't know much about the Congress. You can see that in the way that I sometimes get out of control. I apologize for that. Nobody should ever be rude, but having come from the same background as John and him not even knowing me when I was a little boy and he was a lifeguard down there—big hero, all that sort of thing—to see him in this predicament is sad.

I don't think people know—I never knew it—how hard Congressmen work. I didn't know until I represented John Jenrette, how you run across that road over there, vote on 15 minutes notice. I don't think Congressmen are paid enough money. I think some day you ought to get together and make sure the Cabinet members, the courts, the congressional Members all get the same salary, get paid what you are entitled to.

Everybody is the same. That is the whole purpose of this country, everybody is the same. Why should Mr. Burger get more than a Congressman? That doesn't make sense. Cabinet members.

I am saying all these things because you work, you are underpaid. You work hard. I always thought it was kind of a country club up here. I watched it. I see the men running about, running in there to vote, caucusing, doing all these things. The pressures up here, the alcoholism that is up here with people. I hope none of you have to experience it. I have seen it personally in my family. I know John has. I almost wept when I heard Mr. Fauntroy talking about taking advantage of people.

The Supreme Court ruled yesterday 5 to 4 by some of the clones of Justice Rehnquist, I guess, that a very sacred principle of law is being put aside. That is that in the future if the prosecution thinks a judge sentences a defendant to too lenient a sentence, the prosecution can appeal the sentence.

I say to you you are getting dangerously close—everybody thinks I am just out there whistling in the wind. The executive branch has the power now to go out and create crime on Members of Congress. The Supreme Court gives the executive branch of the Government the power to override the sentencing of the judicial branch.

I say when is it that the Congress—this committee, starting right here with its rules, with the hope of redrafting some rules, will stop the executive branch because they can get a little out of control, when they can override the district court trial judges on sentencing, when they can invade the Congress and create crime or the appearance of crime.

All along in Mr. Jenrette's case, in Mr. Myers' case, they talked about, well, you have to look at the conduct of the Congressman on the videotape. That speaks for itself. Yet when Mr. Murphy went to trial and he didn't do anything wrong on the videotapes, the prosecution gets by with a conviction because they say, look, he is too smart to talk that funny on a videotape.

The point is, all you have to do—and the Government knows it—is get a Congressman on a videotape talking about anything that deals

with his office in a private room, have somebody talk about money. With all the cynicism against politicians and crime you are not going to win. I don't care who you are. I don't care who you are. For the Government to get by with doing that I think is wrong.

I am saying that because I think it does deal with what sanctions should be imposed here. You look at who John Jenrette is, what his life was like, all the new evidence that has come forward that shows that the Government knew he was weak and vulnerable and he was in financial trouble, that he needed money to pay his lawyers, that he was drunk on a daily basis, that he was drunk when he went to testify for his friend, Billy Lowe, in South Carolina. The prosecutor there happened to be one of the two prosecutors in the case of Abscam against John Jenrette.

There is a crossroads in John Jenrette's case where the Government just kept coming and hounding this man until they finally got him. It was sad for me when John took me through the halls of the Congress the other day. He was talking, unwinding. It was very sad to see him speaking like that. You go through the Rayburn Room.

You can kill a man with more than a gun. Shakespeare wrote about paper bullets of the brain. You can use words and create things. Shakespeare said to beware of paper bullets of the brain, they can assassinate a man as much as any other weapon.

That is what you are doing if you expel John Jenrette. The paper bullet creations of Tom Puccio, Irv Nathan, good old Mr. Civiletti and all his righteousness, William Webster, the hypocrite who calls himself a judge, videotapes, concealing of documents, presentation of cases built on lies, get the man found guilty and then find documents in another file that would have maybe won the case for a man, that fit old, crazy Robinson's theory. Use the paper bullets. Assassinate the man's character, destroy his political career, keep pecking away, putting the pressure on the Congress that you have to weed out your corrupt members so they don't really attack the corruption that is there in the executive branch.

Convince the Supreme Court that the Attorney General should have the power to appeal a sentence that is a judicial function, start marching in a goose step. That is what Civiletti wants. The old goose stepping Nazis in this country.

I am not trying to sound too rhetorical.

Mr. LIVINGSTON. Excuse me, I take objection to those remarks. I would like to know are we summing up right now or what are we doing? Is he appearing as a witness on behalf of Mr. Jenrette? Those last comments I find absolutely intolerable.

