

96TH CONGRESS }
2d Session

HOUSE OF REPRESENTATIVES

{ REPORT
No. 96-930

IN THE MATTER OF
REPRESENTATIVE CHARLES H. WILSON

REPORT
together with
DISSENTING VIEWS
(TO ACCOMPANY H. RES. 660)



MAY 8, 1980.—Referred to the House Calendar and ordered to be printed

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IN THE MATTER OF REPRESENTATIVE
CHARLES H. WILSON

MAY 8, 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

DISSENTING VIEWS

[To accompany H. Res. 660]

INTRODUCTION AND BACKGROUND

During the course of the Korean Influence Investigation conducted pursuant to H. Res. 252, 95th Congress, the Special Staff conducting the inquiry (under the direction of Leon Jaworski, Esq.) became aware of possible violations of House Rules by Representative Charles H. Wilson of California.

Since the possible violations were not directly related to the scope of the Korean Influence Investigation, the matters were pursued only as far as necessary for the purposes of that particular investigation.

The Korean Influence Investigation terminated with the close of the 95th Congress and the matters were left unresolved.

On February 7, 1979, at the organizational meeting of the Committee on Standards of Official Conduct for the 96th Congress, Chairman Charles E. Bennett appointed a two-member subcommittee, of Representative John M. Slack and Representative F. James Sensenbrenner, Jr. to conduct a study of possible violations of House Rules by Representative Wilson.

On November 28, 1979, after a brief summary of the evidence, the Committee adopted a Motion to Conduct an Inquiry pursuant to Committee Rule 11 (a) (1), by a vote of 7 to 0.

A copy of the Motion to Conduct an Inquiry, outlining the various possible violations, was made available to Representative Wilson on the same day.

Prior to adopting the Motion to Conduct an Inquiry, the Committee requested that Representative Wilson appear in executive session to testify about the various possible violations. Representative Wilson, through counsel, declined to comply with the Committee's request.

On December 12, 1979, the Committee, in executive session, heard an unsworn statement from Representative Wilson and argument from his counsel respecting the Motion to Conduct an Inquiry. At the conclusion of the meeting the Committee agreed to a Statement of Alleged Violations¹ against Representative Wilson by a vote of 7 to 2.

Mr. Wilson thereupon asked for full discovery of the Committee's evidence and Committee counsel was instructed to make available for inspection by Representative Wilson all documentary evidence in the possession of the Committee.

Comprised of 15 counts, the Statement of Alleged Violations alleged generally that Representative Wilson received gifts of substantial value from a person with a direct interest in legislation (a violation of House Rule XLIII, clause 4), under circumstances which might be construed by a reasonable person as influencing the performance of his governmental duties (a violation of the Code of Ethics for Government Service, clause 5), and, in so doing, reflected discredit upon the House of Representatives (a violation of House Rule XLIII, clause 1). In addition, the Statement alleged that Representative Wilson caused to be hired on his clerk-hire payroll a person whose salary was not commensurate with duties performed (a violation of House Rule XLIII, clause 8), and that Representative Wilson commingled campaign funds with personal funds and converted campaign funds to personal use in excess of allowed reimbursable amounts (violations of House Rule XLIII, clause 6).

The Statement of Alleged Violations also charged that Representative Wilson gave an earlier false statement under oath to the Committee concerning the conversion of campaign funds to personal use. All violations charged in the Statement of Alleged Violations were based on the standards of conduct in effect at the times pertinent to the respective counts. (See Appendix J, Committee Hearing Exhibit #5).

In response to the Statement of Alleged Violations, Representative Wilson, through counsel, filed the following on January 2, 1980: Motion to Dismiss Statement of Alleged Violations, with supporting memorandum²; Motion for a Bill of Particulars, with supporting memorandum³; and a Motion for Disclosure of Evidence and Exculpatory Information, with supporting memorandum.⁴ Responses on all motions were subsequently filed by Committee counsel⁵ and oral arguments were heard on January 30, 1980.

The Committee voted 9-0 *not* to dismiss the Statement of Alleged Violations and approved, without objection, the other motions by Representative Wilson.

Representative Wilson submitted an Answer to the Statement of Alleged Violations on February 13, 1980, denying each of the counts

¹ Appendix A.

² Appendix B.

³ Appendix C.

⁴ Appendix D.

⁵ Included in Appendix with Respondent's motions.

and alleged various unspecified violations of House Rules by the Committee.⁶

On February 26, 1980, the Committee adopted a Scope and Purpose for a Disciplinary Hearing pursuant to Committee Rule of Procedure 16(c),⁷ and scheduled the disciplinary hearing for March 25, 1980.

The date of the disciplinary hearing was subsequently rescheduled for March 31, 1980, due to the death of Representative John M. Slack.

On March 21, 1980, counsel for Representative Wilson filed a Motion to Stay the Disciplinary Hearing,⁸ and, on March 26, 1980, filed a Statement In Support of Timeliness of Motion to Stay.⁹ Committee counsel filed a response to the Motion to Stay the Disciplinary Hearing,¹⁰ and the Committee met in open session on March 26, 1980, to consider the motion.

The Committee determined, by a vote of 11-0, that the Motion to Stay the Disciplinary Hearing was not timely under the Committee Rules, but notwithstanding the lack of timeliness, consented to consider the motion and hear oral argument.

At the conclusion of oral argument by counsel for Representative Wilson and the Committee counsel, the Committee voted to deny the Motion to Stay the Disciplinary Hearing by a vote of 8 ayes, 1 nay, and 1 voting present.

Prior to the disciplinary hearing, Representative Wilson, pursuant to Committee Rule of Procedure 21(d), was afforded the opportunity to request the issuance of subpoenas compelling the attendance of witnesses and production of documents necessary for his defense. All subpoenas requested by Representative Wilson were duly authorized and issued by the Committee.

The disciplinary hearing In The Matter of Representative Charles H. Wilson commenced at 10:30 a.m. on Monday, March 31, 1980, in Room B-318 of the Rayburn House Office Building.

The full record of the testimony and exhibits received in evidence at the disciplinary hearing are attached hereto as Appendix J.

At the disciplinary hearing Representative Wilson was afforded the opportunity, through counsel, to cross-examine witnesses called by the Committee counsel and call witnesses and offer evidence in his own behalf.

At the conclusion of the presentation of testimony and evidence by the Committee counsel and counsel for Representative Wilson, on April 1, 1980, the Committee recessed subject to a call of the chair, in order to afford the Members time to study the transcript of the hearing.

On April 16, 1980, the Committee reconvened the disciplinary hearing with the presentation of closing arguments by the Committee counsel and counsel for Representative Wilson.¹¹

At the conclusion of the arguments on April 16, 1980, the Committee immediately began deliberations in executive session and later in the day released its findings and votes thereon.

⁶ Appendix E.

⁷ Appendix F.

⁸ Appendix G.

⁹ Appendix H.

¹⁰ Appendix I.

¹¹ Appendix K.

FINDINGS

A. VOTES

The Committee amended counts one, two, and three (1-3), by striking the reference to a violation of Rule 5 of the Code of Ethics For Government Service, but leaving intact references to violations of House Rule XLIII, clauses 1 and 4, by votes of 11 ayes and 0 nays.

The Committee then found by votes of 10 ayes and 1 nay, that each of these counts (1-3), as amended, had been provide by clear and convincing evidence.

A motion to find count four (4) to have been proved was not agreed to by a vote of 1 aye and 10 nays.

Similarly, motions to find counts five and six (5 & 6) to have been proven were not agreed to by votes of 0 ayes and 11 nays.

Counts seven, eight, and nine (7, 8, 9), were found to have been proved by clear and convincing evidence by votes of 9 ayes and 3 nays.

Counts ten and eleven (10 & 11) were similarly sustained by votes of 8 ayes and 4 nays.

With respect to counts twelve, thirteen, and fourteen (12, 13, 14), motions to find them proved were rejected by votes of 2 ayes and 10 nays.

Finally, a motion to find count fifteen (15) to have been proven was rejected by a vote of 1 aye and 10 nays.

B. RATIONALE

In substance the Committee found in counts one through three that Representative Wilson received over a period of time a total of \$10,500 from a person with a direct interest in legislation before the Congress, in violation of House Rule XLIII, clause 4, and, in so doing, reflected discredit upon the House of Representatives, in violation of House Rule XLIII, clause 1.

The payments in counts 1 and 2, contrary to the assertions of Mr. Rogers, and despite the fact that the checks were marked "loan", were found not to be true loans. In making this determination the Committee placed particular emphasis on the accepted connotation of the term "loan" as implying a temporary obligation.

The Committee determined that the permanent nature of these transactions, along with the absence of any of the normal indicia of a loan, such as a written loan agreement or note, interest, maturity date, demand or offer of repayment, proved clearly and convincingly that these payments were in fact not loans, but improper gifts.

In reaching this conclusion, the Committee also noted that Representative Wilson had an affirmative duty to report all personal liabilities which exceeded \$2,500 as of the close of calendar year 1977 on the Financial Disclosure Statement filed with the Clerk of the House on April 24, 1978, pursuant to House Rule XLIV (Appendix J, Committee hearing Exhibit No. 6).

This document disclosed that Representative Wilson had not reported any obligations or liabilities owed to Mr. Lee Rogers as would have been required had the payments in fact been loans.

The Committee additionally found that the evidence proved clearly and convincingly not only that Mr. Rogers, the donor, had a direct interest in legislation before the Congress, but also that Representative Wilson was aware of this interest when he accepted these gifts (See Statement of Evidence at page 6.

The Committee further found that, in accepting these gifts of substantial value from a person having a direct interest in legislation before the Congress, Representative Wilson also reflected discredit upon the House of Representatives in violation of House Rule XLIII, clause 1.

The findings in counts one, two, and three (1, 2, 3) are considered of a most serious nature by the Committee, as they establish the special interest of the donor in matters over which the donee had influence by virtue of his position in the U.S. Congress.

The amendments to counts one, two, and three by striking references to violations of Rule 5 of the Code of Ethics For Government Service, should not be interpreted as contrary to this finding.

The amendment of these counts resulted from the fact that the evidence failed to show that the receipts in fact occurred "under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties."

Indeed the original charge did not accuse Representative Wilson of in fact being influenced in his official duties, by a person interested in legislation before the Congress. It merely charged that he received gifts from such a person.

The Code of Ethics provision was deleted simply because of insufficient proof that the requirements of that provision had been met in a clear and convincing manner. The portion of the count which remains requires only proof of a gift from a person interested in legislation.

As to other counts, the Committee found that the evidence introduced at the hearing in support of counts seven, eight, and nine (7, 8, 9), proved clearly and convincingly that Representative Wilson had caused funds raised and accounted for as campaign funds to be transferred from his campaign account into his office account, upon which checks were drawn on the same day to repay personal (Rep. Wilson's) bank loans in the following respective amounts: \$10,283.35, \$5,129.85, and \$3,047.91.

The Committee concluded in count ten (10) that Representative Wilson had caused \$3,500 to be transferred from his campaign account into his office account, upon which a check was drawn on the same day, in a like amount, and deposited into Rep. Wilson's personal account at the Sergeant at Arms to cover outstanding personal obligations against that account. At the time, the balance in Rep. Wilson's personal account was insufficient to cover the checks outstanding in that account.

Finally, the Committee determined in count eleven (11) that the evidence proved clearly and convincingly that Rep. Wilson had caused \$3,000 in campaign funds to be transferred into his personal account at the Sergeant at Arms to cover outstanding personal obligations against that account. At the time, the balance in Rep. Wilson's personal account was insufficient to cover the checks outstanding in that account.

House Rule XLIII, clause 6, read at all times pertinent to counts 7, 8, 9, 10, and 11, as follows:

6. A Member of the House of Representatives shall keep his campaign funds separate from his personal funds. He shall convert no campaign funds to personal use in excess of reimbursement for legitimate and verifiable prior campaign expenditures. He shall expend no funds from his campaign account not attributable to bona fide campaign purposes.

In order to sustain a charge alleging a conversion in violation of clause 6 it must be proved that the expenditures were not for reimbursement for legitimate prior campaign expenditures, and that the funds were in fact applied to personal use.

On the basis of the evidence introduced at the disciplinary hearing, the Committee concluded that it had been proved by at least a clear and convincing standard that the transfers from Representative Wilson's campaign account were neither intended as, nor did they represent valid reimbursements for campaign expenditures, which are proper under House Rule XLIII, clause 6.

The Committee further concluded that these transfers were made to repay personal loans of Representative Wilson and to cover outstanding obligations against his personal checking account at the Sergeant at Arms.

STATEMENT OF EVIDENCE

The evidence introduced and the testimony received in support of each charge contained in the Statement of Alleged Violations is attached to this report as Appendix J.

The evidence supporting those Counts which were sustained consists of the following:

COUNT ONE

In addition to the testimony received during the hearing, the evidence supporting Count One(1), consists of a check in the amount of \$5,000 from Lee Rogers to Charles H. Wilson (Committee Hearing Exhibit No. 1).

The evidence supporting Mr. Rogers' direct interest in legislation, along with testimony received during the hearing, consists of a series of correspondence among Mr. Rogers, Mr. Rogers' attorney, O. Robert Fordiani, and Representative Wilson, concerning H.R. 5838, 93rd Congress, 1st Session (Committee Hearing Exhibit No. 15), and correspondence between Mr. George Gould and Mr. Rogers concerning postal rates and classification (Committee Hearing Exhibit No. 16).

COUNT TWO

In addition to the testimony received during the hearing, the evidence introduced in support of Count Two (2) consists of a check from Lee Rogers to Charles H. Wilson in the amount of \$5,000 (Committee Hearing Exhibit No. 2).

The evidence supporting Mr. Rogers' direct interest in legislation is the same as that cited for Count One (above).

COUNT THREE

Along with testimony received during the hearing, the evidence introduced in support of Count Three (3) consists of a check from Lee Rogers to Charles H. Wilson in the amount of \$500 (Committee Hearing Exhibit No. 3).

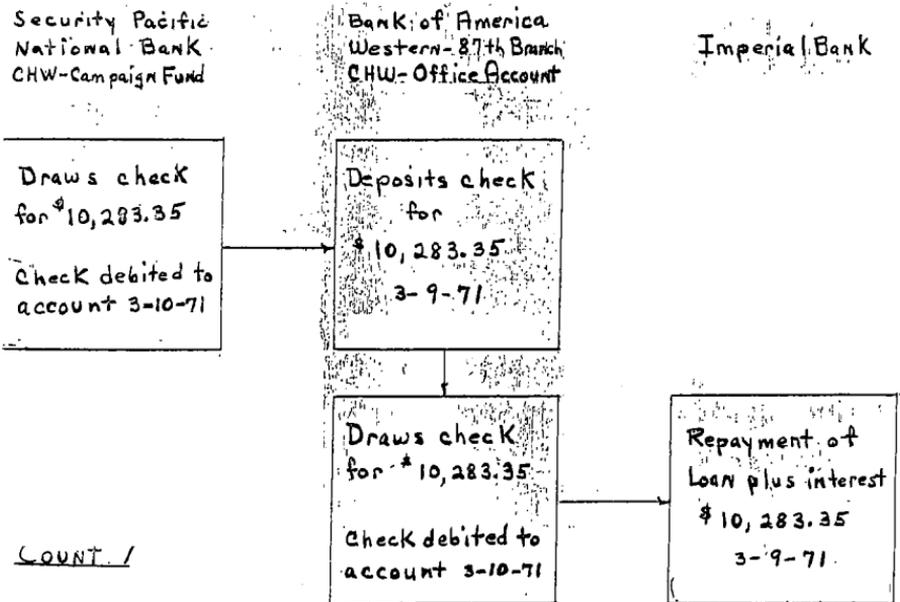
The evidence supporting Mr. Rogers' direct interest in legislation is the same as that cited in Count One (above).

COUNT SEVEN

The evidence supporting Count Seven (7) consists of bank ledger sheets and loan records which trace the flow of funds from the Charles H. Wilson Campaign Fund at the Security Pacific National Bank, Culver City Branch, into the Charles H. Wilson—Office Account at the Bank of America, upon which a check was drawn on the same day to repay a personal loan of \$10,283.35, documented by the evidence, in the name of Charles H. Wilson.

The flow of funds supported by the evidence is represented by the following chart, and copies of the documents are attached to the report as Committee Hearing Exhibits No. 7(a)–7(e).

REPAYMENT \$10,000 LOAN PLUS INTEREST TO IMPERIAL BANK



COUNT EIGHT

The evidence supporting Count Eight (8) consists of bank ledger sheets, checks, and loan records which trace the flow of funds from the Charles H. Wilson Campaign Fund at the Security Pacific National Bank, Culver City Branch, into the Charles H. Wilson—Office

Account at the Bank of America, upon which a check was drawn on the same day to repay a personal loan of \$5,129.85, also documented by the evidence, in the name of Charles H. Wilson.

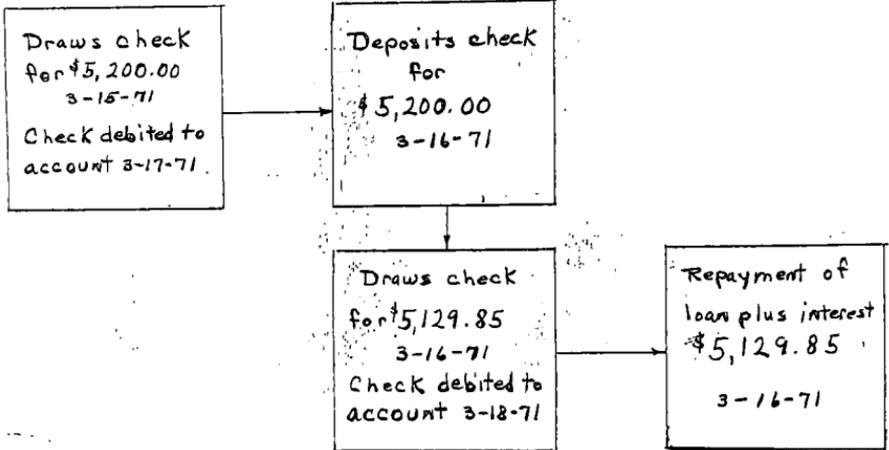
The flow of funds supported by the evidence is represented on the following chart and copies of the documents are attached to the report as Committee Hearing Exhibits No. 8(a)-8(e).

REPAYMENT \$5,000 LOAN PLUS INTEREST SECURITY PACIFIC NAT'L BK

Security Pacific
National Bank-STW
Campaign Fund

Bank of America
Western-87th Branch
CHW-Office Account

Security Pacific
National Bank
Culver City Branch



COUNT NINE

The evidence supporting Count Nine (9) consists of bank ledger sheets, checks, and loan records which trace the flow of funds from the Charles H. Wilson Campaign Fund at the Security Pacific National Bank, Culver City Branch, into the Charles H. Wilson—Office Account at the Bank of America, upon which a check was drawn on the same day to repay a personal loan of \$3,047.91, in the name of Charles H. Wilson.

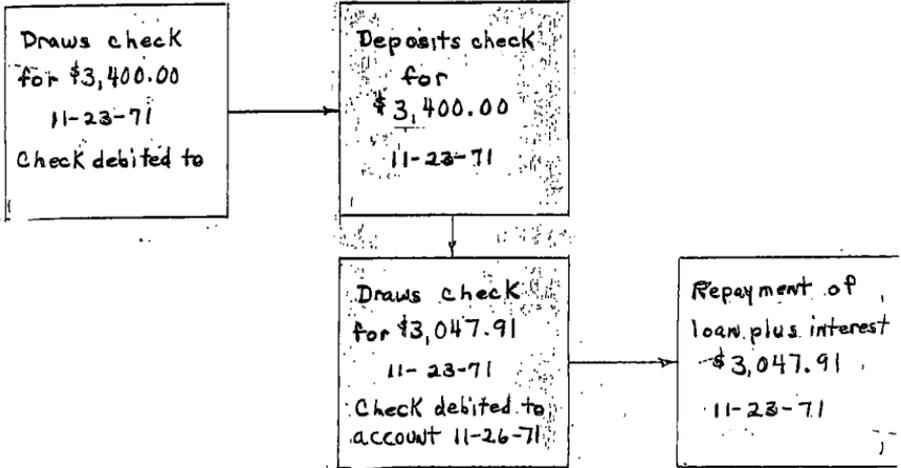
The flow of funds supported by the evidence is represented on the following chart and copies of the documents are attached to the report as Committee Hearing Exhibits No. 9(a)-9(g).

REPAYMENT \$3,000 LOAN PLUS INTEREST SECURITY PACIFIC NATIONAL BANK

Security Pacific
National Bank CHW
Campaign Fund

Bank of America
Western 87th Branch
CHW-Office Account

Security Pacific
National Bank
Culver City Branch



COUNT TEN

The evidence supporting Count Ten (10) consists of bank ledger sheets, checks, deposit tickets, and statements of account, which trace the flow of funds from the Charles H. Wilson Campaign Fund at the Security Pacific National Bank, Culver City Branch, into the Charles H. Wilson—Office Account at the Bank of America, upon which a check was drawn on the same day in the amount of \$3,500.00 and deposited into the Sergeant at Arms account of Representative Charles H. Wilson.

The flow of funds supported by the evidence is represented on the following chart, and copies of the documents are attached to the report as Committee Hearing Exhibits No. 10(a)–10(g).

Campaign Fund Transferred to Personal Account through Office Account

Security Pacific
National Bank
CHW-Campaign Fund

Bank of America
Western-87th Branch
CHW-Office Account

Sergeant at Arms
Account

Draws check
for \$3,500.00
11-29-71
Check debited to
account 11-30-71

Deposits check
for
\$3,500.00
11-29-71

Draws check
for \$3,500.00
11-29-71
Check debited to
account 12-14-71

Balance \$886.44
Deposit 12-3-3500.00
1971
Outstanding checks \$3,045.00

COUNT ELEVEN

The evidence supporting Count Eleven (11) consists of bank ledger sheets, checks, deposit tickets, and statements of account, which trace the flow of funds from the Charles H. Wilson Campaign Fund at the Security Pacific National Bank, Culver City Branch, into the Sergeant at Arms account of Representative Charles H. Wilson.

The evidence is summarized on the following chart and copies of the documents are attached to the report as Committee Hearing Exhibits No. 11(a)-11(g).

Draw on campaign account		Deposit into personal		Balance prior to deposit	Outstanding checks
Date	Amount	Date	Amount		
Nov. 1, 1971.....	\$3,000	Nov. 4, 1971.....	\$3,000	\$381.14	\$2,004.25

RECOMMENDATION

Phase One of the disciplinary hearing was completed on April 16, 1980.

After receiving written submissions by counsel for the Committee and counsel for Representative Wilson pursuant to Committee Rule of Procedure 16(f),¹² the Committee met on April 24, 1980, in executive session pursuant to Committee Rule of Procedure 17(b) for the purpose of determining what sanctions, if any, to recommend to the House.

¹² Appendix L.

In determining the sanctions to recommend, the Committee carefully considered not only the nature and severity of each individual count proved, but also the offense represented by the total of these counts. The full range of sanctions available to the House was considered by the Committee.

The severity of the improper conduct was carefully weighed against past actions of the House in sanctioning Members for improper conduct and the guidelines for the recommendation of sanctions which are contained in Rule 17 of the Committee Rules of Procedure. The applicable text of the Rule reads as follows :

(b) (1) With respect to any violation with which a Member of the House was charged in a count which the Committee has voted as proved, the Committee may include in its recommendation to the House one or more of the following sanctions :

(A) Expulsion from the House.

(B) Censure.

(C) Reprimand.

(D) Fine.

(E) Denial or limitation of any right, power, privilege, or immunity of the Member if under the Constitution the House may impose such denial or limitation.

(F) Any other sanction determined by the Committee to be appropriate.

* * * *

(c) (1) The purpose of this clause is to inform the Members of the House of Representatives as to the general guidelines the Committee considers appropriate for determining which, if any, sanctions to recommend to the House respecting violations proved in a disciplinary hearing. This clause does not limit the authority of the Committee to make or not to make recommendations for such sanctions.

(2) For technical violations, the Committee may direct that the violation be reported to the House without a recommendation for a sanction.

(3) With respect to the sanctions which the Committee may determine to include in a recommendation to the House respecting a violation, reprimand is appropriate for serious violations, censure is appropriate for more serious violations, and expulsion of a Member or dismissal of an officer or employee is appropriate for the most serious violations. A recommendation of a fine is appropriate in a case in which it is likely that the violation was committed to secure a financial benefit; and a recommendation of a denial or limitation of a right, power, privilege, or immunity of a Member is appropriate when the violation bears upon the exercise or holding of such right, power, privilege, or immunity.

A majority of the Committee then determined that, in light of the nature and severity of Representative Wilson's improper conduct, the appropriate sanction would be censure and a denial of the chair on any Committee or Subcommittee for the remainder of the 96th Congress.

In recommending that Representative Wilson be denied the chair on any Committee or Subcommittee of the House for the remainder of the 96th Congress, it is the intention of the Committee that Representative Wilson be immediately removed from the chairmanship of any Committee or Subcommittee of the House, that he be ineligible to hold any such position for the remainder of the 96th Congress, and, in the absence of the chairman of any Committee or Subcommittee, that Representative Wilson not be allowed to assume the duties of the chair.

Accordingly, on a motion by Representative F. James Sensenbrenner, Jr., the Committee, by a vote of 10 ayes and 2 nays, agreed to recommend that the House adopt the following Resolution.

HOUSE RESOLUTION

Resolved:

- (1) That Representative Charles H. Wilson be censured;
- (2) That Representative Charles H. Wilson be denied the chair on any Committee or Subcommittee of the House of Representatives for the remainder of the 96th Congress;
- (3) That upon adoption of this Resolution, Representative Charles H. Wilson forthwith present himself in the well of the House of Representatives for the public reading of this Resolution by the Speaker; and
- (4) That the House of Representatives adopt the Report of the Committee on Standards of Official Conduct dated May 8, 1980, In The Matter of Representative Charles H. Wilson.

The Committee recommends that the House adopt the above Resolution.

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 May 1, 1980, by a vote of 9 ayes; 2 nays.

DISSENTING VIEWS OF REPRESENTATIVE NICK JOE RAHALL II

I was elected to the Committee on Standards of Official Conduct on March 26, 1980, to fill the vacancy caused by the untimely death of our colleague, Representative John M. Slack. I therefore had no opportunity to express any views on this case prior to the convening of the disciplinary hearing on March 31, 1980. Joining the Committee so late in its work in the case involving Representative Wilson, I attempted to absorb all the evidence and review the testimony with special care. Having done so, I find that I must associate myself in part with the dissenting views expressed by Representative Louis Stokes with regard to counts one, two and three of the Statement of Alleged Violations. Those counts charged Representative Wilson with accepting "gifts" from a person with a direct interest in legislation. The far more serious charge of these counts, that of being influenced in the performance of his governmental duties was unanimously rejected by the Committee. As the burden of proof rested squarely upon the Committee, I do not believe the allegation that Representative Wilson accepted "gifts", as opposed to loans, was proved clearly and convincingly.

Having dissented on the Committee's findings in three of the eight counts, I must also note my disagreement with the Committee's disciplinary recommendations on three grounds.

First, based on the recent recommendation of the Committee in the case involving Representative Charles Diggs, I believe that censure in the current matter is too severe. Those counts which to my mind were proved "clearly and convincingly" related to conversions of campaign funds to personal use. The misuse of campaign funds, while serious and should never be condoned, does not merit the same penalty as misuse of tax dollars, which occurred in the Diggs case.

Second, both the law and House Rules have changed over the years with regard to the handling of campaign funds. Since 1968, House Rules have prohibited, then permitted, then once again prohibited conversion of campaign funds to personal use. Federal law has permitted campaign funds to be used for any lawful purpose (2 U.S.C. 439a), and the most recent amendments (P.L. 96-187) to the Federal Election Campaign Act, which otherwise prohibit conversion of campaign funds to personal use, exempts from that prohibition Members who were in office on January 8, 1980. With both law and House Rule so unsettled over the close to ten-year time frame involved, clearly censure is not deserved on the counts where I found the alleged violations proven.

Finally, I believe that the two disciplinary recommendations of the Committee—censure and denial of Committee or Subcommittee chairmanships—should be separated. I am of the opinion that the election or removal of Committee and Subcommittee chairmen and memberships is a function of the Democratic Caucus in the House. For that question to be considered adequately, I strongly favor a separation of the recommendation, so as to allow the Democratic processes of the House to work its will in basic fairness to all.

DISSENTING VIEWS OF REPRESENTATIVE LOUIS STOKES

I respectfully dissent from the views expressed by a majority of the Committee in the findings and recommendations arising from *In The Matter of Representative Charles H. Wilson*. I certainly do not condone improper conduct by any Member of the House, but the circumstances of this particular case left me with some doubts and questions that I believe, in all fairness, should have been resolved in favor of Representative Wilson.

I regret that my election to the Committee on February 6, 1980, fell after the date (January 30) on which the Committee entertained motions in this case where my views could have been made known prior to the beginning of the Disciplinary Hearing.

The real or potential damage that can be done to a Member's reputation and career by Committee disciplinary proceedings is such that Committee procedures should afford a respondent all possible protection of due process and fundamental fairness. Counsel for Representative Wilson made a strong argument that existing Committee Rules are deficient when they provide that the same Members act as policemen and prosecutors in the investigation of potential violations, as a grand jury in voting on a Statement of Alleged Violations, as judges in ruling on motions, as a petit jury in making findings of fact and again as judges in devising a disciplinary recommendation. Members of the Committee, no matter how determined they may be to be open and fairminded in a disciplinary hearing, have already, by a majority vote determined that there is "reason to believe" that a Member violated the rules when a Statement of Alleged Violations is served on the respondent. That issue was of such concern that in February, 1979, nine Members then serving on the Committee on Standards of Official Conduct introduced H. Res. 136, an amendment to rule X, clause 4(e) of House Rules that would have panels of House Members drawn by lot make findings and recommendations in disciplinary proceedings. The proposed rule change would divide responsibility in disciplinary proceedings and help insure the due process and fundamental fairness that every Member of the Committee wants to provide those who come before the Committee.

Additionally, in considering alleged violations, Committee Members have an obligation to recognize not only House Rules and relevant statutes in effect at the time of the alleged violations, but also the experience with those rules and statutes that may have led to their substantial alteration over the years.

Counts seven, eight, nine, ten and eleven of the Statement of Alleged Violations all dealt with conversion of campaign funds to personal use in 1971 and 1972, in violation of House Rules. During the years in question, and currently, the Rule prohibits conversion to personal use "in excess of reimbursement for legitimate and verifiable

prior campaign expenses." (All relevant House Rules and statutes are reprinted below.) A Member has the right, therefore, to be reimbursed from campaign funds for campaign expenses he may have incurred and may put those reimbursements to personal or any other use so long as they were reimbursements. Evidence was introduced during the hearing for the purpose of showing that campaign funds were being used to pay personal obligations of Representative Wilson, but no evidence was introduced that proved such transfers were not reimbursements for prior campaign expenses. The burden of proof in our proceeding is on the Committee after all, and not on the Respondent. Representative Wilson is not required to offer evidence to prove his innocence of a violation, rather the Committee should have, in this case, produced evidence that the transfers were "in excess of reimbursement for legitimate and verifiable prior campaign expenses." To find the conversion counts to have been proved "clearly and convincingly" (as required by Committee Rule 16(e)) would have required proof that he had in fact received more money from his campaign committee than reimbursement for legitimate and verifiable prior campaign expenses.

In addition, campaign fundraising and accounting have undergone dramatic changes since 1971 and 1972, with the establishment of the Federal Election Commission and the relevant campaign fund reporting and accounting requirements. Conversion of campaign funds to personal use was not prohibited *by law* in 1971 and 1972, and was not subsequently prohibited by the Federal Election Campaign Act. (Sec. 318 of P.L. 93-443 reprinted below). Even the most recent amendment (Sec. 313 of P.L. 96-187) does not prohibit conversion of campaign funds for Members in office on January 8, 1980. The House Rule relating to conversion has undergone changes as well. The conversion rule already discussed (House Rule XLIII, clause 6) was adopted in 1968. That rule was amended in 1975 to prohibit conversion "unless otherwise specifically provided by law . . ." In 1977, the 1975 proviso was removed. Conversion therefore has always been permitted when a Member reimburses himself from his campaign fund for campaign expenses and has been both permitted and prohibited under other circumstances in the years since 1971. The lack of a well-settled policy on the use to which campaign funds may be put is an additional, albeit secondary consideration in the case, which, taken with the lack of evidence relating to reimbursements noted earlier, led to my negative votes on the conversion counts.

Counts one, two and three of the Statement of Alleged Violations relate to acceptance of gifts from a person with a direct interest in legislation. The language of these charges failed to note that the applicable House Rule during the relevant period (1971 and 1972) prohibited acceptance of gifts of *substantial value* from a person having a direct interest in legislation. The whole issue of whether the gifts were or were not "substantial" in value was never addressed by the evidence presented. As noted earlier with regard to reimbursements, the respondent is not compelled to offer evidence of his innocence; rather the Committee's obligation was to prove three elements of the alleged violation: (1) that the payment was a gift, (2) that the gift had substantial value, and (3) that the donor had a direct interest

in legislation. Evidence was offered in support of the first and third elements, but not the second. That prohibiting a gift of "substantial" value as opposed to a fixed amount gave rise to interpretative difficulties directly led to the recommendation by the Obey Commission for a definite limit on such gifts so as to eliminate the existing ambiguity. If a Rule is ambiguous at the outset, the charges of a violation must be drawn with special precision and particularly convincing evidence offered on each element. In the case of counts one, two and three, I do not believe the alleged violations to have been clearly and convincingly proven.

LOUIS STOKES.

HOUSE RESOLUTION 1099—APRIL 3, 1968

“6. A Member of the House of Representatives shall keep his campaign funds separate from his personal funds. He shall convert no campaign funds to personal use in excess of reimbursement for legitimate and verifiable prior campaign expenditures. He shall expend no funds from his campaign account not attributable to bona fide campaign purposes.

PUBLIC LAW 93-443—OCTOBER 15, 1974

“USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES

“SEC. 318. Amounts received by a candidate as contributions that are in excess of any amount necessary to defray his expenditures, and any other amounts contributed to an individual for the purpose of supporting his activities as a holder of Federal office, may be used by such candidate or individual, as the case may be, to defray any ordinary and necessary expenses incurred by him in connection with his duties as a holder of Federal office, may be contributed by him to any organization described in section 170(c) of the Internal Revenue Code of 1954, or may be used for any other lawful purpose. To the extent any such contribution, amount contributed, or expenditure thereof is not otherwise required to be disclosed under the provisions of this title, such contribution, amount contributed, or expenditure shall be fully disclosed in accordance with rules promulgated by the Commission. The Commission is authorized to prescribe such rules as may be necessary to carry out the provisions of this section.

HOUSE RESOLUTION 5—JANUARY 14, 1975

(27) In Rule XLIII, paragraph 6 is amended to read as follows:
“A Member of the House of Representatives shall keep his campaign funds separate from his personal funds. Unless specifically provided by law, he shall convert no campaign funds to personal use in excess of reimbursement for legitimate and verifiable prior campaign expenditures and he shall expend no funds from his campaign account not attributable to bona fide campaign purposes.”

HOUSE RESOLUTION 287—MARCH 2, 1977

SEC. 303. Clause 6 of rule XLIII of the Rules of the House of Representatives is amended by striking out “Unless specifically provided by law, he” and inserting in lieu thereof “He”.

PUBLIC LAW 96-187—JANUARY 8, 1980

“USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES

“SEC. 313. Amounts received by a candidate as contributions that are in excess of any amount necessary to defray his expenditures, and

any other amounts contributed to an individual for the purpose of supporting his or her activities as a holder of Federal office, may be used by such candidate or individual, as the case may be, to defray any ordinary and necessary expenses incurred in connection with his or her duties as a holder of Federal office, may be contributed to any organization described in section 170(c) of the Internal Revenue Code of 1954, or may be used for any other lawful purpose, including transfers without limitation to any national, State, or local committee of any political party; except that, with respect to any individual who is not a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress on the date of the enactment of the Federal Election Campaign Act Amendments of 1979, no such amounts may be converted by any person to any personal use, other than to defray any ordinary and necessary expenses incurred in connection with his or her duties as a holder of Federal office.”.

APPENDIX A—STATEMENT OF ALLEGED VIOLATIONS
THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT
STATEMENT OF ALLEGED VIOLATIONS

IN THE MATTER OF REPRESENTATIVE CHARLES H. WILSON, RESPONDENT

During all times relevant to this statement of alleged violations, the Respondent, Representative Charles H. Wilson of California, was a Member of the United States House of Representatives.

COUNT 1

On or about June 1, 1971, the Respondent, Charles H. Wilson, conducted himself in a manner which did not reflect creditably on the United States House of Representatives in violation of clause 1 of the Code of Official Conduct, Rule XLIII, the Rules of the House of Representatives, and violated Rule 5 of the Code of Ethics For Government Service (House Concurrent Resolution 175, 72 Stat. pt. 2, B12 (July 11, 1958)) by accepting benefits, to wit, a payment of \$5,000.00 from Lee Rogers, under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties. His conduct also violated clause 4 of the Code of Official Conduct of the House of Representatives, Rule XLIII, the Rules of the House of Representatives, in that he accepted a gift, to wit, \$5,000.00, from a person, Lee Rogers, having a direct interest in legislation before the Congress.

COUNT 2

On or about June 20, 1972, the Respondent, Charles H. Wilson, conducted himself in a manner which did not reflect creditably on the United States House of Representatives in violation of clause 1 of the Code of Official Conduct, Rule XLIII, the Rules of the House of Representatives, and violated Rule 5 of the Code of Ethics For Government Service (House Concurrent Resolution 175, 72 Stat. pt. 2, B12 (July 11, 1958)) by accepting benefits, to wit, a payment of \$5,000.00 from Lee Rogers, under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties. His conduct also violated clause 4 of the Code of Official Conduct of the House of Representatives, Rule XLIII, the Rules of the House of Representatives, in that he accepted a gift, to wit, \$5,000.00, from a person, Lee Rogers, having a direct interest in legislation before the Congress.

COUNT 3

On or about December 11, 1972, the Respondent, Charles H. Wilson, conducted himself in a manner which did not reflect creditably on the United States House of Representatives in violation of clause 1 of the Code of Official Conduct, Rule XLIII, the Rules of the House of Representatives, and violated Rule 5 of the Code of Ethics For Government Service (House Concurrent Resolution 175, 72 Stat. pt. 2, B12 (July 11, 1958)) by accepting benefits, to wit, a payment of \$500.00 from Lee Rogers, under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties. His conduct also violated clause 4 of the Code of Official Conduct of the House of Representatives, Rule XLIII, the Rules of the House of Representatives, in that he accepted a gift, to wit, \$500.00, from a person, Lee Rogers, having a direct interest in legislation before the Congress.

COUNT 4

On or about June 29, 1973, the Respondent, Charles H. Wilson, conducted himself in a manner which did not reflect creditably on the United States House of Representatives in violation of clause 1 of the Code of Official Conduct, Rule XLIII, the Rules of the House of Representatives, and violated Rule 5 of the Code of Ethics for Government Service (House Concurrent Resolution 175, 72 Stat. pt. 2, B12 (July 11, 1958)) by accepting benefits, to wit, a payment of \$5,000.00 from Lee Rogers, under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties. His conduct also violated clause 4 of the Code of Official Conduct of the House of Representatives, Rule XLIII, the Rules of the House of Representatives, in that he accepted a gift, to wit, \$5,000.00, from a person, Lee Rogers, having a direct interest in legislation before the Congress.

COUNT 5

Commencing on or about August 1, 1971, and thereafter through June 1974, the Respondent, Charles H. Wilson, did violate clause 8 of the Code of Official Conduct of the House of Representatives, Rule XLIII, the Rules of the House of Representatives, in that the Respondent retained from his clerk hire allowance an employee, Lee Rogers, with knowledge that the compensation paid was not commensurate with the duties performed by Lee Rogers.

COUNT 6

Commencing on or about January 1976, and thereafter through December 1976, the Respondent, Charles H. Wilson, did violate clause 8 of the Code of Official Conduct of the House of Representatives, Rule XLIII, the Rules of the House of Representatives, in that the Respondent retained from his clerk hire allowance an employee, Lee Rogers, with knowledge that the compensation paid was not commensurate with the duties performed by Lee Rogers.

COUNT 7

Commencing on or about March 3, 1971, the Respondent, Charles H. Wilson, did violate clause 6 of the Code of Official Conduct of the House of Representatives, Rule XLIII, the Rules of the House of Representatives, in that the Respondent did convert \$10,283.35 of campaign funds to his personal use and did fail to keep his campaign funds separate from his personal funds.

COUNT 8

Commencing on or about March 15, 1971, the Respondent, Charles H. Wilson, did violate clause 6 of the Code of Official Conduct of the House of Representatives, Rule XLIII, the Rules of the House of Representatives, in that the Respondent did convert \$5,129.85 of campaign funds to his personal use and did fail to keep his campaign funds separate from his personal funds.

COUNT 9

Commencing on or about November 23, 1971, the Respondent, Charles H. Wilson, did violate clause 6 of the Code of Official Conduct of the House of Representatives, Rule XLIII, the Rules of the House of Representatives, in that the Respondent did convert \$3,047.91 of campaign funds to his personal use and did fail to keep his campaign funds separate from his personal funds.

COUNT 10

Commencing on or about November 29, 1971, the Respondent, Charles H. Wilson, did violate clause 6 of the Code of Official Conduct of the House of Representatives, Rule XLIII, the Rules of the House of Representatives, in that the Respondent did convert \$3,500.00 of campaign funds to his personal use and did fail to keep his campaign funds separate from his personal funds.

COUNT 11

Commencing on or about November 1, 1971, the Respondent, Charles H. Wilson, did violate clause 6 of the Code of Official Conduct of the House of Representatives, Rule XLIII, the Rules of the House of Representatives, in that the Respondent did convert \$3,000.00 of campaign funds to his personal use and did fail to keep his campaign funds separate from his personal funds.

COUNT 12

Commencing on or about February 22, 1972, the Respondent, Charles H. Wilson, did violate clause 6 of the Code of Official Conduct of the House of Representatives, Rule XLIII, the Rules of the House of Representatives, in that the Respondent did convert \$1,500.00 of campaign funds to his personal use and did fail to keep his campaign funds separate from his personal funds.

COUNT 13

Commencing on or about March 12, 1972, the Respondent, Charles H. Wilson, did violate clause 6 of the Code of Official Conduct of the House of Representatives, Rule XLIII, the Rules of the House of Representatives, in that the Respondent did convert \$1,500.00 of campaign funds to his personal use and did fail to keep his campaign funds separate from his personal funds.

COUNT 14

Commencing on or about November 6, 1974, the Respondent, Charles H. Wilson, did violate clause 6 of the Code of Official Conduct of the House of Representatives, Rule XLIII, the Rules of the House of Representatives, in that the Respondent did convert \$1,000.00 of campaign funds to his personal use and did fail to keep his campaign funds separate from his personal funds.

COUNT 15

On or about April 17, 1978, the Respondent, Charles H. Wilson, did conduct himself in a manner which did not reflect creditably on the United States House of Representatives, in violation of clause 1 of the Code of Official Conduct of the House of Representatives, Rule XLIII, Rules of the House of Representatives, in that having taken an oath before the Committee on Standards of Official Conduct that he would testify truthfully, he did make the following statements on a material matter which he then and there believed to be false:

Ms. TALLEY [Committee Counsel]. Mr. Wilson, when we had a previous meeting, we discussed sources of income. One which you indicated was, of course, your House of Representatives salary, the other was honoraria from speeches. Have you any other source of income?

Mr. WILSON. No.

Ms. TALLEY. What about the transfers from campaign accounts?

Mr. WILSON. Well, there were some transfers from my campaign account one or two years, I believe. While I have no records to verify it, they were intended to be reimbursements for expenses that I had put out during campaign time. Generally it is not unusual for candidates for office to have money in their pockets, cash in their pockets to give to volunteer workers for their expenses, transportation or meals and it is generally appreciated if they get it from the candidate personally, rather than from some other person associated with the campaign. But I wouldn't say there was any large or significant amounts over a period of—I don't know—three or four years, at the most, where I transferred money from campaign accounts to myself.

APPENDIX B—MOTION TO DISMISS THE STATEMENT OF ALLEGED VIOLATIONS, WITH SUPPORTING MEMORANDUM; AND RESPONSE OF COMMITTEE COUNSEL

UNITED STATES HOUSE OF REPRESENTATIVES

Committee on Standards of
Official Conduct

In The Matter Of :
CHARLES H. WILSON :

MOTION TO DISMISS THE
STATEMENT OF ALLEGED VIOLATIONS

The Respondent, Charles H. Wilson, through counsel and pursuant to Rules 12(a)(2) and (3) of the Rules of Procedure of the Committee on Standards of Official Conduct, respectfully moves the Committee to dismiss the Statement of Alleged Violations served upon him on December 13, 1979. As grounds for this Motion, the Respondent states as follows:

1. The Committee lacks jurisdiction over Counts One through Five (1-5) and Counts Seven through Fourteen (7-14) because the allegations are barred by the statute of limitations.

2. The Committee lacks jurisdiction over all Counts because the allegations are barred by the doctrines of laches and fundamental fairness.

3. The Committee lacks jurisdiction over Counts One through Five (1-5) and Counts Seven through Fourteen (7-14) because proceeding on these Counts violates Rule X, Clause 4(e)(2)(C) of the Rules of the House of Representatives and Clause 2 of the Code of Official Conduct.

4. Each and every count fails to state facts constituting violations of the standards alleged therein, but relies instead upon legal conclusions, in violation of Rule 11(b) of the Rules of Procedure of the Committee on Standards of Official Conduct and Clause 2 of the Code of Official Conduct.

5. Counts One through Four (1-4) are duplicitous and therefore, fail to state facts which constitute a violation of

the Code or other standards, in violation of Rule 11(b) of the Rules of Procedure of the Committee on Standards of Official Conduct and Clause 2 of the Code of Official Conduct.

Wherefore, for these reasons and such others as are set forth in the accompanying Memorandum of Points and Authorities, Respondent respectfully requests that the Statement of Alleged Violations against him be dismissed.

An Oral Hearing is requested on this Motion.

Respectfully submitted,

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& GAYNES
900 Seventeenth Street, N.W.
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(202) 452-1300

by Walter J. Bonner
Walter J. Bonner

and

by Thomas A. Guidoboni
Thomas A. Guidoboni

Counsel to Charles H. Wilson

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Dismiss the Statement of Alleged Violations was served, by hand, on Steven R. Wisebram, Counsel, House Committee on Standards of Official Conduct, this 2nd day of January, 1980.

Thomas A. Guidoboni
Thomas A. Guidoboni

UNITED STATES HOUSE OF REPRESENTATIVES
 Committee on Standards of
 Official Conduct

In The Matter Of :
 :
 CHARLES H. WILSON :

MEMORANDUM OF POINTS AND AUTHORITIES
 IN SUPPORT OF MOTION TO DISMISS
STATEMENT OF ALLEGED VIOLATIONS

I. The Statute of Limitations

The United States Code establishes a general five-year period of limitation after the expiration of which a person may not be prosecuted for non-capital offenses against the United States. 18 U.S.C. § 3282. Application of this statute to the instant proceedings would bar Counts One through Five (1-5) and Counts Seven through Fourteen (7-14) inclusive. Counts Seven through Fourteen (7-14) would also be barred by the special three-year statute of limitations applicable to the Federal Election Campaign Act of 1974, 2 U.S.C. § 455(a).^{1/}

Regardless of the direct applicability of these statutes to the instant proceedings, there can be no question that the policies underlying them, notions of fundamental fairness and due process of laws, do apply.

In the criminal context, the Supreme Court has repeatedly recognized that:

the applicable statute of limitations . . . is . . . the primary guarantee against bringing overly stale criminal charges. Such statutes represent legislative assessments of relative interests of the state and the defendant in administering and receiving justice; they are made for the repose of society and the protection of those

^{1/} This section also provides explicit protections against ex post facto application. 2 U.S.C. § 455(b).

who may during the limitation . . . have lost their means of defence. These statutes provide predictability by specifying a limit beyond which there is an irrebuttable presumption that a defendant's right to a fair trial would be prejudiced. United States v. Marion, 404 U.S. 307, 323 (1971). (Citations omitted.)

Equally applicable to these proceedings is the purpose served by periods of limitation; that is:

to protect individuals from having to defend themselves against charges when the basic facts have become obscured by the passage of time and to minimize the danger of official punishment because of acts in the far-distant past. Toussie v. United States, 397 U.S. 112, 114-115 (1970).

Nor are these basic notions of fairness limited to criminal proceedings. The underlying rationale of civil statutes of limitations is virtually identical. They are intended to "promote justice by preventing surprise through the revival of claims that have been allowed to slumber until evidence has been lost, memories have faded, and witnesses have disappeared." Order of Railroad Telegraphers v. REA, 321 U.S. 342, 348-349 (1944).

The Committee itself has characterized its proceedings as "quasi-criminal," H. Comm. on Standards of Official Conduct, Manual of Offenses and Procedures, Korean Influence Investigation, 95th Cong. 1st Sess. at 40 (Comm. Print. 1977). Thus, the criminal statutes of limitations provide the closer analogy. Respondent notes, however, that the civil statute of limitations applicable to false claims against the United States, which is six years from the date of the Act, would also bar Count Five which is in the nature of a false claim. 31 U.S.C. § 235. The remaining counts have no "civil" analogue.

II. The Doctrines of Laches and Fundamental Fairness

Laches is an equitable doctrine "designed to promote diligence and prevent the enforcement of stale claims." Powell v.

Zuckert, 125 U.S. App. D.C. 55, 366 F.2d 634, 636 (1966). Two factors are required to establish the defense, an unreasonable delay on the part of the claimant, and that delay has prejudiced the defendant. E.g., Van Vourg v. Nitze, 128 U.S. App. D.C. 301, 388 F.2d 557, 565 (1967). This Committee has previously accepted the doctrine as applicable to its proceedings. In the Matter of Representative Robert L.F. Sikes, H.R. Rep. No. 1364, 94th Cong., 2d Sess. at 3-5 (1976). Similarly, laches have been held applicable to disciplinary proceedings involving attorneys. E.g., In Re Sarbone, 304 A.2d 734 (N.J. 1973); State v. Haggerty, 6 N.W.2d 203 (Wisc. 1942).

A similar doctrine has also evolved in criminal cases even where the statute of limitations has not yet run. United States v. Lovasco, 431 U.S. 783, 789 (1977). In this situation, unreasonable delay may lead to dismissal based on due process grounds, depending upon the degree of prejudice to the defendant and the reasons for delay. United States v. Marion, 404 U.S. 307, 324 (1971). Thus, the doctrine of laches is also imbued with elements of fundamental fairness.

A. Length of Delay. There are fifteen counts in the Statement of Alleged Violations. Of these counts, nine relate to transactions occurring in 1971.^{2/} These alleged violations are more than eight years old. Of the remaining counts, four are more than seven years old,^{3/} one is more than six years old,^{4/} and two others were completed more than five years ago.^{5/} As

^{2/} Counts One, Seven, Eight, Nine, Ten and Eleven.

^{3/} Counts Two, Three, Twelve and Thirteen.

^{4/} Count Four.

^{5/} Counts Five and Fourteen.

pointed out previously, all of these counts allege events without the statute of limitations, see Part I, supra. This is significant to consideration of laches, since in determining whether delay is excessive or unreasonable, courts of equity "will ordinarily observe the limitations applicable to equivalent actions at law." Davis v. Stone, 236 F. Supp. 553, 557 (D.D.C. 1964), especially where the action involves concurrent legal and equitable jurisdictions. Saffron v. Department of Navy, 183 U.S. App. D.C. 45, 561 F.2d 938 (1977), cert. denied, 434 U.S. 1033 (1978). Comparison to the statute of limitations thus demonstrates that the delay in this matter is both unreasonable and excessive for purposes of laches.

B. Prejudice to the Defendant. "The prejudice normally contemplated in applying laches . . . stems from such factors as loss of evidence and unavailability of witnesses . . . which diminish a defendant's chances of success." Powell v. Zuckert, supra, 366 F.2d at 638. Respondent has suffered this very type of prejudice. For instance, Counts Seven through Fourteen allege that Mr. Wilson commingled and converted campaign funds to his personal use in violation of Clause 6 of the Code of Official Conduct. The Code itself permits such transfers of funds as "reimbursement for legitimate and verifiable prior campaign expenditures." If these allegations had been raised more seasonably, Mr. Wilson may have been able to show that some or all of the transactions constitute no more than this sanctioned reimbursement. However, he is unable to do so at this time, since he no longer possesses records of the expenditures.

Continued prosecution of these counts is all the more egregious, since Mr. Wilson reported the most recent of the alleged conversions on "Schedule C" of his Report of Receipts and Expenditures on January 13, 1975 to the Clerk of the House of Representatives (copy attached as Exhibit A). This alleged "conversion"

has therefore been public knowledge for nearly five years, well in excess of the limitation period provided by the Campaign Act, 2 U.S.C. § 455(a). In this situation, it is fundamentally unfair and inequitable to penalize Mr. Wilson for his inability to verify now the reimbursements when he relied upon the three-year period as a limit for the retention of records. The same rationale applies to the other counts alleging conversion, since, although these expenditures were not required to be reported,^{6/} the three-year limitation period would apply. See 2 U.S.C. § 455(b).