The CHAIRMAN. Well, I thought you were going to introduce Mr. Jenrette. In less than a half hour there will probably be a rollcall.

Mr. ROBINSON. Then I will conclude these remarks by giving Mr. Jenrette over to you and saying that I find what the Justice Department did in this case to be as offensive as Mr. Livingston finds my remarks to be.

I have been just as conservative and just as much a prosecutor as Mr. Livingston has been.

Mr. LIVINGSTON. Since the counsel chooses to address me, let me say if he has been a prosecutor and a defense attorney, then he knows he

has had his day in court. With Mr. Jenrette that is no less the case. He has been before the court. He has been through the due process system. A jury has retired and deliberated. He has not been the subject of Nazis. For him to make that suggestion is not only a disgrace in this room here but a disgrace to the American system. I think he has insulted the entire system we are trying to handle in this country.

Mr. ROBINSON. Judge Penn is not a part of that. I am talking about the Justice Department. He has not had his due process. Next week it will be concluded. After he is kicked out of the Congress, if that is what is going to be done here, he will not have a conviction. There will be some hypocrisy in that.

I give you Mr. Jenrette with nothing more to say.

The CHAIRMAN. Mr. Jenrette, do you want to take the stand?

[Witness sworn.]

The CHAIRMAN. Proceed as you wish.

TESTIMONY OF HON. JOHN W. JENRETTE, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF SOUTH CAROLINA

Mr. JENRETTE. Thank you.

Members of the committee, before I get into remarks that I had somewhat prepared over the last several days, I do want to hopefully clear up something that was said at the last moments of our meeting last time, after the introduction of the document that came in later that disturbed me somewhat, because the inference by Mr. Pretty Boy was that we were trying to delay with the last introduction of the document, and he went on to say that the \$15,000 bonus was not because of information on John Jenrette, but was because of the recovery of over a billion dollars—and he said not million; billion dollars—in certificates of deposit which were alluded to in that document that you received.

He referred to that as being not information on John Jenrette. That is the same money, the same certificates of deposit that Director Webster, appearing before the Judiciary Committee subcommittee of Congressman Edwards on March 4 referred to in a slightly different way. He stated that the undercover operation had prevented economic loss in excess of a billion dollars.

Had I been sitting on the committee, as I understand the committee members were, had I been listening without knowing all of the facts as I know them, to Mr. Pretty Boy the other day—Mr. Prettyman—I would have been impressed by an undercover operation that had recovered or saved the American people that kind of money, but that is just not the facts.

One of the reasons, Mr. Chairman, members of the committee, that I have endured these hearings—and you have endured them because of your responsibility; I endured them because I wanted an opportunity to say something further about this situation. I am highly disappointed that the committee on a 5-to-3 vote failed to get the 25 volumes of documents that I think the Members of Congress ought to see.

You voted to receive those documents, and I think that if I could have done anything by being here, the receipt of those documents, I

think, would have told a story that maybe even Mr. Livingston would have thought differently about Ken Robinson's statements a few minutes ago, if he ever looks at those 25 volumes.

My point, Mr. Chairman, members of the committee, going back to the one-point-something billion dollars that your counsel used as the basis for the \$15,000 bonus—and he is so wrong. That came up in the trial. Not a single case, not a single case has been made by the Federal Bureau of Investigation on that in excess of a billion dollars.

Mr. Webster said it was a—prevented the loss. Mr. Prettyman said the documents that it recovered.

Let me tell you, Mr. Chairman, members of the committee—and I have verified that since we left—that recovery of those certificates of deposit were the same certificates of deposit that Mel Weinberg drew up, showed individuals how to market them, and brought them into the trap. Not a single, single case—and this is in the transcript—has been made.

For Mr. Prettyman to stand there and say it wasn't the information on John Jenrette, it was the one-point-something billion—not million—billions of dollars, that is just not right.

If he can show a single case has been made, I will stand corrected.