Mr. Wilson is further prejudiced by the unavailability of O. Robert Fordiani to testify in his behalf. Mr. Fordiani was, until recently, Mr. Wilson's Field Representative in his home district. In this position, he supervised Mr. Rogers while the latter was on the Congressman's staff. Obviously, Mr. Fordiani could shed light on the duties performed by Mr. Rogers. In addition, Mr. Fordiani handled a number of financial transactions for Mr. Wilson, including that which is the subject of Count Four.^{7/} However, due to his ill health, Mr. Fordiani's memory has been severely impaired, as has his ability even to appear. Mr. Wilson is advised that these problems became acute in October of 1978.^{8/} Thus, once again, unreasonable and excessive delay has prejudiced the Respondent in the preparation of his defense.

^{6/} Pub. L. No. 92-225, § 406, 86 Stat. 11 (Feb. 7, 1972).

^{7/} Preliminary investigation indicates that Mr. Fordiani was also involved in a number of the alleged "conversions."

^{8/} Evidence of these representations was transmitted to the Chairman of this Committee by Mr. Fordiani's attorneys by letter dated September 4, 1979 and included a four page report from Mr. Fordiani's psychiatrist, Donald W. Verin, M.D., detailing Mr. Fordiani's condition.

III. The Prohibition of House of Representatives Rule X,
Clause 4(e) (2) (C)

The existence and functions of this Committee are established by Rule X of the House of Representatives. That Rule provides in pertinent part that:

No investigation shall be undertaken by the committee of any alleged violation of a law, rule, regulation, or standard of conduct not in effect at the time of the alleged violation.
H.R. Rule X, Cl. 4(e) (2) (C).

This Rule is similar to the constitutional prohibition against ex post facto laws, U.S. Const., art. I, § 9, cl. 3, and both are based upon the same fundamental principle--"the notion that persons have a right to fair warning of that conduct which will give rise to . . . penalties." Marks v. United States, 430 U.S. 188, 192 (1977).

While it is true that the standards cited in the Statement of Alleged Violations existed prior to the dates alleged, until recently, most had never been applied or interpreted, and some were of questionable validity. For example, Counts One through Four allege, inter alia, violations of the Code of Ethics for Government Service. Since this Code was made applicable to Congress by way of concurrent resolution,^{9/} until 1976, it was generally believed to have lapsed with the expiration of the 85th Congress. In the Matter of Representative Robert L.F. Sikes, H.R. Rep. No. 1364, 94th Cong., 2d Sess. at 7-8 (1976). The same counts also allege violations of Clause 4 of the Code of Official Conduct. This clause was first adopted in 1968, but it was not amended to its present form until 1977,^{10/} and was first authori-

^{9/} H.R. Con. Res. 175, 85th Cong. (July 11, 1958).

^{10/} H.R. Res. 287, 95th Cong. (March 2, 1977).

tatively construed the same year.^{11/} This is also true of Clause 6 of the Code, which forms the basis for allegations in Counts Seven through Fourteen,^{12/} and Clause 8, cited in Count Five, which was first construed in 1973.^{13/}

The Supreme Court has held that the retroactive application of a statute whose scope is enlarged by interpretation or construction violates the principles which underlie the ex post facto clause. Rabe v. Washington, 405 U.S. 313 (1972); Bouie v. City of Columbia, 378 U.S. 347 (1964). Respondent submits that this Committee must follow a similar path by virtue of Clause 2 of the Code of Official Conduct which enjoins Members of this Committee to adhere to both "the spirit and the letter" of Rule X.

IV. Failure to State Facts Constituting Violations

Comm. R. P. 11(b) requires that each count in a Statement of Alleged Violations "contain a plain and concise statement of the alleged facts of such violation" This provision is intended to implement H.R. Rule X, Cl. 4(e)(1) which directs this Committee to make recommendations for discipline only after "notice and hearing" (emphasis added). Moreover, due process of law and fundamental fairness mandate timely and specific notice of the issues a respondent must meet even in a "quasi-criminal" context. See e.g., In Re Ruffalo, 390 U.S. 544, 550 (1968) (attorney disciplinary proceeding); In Re Gault, 387 U.S. 1, 33-

^{11/} H.R. Select Comm. on Ethics, Advisory Opinion No. 10, 95th Cong. (May 11, 1977) reprinted in H.R. Comm. on Standards of Official Conduct, Ethics Manual for Members and Employees of the U.S. House of Representatives, 96th Cong., 1st Sess. at 152-55 (1979) (hereinafter Ethics Manual).

^{12/} H.R. Select Comm. on Ethics, Advisory Opinion No. 5, 95th Cong. (May 11, 1977) reprinted in Ethics Manual at 142.

^{13/} H.R. Comm. on Standards of Official Conduct, Advisory Opinion No. 2, 93rd Cong. (July 11, 1973) reprinted in Ethics Manual at 133-34. Thus, all allegations in Count Five which occurred prior to 1973 should be barred.

34 (1967) (juvenile delinquency proceeding).

The language of Comm. R. P. 11(b) is virtually identical to that which is found in Fed. R. Crim. P. 7(c)(1), describing the nature and content of a criminal information or indictment. In interpreting this Rule, the Supreme Court has recognized that it embodies "basic principles of fundamental fairness [which] retain their full vitality under modern concepts of pleading" Russell v. United States, 369 U.S. 749, 765 (1962). Thus, cases decided under Fed. R. Crim. P. 7(c)(1) provide guidance for construing Comm. R. P. 11(b).

Turning to the Statement filed against the Respondent, it can readily be seen that it is nearly devoid of particular facts and contains only legal conclusions. Thus, each count does no more than provide a general description of the accusation in the generic terms of the standard of conduct allegedly violated. Such pleading has been expressly disapproved by the Supreme Court:

It is an elementary principal of criminal pleading, that where the definition of an offence, whether it be at common law or by statute, includes generic terms, it is not sufficient that the indictment shall charge the offence in the same generic terms as in the definition; but it must state the species,--it must descend to particulars. United States v. Cruikshank, 92 U.S. 542, 558 (1876). Accord, United States v. Thomas, 144 U.S. App. D.C. 44, 444 F.2d 919 (1971).

Similarly, the Court has recognized that while the language of a statute may be used in the general description of an offense:

it must be accompanied with a statement of facts and circumstances as will inform the accused of the specific offence, coming under the general description, with which he is charged. United States v. Hess, 124 U.S. 483, 487 (1888). Accord, United States v. Nance, 174 U.S. App. D.C. 472, 533 F.2d 699 (1976).

The teaching of these cases is that in order for a charging document to provide adequate notice, "facts are to be stated, not

conclusions of law alone." United States v. Cruikshank, supra at 558; United States v. Seeger, 303 F.2d 478, 485 (2d Cir. 1962).

Detailed notice of specific facts is all the more necessary where the ethical standards themselves "are not delineated with any great exactitude . . ." Ethics Manual, supra at 8. Otherwise, "the prosecutor [remains] free to roam at large--to shift its theory of criminality so as to take advantage of each passing vicissitude of the trial and appeal." Russell v. United States, supra at 769; United States v. Agone, 302 F. Supp. 1258, 1261 (S.D.N.Y. 1969). Cf. Cole v. Arkansas, 333 U.S. 196 (1948).^{14/}

There is a final reason for requiring more detailed allegations of fact. Specificity in the statement is mandated "to inform . . . [the Committee] of the facts alleged, so that it may decide whether they are sufficient in law to support a conviction should one be had." Russell v. United States, supra at 768; United States v. Cruikshank, supra at 558. The Statement of Alleged Violations as presently drafted is so vague, conclusory and lacking in facts that the Committee cannot properly fulfill its function of "evaluating particular situations against existing standards . . ." ^{15/} See United States v. Lamont, 18 F.R.D. 27, 31 (S.D.N.Y. 1955), aff'd, 236 F.2d 312 (2d Cir. 1956). For all these reasons, the Statement "fails to state facts which constitute . . . violation[s] of the Code of Official Conduct . . . or other standard of conduct," Comm. R. P. 12(a)(2).

V. The Duplicity of Counts One through Four

Comm. R. P. 11(b) provides in pertinent part that:

^{14/} In Cole, the Supreme Court struck down a criminal conviction where the prosecutors shifted their theory from one section of a statute to another.

^{15/} Ethics Manual, supra at 9.

A statement shall be divided into counts and each count shall relate to a separate violation

Counts One through Four of the instant Statement each allege three separate violations thus ignoring Comm. R. P. 11(b) and "fail[ing] to state facts which constitute a violation" Comm. R. P. 12(a)(2). This vice, known as duplicity, is prohibited in federal criminal cases by Fed. R. Crim. P. 8(a), which, like Comm. R. P. 11(b), requires that different substantive offenses be charged in separate counts. See Gerberding v. United States, 471 F.2d 55, 59 (8th Cir. 1973); Driscoll v. United States, 356 F.2d 324, 332 (1st Cir. 1966).

Pleading of this nature deprives the Respondent of his right to adequate notice of the charges against him, for it permits him to be charged with one violation in mind, and convicted on evidence of another. See United States v. Thomas, 144 U.S. App. D.C. 44, 47, 444 F.2d 919, 922 (1971). In addition, duplicitous pleading obscures consideration of the appropriate sanction to be recommended by the Committee. Cf. United States v. Bradford, 344 A.2d 208, 211 (D.C. App. 1975). For example, the Committee, which has broad discretion in recommending sanctions, Comm. R. P. 17(b) and (c), might well recommend a more severe sanction for violation of Clause 4 of the Code of Official Conduct, prohibiting actual conflicts of interest, than it would for a violation of Rule 5 of the Code of Ethics for Government Service, which is directed only at appearances of conflict. See Ethics Manual, *supra* at 57.

Finally, the duplicitous counts also act to deprive the Respondent of his right to be "convicted" only upon the vote of a majority of the Committee, Comm. R. P. 17(a), and will hamper the Committee's consideration of the evidence. For, when the elements of more than one violation are contained in a single count, "they will be inextricably mixed, and a . . . [respondent]

may be convicted on proof of the elements of one . . . [violation] only, or on proof of some elements of each." Bradford v. United States, supra at 211-212. Cf. Sanabria v. United States, __ U.S. __, 98 S. Ct. 2170 (1978).

For these particular reasons, in addition to those stated above, Counts One through Four of the Statement of Alleged Violations must be dismissed.

Respectfully submitted,

BONNER, THOMPSON, O'CONNELL
& GAYNES
900 Seventeenth Street, N.W.
Washington, D.C. 20006
(202)452-1300

by Walter J. Bonner
Walter J. Bonner

and

by Thomas A. Guidoboni
Thomas A. Guidoboni

Counsel for Charles H. Wilson

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Memorandum of Points and Authorities in Support of Motion to Dismiss Statement of Alleged Violations was served, by hand, on Steven R. Wisebram, Counsel, House Committee on Standards of Official Conduct, this 2nd day of January, 1980.

Thomas A. Guidoboni
Thomas A. Guidoboni

EXHIBIT A

UNITED STATES HOUSE OF REPRESENTATIVES

JAN 9 1975

Office of the Clerk
Washington, D.C.

8:5 JAN 13 PM 4:05

REPORT OF RECEIPTS AND EXPENDITURES

FOR A

POLITICAL COMMITTEE

SUPPORTING ANY CANDIDATE(S) FOR NOMINATION OR ELECTION TO THE
UNITED STATES HOUSE OF REPRESENTATIVESCharles W. Wilson Campaign Committee
(Full Name of Committee)

P.O. Box 990

Tarrytown, CA 90723

(Street)

(City, State, ZIP code)

 Check if New Address

Identification Number

H.R. 034428

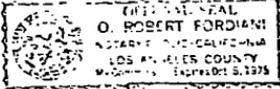
NOTE: If you have not performed then a complete Registration (H.R. Election Form 1) must accompany this Report. If you have registered and no number has been assigned, so indicate.

TYPE OF REPORT

(Check Appropriate Box and Complete, if Applicable)

- March 10 report
 June 10 report
 September 10 report
 January 31 report
 Fifteenth day report preceding _____ election on _____ (Date)
(Primary, general, special, runoff, caucus, or convention)
 Fifth day report preceding _____ election on _____ (Date)
(Primary, general, special, runoff, caucus, or convention)
- Termination report
 Suspension report
 Amendment to _____ report

VERIFICATION BY OATH OR AFFIRMATION OF TREASURER

State of California ss.County of Los AngelesI, Myrtis L. George, being duly sworn, depose (affirm) and say
(Full Name of Treasurer of Committee)
that this Report of Receipts and Expenditures is complete, true, and correct.Myrtis L. George
(Signature of Treasurer of Committee)Subscribed and sworn to (affirmed) before me this 9 day of January, A.D. 19 75.


O. ROBERT FORDIANI
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
COMMISSION EXPIRES 8-1975

Charles E. Fordiani
(Notary Public)

My commission expires _____ 19 ____

DELIVER COMPLETED REPORT AND ATTACHMENTS TO:
 The Clerk, U.S. House of Representatives
 Office of Records and Registration
 1036 Longworth House Office Building
 Washington, D.C. 20515

SUMMARY PAGE

Name of Committee Charles B. Wilson Campaign CommitteeREPORT COVERING PERIOD FROM October 25, 1924 THRU December 31, 1924

	Column A— For period	Column B— (Transfer from to date)
SECTION A—RECEIPTS:		
Part 1. Individual contributions:		
a. Itemized (use schedule A*)	\$ 2,450.00	
b. Unitemized	\$ 230.00	
Total individual contributions	\$ 2,680.00	\$ 2,680.00
Part 2. Sales and collections:		
Itemized (use schedule B and as necessary schedule A*)	\$ -0-	\$ 1,500.00
Part 3. Loans received:		
a. Itemized (use schedule A*)	\$ -0-	
b. Unitemized	\$ -0-	
Total loans received	\$ -0-	\$ -0-
Part 4. Other receipts (refunds, rebates, interest, etc.):		
a. Itemized (use schedule A*)	\$ -0-	
b. Unitemized	\$ -0-	
Total other receipts	\$ -0-	\$ 187.80
Part 5. Transfers in:		
Itemize all (use schedule A*)	\$ -0-	\$ -0-
TOTAL RECEIPTS		
	\$ 2,680.00	\$ 42,590.80
SECTION B—EXPENDITURES:		
Part 6. Communications media expenditures:		
Itemize all (use schedule C*)	\$ 165.92	\$ 1,865.86
Part 7. Expenditures for personal services, salaries, and reimbursed expenses:		
a. Itemized (use schedule D*)	\$ -0-	
b. Unitemized	\$ -0-	
Total expenditures for personal services, salaries, and reimbursed expenses	\$ -0-	\$ -0-
Part 8. Loans made:		
a. Itemized (use schedule D*)	\$ -0-	
b. Unitemized	\$ -0-	
Total loans made	\$ -0-	\$ -0-
Part 9. Non-media and other expenditures:		
a. Itemized (use schedule C*)	\$ 1,525.72	
b. Unitemized	\$ 442.87	
Total other expenditures	\$ 1,975.59	\$ 55,401.27
Part 10. Transfers out:		
Itemize all (use schedule D*)	\$ 1,000.00	\$ 6,000.00
TOTAL EXPENDITURES		
	\$ 3,322.51	\$ 62,248.11

SECTION C—CASH BALANCES:

Cash on hand at beginning of reporting period	\$ 6,086.20
Add total receipts (section A above)	\$ 2,680.00
Subtotal	\$ 8,766.20
Subtract total expenditures (section B above)	\$ 3,321.51
Cash on hand at close of reporting period	\$ 5,444.69

SECTION D—DEBTS AND OBLIGATIONS:

Part 11. Debts and obligations owed to the committee (use schedule E*)	\$ -0-
Part 12. Debts and obligations owed by the committee (use schedule E*)	\$ -0-

*Schedules are to be used only when justification is required. (See next Schedule for instructions.) When justification is unnecessary for a group Part, the vote of any schedule for that Part, is to be printed at a blank space on the "Unitemized" line of the appropriate Part of the Summary Report. The word "None" should be entered on any line of the Summary Report where no amount is being reported.

75000761300

SCHEDULE A

ITEMIZED RECEIPTS—CONTRIBUTIONS, SALES AND COLLECTIONS, LOANS, AND TRANSFERS

Charles N. Wilson Campaign Committee
(Full Name of Candidate or Committee)

Part No. _____

(Use for Remaining Part 1, 2, 3, 4, or 5)

SEE REVERSE SIDE FOR INSTRUCTIONS
(Use separate page(s) for each numbered Part)

Date (month, day, year)	Full Name, Mailing Address, and ZIP Code	Donor's and Principal Place of Business, if not the same as above	Amount of Receipt This Period	
			Aggregate Year-to-Date \$	This period \$
10/29/74	United Steelworkers of America Political Action Fund Five Gateway Center Pittsburgh, Pa 15222	Same	Aggregate Year-to-Date \$ 250.00	This period \$ 250.00
			Aggregate Year-to-Date \$	This period \$
7/9/74	California Dental Political Action Committee 11 and L Building 1127 - 11th Street Sacramento, CA 95814	Same	Aggregate Year-to-Date \$ 1,000.00	This period \$ 1,000.00
			Aggregate Year-to-Date \$	This period \$
10/30/74	Bert H. Cardon 2400 Belmont Drive Beverly Hills, CA 90210	Executive The Cardan Co. Inc. 9301 Wilshire Beverly Hills 90210	Aggregate Year-to-Date \$ 200.00	This period \$ 200.00
1/30/74	Political Education Fund of the Building and Construction Trades Department, Room 503 Washington, D.C. 20005	Same	Aggregate Year-to-Date \$ 200.00	This period \$ 200.00
16/74	Optometric Political Action Committee P.O. Box 2945 CPS Bldg, D.C. 20005	Same	Aggregate Year-to-Date \$ 500.00	This period \$ 500.00
16/74	Howard R. Hughes Hughes Helicopters Culver City, CA 90230	Owner	Aggregate Year-to-Date \$ 900.00	This period \$ 900.00
			Aggregate Year-to-Date \$	This period \$
			Aggregate Year-to-Date \$	This period \$
			Aggregate Year-to-Date \$	This period \$

TOTAL THIS PERIOD \$2,850.00
(Last page of this Part only)

7 5 2 0 0
SCHEDULE C
ITEMIZED EXPENDITURES - COMMUNICATIONS AND NON-MEDIA OR OTHER EXPENDITURES

Charles H. Wilson Campaign Committee
 (Full Name of Candidate or Committee)

Part No. 6
 (Use for itemizing Part 6 or B)

SEE REVERSE SIDE FOR INSTRUCTIONS
 (Use separate page(s) for each numbered Part)

DATE OF PAYMENT (month, day, year)	PAYEE (Recipient of Payment)		PURPOSE OF EXPENDITURE (For communications media expenditures, also specify date(s) of use)	CHECK (✓) EXPENDITURE BY ELECTION				AMOUNT OF EXPENDITURE THIS PERIOD	ALLOCATE EXPENDITURES BY CANDIDATE (To be completed only by Candidates supporting more than one candidate)	
	Full Name, Mailing Address, and ZIP Code	Occupation and Principal Place of Business, if any (if self-employed, also check box)		Primary	General	Special	Party		Full Name, Congressional District (if applicable), State, and Party	Amount of Expenditure This Period
10/23/76	Hawthorne Community News 12366 So. Hawthorne Blvd. Hawthorne, CA 90230	<input type="checkbox"/> Same	Political Ad	X				57.60		
10/23/76	Lynwood Press 3737 Mulford Ave. Lynwood, CA 90262	<input type="checkbox"/> Same	Political Ad	X				16.40		
10/23/76	Daily Breeze 5715 Torrance Blvd. Torrance, CA 90501	<input type="checkbox"/> Same	Political Ad	X				98.54		
10/23/76	Metropolitan Gazette 911 East Rosecrans Ave. Compton, CA 90221	<input type="checkbox"/> Same	Political Ad	X				78.40		
10/23/76	Compton Herald American 123 North Alameda St. Compton, CA 90220	<input type="checkbox"/> Same	Political Ad	X				42.56		
10/23/76	Paramount Journal 16403 Paramount Blvd. Paramount, CA 90773	<input type="checkbox"/> Same	Political Ad	X				74.00		
10/23/76	Gardena Valley News 16417 S. Western Ave. Gardena, CA 90247	<input type="checkbox"/> Same	Political Ad	X				28.00		

5 0 0 7 5 0 3 1 1
ITEMIZED EXPENDITURES—COMMUNICATIONS AND NON-MEDIA OR OTHER EXPENDITURES

Charles H. Wilson Campaign Committee
 (Full Name of Candidate or Committee)

Part No. 3
 (Use for itemizing Part 6 or 9)

SEE REVERSE SIDE FOR INSTRUCTIONS
 (Use separate page(s) for each numbered Part.)

DATE OF PAYMENT (month, day, year)	PAYEE (Receipt of Payment)		PURPOSE OF EXPENDITURE (For communications media expenditures, also specify date(s) of use)	CHECK (✓) EXPENDITURE BY ELECTION			AMOUNT OF EXPENDITURE THIS PERIOD	ALLOCATE EXPENDITURE BY CANDIDATE (To be completed only by Committees supporting more than one candidate)	
	Full Name, Mailing Address, and ZIP Code	Occupation and Principal Place of Business, if any (If self-employed, also check box)		Primary	General	Ballot		Full Name, Congressional District (if applicable), State, and Party	Amount of Expenditure from This Period
11/5/74	Hel Galavoy 424 E. Compton Blvd. Compton, CA 90220	Same <input type="checkbox"/>	Rent Campaign Headquarters	X			200.00		
11/5/74	Lenn Guido 1313 Casino Road Los Angeles, CA 90049	Same <input type="checkbox"/>	Music for Sunday Picnic 11/3/74	X			200.00		
11/5/74	Charles H. Wilson 4141 Rosecrans Hawthorne, CA 90250	Same <input type="checkbox"/>	Candidate re-embursed expenses	X			1,000.00		
12/30/74	Bellas & Sons 15734 Hawthorne Blvd. Lawndale, CA 90260	Same <input type="checkbox"/>	Refreshments for Press Party	X			179.72		
		<input type="checkbox"/>							
		<input type="checkbox"/>							
		<input type="checkbox"/>							

UNITED STATES HOUSE OF REPRESENTATIVES

Committee on Standards
of Official Conduct

In the Matter of
CHARLES H. WILSON

*
*
*

RESPONSE OF COMMITTEE COUNSEL
TO REPRESENTATIVE WILSON'S MOTION
TO DISMISS THE STATEMENT OF ALLEGED VIOLATIONS

On December 12, 1979, the Committee on Standards of Official Conduct of the United States House of Representatives (the Committee) issued a fifteen-count statement of alleged violations against Representative Charles H. Wilson of California.

On January 2, 1980, Representative Wilson, the Respondent, filed through Counsel, inter alia, a Motion to Dismiss the Statement of Alleged Violations.

It is the recommendation of Committee Counsel, for the reasons set forth below, that the Committee deny Respondent's Motion to Dismiss the Statement of Alleged Violations (Motion to Dismiss).

DISCUSSION

1. Statute of Limitations, Laches, and Fundamental Fairness

Respondent argues in Paragraph 1 of his Motion to Dismiss that the Committee lacks jurisdiction over Counts One through Five (1-5) and Counts Seven through Fourteen (7-14) because the allegations are barred by the statute of limitations, and in paragraph 2 that all charges are barred by doctrines of laches and fundamental fairness.

Committee counsel respectfully submits that paragraphs 1 and 2 of Respondent's Motion to Dismiss should be summarily denied as the Committee previously entertained and denied identical arguments by Counsel for Respondent immediately prior to voting the Statement of Alleged Violations.^{1/}

^{1/} Statement of Representative Charles H. Wilson in Response to Preliminary Inquiry Allegation, presented to Committee on December 12, 1979.

Clearly, if the Committee had accepted the arguments of Respondent, the Statement of Alleged Violations would not have been issued.

Therefore, having been previously entertained and denied, paragraphs 1 and 2 should be summarily rejected at this time.

If, however, the Committee does choose to review Respondent's arguments, Committee Counsel submits that they are totally lacking in merit.

A. The Statute of Limitations is not
Applicable to Congressional
Disciplinary Proceedings

Respondent premises the argument of paragraph 1 upon the statute of limitations generally applied in a court of law. This seems to result from the inability of Respondent to comprehend that proceedings before the Committee on Standards of Official Conduct are disciplinary proceedings within a legislative body and not civil or criminal proceedings in a court of law.

In support of this argument, Respondent states that, at Page 40 of of the Manual of Offenses and Procedures adopted during the Korean influence probe, "The Committee itself has characterized its proceedings as "quasi-criminal." Memorandum of Points and Authorities in Support of Motion to Dismiss Statement of Alleged Violations, in the Matter of Charles H. Wilson, at 2 (hereinafter cited as Memorandum).

However, review of that page in the Manual of Offenses reveals quite the contrary. In fact, the Committee stated the following: "Third, on the other hand, although the Constitution describes as punishment the action taken by the House in disciplining (sic) its Members for misbehavior (see Article I, Section 5, clause 2), the proceedings are not criminal in nature." (emphasis added) - House Committee on Standards of Official Conduct Manual of Offenses And Procedures, Korean Influence Investigation, 95th Congress, 1st Session, at 40 (Committee Print 1977). Thus, the Committee was noting the clear distinction between disciplinary proceedings within the Congress and proceedings in a court of law. The terminology "quasi-criminal" quoted by Respondent appears nowhere on page 40 of the Manual of Offenses and Procedures.

Indeed, even if one adopts Respondent's view that Committee proceedings are somewhat akin to bar disciplinary proceedings, Respondent's argument must fail. In such proceedings, it has been held that the "fact that the transaction occurred more than ten years ago is no defense. There is no statute of limitations on an ethics violation." In Re Sarbone, 304 A.2d 734, at 735 (N.J. 1973).

Respondent cannot cite or refer the Committee to a statute or rule limiting the time period during which violations of House Rules may be prosecuted simply because none exists. Surely, if the intent of the House had been to limit its disciplinary powers in such a manner, it would have included a rule to that effect along with the other restrictions upon the Committee's authority in the Rules of the House.^{2/}

B. The Committee has Adopted a
Balancing-test Approach Which
Insures Fundamental Fairness

The Committee is not ignorant of the fact that the age of certain claims may at times impose hardships upon a Respondent.

However, instead of establishing an arbitrary cutoff date beyond which violations of House Rules are no longer actionable, the Committee has chosen the wiser course of weighing the time element with other pertinent factors -- such as severity of the offense, knowledge of the voters, and intervening elections -- in making a determination whether or not to prefer charges. Through this balancing-test approach the Committee is able to weigh all factors and circumstances involved in a particular case, and reach a decision whether or not to prefer charges. In so doing, the Committee is not only able to protect the Respondent's right to fundamental fairness, but also to protect and preserve the rights of the House.

Yet, Respondent would have the Committee adopt a specific cutoff date of five or six years. This situation would be wholly untenable to the concept of a disciplinary body charged with preserving and protecting the integrity of the House of Representatives.

^{2/} See Rule X, 4(e)(2), Rules of the House of Representatives, 96th Congress, 1st Session.

Adoption of the statute of limitations as proposed by Respondent would leave the House no choice but to allow a Member, even one admittedly guilty of accepting a bribe, to remain in the House completely unchastised and free from any criminal prosecution. Clearly, it would be unthinkable to allow such an individual to remain in the House completely unpunished, as would be the case if Respondent's argument is adopted.

On this basis, the Committee has already rejected Respondent's argument that the statute of limitations is applicable to violations of House Rules.

C. The Judicial Concept of Laches Is Not Applicable to Committee Proceedings

"Laches", a purely equitable doctrine for the promotion of fundamental fairness, can be defined generally as a rule by which equitable relief is denied to one who has been guilty of unconscionable delay as shown by surrounding facts and circumstances.

It is not applicable to Committee proceedings since the Committee has established a balancing-test procedure to insure fundamental fairness in its own proceedings. Both concepts, laches and the balancing-test approach are similar in purpose and method; however, by establishing its own procedure for insuring fundamental fairness, the Committee is able to tailor it to the Committee's unique jurisdiction.

Respondent cites the Sikes case to support his claim that the Committee has adopted the judicial doctrine of laches as being applicable to its proceedings. Respondent fails to comprehend that in the Sikes case the Committee was actually applying its own balancing-test approach to fundamental fairness and not blindly accepting the judicial doctrine of laches.

In the Sikes case the Committee found that a violation had occurred some 15 years prior, but chose not to consider it in the recommendation for punishment because it "occurred approximately 15 years before and at least to some extent appears to have been known to Representative Sikes' constituency which has continually reelected him to Congress." In the Matter of Representative Robert L. F. Sikes, H.R. Rep. No. 1364, 94th Cong., 2d Sess. at 4-5 (1976) (emphasis added).

Thus, the Sikes case stands as a perfect example of an application of the balancing-test approach to fundamental fairness.

Again, more recently, in the Flood matter, this Committee judiciously applied the balancing-test concept in voting a Statement of Alleged Violations containing charges, some of which were almost nine years old.³

Congressional precedent for this balancing-test approach appears in the 1926 Senate case of Arthur R. Gould. The Senate concluded that charges of bribery merited investigation even though the alleged acts were committed more than 14 years prior. Senate Election, Expulsion and Censure Case, From 1793 to 1972, Sen. Doc. No. 92-7, 92nd Cong., 1st Sess., at 125 (1972).

Furthermore, Respondent seems to have forgotten that in this very matter the Committee applied just such a balancing-test approach, and decided not to prefer several other possible charges against Respondent.

D. The Present Action Would Not Be
Barred By Application of Laches

Even if one chooses to apply the judicial concept of laches to the present proceedings the charges would not be barred.

As Respondent has pointed out, two factors are required to establish the defense of laches, an unreasonable delay on the part of the claimant, and that the delay has prejudiced the defendant. E. G., Van Voury v. Nitze, 128 U.S. App. D.C., 301, 383 F.2d., 557, 565 (1967).

Yet, Respondent is unable to establish even the first of these factors - unreasonable delay.

The root meaning of the word "laches" is laxness, and it is frequently referred to as negligence, neglect, lack of diligence, unreasonable or unexcusable delay, as opposed to mere delay itself. E. G., McIntire v. Pryor, 173 U.S. 38 (1899); Weissinger v. Weissinger, 302 S.W. 2d 97, at 101 (Ky 1957); Troll v. City of St. Louis, 167, at 173 (Mo. 1914).

^{3/} In the Matter of Daniel J. Flood, Statement of Alleged Violations, June 7, 1979. Count 17 - 8 years 9 months, Count 18 - 8 years, Count 16 - 8 years - 3 months.

That something more than mere delay is needed as a basis for invoking laches is nowhere more graphically illustrated than the case of State v. Haggerty, 6 N.W. 2d 203 (Wisc. 1942), which involved attorney disciplinary proceedings. In that case an attorney was reprimanded, placed on probation, and assessed costs for actions which occurred some 25 years prior and which were "quite extensively known" in this community for some 23 years.

The time-frame in which this Committee preferred charges can in no way be considered unreasonable, excessive, or negligent.

The Committee is not a "watchdog" with a massive staff and unlimited resources, capable of continually monitoring the conduct of each Member, officer, or employee of the House. As the current matters were only made known to this Committee in 1978, and even then only partially, it is quite simply unreasonable to claim the Committee acted with less than dispatch in preferring charges.

Yet, in an effort to do so, Respondent once again resorts to invalid comparisons with statutes of limitations and courts of law with concurrent legal and equitable jurisdiction.

It has already been established that statutes of limitations do not apply to Committee proceedings, and, since these matters involve House Rules, not legal and equitable actions, Respondent's argument is totally devoid of merit.

E. Paragraphs 1 and 2 of Respondent's
Motion to Dismiss Should Be Denied

On December 12, 1979, immediately prior to voting the Statement of Alleged Violations, this Committee entertained both written and oral argument by Counsel for Respondent on the same issues addressed in paragraphs 1 and 2 of his Motion to Dismiss.

The Committee rejected Respondent's arguments at that time and voted the Statement of Alleged Violations.

Having established that the statute of limitations and the judicial concept of laches are inapplicable to Congressional disciplinary proceedings, and that the balancing-test approach applied by this Committee insures fundamental fairness while protecting the integrity of the House, Counsel for the Committee submits that the Committee's decision to reject Respondent's arguments was entirely proper.

Committee Counsel therefore recommends that the Committee again reject these arguments and deny paragraphs 1 and 2 of Respondent's Motion to Dismiss.

Rule X, Clause 4(e)(2)(c)

None of the Counts Violate
House Rule X,4(e)(2)(c)

Respondent asserts in paragraph 3 of this Motion to Dismiss that the Committee lacks jurisdiction over Counts One through Five (1-5) and seven through 14 (7-14) because they violate Rule X, clause 4(e)(2)(c) of the Rules of the House of Representatives and Clause 2 of the Code of Official Conduct.

Committee Counsel submits that this argument is totally without merit, and should be denied.

House Rule X, Clause 4(e)(2)(c) provides in pertinent part:

"No investigation shall be undertaken by the Committee of any alleged violation of a law, rule, regulation, or standard of conduct not in effect at the time of the alleged violation."

Respondent correctly concludes that this provision is similar to the constitutional prohibition against ex post facto laws, U.S. Const., art. I, § 9, cl. 3.

An ex post facto law is simply "one which in its operation makes that criminal or penal which was not so at the time the action was performed." U.S. v. Hall, 10 U.S. 171, (1809).

By Respondent's own admission the standards cited in the Statement of Alleged Violations were in effect at the time of the dates alleged. Thus, the charges contained in the Statement of Alleged Violations are not retroactive in effect, and, as such, do not violate House Rule X, clause 4(e)(2)(c) or clause 2 of the Code of Official Conduct. Therefore, paragraph 3 of Respondent's Motion to Dismiss is totally without merit and should be summarily denied.

However, Respondent's memorandum in support of this motion argues that the standards upon which these counts in the Statement of Alleged Violation are premised indirectly violate Rule X, clause 4(e)(2)(c), since "most have never been applied or interpreted, and some were of questionable validity." Memorandum at 6.

Challenging the validity of the Code of Ethics for Government Service Respondent cites the Sikes case as precedent for the proposition that "until 1976, it (Code of Ethics for Government Service) was generally believed to have lapsed with the expiration of the 85th Congress." Memorandum at 6.

The Sikes case, contrary to Respondent's assertion, actually reaffirmed the continuing validity of the Code of Ethics for Government Service since its original enactment in 1958. This Committee specifically found:

3. Members of the House have always been expected to observe traditional ethical standards which prohibit conflicts of interests and use of an official position for personal benefit. The standards of ethical conduct applicable to Members of the House are best expressed in principle in the Code of Ethics for Government Service, embodied in House Concurrent Resolution 175, approved July 11, 1958 (72 Stat., pt. 2B12).
4. Although the Code of Ethics for Government Service was adopted as a concurrent resolution, and, as such, may have expired with the adjournment of the 85th Congress, the standards of ethical conduct expressed therein represent continuing traditional standards of ethical conduct to be observed by Members of the House at all times, which were supplemented in 1968 by a specific Code of Official Conduct. Sikes, H.R. Rep. No. 1364, 94th Cong., 2d. Sess. at 3. (1976). (emphasis added).

Any doubt that the continuing validity of the principles embodied in the Code of Ethics for Government Service is further dispelled by reference to the Report of the Committee on Standards of Official Conduct, H. Rep. No. 1176, 90th Cong., 2d. Sess., (1968), which recommended establishment of this Committee as a permanent standing committee and adoption of the Code of Official Conduct. This Committee specifically embraced the principles of the Code of Ethics for Government Service as having continuing validity:

In addition, Members of Congress, officers, and employees of the House are subject to various statute provisions, and rules relating to ethical conduct listed below, and to the Code of Ethics for Government Service (72 Stat., pt. 2, 812, July 11, 1958). Report of Committee on Standards of Official Conduct, supra., at 36 (1968).

This Committee, anticipating just such an argument as that propounded by Respondent, has specifically stated that use of the Code of Ethics for Government Service as a basis for Committee action, "will avoid possible accusations that the Committee has violated the directive of House Rule X 4, (e)(2)(c) to apply the laws, rules, regulations and standards of conduct in effect at the time the conduct under consideration by the Committee occurred." Manual of Offenses and Procedures, supra., at 33.

Thus, the continuing validity of the Code of Ethics for Government Service since the time of its enactment in 1958 has been well established.

Respondent's assertion that the standards of the Code of Official Conduct lacked interpretation seems to completely ignore the Committee Report recommending adoption of these standards in 1968^{4/} in which each standard is individually discussed and the Floor debate^{5/} prior to adoption of the Code of Official Conduct during which the standards were debated and explained.

If, as Respondent seems to argue, prior application is also a prerequisite for basing an action upon a particular standard or statute, then there simply would never be any prosecutions under newly enacted standards or statutes. Thus, prior application simply cannot be considered a necessary prerequisite for action by the Committee.

Therefore, since all the standards cited in the Statement of Alleged Violations were in effect and valid during all times alleged in the various counts, paragraph 3 of Respondent's Motion to Dismiss should be denied.

Statement of Facts Constituting Violations

Each Count States Facts Which Apprise Respondent
of the Specific Offense Charged

Respondent argues in paragraph 4 of his Motion to Dismiss that each and every count fails to state facts constituting violations.

Counsel for the Committee submits that each count is clear, concise, and contains sufficient factual information to apprise Respondent of the specific offense charged.

Federal case law, while not directly applicable to these proceedings, provides some guidance.

The federal courts have held that the rules of federal criminal pleading sanction a plain, concise statement, in broad outline, of the offense charged, without particularity as to details. Todorow v. United States, 173 F.2d 439 (9th Cir. 1949) cert. denied, 337 U.S. 92^r (1949). The purpose of an indictment is "to set forth without unnecessary embroidery the essential facts constituting the offense and thus accurately acquaint the defendant with the specific crime with which he is charged." United States v. Lamont, 236 F.2d 312 (2d Circ. 1956).

^{4/} Report of the Committee on Standards of Official Conduct, H. Rep. No. 1176, 90th Cong. 2d. Sess., (1968)

^{5/} 114 Cong. Rec. Pt. 7, p.p. 8776-8812

Furthermore, it is sufficient that an indictment set forth the offense charged in the words of a statute itself so long as those words themselves fully, directly, and expressly, without any uncertainty or ambiguity, set forth the necessary elements to constitute the offense upon which the indictment is premised. Hamling v. United States, 418 U.S. 87 (1974).

The counts as drawn in the Statement of Alleged Violations not only set forth the elements of the violations charged, but state facts, as to dates, amounts, and persons involved, which would apprise any reasonably intelligent person as to the specific offense charged. Therefore, Committee Counsel recommends that paragraph 4 of Respondent's Motion to Dismiss be denied.

Duplicity

The Dangers of Duplicity are not
Possible in Proceedings before the Committee

Respondent argues in paragraph 5 of his Motion to Dismiss that Counts One through Four (1-4) should be dismissed as being duplicitous and therefore failing to state facts which constitute a violation of the Code of Official Conduct or other standards.

Committee Counsel submits that none of the dangers of duplicity are present in these counts; therefore, Respondent's argument should be rejected.

The courts have described duplicity as the "joining in a single count of two or more distinct and separate offenses," Gerberding v. United States, 471 F.2d 55, at 59 (8th Cir. 1973) and explained that, "Its vice is that a general verdict of guilty will not reveal whether the jury found the defendant guilty of one crime and not guilty of the other, or guilty at all." Id., at 59.

The procedures used by this Committee in rendering a decision upon a Statement of Alleged Violations completely insure that these dangers are not possible.

The Committee does not render a general verdict of guilty or not guilty, but renders a verdict with a special finding of fact.^{6/} Therefore, there is

^{6/} See, e.g., In the Matter of Representative Charles H. Wilson of California, H.R. Rep. No. 95-1741, 2d Sess., 95th Cong. (1978); In the Matter of Representative John J. McFall, H.R. Rep. No. 95-1742, 95th Cong. (1978)

absolutely no danger of the Committee reaching a guilty determination without relating it to the specific facts involved.

The Committee, unlike a jury in a court of law, can strike any part of a particular count which has not been proven by the evidence.

The Committee has demonstrated its ability to do so in past cases, one of which involved Representative Wilson himself. See In the Matter of Representative Charles H. Wilson of California, H.R., Rep. No. 95-1741, 95th Cong., 2d Sess. (1978): In the Matter of Representative Edward R. Roybal, H.R. Rep. No. 95-1743, 95th Cong., 2d Sess. (1978).

The Committee purposely combined the violation of three separate standards into each of these counts, (1-4), as violations contained in each count resulted from the same respective transaction.

This combination reflects a conscious effort on the part of the Committee, fully cognizant of the potentially devastating impact of any Statement of Alleged Violations, to spare Respondent the added embarrassment of an extremely large number of counts.

At the very worst, the combination of standards in Counts 1-4 is a harmless error which can be easily corrected by separating each standard into a separate count and renumbering the counts. This would in no way affect the substance of the present Statement of Alleged Violations.

However, in light of the fact that none of the dangers of duplicity exist in proceedings before this Committee, Counsel to the Committee recommends that paragraph 5 of Respondent's motion be denied.

Respectfully submitted,


Steven R. Wisebram
Committee Counsel

APPENDIX C—MOTION FOR A BILL OF PARTICULARS, WITH SUPPORTING MEMORANDUM; AND RESPONSE OF COMMITTEE COUNSEL

UNITED STATES HOUSE OF REPRESENTATIVES

Committee on Standards of
Official Conduct

In The Matter Of :
: :
CHARLES H. WILSON :

MOTION FOR A BILL OF PARTICULARS

Charles H. Wilson, through counsel, and pursuant to Rule 12(a)(4) of this Committee's Rules of Procedure, respectfully moves this Committee to furnish him with a bill of particulars as to the Statement of Alleged Violations served upon him on December 13, 1979.

1. As to Count One of the Statement of Alleged Violations, the Respondent requests that the Committee state with particularity:

- a. the "circumstances which might be construed by reasonable persons as influencing the performance of [Mr. Wilson's] governmental duties;"
- b. the definition of "gift" utilized by the Committee;
- c. the nature of the \$5,000.00 payment, to wit, cash, check, services, etc.;
- d. the "legislation before the Congress" in which Lee Rogers allegedly had "a direct interest;"
- e. the nature of Mr. Rogers' "direct interest" in said legislation; and
- f. the definition of "direct interest in legislation before the Congress" utilized by the Committee.

2. As to Count Two of the Statement of Alleged Violations, the Respondent requests that the Committee state with particularity:

- a. "the circumstances which might be construed by reasonable persons as influencing the performance of [Mr.

Wilson's] governmental duties;

- b. the definition of "gift" utilized by the Committee;
- c. the nature of the \$5,000.00 payment, to wit, cash, check, services, etc.;
- d. the "legislation before the Congress" in which Lee Rogers allegedly had "a direct interest."
- e. the nature of Mr. Rogers' "direct interest" in said legislation; and
- f. the definition of "direct interest in legislation before the Congress" utilized by the Committee.

3. As to Count Three of the Statement of Alleged Violations, the Respondent requests that the Committee state with particularity:

- a. the "circumstances which might be construed by reasonable persons as influencing the performance of [Mr. Wilson's] governmental duties;"
- b. the definition of "gift" utilized by the Committee;
- c. the nature of the \$500.00 payment, to wit, cash, check, services, etc.;
- d. the "legislation before the Congress" in which Lee Rogers allegedly had "a direct interest."
- e. the nature of Mr. Rogers' "direct interest" in said legislation; and
- f. the definition of "direct interest in legislation before the Congress" utilized by the Committee.

4. As to Count Four of the Statement of Alleged Violations, the Respondent requests that the Committee state with particularity:

- a. the "circumstances which might be construed by reasonable persons as influencing the performance of [Mr. Wilson's] governmental duties;"
- b. the definition of "gift" utilized by the Committee;

c. the nature of the \$5,000.00 payment, to wit, cash, check, services, etc.;

d. the "legislation before the Congress" in which Lee Rogers allegedly had "a direct interest."

e. the nature of Mr. Rogers' "direct interest" in said legislation; and

f. the definition of "direct interest in legislation before the Congress" utilized by the Committee.

5. As to Count Five of the Statement of Alleged Violations, the Respondent requests that the Committee state with particularity in what manner the compensation paid to Lee Rogers was not commensurate with the duties performed by him.

6. As to Count Six of the Statement of Alleged Violations, the Respondent requests that the Committee state with particularity in what manner the compensation paid to Lee Rogers was not commensurate with the duties performed by him.

7. As to Count Seven of the Statement of Alleged Violations, the Respondent requests that the Committee state with particularity:

a. the definition of "campaign fund" which it utilized;

b. the specific campaign fund or funds from which the \$10,283.35 was drawn.

8. As to Count Eight of the Statement of Alleged Violations, the Respondent requests that the Committee state with particularity:

a. the definition of "campaign fund" which it utilized;

b. the specific campaign fund or funds from which the \$5,129.85 was drawn.

9. As to Count Nine of the Statement of Alleged Violations, the Respondent requests that the Committee state with parti-

cularity:

a. the definition of "campaign fund" which it utilized;

b. the specific campaign fund or funds from which the \$3,047.91 was drawn.

10. As to Count Ten of the Statement of Alleged Violations, the Respondent requests that the Committee state with particularity:

a. the definition of "campaign fund" which it utilized;

b. the specific campaign fund or funds from which the \$3,500.00 was drawn.

11. As to Count Eleven of the Statement of Alleged Violations, the Respondent requests that the Committee state with particularity:

a. the definition of "campaign fund" which it utilized;

b. the specific campaign fund or funds from which the \$3,000.00 was drawn.

12. As to Count Twelve of the Statement of Alleged Violations, the Respondent requests that the Committee state with particularity:

a. the definition of "campaign fund" which it utilized;

b. the specific campaign fund or funds from which the \$1,500.00 was drawn.

13. As to Count Thirteen of the Statement of Alleged Violations, the Respondent requests that the Committee state with particularity:

a. the definition of "campaign fund" which it utilized;

b. the specific campaign fund or funds from which the

\$1,500.00 was drawn.

14. As to Count Fourteen of the Statement of Alleged Violations, the Respondent requests that the Committee state with particularity:

- a. the definition of "campaign fund" which it utilized;
- b. the specific campaign fund or funds from which the \$1,000.00 was drawn.

15. As to Count Fifteen of the Statement of Alleged Violations, the Respondent requests that the Committee state with particularity:

- a. that portion or portions of the quoted statement which the Committee alleges to be false;
- b. the time and place that the statement was given;
- c. the resolutions or other authority permitting the taking of the statement;
- d. the subject matter then and there under inquiry;
- e. the scope and purpose of the inquiry;
- f. how the statement is material to the subject under inquiry;
- g. the manner in which the statement is alleged to be false.

An Oral Hearing is requested on this Motion.

Respectfully submitted,

BONNER, THOMPSON, O'CONNELL
& GAYNES
900 Seventeenth Street, N.W.
Washington, D.C. 20006
452-1300

by Walter J. Bonner
Walter J. Bonner

and

by Thomas A. Guidoboni
Thomas A. Guidoboni

Counsel for Charles H. Wilson

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for a Bill of Particulars was served, by hand, on Steven R. Wisebram, Counsel, House Committee on Standards of Official Conduct, this 2nd day of January, 1980.

Thomas A. Guidoboni
Thomas A. Guidoboni

RECEIVED

UNITED STATES HOUSE OF REPRESENTATIVES 5 04

Committee on Standards of Official Conduct COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

In The Matter Of :
:
CHARLES H. WILSON :

MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF
MOTION FOR BILL OF PARTICULARS

1. Rule 12(a)(4) of the Rules of Procedure of the Committee on Standards of Official Conduct (hereinafter Comm. R. P.) permits the filing of a Motion for a Bill of Particulars directed to the Statement of Alleged Violations.

2. In federal civil cases, bills of particulars were abolished in 1946, in view of the liberal forms of discovery available to a party for trial preparation,^{1/} Advisory Committee on Rules of Civil Procedure, Report of Proposed Amendments, 5 F.R.D. 433, 444-45 (1946). However, the Federal Rules continue to permit a court to order a "more definite statement" where a pleading which calls for a response "is so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading." Fed. R. Civ. P. 12(e). This Committee has previously recognized that its proceedings are hybrid, or "quasi-criminal" in nature. See House Committee on Standards of Official Conduct, 95th Cong. 1st Sess., Manual of Offenses and Procedures at 39-40 (Comm. Print. 1977). Thus, a fortiori, a bill of particulars in the instant case should fulfill at least the functions of civil procedure's "more definite statement;" that is, to permit the reasonable framing of a responsive pleading. This conclusion is also supported by the parallel between the Committee's Rules and

^{1/} See Fed. R. Civ. P. 26-37.

the Federal Rules of Civil Procedure, both of which permit the defendant to defer his substantive answer until the tribunal rules on his motion for more detail. Compare Comm. R. P. 12(b) with Fed. R. Civ. P. 12(a).

3. Due to the more restrictive discovery available in criminal cases, bills of particulars not only survive, see Fed. R. Crim. P. 7(f), but fulfill much broader purposes. Thus, it has been held that a bill of particulars in a criminal case functions to enable a defendant "to prepare his defense, to avoid surprise," United States v. Baker, 262 F. Supp. 657, 673 (D.D.C. 1966), and "to save a defendant wholly needless labor in preparing his defense." United States v. Dolan, 113 F. Supp. 757, 759 (D. Conn. 1953). Since the Committee's proceedings are considered "quasi-criminal," see ¶ 2, supra, and the discovery permitted is even more restrictive than in federal criminal cases, compare Comm. R. P. 18 with Fed. R. Crim. P. 16(a), a bill of particulars in this case is essential.

4. There can be little dispute that the particulars sought are required by the vague and subjective nature of the standards of conduct alleged to have been violated. During consideration on the creation of this Committee, Chairman Bennett himself recognized that:

. . . when you have a code of ethics, unless it is criminal law, you have admittedly said it is going to be in a gray area and subject to all kinds of interpretations. Hearings on H. Res. 18 and Similar Measures before House Comm. on the Rules, Creating a Select Committee on Standards and Conduct, 90th Cong. 1st Sess. at 21 (Comm. Print 1967).

And the Committee has, on several occasions, echoed his views, stating:

The Committee is cognizant of the fact that these traditional standards of conduct as expressed in the Code of Ethics for Government

Service, and as revealed in House precedents, are not delineated with any great exactitude and may therefore prove difficult in enforcement. The Committee is likewise aware that because of the generality of these standards their violation is easily alleged, and that this may be subject to some abuse. However, the Committee believes it was for the very purpose of evaluating particular situations against existing standards, and of weeding out baseless charges from legitimate ones, that this Committee was created. House Committee on Standards of Official Conduct, Ethics Manual for Members and Employees of the U.S. House of Representatives, H.R. Doc. No. 96-134, 96th Cong. 1st Sess. at 8-9 (1979) (emphasis added).

Accord, In the Matter of Representative Robert L.F. Sikes, H.R. Rep. No. 1364, 94th Cong. 2d Sess. at 8 (1976). It has been asserted, however, that these problems of vagueness and subjectivity are cured by reference to the "particular circumstances" surrounding the alleged violation. House Committee on Standards of Official Conduct, 95th Cong., 1st Sess., Manual of Offenses and Procedures--Korean Influence Investigation at 29, 40 (1977) (discussing Clause 6 of the Code of Conduct). On this basis, it is submitted that the Committee itself has made a compelling case for the necessity of a bill of particulars in its proceedings.

5. Finally, there is an even more persuasive reason for granting the Motion. A number of the requested particulars are directed toward the precise standards which the Committee will utilize in judging Respondent. These items are requested because the age of nearly all the allegations creates an inordinate danger that Mr. Wilson's conduct will be tested against standards which prevail today, rather than those which applied at the time of the alleged conduct. H.R. Rule X, Cl. 4(e)(2)(C) clearly prohibits the Committee from proceeding where the rules or standards themselves were not in effect at the time of the conduct. Since Clause 2 of the Code of Official Conduct requires adherence

"to [both] the spirit and the letter of Rules" the prohibition of House Rule X, would appear to bar as well the ex post facto application of current interpretations of the ethical codes. The Respondent therefore requires an explication of the definitions and standards which the Committee intends to utilize in order to assert any defenses available to him under House Rule X and Clause 2 of the Code of Official Conduct.

Respectfully submitted,

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900 Seventeenth Street, N.W.
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(202)452-1300

by Walter J. Bonner
Walter J. Bonner

and

by Thomas A. Guidoboni
Thomas A. Guidoboni

Counsel for Charles H. Wilson

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Memorandum of Points and Authorities in Support of Motion for Bill of Particulars was served, by hand, on Steven R. Wisebram, Counsel, House Committee on Standards of Official Conduct, this 2nd day of January, 1980.