The second thing, and this hurt me personally more than that. He stood and said in his final statements that John Jenrette had been investigated not one time but a number of times, a clear indication to me, and I believe to some of you that might not know me, that I had criminal propensities or predisposition even. I think for myself I should put in the record about those investigations. There is a member on your committee that knows about them, and he didn't see fit to say anything about it, but the investigation that the FBI testified about, in 1974, Mr. Hussey—and I think if Mr. Pretty Boy had read the record, he would have remembered that—in the 1974 political campaign, at the end of the campaign, my opponent, who won the race—I mean who had defeated me in 1972—and I defeated in 1974—his campaign manager in the county of my home filed an official complaint with the FBI, in the heat at the end of the campaign, that I had defrauded the Government by a misstatement of financial records in a loan that I had been involved in on the same property that has haunted me for years. The FBI agent testified in our trial that that was a 3-week investigation, that nothing came of it, but I had a file beginning in 1974. In 1976, some reporter that is in this room today did some investigative reporting discovering in that same real estate project there had been some double mortgaging of real estate in that, and that was an error, but it was right.

My opponent whom I defeated, who was coming back—and Mr. Spence knows about it—called a press conference and called for an investigation by the Justice Department. That investigation was conducted, but the U.S. Attorney at that time had been appointed and was the former campaign manager for my opponent. That was a totally clear political investigation, and I raised Cain.

Attorney General Levi wrote me that there was no going forward with the investigation. That was the second investigation.

The third investigation, Mr. Chairman, members of the committee, came in January of 1979. You have heard about the drug situation

that my former campaign manager was caught it. I was the godfather of his child. It hurt me deeply. Mr. Prettyman knows that I called for an investigation at that time to clear myself.

I wrote Attorney General Bell and asked for a complete, thorough investigation. That came up in the trial, and I wrote him the letter, and it was not introduced in evidence because I had in the letter—in the last sentence of that letter offered to take a polygraph, a lie detector test. The judge would not allow that letter to go in because of that inference to the jury, but I asked for that investigation.

I also asked, through Mr. Vardaman, who was representing me earlier on, for a—the information that the FBI might have to determine what investigations had been, so I would know. They declined to do that, but these have come up.

For Mr. Prettyman to infer that I had been investigated, that I had some predisposition of some criminality as he did here, I resent very strongly, because I called for one of those, and two others were purely politically motivated.

I hope that none of you in this political service either have to go through with that. It was a political prank, but a very serious one to me now, a very serious one.

If I have anything else with the Department, I don't know it. If I have anything with the South Carolina Law Enforcement Division other than asking for the investigation on the drug matter, I don't know it. If I even have anything with the South Carolina Highway Patrol on a traffic violation, I don't know that. I didn't want this committee and many of those of you who have been personal friends to think that they have walked with me and talked with me over the 6 years I have been here, that they were dealing with someone with such a criminal predisposition. That bothers me a great deal.

Politics, all my adult life, I have been in it. Weaknesses, undoubtedly they have been printed and spoken in every language, I guess, there is, and every type in every paper.

Making the mistake of going to that townhouse in the condition I was in, going back, talking some of the things I was instructed to talk tough and to be tough, well, I have to live with that the rest of my life, but in that regard I want to state that in my trial and even before the trial, I tried to put in—state at some point in time that there were tapes missing where I had acted different. On one of those tapes Senator Bradley, from New Jersey, had been mentioned.

The judge refused to allow me to state that in court. I don't know the gentleman well enough to make any judgment. As far as I know, he is a fine outstanding gentleman. I don't know him at all.

They asked me to contact that Senator along with some others. The point of that, Mr. Chairman, is in all this time when I first told it to Jack Vardaman, of the Edward Bennett Williams law firm, and subsequently to Mr. Robinson and others, nobody believed it. But in the trial in New York very recently, it came out; they were talking about that individual. My tapes—my tapes, it would have gone for—I say every one of four that were missing, was when I acted differently than in the ones that were presented in the court. They are gone. They are lost. They are taken out.

Five FBI agents—five, Mr. Livingston, five FBI agents—perjured themselves on the stand, outright lied for a conviction. I expected Mel Weinberg to lie, but having been a city judge in a very small municipality, I thought it was only the agent, patrolman, or law enforcement officer's duty to bring a case to trial with the facts—the truthful facts—and to then allow a jury of his or her peers to take those facts and make a determination.

I have always believed that a big part of law enforcement was prevention. But to have our agents come in and lie disturbs me greatly—for the purpose of a conviction. For that document you have in your files today, to say they saved one-point-something billion—not million; billion—dollars, and there has never been a case. Those 25 volumes would have given the Congress a headstart—this committee a headstart, on determining some things that I think are very wrong.

You can do what you want to with me. I am pretty much ruined. Emotionally, financially, politically probably, but I hope that our taking your time—and I know how many demands you have—I hope that our taking your time, that at some point in time next year, that some of you will pass on to your colleagues on the other committees, if that is where it might come, the importance of looking into what could well be a much more serious situation on the horizon than Watergate or Abscam, itself.

I think Mr. Webster should be made to account for his statements before the committee, Mr. Heymann, maybe even Mr. Civiletti. When their own agents now coming out daily, information coming out weekly, contradicts what they said, somebody has perjured themselves just as someone leaked the information. That has never been released. It had to come from the Department of Justice. It had to come from the FBI. That has never been resolved.

That is not a matter that I am concerned with or you are concerned with now.

I was caught in September and October 1979 in a bad situation. A friend was crying out for help. My friend was the individual that was convicted with me, a millionaire, a friend that had supported me financially, knows nothing of politics, knew nothing at all. I am the only Member of Congress that he knew. That is clear in the record, that he said I was the head of the Finance Committee in talking with de Vito and Weinberg. No one but me. He was down and out, has lost everything he had. He left Myrtle Beach, S.C., in an old automobile and borrowed \$40 to get out of town, came in with an airplane, a yacht, matching Continentals for he and his wife, and a bankroll that I had never even heard of or seen the way he was spending money.

I represented him as an attorney, my law firm that I started; held money for him on a number of occasions, so he wouldn't gamble it away. A friend that was down and out. He came to me and Mr. Pretty Boy said the other day that it was ridiculous the way that I would use the fact that I had turned down the C.D. deal, told him it was illegal because it was such a ridiculous thing that anyone would.

Well, that same one-point-something billion dollars was the very same C.D. deal that he came to me with, so you can't have it both ways. It was serious enough for several people that became involved in it for the FBI to recover \$1.7 billion of C.D.'s that they had already made themselves.

They actually showed these people how to print up and bring C.D.'s to them, and then they came to justify their budget, state that they recovered these C.D.'s. It is very serious.

Tony de Vito, Tony Amoroso stated, under cross-examination from Mr. Robinson, to know John Jenrette and his involvement, you would have to listen to the tapes from October 10, 1978, through the whole area. I don't know how many of you have. I don't know how many read the transcripts. They came after me at that time, and it is August they had to have been after me prior to that time for it to have come up on October 10, "What about the Congressman?"

I am the only Congressman John Stowe has even known, to my knowledge. I tried to help his son get into the Air Force Academy. That is how we renewed acquaintances over the years.

I contacted Congressman Marks because they lived in that district. His age prevented him from being in, but that is how we got back together. I was weak. I wasn't there. But I didn't take any \$50,000.

For your counsel to say that I was there just figuring out a way to get a runner to pick it up is a distortion of what I believe the facts to be. I was in that room with de Vito on a one-to-one situation. That is the nearest a secret can possibly be, when two people are together in the room.

I didn't know the cameras were running or the audio and the video. But that is the nearest that it could be for a secret. If I had the predisposition or the sinister means to take a bribe, I would have done it then, I submit, rather than laid it off six or seven times as I did.

Fear. It sounds ridiculous to me now. I know that each of you sitting there have got to have great doubts about that. I can see it now. I see how foolish it might have sounded. I cannot even fault the jury who know nothing about the pressures except what they heard in a few days.

But to think that athletically inclined as I am, having been—had my face rubbed in the ground as many times physically, fistfights, and having won a few, to think that I was afraid, and actually scared, even seems ridiculous to me now.

I never thought, as tough as I thought it was, that I would ever have that problem. I can understand how it doesn't set well with you or the jury.

It is a different world that I lived in that year. I guess, as Kenny Robinson summed it up the other day, if anything good comes out of what I am going through, physically, physically. I am a better person.

Senator Thurmond, a different party but a hard-working friend of mine for a number of years, wasn't mentioned first by me, as Mr. Prettyboy knows. The only reason I think that his name even came up was because the building and the American Gear & Pinion that I was trying to save at the time. He had dedicated that building, and his name was there. It was a reference by Stowe that pushed me to say the things, to sell the Statute of Liberty, to brag about the fact that I could influence anyone's vote or actions, which I certainly can't—never soberly—maybe bragging that I could get somebody to do something, and I don't know that any of you on this committee have ever stated anything like that.