Thomas A. Guidoboni
Thomas A. Guidoboni

in Pines v. U.S., 123 F.2d 825 (8th Cir. 1941), a securities fraud case, the Eighth Circuit Court of Appeals affirmed the trial court's denial of a motion for bill of particulars seeking, among other things, details of the government's evidence. The court explained:

The demand for bill of particulars also requested that defendant be informed whether the government expected to prove that the defendant actually transported or caused to be transported, the described securities, and if he caused them to be transported, the way, means and precise agency or person used in causing the transportation to be made. The indictment sufficiently advised the defendant of the charge against him and the particulars called for did not go to the description of the offense but called on the government to advise the defendant as to its proof. The denial of this request was clearly proper and certainly not an abuse of discretion. 123 F.2d at 827-8

See also: Todorow v. U.S., 173 F.2d 439 (9th Cir. 1949); Johnson v. U.S., 207 F.2d 314 (5th Cir. 1953); Fischer v. U.S., 212 F.2d 441 (10th Cir. 1954).

Another general principle which has developed in the evolution of the bill of particulars is that conclusions of law or legal theories are not a proper subject for such a motion. For example, in the mail fraud case of U.S. v. Dilliard, 101 F.2d 829 (2d Cir. 1938), cert. denied, 306 U.S. 635 (1939), it was held that the trial judge properly refused to order a bill of particulars which would have required the prosecution to reveal what conclusions it planned to draw from the defendant's financial records. See also: U.S. v. Ansani, 240 F.2d 216 (7th Cir.), cert. denied, 353 U.S. 936 (1957).

Finally, that a trial court has broad discretion in dealing with a motion for a bill of particulars is undisputed. The Supreme Court recognized in Will v. U.S., 389 U.S. 90 (1967) that "courts have always had very broad discretion in ruling upon requests for such bills." 389 U.S. at 99. In U.S. v. Cohen, 145 F.2d 82 (2d Cir. 1944), the Second Circuit Court of Appeals explained that denial of a bill of particulars in a criminal case is "seldom if ever a reversible error." 145 F.2d at 92. Though the "seldom if ever" language of Cohen perhaps exaggerates the invulnerability of a trial court's exercise of discretion in this area, other jurisdictions agree that only for abuses of discretion can denial

of a motion for a bill of particulars be challenged. See, e.g.: U.S. v. Baggett, 455 F.2d 476 (5th Cir. 1972); U.S. v. Dulin, 410 F.2d 363 (4th Cir. 1969); U.S. v. Schembari, 84 F.2d 931 (4th Cir. 1973). There being no statutory limitation on the Committee's power over bills of particular, it can be assumed that the Committee has this same broad discretion as the courts to grant or deny such a motion.

II. Rep. Wilson's Motion

Representative Wilson's motion for a bill of particulars is composed of 15 paragraphs, corresponding to the respective counts of the Statement of Alleged Violations. Each paragraph is divided into specific inquiries which fall into three general categories:

1. Questions seeking detailed substantiation of factual allegations (e.g., #1(c) requests the nature of payment, to wit, cash, check, services, etc.);
2. Requests for definitions of terms (e.g., #1(f) seeks the definition of "direct interest in legislation before Congress");
3. Requests for disclosures of legal theories or conclusions upon which a count is based (e.g., #5 asks the Committee to state how the compensation paid to Lee Rogers was not commensurate with the duties performed by him).

Precedent supports the conclusion that the topics included in the 1st and 2nd categories are proper subjects of a bill of particulars.

However, as to questions in the 3rd category, specifically 5, 6, and 15(f) and (g), it is apparent these questions seeking legal theories and conclusions in the Committee's case are outside the permissible scope of such a motion. As explained in the Dilliard and Ansani cases cited above, the object of a bill of particulars is the disclosure of facts necessary to permit preparation of a defense, not the legal

reasoning upon which the prosecution intends to base its case. Questions asking how certain conduct violated the particular standard are unquestionably aimed at other than factual information. Accordingly, those questions need not be answered by the Committee.

III. Conclusion

Committee Counsel recommends that the attached response be adopted by the Committee as the proper response to Rep. Wilson's motion.

Respectfully submitted,



Steven R. Wisebram
Committee Counsel

- f. The definition of "direct interest in legislation before the Congress "utilized by the Committee is a subjective test of whether the donor would be personally or officially affected in some specific and definable way by:
(1) the passage or defeat of legislation, or (2) Congressional intervention in a non-legislative matter before a government department or agency.

This would include preliminary discussions with Members of Congress or staff about the need for legislation and the conduct of legislative oversight hearings.

Count Two

- a. Receipt of \$5,000 from a person, Lee Rogers, who had direct interest in legislation before the Congress and was also an employee of Representative Wilson.
- b. same as Count 1b.
- c. check
- d. All legislative and oversight authority of the United States Congress over the United States Postal Service including:
1. Hearings on the Status and Performance of the U.S. Postal Service Before The Subcommittee On Postal Service of the Committee on Post Office And Civil Service, 92nd Cong., 2d Sess., Serial No. 92-50 (1972).
 2. Hearings on Working Conditions In the Postal Service and The Postal Construction Program Before the Subcommittee on Postal Facilities And Mail of the Committee on Post Office And Civil Service, 92nd Cong., 1st & 2nd Sess. Serial No. 92-23 (1972).
 3. Hearings on Treasury, Postal Service, And General Government Appropriations For Fiscal Year 1973 Before A Subcommittee of the Committee on Appropriations, 92nd Cong., 2nd Sess., Pt. 2, Postal Service (1972).
- e. Same as Count 1e.
- f. Same as Count 1f.

Count Three

- a. Receipt of \$500 from a person, Lee Rogers, who had direct interest in legislation before the Congress and was also an employee of Representative Wilson.
- b. Same as Count 1b.
- c. Check.
- d. Same as Count 2d.
- e. Same as Count 1e.
- f. Same as Count 1f.

Count Four

- a. Receipt of \$5,000 from a person, Lee Rogers, who had a direct interest in legislation before the Congress and was an employee of Representative Wilson.
- b. Same as Count 1b.
- c. Check
- d. All legislative and oversight authority of the United States Congress over the United States Postal Services including:
 - 1. House Bills No. 397, 150, 547, 855, 1152, 1248, 1994, 2990, 3682, 3877, 3907, 3908, 3936, 3939, 3949, 3962, 5453, 5513, 7554.

Count Seven

- a. Any monies, or repository thereof, solicited, accepted, or received for the purpose of influencing the nomination for election, or election, of any person to Federal office.
- b. "Charles H. Wilson Campaign Fund" Security Pacific National Bank.

Count Eight

- a. Same as Count 7a.
- b. Same as Count 7b.

Count Nine

- a. Same as Count 7a.
- b. Same as Count 7b.

Count Ten

- a. Same as Count 7a.
- b. Same as Count 7b.

Count Eleven

- a. Same as Count 7a.
- b. Same as Count 7b.

Count Twelve

- a. Same as Count 7a.
- b. "Wilson Key Committee" - Imperial Bank.

Count Thirteen

- a. Same as Count 7a.
- b. "Wilson Key Committee" Imperial Bank

Count Fourteen

- a. Same as Count 7a.
- b. "Charles H. Wilson Campaign Committee" Bank of America

Count Fifteen

- a. That portion in which Representative Wilson states that any transfers of funds from his campaign account to himself were reimbursements for campaign expenses which he had incurred.
- b. April 17, 1978 at 11:00 o'clock a.m. in Room 2118, Rayburn House Office Building, Washington, D.C.
- c. H.Res. 252, 95th Cong., 1st Sess. (Feb. 9, 1977) Attached as Appendix (A)
- d. See Appendix "B"
- ✓ e. See Appendix "B"

APPENDIX A

[H. Res. 252, 85th Cong., 1st sess.]

RESOLUTION ADOPTED FEBRUARY 9, 1977

Whereas article I, section 9, clause 8 of the United States Constitution prohibits any person holding Federal office, including Members of Congress, from accepting any present, emolument, office, or title from any foreign government without the consent of Congress; and

Whereas Congress has forbidden the receipt of political contributions from a foreign national, including a foreign government (2 U.S.C. 441e); and

Whereas the Federal Criminal Code prohibits the receipt of anything of value by any Member of Congress to influence his performance of his official duties or to reward or compensate him, other than as provided for by law, for the performance of those duties (18 U.S.C. 201, 203); and

Whereas rule XLIII of the Rules of the House of Representatives sets forth the Code of Official Conduct for Members, officers and employees of the House of Representatives and, among other things, prohibits the acceptance of any gift of substantial value, directly or indirectly, from any person, organization, or corporation having a direct interest in legislation before the Congress; and

Whereas information has come to the attention of the House of Representatives alleging that Members of the House of Representatives have been the object of efforts by certain foreign governments or persons and organizations acting on behalf of foreign governments (including the Government of the Republic of Korea) to influence the Members' official conduct by conferring things of value on them or on members of their immediate families or their business or political associates; and

Whereas clause 4(e)(1) of rule X of the Rules of the House of Representatives entrusts the Committee on Standards of Official Conduct with particular responsibility—

(A) to recommend to the House of Representatives from time to time such administrative actions as it may deem appropriate to establish or enforce standards of official conduct for Members, officers, and employees of the House of Representatives;

(B) to investigate any alleged violation, by a Member, officer, or employee of the House of Representatives, of the Code of Official Conduct or of any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of his duties or the discharge of his responsibilities, and after notice and hearing, to recommend to the House of Representatives, by resolution or otherwise, such action as the committee may deem appropriate in the circumstances; and

(C) to report to the appropriate Federal or State authorities, with the approval of the House of Representatives, any substantial evidence of a violation, by a Member, officer, or employee of the House of Representatives, of any law applicable to the performance of his duties or the discharge of his responsibilities, which may have been disclosed in a committee investigation: Now, therefore be it

Resolved, That the Committee on Standards of Official Conduct be and it is hereby authorized and directed to conduct a full and complete inquiry and investigation to determine whether Members of the House of Representatives, their immediate families, or their associates accepted anything of value, directly or indirectly, from the Government of the Republic of Korea or representatives thereof. The scope of the inquiry and investigation shall be determined by the committee in its discretion and may extend to any matters relevant to discharging its responsibilities pursuant to this resolution.

Sec. 2. The committee shall report to the House of Representatives any findings, conclusions, and recommendations it deems proper with respect to the adequacy of the present Code of Official Conduct or the Federal laws, rules, regulations, and other standards of conduct applicable to the conduct of Members of the House of Representatives in the performance of their duties and the discharge of their responsibilities (1) to protect the House of Representatives against the

exertion of improper influence by or on behalf of foreign governments and (2) to prohibit Members of the House of Representatives from receiving things of value under circumstances that conflict, or appear to conflict, with their obligations to perform their constitutional duties without regard to private gain or benefit.

SEC. 3. The committee, after appropriate notice and hearing, shall report to the House of Representatives its recommendations as to such action, if any, that the committee deems appropriate by the House of Representatives as a result of any alleged violation of the Code of Official Conduct or of any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of his duties or the discharge of his responsibilities.

SEC. 4. (a) For the purpose of conducting any inquiry or investigation pursuant to this resolution, the committee is authorized to require—

(1) by subpoena or otherwise—

(A) the attendance and testimony of any person at a hearing or at the taking of a deposition by any member of the committee; and

(B) the production of such things; and

(2) by interrogatory, the furnishing under oath of such information as it deems necessary to such inquiry or investigation.

(b) The authority conferred by subsection (a) of this section may be exercised—

(1) by the chairman and the ranking minority member acting jointly, or, if either declines to act, by the other acting alone, except that in the event either so declines, either shall have the right to refer to the committee for decision the question whether such authority shall be so exercised and the committee shall be convened promptly to render that decision; or

(2) by the committee acting as a whole.

(c) Subpoenas and interrogatories authorized under this section may be issued over the signature of the chairman, or ranking minority member, or any member designated by either of them. A subpoena may be served by any person designated by the chairman, or ranking minority member, or any member designated by either of them and may be served either within or without the United States on any national or resident of the United States or any other person subject to the jurisdiction of the United States.

(d) In connection with any inquiry or investigation pursuant to this resolution, the committee may request the Secretary of State to transmit a letter rogatory or request to a foreign tribunal, officer, or agency.

(e) Subpoenas for the taking of depositions or the production of things may be returnable at specified offices of the committee or at a scheduled hearing, as the committee may direct.

(f) The chairman, or ranking minority member, or any member designated by either of them (or, with respect to any deposition, answer to interrogatory, or affidavit, any person authorized by law to administer oaths) may administer oaths to any witness.

(g) For the purposes of this section, "things" includes books, records, correspondence, logs, journals, memorandums, papers, documents, writings, drawings, graphs, charts, photographs, reproductions, recordings, tapes, transcripts, printout, data compilations from which information can be obtained (translated, if necessary, into reasonably usable form), tangible objects, and other things of any kind.

SEC. 5. For the purpose of conducting any inquiry or investigation pursuant to this resolution, the committee is authorized to sit and act, without regard to clause 2(m) of rule XI of the Rules of the House of Representatives, during the present Congress at such times and places within or without the United States, whether the House is meeting, has recessed, or has adjourned, and to hold such hearings, as it deems necessary.

SEC. 6. The committee is authorized to seek to participate and to participate, by special counsel appointed by the committee, on behalf of the committee and the House of Representatives in any judicial proceeding concerning or relating in any way to the inquiry or investigations conducted pursuant to this resolution.

SEC. 7. The authority conferred by this resolution is in addition to, and not in lieu of, the authority conferred upon the committee by the Rules of the House of Representatives. In conducting any inquiry or investigation pursuant to this resolution, the committee is authorized to adopt special rules of procedures as may be appropriate.

SEC. 8. Any funds made available to the committee after the adoption of this resolution may be expended for the purpose of carrying out the inquiry and investigation authorized and directed by this resolution.

APPENDIX B

COMMITTEE RESOLUTION DEFINING SCOPE AND PROCEDURES FOR KOREAN INVESTIGATION

(Adopted February 8, 1977, contingent upon adoption of H. Res. 252 by the House)

Whereas the House, pursuant to H. Res. 252, adopted February 9, 1977, authorized and directed the Committee on Standards of Official Conduct to conduct a full and complete inquiry into allegations that the Government of the Republic of Korea directly or indirectly has sought or is seeking to exert influence upon Members of the House of Representatives through the conferral of anything of value on Members, their immediate families, or their associates, and to render appropriate reports; and

Whereas the Committee has legislative jurisdiction and general oversight responsibilities under clauses 1 (1) and 2 of rule X of the Rules of the House of Representatives with respect to the Code of Official Conduct of the House of Representatives, which is set forth in rule XLIII of the House of Representatives; and

Whereas clause 4 (e) (1) of rule X of the Rules of the House of Representatives entrusts the Committee with additional responsibilities: Now, therefore, be it

Resolved, That the Committee on Standards of Official Conduct promptly initiate a thorough development and examination of the facts that indicate whether or not the present Code of Official Conduct or the federal law, rules, regulations and other standards of conduct applicable to the conduct of Members of the House of Representatives in the performance of their duties and the discharge of their responsibilities are adequate (1) to protect the House of Representatives against the exertion of improper influence by or on behalf of foreign governments and (2) to prohibit Members from receiving anything of value under circumstances which conflict, or appear to conflict, with their obligations to perform their constitutional duties without regard to private gain or benefit.

Sec. 2. For purposes of making the determination referred to above, the Committee will consider allegations that Members and employees of the House of Representatives and other Federal officers and employees have received anything of value from the Government of the Republic of Korea, nonaccredited Korean government officers or agents, or any private Korean citizens, organizations, or institutions.

Sec. 3. Whenever, at any time during the course of the inquiries referred to above, or after their completion, the Committee determines that it has information indicating that any individual Member, officer, or employee of the House has violated the Code of Official Conduct or any law, rule, regulation, or other standard of conduct applicable to the conduct of that Member, officer or employee in the discharge of his responsibilities, the Committee on its own initiative may undertake an investigation relating to the official conduct of that Member, officer or employee.

Sec. 4. The Committee shall proceed in accordance with Committee Rule 9 of the Committee's Rules of Procedure relating to the service of a statement of alleged facts and violation upon the Member, and the Member's opportunity to answer and to submit appropriate motions. All further proceedings relating to the individual Member shall be conducted in accordance with the Committee's Rules of Procedure and H. Res. 252.

Sec. 5. For the foregoing purposes, the Committee will retain outside special counsel to advise the Committee on the design and conduct of the inquiry and to propose the members of a special professional staff. The special staff will be

separate and distinct from the Committee's permanent staff. In conjunction with the special staff, outside special counsel and the Staff Director of the Committee will have the following authority and responsibility: to supervise the gathering, organization, and assessment of pertinent information; to propose and participate in appropriate hearings; to represent the Committee before other departments or agencies of the government, including the courts; to prepare a report to the Committee on the basis of the information finally developed; and to suggest changes for the Committee's consideration in the Code of Official Conduct or in federal laws or regulations. In any investigation or hearings conducted pursuant to Section 4 of this Resolution and Committee Rules 9 and 10 of the Committee's Rules of Procedure, the special staff, under the direction of the outside special counsel and the Staff Director, shall exercise the responsibilities that otherwise would be performed by the Committee's permanent staff.

Sec. 6. The outside special counsel, the Staff Director and the special staff, in conducting any inquiries or investigations on behalf of the Committee pursuant to this resolution, will comprehensively and diligently pursue all information related to the subject matter of the inquiries and investigations authorized herein. The activities of both present and former Members of the House of Representatives may be included, to the extent relevant. Relevant evidence, whether testimonial or documentary, as well as information that may lead to the discovery of relevant evidence, will be sought by the outside special counsel, the Staff Director and the special staff, irrespective of the location, status, or office of the person who may be in possession of the evidence or information.

Sec. 7. Subpoenas and interrogatories may be issued, upon application by the special staff, in accordance with H. Res. 252, adopted February 9, 1977, and may be made returnable at the offices of the special staff. Depositions may be taken by any member of the committee at any place in the District of Columbia, or wherever the witness resides, transacts business, or may be found, as directed in the subpoena. No subpoena shall be issued, or deposition or interrogatory taken, unless authorized by a majority of the members voting, a majority being present.

Sec. 8. In developing information through the inquiries referred to above, the Committee will cooperate with any other Committee of either House with jurisdiction over related matters.

Sec. 9. Upon the completion of any inquiries and investigations conducted pursuant to this resolution, the Committee shall report to the House of Representatives in accordance with H. Res. 252.

Sec. 10. The Chairman, in consultation with the outside special counsel, will promulgate procedures to protect against the unauthorized disclosure of confidential information obtained by the committee and the special staff.

APPENDIX D—MOTION FOR DISCLOSURE OF EVIDENCE AND EXCULPATORY INFORMATION, WITH SUPPORTING MEMORANDUM; AND RESPONSE OF COMMITTEE COUNSEL

UNITED STATES HOUSE OF REPRESENTATIVES

Committee on Standards of
Official Conduct

In The Matter Of :
CHARLES H. WILSON :

MOTION FOR DISCLOSURE OF EVIDENCE
AND EXCULPATORY INFORMATION

Charles H. Wilson, through counsel, respectfully moves this Committee:

1. To permit Mr. Wilson's counsel to inspect, and to copy or photograph all books, papers, documents, photographs and other tangible evidence, including depositions, interrogatories and sworn statements taken under Committee direction which are intended to be used against the Respondent in the disciplinary hearing, or which may be material to the preparation of his defense.

2. To make available to his counsel any and all exculpatory information which it has received respecting the Statement of Alleged Violations served on Mr. Wilson on December 13, 1979.

3. To make available for inspection by Respondent's counsel a description of each amendment, motion, order or other proposition which was the subject of a rollcall vote and which relates to the investigation of Respondent by this Committee; the name of each Member voting for and each Member voting against such amendment, motion, order or proposition, and the names of those Members present but not voting.

Finally, it is respectfully requested that the Committee order that disclosure of evidence and exculpatory information be continuing in nature so that any such materials which subsequently become available to the Committee be disclosed to Respondent without the necessity of further motions.

Respectfully submitted,

BONNER, THOMPSON, O'CONNELL
& GAYNES
900 Seventeenth Street, N.W.
Washington, D.C. 20006
(202) 452-1300

by Walter J. Bonner
Walter J. Bonner

and

by Thomas A. Guidoboni
Thomas A. Guidoboni

Counsel for Charles H. Wilson

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Disclosure of Evidence and Exculpatory Information was served, by hand, on Steven R. Wisebram, Counsel, House Committee on Standards of Official Conduct, this 2nd day of January, 1980.

Thomas A. Guidoboni
Thomas A. Guidoboni

UNITED STATES HOUSE OF REPRESENTATIVES

Committee on Standards of
Official Conduct

In The Matter Of :
CHARLES H. WILSON :

MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF MOTION FOR
DISCLOSURE OF EVIDENCE
AND EXCULPATORY MATERIAL

1. Rule 18 of the Rules of Procedure of the House Committee on Standards of Official Conduct (hereinafter Comm. R. P.)

provides for the disclosure of evidence to the Respondent and for his right to inspect, and to copy or photograph such evidence.

2. This Rule, when read together with Comm. R. P. 16(b), must be construed to include within its parameters depositions, interrogatories, and sworn statements taken under Committee direction, since these items may be accepted into the Committee Record in the course of a disciplinary hearing.^{1/}

3. In past proceedings, the Committee has granted to the respondent-Members the kind of discovery of evidence against them which is available to litigants in federal courts." House Comm. on Standards of Official Conduct, Korean Influence Investigation Report, H.R. Rep. No. 95-1817, 95th Cong., 2d Sess. at 119 (1978). This has included "transcripts of relevant depositions, memoranda of informal witness interviews, documentary evidence, and other materials to assist them in preparing their defenses." Id. Mr. Wilson simply requests that he be treated in the same manner.

4. Comm. R. P. 19 requires the Committee to furnish

^{1/} Respondent notes and agrees with the Committee's reluctance to utilize these materials as evidence on the grounds that such use would generally violate the rules against hearsay evidence. H. Comm. on Standards of Official Conduct, Korean Influence Investigation Report, H.R. Rep. No. 95-1817, 95th Cong., 2nd Sess. at 120 & n. 1.

Respondent with any exculpatory information respecting a Statement of Alleged Violations against him. In this request, Respondent submits that such "exculpatory information" should include but not be limited to:

a. Any information available to the Committee which tends to establish that Respondent did not commit one or more of the alleged violations. E.g., Brady v. Maryland, 373 U.S. 83, 87 (1963).

b. Any information available to the Committee which would be material to the punishment to be assessed against Respondent. Brady v. Maryland, supra.

c. Any information which would reflect adversely upon the credibility of a witness who will testify against the Respondent, such as promises of immunity from prosecution or favorable treatment by the Committee, see Giglio v. United States, 405 U.S. 150 (1972), or reports tending to establish the lack of credibility by a witness, see Giles v. Maryland, 386 U.S. 66 (1967).

5. Rule XI, Cl. 2(e)(1) of the Rules of the House of Representatives requires that the information requested in ¶ 3 of Respondent's Motion be made available to the public. Since "[t]he Rules of the House are the rules of its committees" Rule XI, Cl. 1(a)(1), Rules of the House of Representatives, this Committee is necessarily bound by the General Rules of the House of Representatives and must permit such disclosure. See H.R. Rule XI, Cl. 2(a)(2) and Comm. R. P. 1(a).

6. Orders that discovery be continuing in nature are normally provided in both federal criminal and civil cases. See Fed. R. Crim. P. 16(c); Fed. R. Civ. P. 26(e).

Respectfully submitted,

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& GAYNES
900 Seventeenth Street, N.W.
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(202)452-1300

by Walter J. Bonner
Walter J. Bonner

and

by Thomas A. Guidoboni
Thomas A. Guidoboni

Counsel for Charles H. Wilson

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Memorandum of Points and Authorities in Support of Motion for Disclosure of Evidence and Exculpatory Material was served, by hand, on Steven R. Wisebram, Counsel, House Committee on Standards of Official Conduct, this 2d day of January, 1980.

Thomas A. Guidoboni
Thomas A. Guidoboni

UNITED STATES HOUSE OF REPRESENTATIVES

Committee on Standards
of Official Conduct

In the Matter of
CHARLES H. WILSON

*
*
*

MEMORANDUM OF COMMITTEE COUNSEL IN
RESPONSE TO REP. WILSON'S MOTION FOR
DISCLOSURE OF EVIDENCE AND EXCULPATORY INFORMATION

Representative Charles H. Wilson, through counsel has filed, inter alia, a Motion for Disclosure of Evidence and Exculpatory Information.

Committee Counsel recommends, for the reasons set forth below, that the attached resolution be adopted by the Committee as the proper response to Respondent's motion:

1. Rule 18 of the Rules of Procedure of the House Committee on Standards of Official Conduct (hereinafter Comm. R.P.) reads as follows:

DISCLOSURE OF EVIDENCE

Rule 18. Upon the request of a respondent, the Committee may permit the respondent to inspect, copy, or photograph books, papers, documents, photographs, or other tangible objects which the Committee intends to use as evidence against the respondent in a disciplinary hearing and which are material to the preparation of the defense of the respondent. (Emphasis added).

Careful review of this provision reveals that the Respondent has no absolute right to disclosure, but the Committee may at its discretion order such. Furthermore, discovery is limited to books, papers, documents, photographs, or tangible objects which the Committee 1) intends to introduce into evidence against Respondent, and 2) which are material to the preparation of the defense.

However, Respondent would read Rule 18 as requiring disclosure of not only the listed items, but also any and all depositions, interrogatories and sworn statements "which are intended to be used against Respondent or are material to the preparation of his defense."

Committee Counsel has already informed Respondent that the Committee possesses no interrogatories or sworn statements in relation to this matter, but several depositions have been taken.

Analysis of Respondent's request reveals that he has sought to impermissibly broaden the scope of discovery allowed under the Committee Rules.

By inserting the term "deposition" and artfully substituting the word "or" for "and" in the phrase "and which are material to the preparation of the defense...", Respondent attempts to expand his discovery beyond the clearly defined limits of Rule 18, and effectively gain control of everything in the Committee's possession. Respondent's clever substitution of terms ("or" for "and") would create an "either/or" test where the Committee explicitly established a dual requirement standard for discovery to be allowable under Rule 18.

Clearly if the Committee had intended that discovery be all encompassing it would not have so carefully delineated the restrictions of Rule 18.

Committee Counsel fully intends to make available to Respondent, pursuant to Rule 18, any deposition which Counsel may seek to introduce into evidence. Therefore, there is absolutely no need, nor has Respondent shown any, for disclosure of all depositions taken in the course of this investigation.

Even in a criminal case the defendant is not entitled to access to statements of government witnesses until after the witness has testified. Title 18, United States Code, Section 3500 provides in pertinent part:

3500. Demands for production of statements and reports of witnesses

(a) In any criminal prosecution brought by the United States, no statement or report in the possession of the United States which was made by a Government witness or prospective government witness (other than the defendant) shall be the subject of subpena, discovery or inspection until said witness has testified on direct examination.