Maybe I am the only one that would ever say I can get so and so to help me. Not knowing, not having talked to that person, but just

through past relations, thought that he would have done that. I ask you to look at Senator Thurmond. Senator Thurmond asked me to get an appointment with Secretary Christopher, to try to save this plant before it went bankrupt.

The other cases that I have read from the paper was about a hotel being built somewhere, a port being built, or depositing money in a bank or something like that, the potential of doing that. Mine was very much different. It was very real. It was a saving of 550 jobs in my home county, where I was in serious trouble politically.

It was a plant that I had tried to save through the licensing process that went down with the Shah of Iran. It was not some whimsical event that was concocted, that I feel for in order to obtain a bribe or fell for in order to be at that place. It was a real concern. The FBI knew that. They knew exactly how to play that, that I was caught between going forward with what now seems to me is a ridiculous business proposition—John Stowe didn't have two nickles. To think that anyone, no matter how much money they might have, would have loaned \$3.5 million to save a plant that was bankrupt now seems ridiculous. But it didn't in the state of mind I was in at that time.

To save 550 jobs was of paramount importance to me. Helping a friend who was down and out, who might have another chance was of paramount importance to me. I was involved in and did wrong in doing that.

You in politics must realize to some extent the pressures, the potential promises and the potential ambitions that a situation like that might create. Swinging door it has been said, you could have said no and walked out. I found myself somewhat in the same position as the speaker of the house in Texas that was acquitted. He didn't want to not take the money to embarrass the friends and all that were with him, but set it aside. He was later found innocent.

The same sort of situation. I didn't want to leave there when the potential possibility of those 550 jobs lay on the horizon. I knew full well that I could not take any money. I knew full well I could not introduce any legislation. Yes, I sold the Statue of Liberty along with Senator Thurmond, and I went along with those people.

Yes, greed caused me to go back in January. I had lost or was about to lose the real estate investment that I had put in about all the money I had accumulated. It seemed easy enough, with all the money they had available, to go back and to borrow some money from that crowd, fear or not.

In my state of mind at that time, the thing going down the drain, the only way that I thought I would save it was to go back and borrow that money. In that time, you will recall, those of you that read the transcript, that I stated and reiterated that it had to be a proper deal, going rate of interest, that it had to be proper.

I had told de Vito and Weinberg knew that I didn't have that money, or I wouldn't have been there because I could have saved the project.

Yes, the documents, the serial numbers—I cannot conceive of why that was ever stated. I understand now that the reason they even entertained my proposal for a legitimate deal in January of 1979 was to get me back over and ask me about the money, if it was all right,

which I had never seen, but I said yes, fine, I believe it is what it is, or whatever is on there, that speaks for it, and I was under oath, as I am now.

But I think of all of the cases, the only one they didn't show money to, but tried to get to take money. And the only thing I said, when they said did you get the package, and I said everything is fine. I knew the individual had the money. He came back with money and didn't have it when he left and that was the only deduction that I could possibly make, that that is where it came from. When I went back and he asked me about the numbers, I said everything is fine, whatever I said, was going along with that same thing.

So I feel sort of like I understand what Congressman Myers stated, that it was playacting. I had been told not to be sanctimonious, to go along, to act tough, that that is what they want you to do. To go along, and I will get this \$3.5 million, and I will put these 550 people back to work, and you can take credit for it and the statement that I stated on there that put them back to work, I don't care if they don't work but 3 days—any of you that know me, any of you that has traveled in that district, you know that that was playacting.

I prided myself on trying to help the disadvantaged and unemployed. To have said that hurts me. Not what it does to you, or what it does to the case, but it hurts me, because those people looked to me, the first time ever, to provide for them—they had been deprived, 2 of the 10 poorest counties in the Nation, and I tried to help solve that.

The CHAIRMAN. What you are saying is if that is what the record shows you said, it is certainly not what you meant.

Mr. JENRETTE. Absolutely. Could I have just a 2-minute break, please?

The CHAIRMAN. Yes. Have a glass of water.

Mr. PRETTYMAN. Could we make it 3, Mr. Chairman?

The CHAIRMAN. Yes: we will wait until you return, Mr. Prettyman. [Short recess taken.]

The CHAIRMAN. After our short recess, we will now resume.

Mr. JENRETTE. Thank you, Mr. Chairman.

I want very much to continue to fight. I want to continue pounding the message and I would like to even take it to the floor, if not for me, because I no longer matter, but for the threat that presents itself to Congresses in the future.

I want to thank you, Mr. Chairman, and members of the committee, for allowing us the time that you have under what must be for you unpleasant responsibility, regardless of what you might think of me as a person or as a member of one party or another—I know it must be unpleasant and I will try to finish up so that you can discharge your responsibilities.

I am here, as you can well imagine, with a very heavy heart. Last week this committee made a decision to conduct hearings on sanctions—what sanctions, if any, would be recommended in the event the House was still in session.

None of us knew at that time whether legislative business would be completed or not and again hindsight and retrospect of not delaying the trial now haunts me.

I find myself in a situation embracing the worst of both worlds. Next Wednesday here in Washington a hearing has been scheduled to continue the testimony relative to my due process, a hearing similar to the one that brought back the reversal of the jury verdict in Philadelphia.

Had that been concluded in my favor, I would not be heard under rule 14—maybe some other, but not rule 14. I would have had additional opportunity—and I say this understanding full well that the committee certainly has been, certainly in comparison, very lenient, and we have taken time and tried to review in some respects incidents that it took 6 weeks in a court to state.

That hearing next week probably is the most important thing in my life right now and I say that with no less respect for this committee and this body.

I don't know that I could take that and 3 more days or 5 more days of this. I am confident that our judicial system will establish there is no conviction, that the verdict of the jury should not have occurred, and it is imperative for me and for history and for my family that I use all the energies that I have on that fight.

With all the importance I attach to this House and respect for this institution, it is simply more important that I devote full time to those appellate proceedings that hopefully and prayerfully for me will vindicate me finally, once and for all.

The Government creatively created and orchestrated a crime that a jury determined I was guilty of committing. Evidence is now being revealed each week that will show, I believe, in the final analysis that I was innocent of guilty conduct.

At issue today, however, is not my innocence. The question here today is what sanctions, or what penalty, I believe the section is that the committee recommends to my colleagues, our colleagues in the House.

If John Jenrette is to read in any sort of positive way for his service, I would hope it would be for my devotion to principles of individuals and civil rights of Americans. I have always stood for the right of each American to enjoy the fruits of democracy of our Nation, the right to be free of individual tyranny by a powerful Government. I find it extremely uncomfortable and somewhat ironic, as has been stated earlier, that until yesterday we were waiting for adjournment on the basis of actions involving civil rights, ironic in that as a fighter in that regard, I now find myself in a position where my civil rights have to be surrendered by me making a choice—I must surrender that at least in this forum in order to accomplish objectives that must be met in the court, so that I can, regardless of what history shows in these records, can be vindicated of criminal conduct.

It has been a lifelong dream of John Jenrette to serve in the Congress. That dream was fulfilled in 1974. I love the House, the institution, what it represents.

The State that I am fortunate to be a part of, the people of the Sixth District, have afforded me one of the highest honors that they can give, and despite the tyranny, the instances that have engulfed me by one agency of the Government, I still have a strong feeling of love for our Government and particularly the Congress where I know as well as anyone the sacrifice that individual Members must make.

With that love and with deep faith in our system, I know that justice will ultimately prevail and I shall be exonerated.

Hearing Congressman Fauntroy refer to his early admonition by his mother, I remember my praying with my mother of "lead me not into temptation, but deliver us from evil." I guess I have thought of that passage of scripture more in the last several months than any of you could ever possibly imagine. Because I think that you will agree that no matter what my ultimate conduct—what the ultimate conduct of any other Members might have been, it was the temptation, a langing that need not have been—it is painful for me to realize that his Government founded on those Biblical principles did indeed lead me into temptation and led me into the appearance of evil that the jury saw fit and you and this committee concurred with.

When I depart this Congress, I will do so with the thoughts of the good that has been done and with memories of my service in a positive frame. From the beginning of this ordeal, I have been caught in what I contend is a vicious and unbelievable series of circumstances that even bring me here today.