Thus, Respondent's discovery request is even broader than that permissible in a criminal case.

Therefore, any deposition in the Committee's possession which the Committee does not intend to introduce into evidence is not within the scope of Rule 18 and should not be made available to Respondent.

2. Committee Counsel fully intends to comply with Rule 19 and make all exculpatory information respecting the Statement of Alleged Violations available to the Respondent.

3. Counsel for Respondent has already been informed that there are no amendments, motions, orders, or other propositions relating to this investigation which were the subject of a rollcall vote.

Respectfully submitted,



Steven R. Wisebram
Committee Counsel

COMMITTEE RESOLUTION

Resolved, that,

1. Respondent be allowed, pursuant to Rule 18 of the Committee Rules of Procedure to inspect all books, papers, documents, photographs and other tangible objects which the Committee intends to use as evidence against him and which are material to preparation of the defense.

Respondent is denied access to any and all depositions which the Committee does not intend to introduce into evidence against him.

2. Any and all exculpatory information regarding the Statement of Alleged Violations be made available to Respondent.

3. The above disclosure shall be continuing in nature.

APPENDIX E—ANSWER TO THE STATEMENT OF ALLEGED VIOLATIONS

UNITED STATES HOUSE OF REPRESENTATIVES
Committee on Standards of Official Conduct

In The Matter Of :
 :
CHARLES H. WILSON :

ANSWER TO THE STATEMENT
OF ALLEGED VIOLATIONS

COMES NOW the Respondent, Charles H. Wilson, pursuant to Rule 12 of this Committee's Rules of Procedure, and answers the Statement of Alleged Violations against him as follows:

FIRST DEFENSE

The Committee on Standards of Official Conduct has repeatedly violated the spirit and the letter of the Rules of the United States House of Representatives and its own Rules of Procedure during this investigation, in contravention of Clause 2 of the Code of Official Conduct.

SECOND DEFENSE

The Respondent herein realleges and incorporates by reference all defenses and objections previously raised in his Motion to Dismiss the Statement of Alleged Violations.

THIRD DEFENSE

With respect to Counts One, Two, Three and Four, Respondent denies each and every allegation and demands strict proof thereof.

FOURTH DEFENSE

With respect to Counts Five and Six, Respondent admits that Lee Rogers was an employee retained from his clerk hire allowance for the time periods indicated, but denies the remaining allegations of these Counts and demands strict proof thereof.

FIFTH DEFENSE

With respect to Counts Seven, Eight, Nine, Ten and Eleven, Respondent denies the allegations and demands strict proof thereof.

SIXTH DEFENSE

With respect to Counts Twelve and Thirteen, Respondent specifically denies that the "Wilson Key Committee" constituted a "campaign fund," and denies the remaining allegations of these Counts and demands strict proof thereof.

SEVENTH DEFENSE

With respect to Count Fourteen, Respondent admits the transfer of \$1,000.00 from the Charles H. Wilson Campaign Committee to him on or about November 6, 1974. However, he denies that said transfer violated Clause 6 of the Code of Official Conduct, since said transfer constituted "reimbursement for legitimate and verifiable prior campaign expenditures;" was properly reported to the Clerk of the House in January, 1975, as such, and, although a matter of public record since that time, was not questioned until December 13, 1979.

EIGHTH DEFENSE

With respect to Count Fifteen, Respondent admits that he made the statement set forth therein on or about April 17, 1978. However, he denies:

(1) that his conduct did not reflect creditably on the United States House of Representatives;

(2) that the statement is false;

(3) that he believed the statement to be false at the time it was made;

(4) that the statement was material to the matter under inquiry;

(5) that the Committee on Standards of Official Conduct was a competent tribunal for the taking of his testimony on that date;

(6) that the statement was made pursuant to a properly administered oath.

WHEREFORE, having answered fully the Statement of Alleged Violations Respondent requests that they be dismissed.

OFFICE OF THE
NOTARY PUBLIC

Respectfully submitted,

Charles H. Wilson
Charles H. Wilson

Subscribed and sworn to before me this 8 day of

February, 1980.

Charles A. Mallon
Notary Public

Charles A. Mallon
Notary Public, Dist. of Columbia
Commission Expires, Sept. 30, 1984

BONNER, THOMPSON, O'CONNELL,
GAYNES & MIDDLEKAUFF
900 Seventeenth Street, N.W.
Washington, D.C. 20006

by Walter J. Bonner
Walter J. Bonner

and

by Thomas A. Guidoboni
Thomas A. Guidoboni

Counsel for Charles H. Wilson

APPENDIX F—SCOPE AND PURPOSE OF THE HEARING

February 26, 1980

Committee Rule 16 (c) requires that the Committee, prior to setting a date for a disciplinary hearing and issuing subpoenas for witnesses, resolve the scope and purpose of the hearing. A copy of the statement shall be furnished to all witnesses.

MOTION BY MR. Sensenbrenner

SCOPE AND PURPOSE OF THE HEARING

On December 12, 1979, the Committee adopted a Statement of Alleged Violations, against Representative Charles H. Wilson, a copy of which is attached.

The hearing shall be conducted in accordance with Subpart B (Disciplinary Hearings) of the Committee's Rules of Procedure. The first phase of the disciplinary hearing shall be limited to a determination of whether or not the counts in the Statement have been proved, in accordance with Rule 16(a). The burden of proof rests on the Committee's staff with respect to each count to establish the facts alleged therein clearly and convincingly by the evidence that it introduces. Evidence will be limited to that which is relevant to the charges raised in the Statement of Alleged Violations. Pursuant to Rule 20 of the Committee's Rules, the Chairman or presiding Member shall rule on admissibility of evidence.

Should the Committee find that any or all of the charges against

Representative Wilson have been proved, the second phase of the hearing will be conducted to determine what disciplinary action should be recommended to the House. Conducted in accordance with Rules 16(f) and 17 of the Committee's rules, this second phase shall consist of oral and/or written submission by Counsel for the Committee and counsel for Representative Wilson as to the sanctions the Committee should recommend. Pursuant to Rule 16(f) testimony by witnesses will not be heard during the second phase except by a vote of a majority of the Committee.

The scope and purpose of this hearing is to resolve the Allegations contained in the Statement of Alleged Violations.

APPENDIX G—MOTION TO STAY THE DISCIPLINARY HEARING

UNITED STATES HOUSE OF REPRESENTATIVES
Committee on Standards of Official Conduct

In The Matter Of :
 :
CHARLES H. WILSON :

MOTION TO STAY
THE DISCIPLINARY HEARING

The Respondent, Charles H. Wilson, a Member of Congress, respectfully moves this Committee to stay the scheduled disciplinary hearing against him, pending a vote by the House of Representatives on House Resolution 136 (96th Cong., 1st Sess., 1979). As grounds for this Motion, the Respondent states as follows:

1. At some time prior to June, 1979, the Committee on Standards of Official Conduct, on its own initiative and without outside complaint, began an investigation against Charles H. Wilson, a Member of Congress.

2. On or about November 28, 1979, the Committee on Standards of Official Conduct voted a Preliminary Inquiry Resolution against Charles H. Wilson.

3. On or about December 12, 1979, the Committee on Standards of Official Conduct issued a Statement of Alleged Violations against Charles H. Wilson, and after denying Mr. Wilson's Motion to Dismiss, voted on February 26, 1980 to hold a disciplinary hearing on the violations charged against Mr. Wilson.

4. Throughout these proceedings, the membership on the Committee has remained virtually the same. These same Committee Members now intend to sit in judgment of Mr. Wilson's culpability, both as triers of the fact and judges of the law.

5. These procedures most seriously violate Mr. Wilson's constitutional right to due process of law in that they permit essentially the same persons to act as the prosecutors, grand jury, petit jury and judges of Mr. Wilson's case.

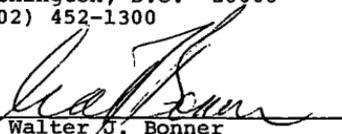
6. There is now pending in the House of Representatives Resolution No. 136, a copy of which is attached hereto as Exhibit A, introduced by nine present or former Members of the Committee on Standards of Official Conduct, which would partially remedy this constitutional deficiency by providing that disciplinary hearings would be held before panels selected at random from Members of the House with no prior involvement in the case.

7. Mr. Wilson submits that, as a matter of fundamental fairness and due process of law, he is entitled to no less than those safeguards proposed in House Resolution No. 136.

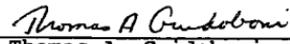
WHEREFORE, it is respectfully requested that the disciplinary hearing against Charles H. Wilson be stayed pending a vote by the House of Representatives on House Resolution 136.

Respectfully submitted,

BONNER, THOMPSON, O'CONNELL,
GAYNES & MIDDLEKAUFF
900 Seventeenth Street, N.W.
Washington, D.C. 20006
(202) 452-1300

by 
Walter J. Bonner

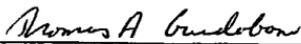
and

by 
Thomas A. Guidoboni

Counsel for Charles H. Wilson

CERTIFICATE OF SERVICE

I hereby certify that a true copy of this Motion and the supporting Memorandum of Points and Authorities, and Exhibit, were served upon Steven R. Wisebram, Counsel, House Committee on Standards of Official Conduct, this 28th day of March, 1980.


Thomas A. Guidoboni

UNITED STATES HOUSE OF REPRESENTATIVES
Committee on Standards of Official Conduct

In The Matter Of :
:
CHARLES H. WILSON :

MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF MOTION TO STAY

1. While the power of Congress to discipline its own members is broad, it does not exist without certain constitutional limitations. Thus, the Supreme Court has stated:

The Constitution empowers each house to determine its rules of proceedings. It may not by its rules ignore constitutional restraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained. United States v. Ballin, 144 U.S. 1, 5 (1892). (emphasis added.)

2. A fundamental requirement of due process of laws, basic to all notions of fairness is that a person accused of misconduct receive a fair hearing before an impartial tribunal. The procedures prescribed by the present Rules of the House of Representatives and the Committee on Standards of Official Conduct do not meet this test. House of Representatives Rule X, cl. 4(e)(1) and the Rules of the Committee permit the same twelve Members of the House, in conjunction with the Committee staff:

- (a) to initiate investigations, see Comm. R. P. 13;
- (b) to make a finding that the investigation "merits further inquiry," Comm. R. P. 11(a);
- (c) to make a finding that "there is reason to believe that [a] violation occurred," Comm. R. P. 11(b);
- (d) to decide motions to dismiss and other procedural matters, Comm. R. P. 12(b);
- (e) to determine the sufficiency of the proof as to each allegation, Comm. R. P. 17(a);
- (f) and to make recommendations on the appropriate sanction, Comm. R. P. 17(b).

In effect, this permits the same Members to act as accuser, prosecutor, grand jury, judge and petit jury. See United States v. Brewster, 408 U.S. 501, 521 (1972).

3. The Supreme Court of the United States has rejected a strikingly similar process arising out of the Michigan judge-grand jury procedure in the case of In Re Murchison, 349 U.S. 133 (1955). In holding that the procedure violated due process, the Court articulated the basis for its decision in language equally applicable to the instant case:

A fair trial in a fair tribunal is a basic requirement of due process. Fairness of course requires an absence of actual bias in the trial of cases. But our system of law has always endeavored to prevent even the probability of unfairness. To this end no man can be a judge in his own case and no man is permitted to try cases where he has an interest in the outcome. That interest cannot be defined with precision. Circumstances and relationships must be considered. This Court has said, however, that, "Every procedure which would offer a possible temptation to the average man as a judge . . . not to hold the balance nice, clear and true between the State and the accused denies the latter due process of law." Tumey v. State of Ohio, 273 U.S. 510. Such a stringent rule may sometimes bar trial by judges who have no actual bias and who would do their very best to weigh the scales of justice equally between contending parties. But to perform its high function in the best way "justice must satisfy the appearance of justice." Offutt v. United States, 348 U.S. 11, 14.

It would be very strange if our system of law permitted a judge to act as a grand jury and then try the very persons accused as a result of his investigations. Perhaps no State has ever forced a defendant to accept grand jurors as proper trial jurors to pass on charges growing out of their hearings. A single "judge-grand jury" is even more a part of the accusatory process than an ordinary lay grand juror. Having been a part of that process a judge cannot be, in the very nature of things, wholly disinterested in the conviction or acquittal of those accused. While he would not likely have all the zeal of a prosecutor, it can certainly not be said that he would

have none of that zeal. Fair trials are too important a part of our free society to let prosecuting judges be trial judges of the charges they prefer.

In Re Murchison, 349 U.S. at 136-37 (footnotes omitted, emphasis added).

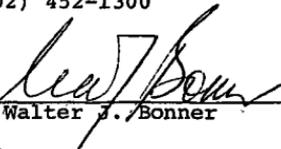
4. There is presently pending before the Rules Committee of this House a proposal which would eliminate many of these these constitutional defects, House Resolution No. 136, 96th Cong., 1st Sess (1979). If enacted, this Resolution would amend clause 4(e) of Rule X of the Rules of the House of Representatives so that the responsibility for making findings respecting allegations of misconduct by Members of the House would be transferred from the Committee on Standards of Official Conduct to panels of Members of the House selected by lot. These panels would consist of four Members and one alternate Member from each party who are to be selected by lot. Limited peremptory challenges and challenges for cause would be permitted. Finally, neither Members of the Committee on Standards of Official Conduct nor the accused Member would be permitted to serve.

5. This Resolution is sponsored by nine present or former Members, of both parties, of the twelve member Committee on Standards of Official Conduct. This Resolution would go a long way toward eliminating any appearance of injustice inherent in the present system of adjudicating alleged misconduct by Members of the House of Representatives. Mr. Wilson submits that he is entitled, at a minimum, to the procedures proposed by House Resolution No. 136, as a matter of constitutional right. Therefore, he requests that the disciplinary hearing in his case be stayed until the House of Representatives has had an opportunity to vote on House Resolution No. 136.

Respectfully submitted,

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(202) 452-1300

by



Walter J. Bonner

and

by



Thomas A. Guidoboni

Counsel for Charles H. Wilson

APPENDIX H—STATEMENT OF MR. WILSON IN SUPPORT OF TIMELINESS OF MOTION TO STAY

UNITED STATES HOUSE OF REPRESENTATIVES
Committee on Standards of Official Conduct

In The Matter Of :
:
CHARLES H. WILSON :

STATEMENT OF MR. WILSON
IN SUPPORT OF TIMELINESS OF MOTION TO STAY

Introduction

On March 21, 1980, Charles H. Wilson, through counsel, filed a Motion to Stay the Disciplinary Hearing against him, pending a vote by the House of Representatives on House Resolution No. 136 (96th Cong., 1st Sess. 1979). A copy of this Motion is attached hereto as Exhibit 1. By letter of the same date, a copy of which is attached hereto as Exhibit 2, the Honorable Charles E. Bennett, Chairman of this Committee, stated that:

"[The Motion to Stay] has not been filed in a timely manner, but I will bring it to the attention of the Committee at the disciplinary hearing and ask that it be voted upon."

Chairman Bennett's remarks to the same effect were quoted in an article appearing in the Washington Post, p. A2, col. 1 on March 22, 1980. A copy of this article is attached hereto as Exhibit 3.

Despite Chairman Bennett's letter and his remarks as reported in the Post, counsel for Mr. Wilson were advised that this Committee was calling a special meeting on March 26, 1980, to consider whether or not the Motion was timely.

Counsel submits that the Motion is not untimely because

a. the rights asserted therein are fundamental constitutional rights and can only be waived in an explicit and unambiguous manner;

b. the Motion is not cognizable under Committee Rule of Procedure 12; and it is therefore not governed by the

time strictures of this Rule; and

c. in any event, Exhibit 2 constitutes evidence of the Chairman's decision under Committee Rule of Procedure 12(d), extending the time limitations of the Rule, and scheduling the Motion for a hearing before the Committee on the merits.

Argument

The requirement of a knowing and intelligent waiver has been imposed in cases "involving the validity of a defendant's decision to forego a right constitutionally guaranteed to protect a fair trial and the reliability of the truth-determining process." Schneckloth v. Bustamonte, 412 U.S. 218 at 237 (1973). This standard is applicable to the waiver of fundamental rights before Congressional Committees. Thus, in Emspak v. United States, 349 U.S. 190 (1955), the Supreme Court refused to find a waiver of Emspak's Fifth Amendment privilege because:

we cannot say that the colloquy between the committee and the petitioner was sufficiently unambiguous to warrant a waiver here. 349 U.S. 198.

In addition, the Court went on to hold that the Committee never directly ruled on the witness' constitutional claim. "In the absence of such committee action, [Emspak] was never confronted with a clear-cut choice between compliance and noncompliance . . . [and] the committee . . . by failing to meet these minimal procedural standards, . . . did not adequately apprise [Emspak] that an answer was required notwithstanding his objections." 349 U.S. at 202.

The Committee's attempt to challenge the timeliness of the Motion to Stay raises similar problems. The Motion is directed to protecting Mr. Wilson's rights "to a fair trial and the reliability of the truth-determining process." Schneckloth v. Bustamonte, supra. Mr. Wilson has never "knowingly and intelli-

gently" waived these fundamental rights, and such a waiver cannot be based upon the ambiguous language of Committee Rule of Procedure 12.

The Motion to Stay is not cognizable under Committee Rule of Procedure 12(a), and is therefore not governed by the time limits established therein. Rule 12(a) permits certain kinds of motions to be made within 21 days of the transmission of a Statement of Alleged Violations. The Motion to Stay is not:

an objection of the grounds of failure to state an offense (R. 12(a)(2));

nor an objection to the jurisdiction of the committee (R. 12(a)(3));

nor a motion for a bill of particulars (R. 12(a)(4));

nor an objection to the participation of any member on the ground that the member cannot render an impartial and unbiased decision (R. 12(a)(5)).

Rather, the Motion to Stay is directed toward insuring "the appearance of justice" in the proceedings, and preventing "even the probability of unfairness." In Re Murchison, 349 U.S. 133 at 136 (1955), by substituting new procedures. Thus, it, like other Motions permitted by Committee Rules, see Rule 18 (disclosure of evidence), Rule 21(d) (subpoenas for the respondent) is simply outside the scope of time limits established in Rule 12.

Assuming arguendo that the Motion to Stay is cognizable under Rule 12(a), it is similarly subject to the provisions of Rule 12(d). Committee Rule of Procedure 12(d) reads in pertinent part:

The Chairman, in his discretion, may extend the time limitation imposed by clause [12] (a) or (b) if he determines that the extension would facilitate a fair and complete inquiry

On March 21, 1980, the Chairman wrote to counsel for Mr. Wilson acknowledging the filing of the Motion and stated that:

It has not been filed in a timely manner but I will bring it to the attention of the Committee at the disciplinary hearing and ask that it be voted upon. (emphasis added)

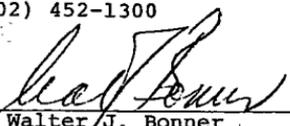
This letter is capable of only one interpretation. It is a statement by the Chairman, exercising his authority under Rule 12, that without regard to the timeliness of the Motion, he will submit it to the Committee for a determination on the merits in order to facilitate a fair and complete inquiry. Thus, the question of timeliness has already been decided pursuant to Rule 12(d).

Conclusion

For the foregoing reasons, the Motion to Stay must be considered on the merits.

Respectfully submitted,

BONNER, THOMPSON, O'CONNELL,
GAYNES & MIDDLEKAUFF
900 Seventeenth Street, N.W.
Washington, D.C. 20006
(202) 452-1300

by 
Walter J. Bonner

and

by 
Thomas A. Guidoboni

Counsel for Charles H. Wilson

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of March, 1980, a copy of the foregoing Statement was delivered, by hand, to Steven R. Wisebram, Counsel, Committee on Standards of Official Conduct, United States House of Representatives, Washington, D.C. 20515.

Thomas A. Guidoboni
Thomas A. Guidoboni

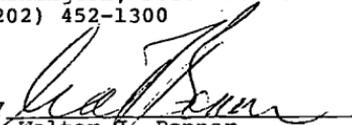
6. There is now pending in the House of Representatives Resolution No. 136, a copy of which is attached hereto as Exhibit A, introduced by nine present or former Members of the Committee on Standards of Official Conduct, which would partially remedy this constitutional deficiency by providing that disciplinary hearings would be held before panels selected at random from Members of the House with no prior involvement in the case.

7. Mr. Wilson submits that, as a matter of fundamental fairness and due process of law, he is entitled to no less than those safeguards proposed in House Resolution No. 136.

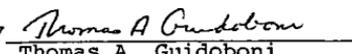
WHEREFORE, it is respectfully requested that the disciplinary hearing against Charles H. Wilson be stayed pending a vote by the House of Representatives on House Resolution 136.

Respectfully submitted,

BONNER, THOMPSON, O'CONNELL,
GAYNES & MIDDLEKAUFF
900 Seventeenth Street, N.W.
Washington, D.C. 20006
(202) 452-1300

by 
Walter J. Bonner

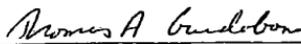
and

by 
Thomas A. Guidoboni

Counsel for Charles H. Wilson

CERTIFICATE OF SERVICE

I hereby certify that a true copy of this Motion and the supporting Memorandum of Points and Authorities, and Exhibit, were served upon Steven R. Wisebram, Counsel, House Committee on Standards of Official Conduct, this 28th day of March, 1980.


Thomas A. Guidoboni

UNITED STATES HOUSE OF REPRESENTATIVES
 Committee on Standards of Official Conduct

In The Matter Of :
 :
 CHARLES H. WILSON :

MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF MOTION TO STAY

1. While the power of Congress to discipline its own members is broad, it does not exist without certain constitutional limitations. Thus, the Supreme Court has stated:

The Constitution empowers each house to determine its rules of proceedings. It may not by its rules ignore constitutional restraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained. United States v. Ballin, 144 U.S. 1, 5 (1892). (emphasis added.)

2. A fundamental requirement of due process of laws, basic to all notions of fairness is that a person accused of misconduct receive a fair hearing before an impartial tribunal. The procedures prescribed by the present Rules of the House of Representatives and the Committee on Standards of Official Conduct do not meet this test. House of Representatives Rule X, cl. 4(e)(1) and the Rules of the Committee permit the same twelve Members of the House, in conjunction with the Committee staff:

- (a) to initiate investigations, see Comm. R. P. 13;
- (b) to make a finding that the investigation "merits further inquiry," Comm. R. P. 11(a);
- (c) to make a finding that "there is reason to believe that [a] violation occurred," Comm R. P. 11(b);
- (d) to decide motions to dismiss and other procedural matters, Comm. R. P. 12(b);
- (e) to determine the sufficiency of the proof as to each allegation, Comm. R. P. 17(a);
- (f) and to make recommendations on the appropriate sanction, Comm. R. P. 17(b).

In effect, this permits the same Members to act as accuser, prosecutor, grand jury, judge and petit jury. See United States v. Brewster, 408 U.S. 501, 521 (1972).

3: The Supreme Court of the United States has rejected a strikingly similar process arising out of the Michigan judge-grand jury procedure in the case of In Re Murchison, 349 U.S. 133 (1955). In holding that the procedure violated due process, the Court articulated the basis for its decision in language equally applicable to the instant case:

A fair trial in a fair tribunal is a basic requirement of due process. Fairness of course requires an absence of actual bias in the trial of cases. But our system of law has always endeavored to prevent even the probability of unfairness. To this end no man can be a judge in his own case and no man is permitted to try cases where he has an interest in the outcome. That interest cannot be defined with precision. Circumstances and relationships must be considered. This Court has said, however, that, "Every procedure which would offer a possible temptation to the average man as a judge . . . not to hold the balance nice, clear and true between the State and the accused denies the latter due process of law." Tumey v. State of Ohio, 273 U.S. 510. Such a stringent rule may sometimes bar trial by judges who have no actual bias and who would do their very best to weigh the scales of justice equally between contending parties. But to perform its high function in the best way "justice must satisfy the appearance of justice." Offutt v. United States, 348 U.S. 11, 14.

It would be very strange if our system of law permitted a judge to act as a grand jury and then try the very persons accused as a result of his investigations. Perhaps no State has ever forced a defendant to accept grand jurors as proper trial jurors to pass on charges growing out of their hearings. A single "judge-grand jury" is even more a part of the accusatory process than an ordinary lay grand juror. Having been a part of that process a judge cannot be, in the very nature of things, wholly disinterested in the conviction or acquittal of those accused. While he would not likely have all the zeal of a prosecutor, it can certainly not be said that he would

have none of that zeal. Fair trials are too important a part of our free society to let prosecuting judges be trial judges of the charges they prefer.

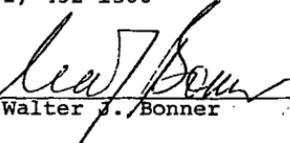
In Re Murchison, 349 U.S. at 136-37 (footnotes omitted, emphasis added).

4. There is presently pending before the Rules Committee of this House a proposal which would eliminate many of these constitutional defects, House Resolution No. 136, 96th Cong., 1st Sess (1979). If enacted, this Resolution would amend clause 4(e) of Rule X of the Rules of the House of Representatives so that the responsibility for making findings respecting allegations of misconduct by Members of the House would be transferred from the Committee on Standards of Official Conduct to panels of Members of the House selected by lot. These panels would consist of four Members and one alternate Member from each party who are to be selected by lot. Limited peremptory challenges and challenges for cause would be permitted. Finally, neither Members of the Committee on Standards of Official Conduct nor the accused Member would be permitted to serve.

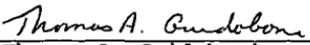
5. This Resolution is sponsored by nine present or former Members, of both parties, of the twelve member Committee on Standards of Official Conduct. This Resolution would go a long way toward eliminating any appearance of injustice inherent in the present system of adjudicating alleged misconduct by Members of the House of Representatives. Mr. Wilson submits that he is entitled, at a minimum, to the procedures proposed by House Resolution No. 136, as a matter of constitutional right. Therefore, he requests that the disciplinary hearing in his case be stayed until the House of Representatives has had an opportunity to vote on House Resolution No. 136.

Respectfully submitted,

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900 Seventeenth Street, N.W.
Washington, D.C. 20006
(202) 452-1300

by 
Walter J. Bonner

and

by 
Thomas A. Guidoboni

Counsel for Charles H. Wilson

96TH CONGRESS
1ST SESSION

H. RES. 136

Amending clause 4(e) of rule X of the Rules of the House of Representatives to transfer to panels of Members of the House selected by lot the authority of the Committee on Standards of Official Conduct to make findings and recommendations respecting alleged violations by Members, officers, or employees of the House of Representatives of the Code of Official Conduct or of any law, rule, regulation, or other standard of conduct applicable to the conduct of Members, officers, and employees of the House.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 1979

Mr. MURTHA (for himself, Mr. SLACK, Mr. PREYER, Mr. SPENCE, Mr. HOLLENBECK, Mr. LIVINGSTON, Mr. THOMAS, Mr. SENSENBRENNER, and Mr. MURPHY of Illinois) submitted the following resolution; which was referred to the Committee on Rules.

RESOLUTION

Amending clause 4(e) of rule X of the Rules of the House of Representatives to transfer to panels of Members of the House selected by lot the authority of the Committee on Standards of Official Conduct to make findings and recommendations respecting alleged violations by Members, officers, or employees of the House of Representatives of the Code of Official Conduct or of any law, rule, regulation, or other standard of conduct applicable to the conduct of Members, officers, and employees of the House.

1 *Resolved*, That clause 4(e) of rule X of the Rules of the
2 House of Representatives is amended by adding after subpar-
3 agraph (2) the following new subparagraph:

4 “(3)(A)(i) If the committee determines, on the basis of
5 an investigation undertaken by the committee on its own ini-
6 tiative or an investigation undertaken upon receipt of a com-
7 plaint filed in accordance with subparagraph (2)(B), that
8 there is credible evidence that a Member, officer, or employee
9 of the House committed a violation of the Code of Official
10 Conduct or of any law, rule, regulation, or standard of con-
11 duct applicable to the conduct of such Member, officer, or
12 employee, the chairman of the committee shall notify the
13 Speaker of the determination and the Speaker shall, in ac-
14 cordance with subdivision (B) of this subparagraph, establish
15 a panel of Members of the House to carry out the functions
16 prescribed by this subdivision and shall notify the Member,
17 officer, or employee of the House with respect to whom the
18 committee’s determination was made of the establishment of
19 the panel.

20 “(ii) A panel established pursuant to this subdivision
21 shall, in accordance with subdivision (C) of this subpara-
22 graph, receive evidence with respect to the violation deter-
23 mined by the committee under the preceding sentence to
24 have been committed by a Member, officer, or employee of
25 the House and receive evidence with respect to what action

3

1 should be recommended to the House with respect to such
2 violation. If the panel determines that there is clear and con-
3 vincing evidence that such Member, officer, or employee of
4 the House committed such violation, it shall report such de-
5 termination to the committee together with a recommenda-
6 tion for action to be taken by the House respecting such vio-
7 lation. Within seven days after the date the committee re-
8 ceives a report and recommendation of a panel, the commit-
9 tee shall transmit, by resolution and without change, such
10 recommendation to the House.

11 “(B)(i) A panel required to be established pursuant to
12 subdivision (A) of this subparagraph shall be composed of
13 eight Members of the House, four of whom shall be selected
14 by lot from the majority party and four of whom shall be
15 selected by lot from the minority party. The Speaker, mem-
16 bers of the committee, and any Member of the House with
17 respect to whom a panel is required to be established may
18 not serve on such a panel. At the time the members of the
19 panel are initially selected, the Speaker shall by lot select a
20 member from each party who shall serve as an alternate
21 member. Such alternate member shall participate in the func-
22 tions of the panel, except that such member may not partici-
23 pate in the function of making the determination or recom-
24 mendation referred to in subdivision (A)(ii) of this subpara-
25 graph unless at the time the determination or recommenda-

1 tion is to be made another member of the panel from the
2 same political party as the alternate member is unable to
3 participate in the making of such determination or recom-
4 mendation. The member of the panel from the majority party
5 who is not an alternate member and who has the greatest
6 length of service as a Member of the House shall serve as
7 chairman of the panel.

8 “(ii)(I) A Member, officer, or employee of the House
9 with respect to whom a panel is to receive evidence under
10 subdivision (A)(ii) of this subparagraph is entitled to two pe-
11 remptory challenges to the membership of the panel. In addi-
12 tion, such a Member, officer, or employee may file with the
13 committee a challenge to the service on the panel of a
14 Member of the House on the grounds that such Member
15 cannot render an impartial and unbiased decision respecting
16 the Member, officer, or employee making the challenge; and
17 any member of the committee may file with the committee
18 such a challenge to the service of a Member of the House on
19 the panel. Any peremptory challenge shall be made and any
20 other challenge shall be filed not later than the third day
21 after the date the member of the panel with respect to whom
22 the challenge is made or filed is selected to serve on the
23 panel.

24 “(II) If a peremptory challenge is made respecting a
25 member of a panel, the Speaker shall by lot select, in the

1 same manner that the challenged member was selected, an-
2 other Member of the House to serve on the panel in the same
3 capacity as the challenged member. If a challenge is filed
4 with the committee respecting the ability of a member of the
5 panel to render an impartial and unbiased decision, the com-
6 mittee shall determine, within the third day following the
7 date of the filing of the challenge, if the challenged member
8 can render such a decision. If the committee determines that
9 such a challenged member cannot render such a decision, the
10 chairman of the committee shall report the determination to
11 the Speaker and the Speaker shall by lot select, in the same
12 manner that the challenged member was selected, another
13 Member of the House to serve on the panel in the same ca-
14 pacity as the challenged member.

15 “(III) A member of the panel may disqualify himself
16 from participating in the functions of the panel upon the sub-
17 mission to the committee of a written affidavit of disqualifica-
18 tion made under oath which states that the member cannot
19 render an impartial and unbiased decision in the conduct of
20 such functions. If the committee approves and accepts such
21 affidavit of disqualification, the chairman of the committee
22 shall notify the Speaker and the Speaker shall by lot select,
23 in same manner as the disqualifying member of the panel was
24 selected, another Member of the House to serve on the panel
25 in the same capacity as the disqualifying member.

1 “(C)(i) To carry out the function prescribed by subdivi-
2 sion (A)(ii) of this subparagraph, a panel shall hold a hearing
3 or hearings to receive evidence presented by the committee
4 and by or on behalf of the Member, officer, or employee of
5 the House who is alleged to have committed the violation
6 with respect to which evidence is to be presented to the
7 panel. Except as provided in this subdivision, the Rules of
8 the House and the rules of the committee respecting investi-
9 gative hearings shall apply to any such hearing of the panel.
10 The panel may not receive evidence in such a hearing unless
11 all members of the panel are present. Any evidence that is
12 relevant and probative shall be admissible in such a hearing
13 unless privileged or unless the Constitution requires its exclu-
14 sion. The chairman of the panel shall rule upon any question
15 of admissibility of evidence at such a hearing and the chair-
16 man may limit the presentation at such a hearing of repeti-
17 tious evidence. Such rulings of and limits imposed by the
18 chairman shall be final unless reversed or modified by a ma-
19 jority vote of the panel.

20 “(ii) At a hearing of the panel the burden of proof re-
21 specting the alleged violation with respect to which the hear-
22 ing is held rests on the panel.

23 “(D) The chairman of the committee shall make the
24 staff of the committee available to any panel established pur-

1 suant to subdivision (A) of this subparagraph to assist it in
2 carrying out its functions.”.

3 SEC. 2. (a) Clause 4(e)(1)(B) of rule X of the Rules of
4 the House of Representatives is amended by striking out “,
5 and after notice and hearing, to recommend to the House, by
6 resolution or otherwise, such action as the committee may
7 deem appropriate in the circumstances”.

8 (b) Clause 4(e)(2)(A) of such rule X is amended by strik-
9 ing out “resolution,”.

CHARLES E. BENNETT
MEMBER
3d DISTRICT, FLORIDA

ARMED SERVICES COMMITTEE
CHAIRMAN OF SEAPOWERS
SUBCOMMITTEE

JACKSONVILLE OFFICE:
332 FEDERAL BUILDING 32202
TELEPHONE 904-791-2387

JOHN W. POLLARD, JR.
BRENDA DONALDSON

EXHIBIT 2

Congress of the United States
House of Representatives

Washington, D.C. 20515

March 21, 1980

JOHN W. FARLEY
ADMINISTRATIVE ASSISTANT

THOMAS J. MILLER
LEGISLATIVE ASSISTANT

SHARON H. SIEGEL
LAURA M. BISHOP
SARAH J. SCOTT
CHERYL L. WRIGHT
PATRICIA A. CAHILL
BARBARA L. FETHERGOLF
SECRETARIES

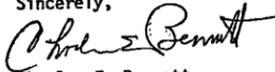
Mr. Walter J. Bonner
Nonner, Thompson, O'Connell,
Gaynes & Middlekauff
900 Seventeenth Street NW
Washington, D.C. 20006

Dear Mr. Bonner:

The motion of Congressman Wilson to stay the disciplinary hearing has been received. It has not been filed in a timely manner but I will bring it to the attention of the Committee at the disciplinary hearing and ask that it be voted upon. This in no way will preclude the immediate disciplinary hearing at the time scheduled unless the motion is agreed to.

With kindest regards, I am

Sincerely,



Charles E. Bennett

CEB:js

EXHIBIT 3

Californian Wilson Cites 'Due Process'

Washington Post 3/22/80 p. A2
C-1

Delay Sought in House Disciplining

By Charles R. Babcock
Washington Post Staff Writer

Rep. Charles H. Wilson (D-Calif.) sought yesterday to delay his scheduled House ethics committee disciplinary hearing on grounds that he was being both indicted and tried by the same committee members.

Wilson's attorney, Walter J. Bonner, asked that the pending March 31 hearing on financial misconduct charges be postponed until the House votes on a resolution that calls for randomly selecting disciplinary hearing panels from the whole House membership.

Several members of the committee, officially known as the Committee on Standards of Official Conduct, sponsored the resolution in early 1979.

An aide to Rep. John Murtha (D-Pa.), the chief sponsor, said no action has been taken on the proposal because the committee had some disciplinary cases under consideration at the time. "No one

wanted to change the rules in the middle of someone's game," he said.

In a motion yesterday, Bonner argued that the same members who filed the charges against Wilson now will sit in judgment of him. "These procedures most seriously violate Mr. Wilson's constitutional right to due process of law in that they permit essentially the same persons to act as the prosecutors, grand jury, petit jury and judges of Mr. Wilson's case."

Rep. Charles E. Bennett (D-Fla.), chairman of the committee, said yesterday that he considered the motion "untimely" because it was filed after the committee's charges were first made public. But he said he wrote Bonner that he would ask the committee to vote on it anyway at the start of the Wilson hearing.

Bennett added that he declined to cosponsor the resolution cited in Bonner's motion because he felt that with randomly selected panels "it would be difficult to have any degree of conformity" among verdicts on similar sets of facts.

Wilson was charged in December with 15 counts of violating House rules by accepting money from a staff member and by converting campaign funds to his personal use. Wilson has denied the charges.

In 1978 Wilson was reprimanded by the House after the ethics committee agreed that he had made false statements to its investigators about receiving cash from South Korean lobbyist Tongsun Park.

Sources familiar with the current investigation said Bonner approached the committee recently with an offer that the congressman would plead guilty to some of the charges in return for an agreement that he only be reprimanded. The offer was refused by the committee, the sources said.

The new hearing had been set for March 24, but was put off for a week because of the committee vacancy caused by the death of Rep. John Slack (D-W.Va.).

APPENDIX I—MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO RESPONDENT'S MOTION TO STAY

UNITED STATES HOUSE OF REPRESENTATIVES
Committee on Standards of Official Conduct

In The Matter of :
: :
CHARLES H. WILSON :

MEMORANDUM OF POINTS AND AUTHORITIES
IN OPPOSITION TO RESPONDENT'S MOTION TO STAY

INTRODUCTION

Counsel for Representative Charles H. Wilson has filed a Motion To Stay the Disciplinary Hearing, alleging that current committee procedures "seriously violate Mr. Wilson's constitutional right to due process of law in that they permit essentially the same persons to act as the prosecutors, grand jury, petit jury and judge . . ."

This motion was hand delivered to the committee office at 12:33 p.m. on March 21, 1980.

Respondent's motion should be rejected summarily as it is untimely; however, should the Committee decide to entertain the motion it must fail as totally lacking merit.

TIMELINESS

Rule 12 of the Committee Rules of Procedure provides that the Committee will not consider any motion filed after the expiration of a 21 day period following the issuance of a Statement of Alleged Violations.

This motion was filed exactly 79 days after the expiration of the permissible time period, and, not coincidentally, almost on the eve of scheduled disciplinary hearings in the Matter of Representative Charles H. Wilson.

In a court of law, failure to raise objections or claims in a timely manner, even those based upon constitutional grounds, results in a waiver of that claim.

The Committee's Rules of Procedure are clear and precise on that point, and respondent, by failing to raise this claim in a timely manner has waived his right to do so.

DUE PROCESS

Respondent's argument that this committee acts as sole prosecutor, grand jury, petit jury, and judge in disciplinary matters displays a basic lack of knowledge of the mechanics of the legislative process.

This committee merely serves as an arm of the House delegated with the responsibility of ascertaining facts concerning disciplinary matters and reporting such facts, along with any recommendations, to the House which serves as the final arbiter.

The full House, not the Committee on Standards of Official Conduct, is the judge and jury in disciplinary matters.

If respondent should have any doubt about the advisory role of the committee and the ultimate authority of the House he need only review the 1978 case In the Matter of Representative Edward R. Roybal, in which the House rejected the Committee's disciplinary recommendation.

In the Memorandum of Points and Authorities in Support of the Motion to Stay, respondent extensively relies on the case of In Re Murchison, 349 U.S. 133 (1955), and cites the case as holding that a "strikingly similar process" to that employed by this Committee, arising from a judge - grand jury procedure violated due process rights.

Contrary to respondent's assertion, the facts of that case are in no way similar to the matter before this committee.

Murchison involved the matter of a judge acting in the capacity of a grand jury under a Michigan statute. While acting in this grand jury capacity, the judge cited a witness for contempt and then sought to try the witness for the contempt in his role as judge.

Since the judge himself, while acting as a grand jury, was the only witness to the alleged contempt the court held:

If the charge should be heard before that judge, the result would be either that the defendant must be deprived of examining or cross-examining him or else there would be the spectacle of the trial judge presenting testimony upon which he must finally pass . . .

The right of a defendant to examine and cross-examine witnesses is too essential to a fair trial

to have that right jeopardized in such way.
In Re Murchison, 349 U. S. at 138-139 (1955).
 (emphasis added)

This case was decided on its very unique factual situation which in effect denied the right of examination or cross-examination of the only witness to the alleged crime.

The procedures employed by this Committee in disciplinary matters in no way restrict the right of examination or cross-examination of witnesses, nor are the Members of the Committee witnesses to the alleged violations.

In fact, procedures very similar to those employed by this committee have been held constitutional in the context of bar disciplinary proceedings on the basis that the bar disciplinary committees which conduct hearings merely recommend sanctions to the courts which are the final arbiters.

See, e.g. State v. O'Bryan, 385 P.2d 876 (Ok. 1963).

Respondent cites the Supreme Court as follows:

The Constitution empowers each house to determine its rules of proceedings. It may not by its rules ignore constitutional restraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained. United States v. Ballin, 144 U.S. 1, 5 (1892).
 (emphasis added.)

However, the next sentence in that opinion is essential to a complete understanding of the Court's pronouncement:

But within these limitations all matters of method are open to the determination of the house, and it is no impeachment of the rule to say that some other way would be better, more accurate or even more just. Ballin at 5 (emphasis added).

Thus, even if one chooses to view the procedures proposed in House Resolution No. 136, 96th Cong., 1st Sess. (1979), as better or more just it should in no way be inferred or implied that the present procedures are unfair or unconstitutional.

CONCLUSION

Respondent's Motion to Stay the Disciplinary Hearing is untimely and should be summarily rejected.

However, even if one chooses to entertain the arguments proposed in

the motion it must still fail since current committee procedures do not deprive a respondent of due process rights.

The timing of the motion and its lack of merit can only lead to the conclusion that it is a desperate eleventh-hour attempt by the respondent to prevent a hearing of the facts upon which the allegations contained in the Statement of Alleged Violations are based.

Respondent's motion should be denied.

APPENDIX J—TESTIMONY AND EXHIBITS AT DISCIPLINARY HEARING

MONDAY, MARCH 31, 1980

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

The committee met, pursuant to notice, at 10:35 a.m., in room B-318 of the Rayburn House Office Building, Washington, D.C., the Honorable Charles E. Bennett, chairman, presiding.

Present: Representatives Bennett, Spence, Preyer, Fowler, Stokes, Sensenbrenner, Cheney, Hamilton (arrived 11 a.m.), and Thomas (arrived 10:37 a.m.).

Also Present: John M. Swanner, staff director; Steven R. Wisbram, counsel for the committee; Walter J. Bonner, Thomas A. Guidoboni, and Edward C. O'Connell, counsel to Representative Charles H. Wilson; and Representative Charles H. Wilson.

Chairman BENNETT. This hearing will come to order.

Shall we have the roll call?

Mr. SWANNER. Yes.

Mr. Spence?

Mr. SPENCE. Present.

Mr. SWANNER. Mr. Hamilton?

[No response.]

Mr. SWANNER. Mr. Hollenbeck?

[No response.]

Mr. SWANNER. Mr. Preyer?

Mr. PREYER. Present.

Mr. SWANNER. Mr. Livingston?

[No response.]

Mr. SWANNER. Mr. Fowler?

Mr. FOWLER. Present.

Mr. SWANNER. Mr. Thomas?

[No response.]

Mr. SWANNER. Mr. Stokes?

Mr. STOKES. Present.

Mr. SWANNER. Mr. Sensenbrenner?

Mr. SENSENBRENNER. Present.

Mr. SWANNER. Mr. Rahall?

[No response.]

Mr. SWANNER. Mr. Cheney?

Mr. CHENEY. Present.

Chairman BENNETT. There is the presence of a quorum. This disciplinary action is held pursuant to House Rule X4.(e)(1)(B), which

provides that the Committee on Standards of Official Conduct shall, and I am quoting now,

* * * investigate subject to subparagraph 2 of this paragraph any alleged violation by a member, officer, or employee of the House of the Code of Official Conduct, or of any law, rule, regulation or other standard of conduct applicable to the conduct of such member, officer, or employee in the performance of his duties or of the discharge of his responsibilities, and after notice and hearing, to recommend to the House by resolution or otherwise, such action as the committee may deem appropriate in the circumstances.

The scope and purpose of this hearing as resolved by the committee on February 26, 1980, is to resolve the allegations contained in the Statement of Alleged Violations issued against Representative Charles H. Wilson on December 12, 1979.

Without objection, a copy of the Statement of Alleged Violations, along with respondent's answer, will be incorporated into the record at this point. There being no objection, that is done.

The press and media are reminded that committee rule 5(b) prohibits the use of radio, television, still camera, or electronic recording device in any disciplinary hearing.

Counsel for the committee is now recognized for the opening statement.

Mr. WISEBRAM. Thank you, Mr. Chairman.

Members of the committee, Mr. Bonner and Mr. Guidoboni: Gentlemen, on December 12 of last year this committee issued a 15-count Statement of Alleged Violations against Congressman Charles H. Wilson of California. Those counts are the subject of this hearing today.

Please bear with me if I discuss these counts somewhat out of sequence. They are more easily explained and understood in that fashion.

Gentlemen, counts 7 through 14 charge that Representative Wilson converted campaign funds to personal use in violation of House rules.

The staff will offer evidence to show this was accomplished by three different methods.

The first method as the evidence will show involved the transfer of campaign funds to Mr. Wilson's office account, and on the same day or soon thereafter the funds were transferred out of the office account and used to repay personal loans or obligations of Mr. Wilson.

Second, the evidence will show campaign funds were transferred out of the campaign account and deposited into Mr. Wilson's office account. From the office account, the funds were deposited in Mr. Wilson's personal checking account with the Sergeant at Arms in the House to cover existing obligations against that account.

Third, the evidence will show funds were transferred directly from Mr. Wilson's campaign account to his personal checking account at the Sergeant at Arms, once again to cover existing obligations against that account.

Additionally, count 15 charges that Mr. Wilson denied under oath before this very committee having transferred campaign funds to his personal account, other than his reimbursement for out-of-pocket campaign expenditures.

Gentlemen, the staff submits the evidence will show clearly and convincingly these transfers were not reimbursable campaign expendi-

tures, but were comminglings and conversions in violation of House rules.

Gentlemen, counts 5 and 6 charge that Mr. Wilson employed a Mr. Lee Rogers on his payroll and caused him to be paid a salary not commensurate with the duties performed.

We submit that the evidence will show Mr. Rogers was a long-time friend and political supporter of Mr. Wilson, and that his congressional duties performed, if any, were merely incidental to his role as a friend and political supporter.

Finally, gentlemen, counts 1 through 4 charge that Mr. Wilson received a total of \$15,500 from the same Lee Rogers, under circumstances that lead a reasonable person to conclude, influenced his performance of governmental duty in violation of the Code of Ethics for Government Service.

These counts also charge that the moneys were received from a person with an interest in legislation before the Congress, and in so receiving these moneys, Mr. Wilson reflected discredit upon the entire House.

The staff will offer evidence which will establish clearly and convincingly that Mr. Rogers had a direct and substantial, indeed a vital interest, in matters before the Congress, and not only was Mr. Wilson aware of this interest, but that he took measures and steps to foster and protect Mr. Rogers' interests before the Congress.

In sum, we will prove clearly and convincingly that Mr. Wilson received these moneys from a person with a direct interest in legislation under circumstances that would lead a reasonable person to conclude would influence his performance of his governmental duties, and in so doing brought discredit upon the entire House.

Gentlemen, in conclusion, the staff will present evidence which will prove clearly and convincingly that each and every count stated in the alleged violation has been proven.

Thank you.

Chairman BENNETT. Counsel for Representative Wilson.

Mr. BONNER. Yes, Mr. Chairman. Thank you.

Mr. Chairman, as a preliminary matter, I would like to make three motions without argument, for the record; without argument because I have already made argument on two of the motions.

One, I want to renew for the record our motion to dismiss counts 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, and 14. These counts are 13 of the 15 counts making up the statement of alleged violations.

The motion is based on three points previously raised with the committee. One, that the committee should impose upon itself a statute of limitations similar to the statute of limitations which the Congress has devised and made applicable to all Federal felonies except those punishable by death—that is, a 5-year statute of limitations.

These charges for the most part would be outside such a statute, because as you know, Mr. Chairman and the members of the committee, a good number of them—9, for example of the 15—are 8 years of age or older, and the rest of the 13 that we are asking dismissal on are older than 5 years.

The second basis for the motion is laches, and the third is fundamental fairness under the Constitution.

The second motion which I renew for the record is the motion to stay the disciplinary hearing for the reasons which I set forth in de-

tail to you all on Wednesday; namely, that a number of the sitting committee today have sat as investigators, have sat, as we view it, as prosecutors, have sat as a grand jury, and are now sitting as a petit jury and, as you all know, we deem that a violation of Mr. Wilson's procedural rights under the Constitution of the United States.

We state for the record that we regard this procedure as lacking procedural due process under the U.S. Constitution.

Finally, Mr. Chairman, and with the deepest respect to you and to the gentlemen of the committee, whom I will be addressing very briefly: because you, Mr. Chairman, and these gentlemen have, in fact, sat during the investigation of this matter, which it is my understanding has been ongoing for well over 1 year, and because you have been in constant touch, by necessity of course, with your staff and counsel who have been, if you will, putting together the case against Mr. Wilson, and because you heard arguments and evidence which has caused you to vote out a statement of alleged violations which in our view is similar to an indictment, thereby placing yourselves in positions of grand jurors, I now ask you to recuse yourself, Mr. Chairman, from this hearing.

I would also ask, if I might—it may not be within protocol but I hope I'll be forgiven—I would ask with all respect that Mr. Cheney, Mr. Sensenbrenner, Mr. Thomas, Mr. Spence, Judge Preyer, also step away since you have been engaged in these proceedings for well over a year, and with the deepest respect I say to you, you cannot sit now as fair and impartial jurors of the evidence to be presented to you.

Thank you, Mr. Chairman.

Mr. WISEBRAM. Mr. Chairman, if I may.

I have no objection to incorporating the first two motions of Mr. Bonner into the record as long as it also reflects that these motions have been considered before this committee and have been denied by the committee.

I do, however, object strenuously to the third motion. That motion is clearly untimely under committee rules. I cite to you Committee Rule of Procedure No. 12, which specifically provides for objection to the participation of any member of the committee on the grounds that he could not render an impartial and unbiased decision.

That motion would have been timely within a 21-day period after the issuance of the Statement of Alleged Violations. We are some 80 days past that period now and I object to that motion, Mr. Chairman.

Mr. STOKES. Mr. Chairman, prior to doing that, may I have benefit of a question to counsel?

I was not a member of the committee at the time that the first motion by Mr. Bonner was offered to the committee, and I was interested in his argument in that he asked us to, as a committee, impose upon ourselves a statute of limitations.

I would ask counsel first, to cite the statute of limitations that he has reference to, and then if he would address himself to his request that the committee impose upon itself that statute of limitations.

Mr. BONNER. In answer to your question, Mr. Stokes, let me say that the statute to which I am referring is a statute established by the Congress and is to be found in title 18 of the United States Code, at section 3282. That section of the United States Code states, in effect,

that a general 5-year period of limitations exists, after which expiration a person may not be prosecuted for noncapital offenses against the United States.

In making argument to the committee some time ago on this point, I pointed out to the committee that if Mr. Wilson stood before the bar of any Federal court in the United States and was charged with the most grave offenses, other than one punishable by death, for example, treason against the United States, that no matter whether he had committed that grave violation or those grave violations, if he was not charged with that violation or those violations within 5 years, then because this Congress in its wisdom determined that no citizen should be brought to trial beyond a 5-year period, Mr. Wilson would stand free, in that a similar motion made before a Federal court would have to result in the dismissal of those charges.

I argued to the committee that it seemed to me that if the Congress in its wisdom, for all the reasons that the Congress found to pass such a statute—and there are many good reasons which I can bring to your attention this morning—it seemed to me that if such a statute were applicable to Mr. Wilson, as it would be if he was charged with these grave Federal offenses, offenses which would have to be dismissed before a Federal court if those charges were not brought against him in the 5-year period, then it seemed to me that the Congress which had established such a statute of limitations ought to impose upon itself in bringing charges against its own members a similar period of time.

Now, of course, there is no such statute in existence, but I urged the committee to adopt such a statute—such a period of limitations—and if they could not, then I urged upon them the other arguments which were equally applicable, I felt, Mr. Stokes, of laches, a doctrine in equity which deals with matters that are not available to us under the law, and finally I appealed to them on the grounds of fundamental fairness, both under the Constitution and humanely, because the Congress in its wisdom, in passing that statute and making it applicable to all major Federal crimes other than those punishable by death, had very good reason before it made that serious determination that a citizen who may, in fact, have committed these grave and terrible crimes, should not be brought before the bar of justice if those charges were not presented against that citizen within a 5-year period.

As the chairman said to me, correctly, the committee has heard argument and rejected the motion.

Mr. SENSENBRENNER. Will the gentleman from Ohio yield?

Mr. STOKES. I yield, sir.

Mr. SENSENBRENNER. Basically, the committee rejected the motions that had been filed several months ago by Mr. Bonner on behalf of Congressman Wilson on two grounds.

First of all, there is no statute of limitations that is contained in the House rules whatsoever.

Second, if one adopts Mr. Wilson's counsel's assertion that the proceedings before this committee are somewhat akin to bar disciplinary proceedings, there is judicial precedent to indicate that there is no statute of limitations for ethical violations as it respects bar disciplinary proceedings, and that case is *in re Sarbonne* cited by the New Jersey Supreme Court in 1973 and recorded at 304 Atl. 2d 734.

Counsel for Mr. Wilson has not come up with any judicial precedent that shows that there is a statute of limitations for ethics violations.

Mr. STOKES. I appreciate the gentleman's comments.

Chairman BENNETT. As to the first motion, all those in favor of agreeing with the respondent's first motion, let it be known by raising your right hand.

All those opposed raise your right hand.

Mr. SWANNER. I count 8; that's 8 nays.

Chairman BENNETT. We have 8 nays.

Now as to the second motion, which has to do with the argument about a better procedure being an alternative, or any discussion on that.

Mr. STOKES. Just a question.

Did I understand one of your motions to be a renewal of your motion for a delay, which was argued here a couple of days ago?

Mr. BONNER. Yes, Mr. Stokes. It is a renewal of the motion to stay the disciplinary hearing for the reasons set forth by me, I believe last Wednesday before the committee.

Chairman BENNETT. Further discussion on that?

All those in favor of that, let it be known by raising your right hand.

All those opposed, raise your right hand.

Mr. SWANNER. We have 7 nays and 1 yea.

Chairman BENNETT. That count is 7 nays and 1 yea.

The third motion is one that has not been argued before the committee before, but the rules do provide that the person can recuse himself because of the reasons set out in the rule, but it is, as I understand it, designed to allow the person to do it if he feels that he is not a proper person to sit.

Anybody here can take advantage of that rule and not be on the committee, so be advised that you can take that position.

I guess we could impose that on a member, although it is certainly not the spirit of the rule. I don't know whether we could or couldn't, but in any event, we can vote on the motion.

All those in favor of the third motion, let it be known by raising your right hand.

All those opposed.

Mr. SWANNER. Again, we have 7 nays and 1 present.

Chairman BENNETT. All right. We have 7 nays and 1 present.

All right. Then we are ready for counsel to make their opening statements.

Mr. BONNER. With your permission, Mr. Chairman, we would ask you to permit us to reserve an opening statement in this matter.

Chairman BENNETT. Well, do you want to call the first witness?

Mr. WISEBRAM. Yes, Mr. Chairman.

Mr. Chairman, we call Mr. Marvin Levy.

Whereupon, Marvin Levy was called as a witness and being first duly sworn, testified as follows:

Mr. WISEBRAM. Mr. Levy, where are you presently employed?

Mr. LEVY. I am presently a special agent for the Inspector General, General Services Administration, Office of Special Projects. I am also an assistant professorial lecturer at George Washington University in forensic science.

Mr. WISEBRAM. Prior to this employment, where were you employed, Mr. Levy?

Mr. LEVY. I was employed as an investigator for the House of Representatives. I was a member of the special staff for financial investigations.

Chairman BENNETT. Is everyone hearing him well? Maybe we should turn off the cooler. If anybody wants to complain about not hearing, we can have that air conditioner turned off.

May I suggest that somebody do turn it off? After all, this is a cool day, 40 degrees outside. There is no real reason to have the roar of the heater or the cooler, I'm not sure which.

Mr. BONNER. Mr. Chairman, I did have trouble hearing because of that, and I appreciate what you just suggested.

Might I ask for a spelling of the gentleman's name?

Chairman BENNETT. We'll start all over.

Mr. BONNER. Thank you.

Chairman BENNETT. You can spell your name.

The WITNESS. L-e-v-y. Marvin M. Levy.

Mr. WISEBRAM. Mr. Levy, where are you presently employed?

Mr. LEVY. I am a special agent with the Inspector General of the General Services Administration, Office of Special Projects, and an assistant professorial lecturer in the forensic science department at George Washington University.

Mr. WISEBRAM. Prior to this, where were you employed?

Mr. LEVY. Prior to this, I was an investigator with the U.S. House of Representatives Committee on Standards of Official Conduct, the special staff conducting the Korean influence investigation.

Mr. WISEBRAM. And prior to that time, Mr. Levy?

Mr. LEVY. Prior to that time, I was with the Internal Revenue Service, both in Manhattan and IRS national office, both in the field and as an instructor.

Mr. WISEBRAM. Mr. Levy, during your period as an employee of this committee, did you have occasion to examine various financial records and documents relating to Rep. Charles H. Wilson?

Mr. LEVY. Yes; I did.

Mr. WISEBRAM. What years, approximately, did those records cover?

Mr. LEVY. From 1970 into part of 1978.

Mr. WISEBRAM. Thank you, Mr. Levy.

Mr. Levy, in respondent's answer to the charges in the Statement of Alleged Violations, he has asserted that the question concerning conversion from campaign funds to personal use is not material to the matter then under inquiry, which was, of course, the Korean influence investigation, House Resolution 252.

Mr. GUIDOBONI. Excuse me, Mr. Chairman, I can't hear. I really can't hear that.

Chairman BENNETT. I'm having a little difficulty, too. Until we get the thing turned off, just shout into it.

Mr. WISEBRAM. Mr. Levy, did you, as an employee of this commit-

tee, have occasion to examine various financial records and documents relating to Congressman Charles H. Wilson?

Mr. LEVY. Yes; I did.

Mr. WISEBRAM. And what years, approximately, did these documents cover?

Mr. LEVY. 1970 through part of 1978.

Mr. WISEBRAM. Mr. Levy, in respondent's answer to the charges in the Statement of Alleged Violations, he has asserted that questions concerning conversion of campaign funds to personal use were not material to the matter then under inquiry, which was, of course, the Korean influence investigation, House Resolution 252.

Were, in fact, questions concerning the possible conversion of campaign funds to personal use material to your investigation?

Mr. GUIDOBONI. Objection.

Mr. BONNER. Objection.

Chairman BENNETT. What is the objection?

Mr. GUIDOBONI. Mr. Chairman, that calls for a legal conclusion. That is what the committee itself will determine. That is the ultimate question.

Mr. WISEBRAM. Mr. Chairman, it's my position that Mr. Levy, of course, is the investigator who has conducted the investigation, and he is certainly in a position to state whether or not he felt the material was in fact material to his investigation, and to give reasons as to why it was material.

I think the objection should be overruled.

Mr. BONNER. Mr. Chairman, I don't think he is permitted to say what he felt. What he is permitted to do is to say what his investigation uncovered, if anything, not to come to—as Mr. Guidoboni has said—ultimate conclusions. That is your function and the function of the committee.

Mr. WISEBRAM. Mr. Chairman, maybe I can rephrase that question.

Chairman BENNETT. I think it would be good if you did.

Mr. WISEBRAM. Mr. Levy, why were you concerned with the possible conversion of campaign funds to personal use as a part of your investigation?

Mr. LEVY. I had been assigned the financial investigation of Mr. Wilson, to establish through a financial means whether there had been any illicit or improper payments of moneys from the Korean Government to Mr. Wilson.

Upon commencing that investigation, examination of the bank accounts revealed very large deposits of cash which were not supported by income. These deposits were over that period of time previously described, from 1970 through part of 1978, approximately \$200,000 in cash. These deposits were simply not supported by information that was made available to the staff.

It became imperative then, in order to reach a definitive and accurate statement regarding Mr. Wilson's finances and possible funds from the Korean Government, to identify all known funds and identify all unknown funds going into the various bank accounts, in order to net out possibly illicit or illegal funds.

Simply put, it's virtually impossible to do an accurate financial investigation and not know all sorts of funds going into an account.

Mr. WISEBRAM. Thank you, Mr. Levy.

Mr. Levy, during the course of—

Mr. BONNER. Excuse me, Mr. Chairman. Just a point of clarification. I'm a little confused on something.

I have just heard the number \$200,000 and—

Mr. SENSENBRENNER. Mr. Chairman, I would like to raise a point of order.

Mr. Bonner is going to have an ample opportunity to cross-examine the witness when his turn comes, and I think that Mr. Wisebram should be allowed to complete his examination without interruption, except for objections as to evidentiary points as set forth by the rules.

Mr. BONNER. I object, Mr. Chairman, and I move therefore to strike the testimony of this witness as to \$200,000, when we are all aware that there is no such figure contained in the entire statement of alleged violations.

In other words, if you take all of these numbers that are in here regarding campaign contributions—I may stand corrected, but I think it's something like \$29,000 over a 10-year period, and I object to that testimony.

It is given only to prejudice the committee, to prejudice this hearing, and I ask that it be stricken from the record.

Chairman BENNETT. I believe it is a valid thing for the attorneys to inquire about the information that was received in that other inquiry, and therefore the objection is overruled.

Mr. WISEBRAM. Thank you, Mr. Chairman. Mr. Levy, during the course of your investigation, did you come across the name of Mr. Lee Rogers?

Mr. LEVY. Yes; I did.

Mr. WISEBRAM. In what manner did you come across the name of Mr. Lee Rogers?

Mr. LEVY. Upon examining the Sergeant at Arms, which is a bank on the premises of the House of Representatives, I could see checks going into Mr. Wilson's account drawn on Mr. Lee Rogers' account.

Mr. WISEBRAM. Mr. Levy, I'm going to show you a copy of the document marked "Committee Exhibit No. 1," and ask that you identify that document for us.

That is a check written on the account of Mr. Lee Rogers, pay to the order of Charles H. Wilson, in the amount of \$5,000. The date of the check is June 1, 1971, signed by Tracy Spicer, and it is marked in the top left-hand corner "loan."

Is that the check?

Mr. GUIDOBONI. Mr. Chairman, objection, please. He presented the paper to the witness and asked the witness to identify it and then told him what it was.

That is improper questioning. Objection to the form of the question. Let the witness identify it. The objection is to the form of the question.

Mr. WISEBRAM. I will rephrase it, Mr. Chairman. Mr. Levy, is this the check?

Mr. LEVY. This is a copy of one of the checks that came in that was deposited into Mr. Wilson's bank account.

Chairman BENNETT. Would you describe the check?

Mr. LEVY. There were several checks, Mr. Chairman. Would you like me to—

Chairman BENNETT. Describe each one.

Mr. LEVY. Exhibit No. 1 is a check drawn on the account of Mr. Lee Rogers on a Los Angeles bank, made payable to Mr. Charles H. Wilson for \$5,000, dated June 1971, and it is endorsed by Charles H. Wilson.

Chairman BENNETT. This will be exhibit No. 1.

Mr. WISEBRAM. Will you identify exhibit No. 2, Mr. Levy?

Mr. LEVY. Exhibit No. 2 is also an infusion of funds into Mr. Wilson's bank account, again drawn on the account of Mr. Lee Rogers out in California, dated June 1972, for \$5,000, signed by a Miss Tracy Spicer, deposited into the Sergeant at Arms account, but not hand endorsed. It says for deposit only to Congressman Charles H. Wilson's account.

Chairman BENNETT. Exhibits 1 and 2 are accepted for the record.

[Exhibits 1 and 2 were accepted into evidence.]

Mr. WISEBRAM. Exhibit No. 3, Mr. Levy?

Mr. LEVY. Exhibit No. 3 is another check drawn on Mr. Lee Rogers' account, on a bank out in California, made payable to Charles Wilson, dated December 1972, for \$500. This is signed by Lee Rogers and endorsed on the back "Pay to the order of Donald H. Wilson, Charles H. Wilson"—Charles H. Wilson signs and then Donald H. Wilson is below it.

Chairman BENNETT. Exhibit No. 3 is accepted for the record.

[Exhibit No. 3 was accepted into evidence.]

Mr. LEVY. Exhibit No. 4 is a check signed by Lee Rogers, drawn on a California bank account of the Lee Rogers Building, dated June 1973, for \$5,000, made payable to Robert Fordiani. Mr. Fordiani endorsed the check and immediately below his endorsement, the second endorsement is that of Charles H. Wilson.

Chairman BENNETT. Exhibit 4 is accepted for the record.

Mr. WISEBRAM. Mr. Levy, would you kindly take a look at No. 4 again, and can you tell us the date that check was deposited in the Sergeant at Arms account?

Mr. LEVY. The check was written, apparently, June 27, 1973, and was endorsed—I'm sorry—was credited by the Sergeant at Arms on June 29, 1973, 2 days later.

Mr. WISEBRAM. Thank you, Mr. Levy.

Mr. Chairman, I have no further questions of this witness.

Mr. BONNER. Mr. Chairman, would you indulge us for just a minute, please?

Chairman BENNETT. Do any members have any cross-examination?

Mr. CHENEY. May I inquire who Tracy Spicer is?

Mr. LEVY. I believe Tracy Spicer was an employee of Mr. Rogers in California, with signatory authority on certain accounts.

I have no absolute knowledge on that, but that's what I believe.

Chairman BENNETT. Further questions?

All right, you may inquire.

Mr. GUIDOBONI. Mr. Levy, at the time that you examined these records, you were employed by this committee; is that correct?

Mr. LEVY. That is correct.

Mr. GUIDOBONI. They paid your salary ; is that right ?

Mr. LEVY. That is correct.

Mr. GUIDOBONI. When did you leave this position ?

Mr. LEVY. October 31, 1978.

Mr. GUIDOBONI. Now, when was it—you conducted your examination of these records back prior to your leaving the committee, some time before October 1978 ?

Mr. LEVY. That is correct.

Mr. GUIDOBONI. Do you remember when it was you looked at them ?

Mr. LEVY. I believe the financial investigation involving Mr. Wilson was conducted—I would have to be approximate.

Mr. GUIDOBONI. Do the best you can.

Mr. LEVY. Probably between May and September of 1978.

Mr. GUIDOBONI. May and September of—

Mr. LEVY. That's an approximation.

Mr. GUIDOBONI. Do you know when the statement of charges for alleged violations was returned in this case ?

Mr. LEVY. Are you referring to the immediate situation ?

Mr. GUIDOBONI. Yes.

Mr. LEVY. I believe it was approximately 2 months ago, but I'm not positive on it.

Mr. GUIDOBONI. About 2 months ago. About December of 1979 ?

Mr. LEVY. I'm not an employee of the House and I wasn't here when those charges were filed, but I believe that is correct.

Mr. GUIDOBONI. Now do you know where you obtained the records that you examined, sir ?

Mr. LEVY. There were many records examined. Probably the largest single group were the Sergeant at Arms bank accounts, which were obtained as a result, I believe, of a letter from the chairman to the appropriate personnel at the Sergeant at Arms.

Mr. GUIDOBONI. Did Mr. Wilson furnish records to you voluntarily ?

Mr. LEVY. I really don't remember, but in all probability there must have been some that were furnished voluntarily.

Mr. GUIDOBONI. Now directing your attention to the exhibits that were put in the record, exhibit No. 1, from Lee Rogers, is there—do you have those in front of you ?

Mr. LEVY. Yes, sir, I do.

Mr. GUIDOBONI. And the date of that is June 1, 1971, is that correct ?

Mr. LEVY. That is correct.

Mr. GUIDOBONI. Now, next to Mr. Lee Rogers' name, is there something written in there in script, sir ?

Mr. LEVY. To the right hand of Mr. Rogers' name is the word "loan," l-o-a-n.

Mr. GUIDOBONI. And that was there when you looked at the checks before, wasn't it ?

Mr. LEVY. I believe it was.

Mr. GUIDOBONI. Do you recall ?

Mr. LEVY. Just by looking at the photocopy of this check, I could be fairly certain that it was.

Mr. GUIDOBONI. Well, let me ask you this. Do you recall looking at these checks at all ?

Mr. LEVY. Oh, yes, I do.

Mr. GUIDOBONI. You're not sure whether that was——

Mr. LEVY. I believe two of the three checks in question made direct to Mr. Wilson had the word "loan," and since the \$500 check doesn't, I would assume these two——

Mr. GUIDOBONI. We'll get to that.

Exhibit No. 2.

Mr. LEVY. Yes.

Mr. GUIDOBONI. That was the check, I believe, dated June 20, 1972; is that correct?

Mr. LEVY. That's correct.

Mr. GUIDOBONI. Is there something written next to Mr. Lee Rogers' name and address there?

Mr. LEVY. The word "loan."

Mr. GUIDOBONI. The word "loan," and do you recall whether that was written there when you looked at it before?

Mr. LEVY. I assume it was.

Mr. GUIDOBONI. Do you have a recollection?

Mr. LEVY. Based on best recollection, I would have to say it was there. I believe there were two checks and I see two of them here, so I assume these were the same.

Mr. GUIDOBONI. Now turning to exhibit No. 3, sir, who is that check made out—first of all, that check is June 27, 1973?

Mr. LEVY. Item No. 3 is December 11, 1972.

Mr. GUIDOBONI. Item No. 4, then. The check is June 27, 1973?

Mr. LEVY. That's correct.

Mr. GUIDOBONI. I think you stated that was on Lee Rogers' building account?

Mr. LEVY. That's correct.

Mr. GUIDOBONI. And that is different from the other accounts?

Mr. LEVY. It's a separate account, but it's not a corporate entity.

Mr. GUIDOBONI. And that check is made payable to whom?

Mr. LEVY. Robert Fordiani.

Mr. GUIDOBONI. Not to Charles Wilson; is that correct?

Mr. LEVY. On the face it's not made payable to Charles Wilson, but the endorsement is over to Charles Wilson, so the net effect is the same.

Mr. GUIDOBONI. Sir, would you answer my questions? I will put the questions and you give the answers.

Mr. LEVY. The front of the check is payable to Robert Fordiani.

Mr. GUIDOBONI. He would be the payee, correct?

Mr. LEVY. That's correct.

Mr. GUIDOBONI. And if you turn to the rear of the check, did he endorse it?

Mr. LEVY. Mr. Fordiani?

Mr. GUIDOBONI. Yes.

Mr. LEVY. Yes; he did.

Mr. GUIDOBONI. Then there is an endorsement of Mr. Charles Wilson?

Mr. LEVY. That's correct.

Mr. GUIDOBONI. Now, Mr. Levy, do you have any training in handwriting analysis?

Mr. LEVY. A small amount, but I'm not an expert.

Mr. GUIDOBONI. So your statement that these are so-and-so's signatures is speculation.

Mr. LEVY. I will assume when a check goes through a bank account, unless I have some knowledge of fraudulent activity attempt, that the checks are valid.

Mr. GUIDOBONI. That's the basis of your assumption?

Mr. LEVY. That they were signed by certain individuals?

Mr. GUIDOBONI. Yes.

Mr. LEVY. I will accept these signatures.

Mr. GUIDOBONI. Is that the basis of your assumption?

Mr. LEVY. Yes; it is.

Mr. GUIDOBONI. Now, Mr. Levy, with regard to exhibit No. 2, June 20, 1972, check, there is no written endorsement on the back, is there?

Mr. LEVY. That's correct.

Mr. GUIDOBONI. Typewritten endorsement?

Mr. LEVY. Yes; would you like me to read it?

Mr. GUIDOBONI. No signature; is that correct?

Mr. LEVY. That's correct.

Mr. GUIDOBONI. You don't know who caused that deposit, do you, even based on your assumption?

Mr. LEVY. No. I only said the funds went into the account. I didn't say who deposited them.

Mr. GUIDOBONI. That's correct. There is no way of knowing that, is there, from the document in front of you?

Mr. LEVY. From the single document, no.

Mr. GUIDOBONI. Mr. Levy, when you finished your investigation, or perhaps in progress of it, who did you make the results of your investigation known to?

Mr. LEVY. Chief counsel.

Mr. GUIDOBONI. And who was that?

Mr. LEVY. Mr. John Niels.

Mr. GUIDOBONI. Was he an employee of the committee at that time?

Mr. LEVY. Yes; he was.

Mr. GUIDOBONI. When was that finished, your phase?

Mr. LEVY. October 31, I believe, 1978.

Mr. GUIDOBONI. 1978? Will the committee indulge me a moment? If I may, one more question. These exhibits that you sponsored in the evidence—these are checks; is that correct?

Mr. LEVY. That's correct.

Mr. GUIDOBONI. They are not cash, are they?

Mr. LEVY. No, sir.

Mr. GUIDOBONI. No further questions.

Mr. WISEBRAM. Mr. Chairman, just a few on redirect. Mr. Levy, if you will look at the endorsement on the back of exhibit No. 1, where was that check deposited? Can you tell us what account accepted the deposit?

Mr. LEVY. This was deposited in Sergeant at Arms.

Mr. WISEBRAM. Thank you, Mr. Levy.

Mr. Levy, if you will kindly look at exhibit No. 4, check to O. Robert Fordiani, and tell us into what institution that check was deposited.

Mr. LEVY. This check was deposited into the Sergeant at Arms.

Mr. WISEBRAM. Is it the same for exhibit 2?

Mr. LEVY. Deposited into the Sergeant at Arms.

Mr. WISEBRAM. Mr. Levy, you made the results of your investigation known to Mr. Nields, who was chief counsel. What instructions did he give you?

Mr. LEVY. Mr. Nields indicated that we were conducting our investigation pursuant to House Resolution 252, which spoke only on Korean investigations then.

Mr. Nields instructed me to do only that work necessary which stayed within the parameters of House Resolution 252, but which was necessary to reach a definitive and accurate answer on financial investigation.

Mr. WISEBRAM. And did you do that?

Mr. LEVY. Yes; I did.

Mr. WISEBRAM. That's all, Mr. Chairman.

Chairman BENNETT. Next witness.

Mr. WISEBRAM. Mr. Chairman, the committee calls Mr. Frank Chlan.

[Whereupon, Frank Chlan was called as a witness and, being first duly sworn, testified as follows:]

Mr. WISEBRAM. Mr. Chairman, if you will bear with us just a moment, we will set up a chart.

In the meantime, I would like to offer into evidence committee exhibit No. 5, Mr. Chairman, which is a copy of the applicable House rules for the years covered by the Statement of Alleged Violations. This would be the Congress beginning in 1971 and the Congresses beginning in 1973 and 1975.

We have the volumes containing these rules available, but if there is no objection, I would like to enter just copies of those rules.

Chairman BENNETT. There being no objection, exhibit No. 5 is received into the record.

[Exhibit No. 5 was received into evidence.]

Mr. SENSENBRENNER. Mr. Chairman, did we receive exhibit No. 4? I don't believe we formally entered that into the record.

Chairman BENNETT. Yes.

Mr. WISEBRAM. Mr. Chlan, where are you presently employed?

Mr. CHLAN. I am employed by the General Accounting Office.

Mr. WISEBRAM. How long have you been so employed, Mr. Chlan?

Mr. CHLAN. Over 28 years.

Mr. WISEBRAM. What is your position with General Accounting Office?

Mr. CHLAN. Assistant Accountant in the Financial and Management Studies Division.

Mr. WISEBRAM. Thank you, Mr. Chlan. From March 1979 to March 11, 1980, were you assigned to a congressional committee, Mr. Chlan?

Mr. CHLAN. I was assigned to a congressional committee.

Mr. WISEBRAM. To which committee, Mr. Chlan?

Mr. CHLAN. To the House Committee on Standards of Official Conduct.

Mr. WISEBRAM. Thank you, Mr. Chlan. During your assignment to this committee, Mr. Chlan, did you have occasion to examine and

analyze various financial records and documents of Representative Charles H. Wilson?

Mr. CHLAN. I did have occasion to examine and analyze documents of Charles H. Wilson.

Mr. WISEBRAM. Mr. Chlan, what years, approximately, or period of years did these records cover?

Mr. CHLAN. These records covered 1974 to 1978.

Mr. WISEBRAM. Thank you, Mr. Chlan. Would you briefly describe to us the condition that you found these records to be in.

Mr. Chlan, could you please talk closer to the microphone?

Mr. CHLAN. In the examination of the records of Congressman Wilson I noted there was a rollover of a number of loans at different banks.

I also found that minimum payments were being paid on numerous accounts.

Mr. WISEBRAM. Thank you, Mr. Chlan. Mr. Chlan, I'm going to ask you to look at what has been marked "Exhibit 6," and would you describe that document to the committee, please?

Mr. CHLAN. This is the U.S. House of Representatives Financial Disclosure Statement for the period October 1, 1977 to December 31, 1977, which was submitted—signed by Charles H. Wilson April 26, 1978.

Mr. WISEBRAM. Thank you, Mr. Chlan.

Now I ask you to direct your attention to part III, Mr. Chlan, entitled "Liabilities." Do you see that?

Mr. CHLAN. Yes; I can.

Mr. WISEBRAM. Will you kindly read to the committee what is required to be reported under that section, Mr. Chlan?

Mr. CHLAN. Under part III—

Mr. GUIDOBONI. Objection, please. I don't think I recall this being moved into the record.

I would object further to it. What I can see is a copy of something, and I think we are either entitled to the original or to a certified copy.

Mr. WISEBRAM. Mr. Chairman, I would move that it be entered at this point.

Also, if Mr. Guidoboni will look at the next page, I think he will see the certification on that document.

Mr. GUIDOBONI. I will withdraw the objection.

Chairman BENNETT. We will accept it as exhibit No. 6.

Mr. WISEBRAM. Thank you.

[Exhibit No. 6 received into evidence.]

Mr. CHLAN. Under part III: liabilities, the identity and category of value of any personal liability owned, directly or indirectly, which exceeds \$2,500 as of the close of the year.

Mr. WISEBRAM. Mr. Chlan, excuse me.

I think you spoke the word "owned." Did you mean to say "owed" as to personal liability?

Mr. CHLAN. I'm sorry. Owed is correct.

Mr. WISEBRAM. Thank you, Mr. Chlan. Mr. Chlan, would you kindly read which liabilities are identified there?

Mr. CHLAN. The liabilities identified are Wright Patman Credit Union, Master Charge, National Bank of Washington.

Mr. WISEBRAM. On the continuation sheet, Mr. Chlan, the next sheet.

Mr. CHLAN. On the continuation sheet, we have shown Wright Patman Credit Union—

Mr. WISEBRAM. Excuse me, Mr. Chlan. Under part III only, which are the liabilities?

Mr. CHLAN. We have none.

Mr. WISEBRAM. There are not reports of any loans or obligations to Mr. Lee Rogers, are there, Mr. Chlan?

Mr. CHLAN. There are none shown on the report.

Mr. WISEBRAM. Thank you, Mr. Chlan. Mr. Chlan, I'm going to ask that you kindly take a look at the document marked "