I honestly wish there were more time so that I could continue sounding and sounding the message not in any pretense, stating that I have been all right in my actions, but continuing to say that I am not guilty; the wrong was committed prior to any wrong I committed that should not have been allowed.

I wish there had been more flexibility, and I wish I could receive the empathy and not the sympathy of the members of this committee who, like me, are here today because of that vote that you received.

I wish I could recall the actions of the past year. I can't do that. I have to live with that.

There is an old child's saying that if wishes were horses, all the beggars would ride. My wishes are futile. I can't back up time or events. We are here; I am here—we are here today now in the present, dealing with the facts as they are. With the pressures of the hearing next week and with the desire to spare this House as an institution, its Members, the members of this committee, any further embarrassment, I am submitting to the Speaker my resignation, effective as of today.

I do this with great pain, pain so severe that none of you could ever know. I have many fond memories. I wish you all Godspeed.

Mr. PRETTYMAN. Mr. Chairman, might I be recognized for just a moment?

Mr. ROBINSON. I object to his speaking. I object to any comment by counsel. I think the matter is moot with that resignation.

Mr. STOKES. I, too.

The CHAIRMAN. I prefer you put it in the record by a letter.

Is there an error you want to correct?

Mr. PRETTYMAN. I was going to say something else to the Congressman. I would be happy to submit it.

The CHAIRMAN. Well, with his resignation of today, the proceedings become moot. If you would address a letter to the committee, making whatever factual matters you have about it.

[The letter referred to is appended to the transcript.]

Mr. PRETTYMAN. I was going to speak on a personal note. That is all right.

The CHAIRMAN. I think I would say for the committee, certainly for myself, that Mr. Jenrette has acted with courage and determination,

and I hate to refer, because of my own personal religion, but I will, to the fact that a man died 2,000 years ago to make it possible for all of us to put the past in the past and have every day a new beginning.

I think every member of this committee and the Members of the Congress, and every thoughtful person in America would wish for Mr. Jenrette that the next day and every day hereafter is a new day and a new beginning, and no one can undo the things that are past. We have to pay the penalties for the things that we do that are wrong, but it does not mean that you don't have hope, and it doesn't mean you can't make a tremendous contribution to society in the future.

Unless there is something else that must come before the committee at this time, I would like to go into executive session at this point.

[Whereupon, at 3:35 p.m., the committee proceeded to executive session.]

DECEMBER 10, 1980.

HON. CHARLES E. BENNETT,
Chairman, Committee on Standards of Official Conduct,
Washington, D.C.

DEAR MR. CHAIRMAN: You will recall that at the sanction hearing in the Representative Jenrette matter held today, I asked to speak briefly following Mr. Jenrette's announcement of his resignation. You suggested that instead I submit my remarks in writing. That is the purpose of this letter.

1. Mr. Jenrette faulted me for describing the seven sheets introduced by Mr. Robinson on December 2, 1980 as showing that Mr. Weinberg received a \$15,000 bonus for "recovering" a billion dollars. The record will show that shortly after receiving those seven documents I stated to the committee: "They show Mr. Weinberg was getting a \$15,000 bonus because of his activities in ABSCAM and another unnamed operation which has been blotted out and because over the past year he had been responsible for *preventing* almost \$2 billion in economic losses." (Appendix II, A Report In the Matter of Representative John W. Jenrette, Jr.; at 331, emphasis added).

Similarly, when I described these sheets in the report of special counsel upon completion of the preliminary inquiry, I wrote: "They show that Weinberg was given a \$15,000 bonus in June 1979 in connection with ABSCAM and another, unnamed, investigation, and that in the last year alone he had been credited with preventing almost \$2 billion in economic losses." (*Id.* at 403; emphasis in the original).

I believe that a review of the seven sheets will show that on both occasions I accurately described their contents.

2. Mr. Jenrette found it objectionable for me to have referred to the fact that he had been under investigation on a number of occasions. I recited this fact not as part of any damaging evidence to show any prior corruption but rather as a recitation of his own evidence, introduced by his own counsel, both through Mr. Jenrette, Mrs. Jenrette, and several other witnesses. These investigations were proven by Mr. Robinson as one of the reasons why Mr. Jenrette was in an alcoholic condition at certain key periods of his life.

Sincerely yours,

E. BARRETT PRETTYMAN, JR.

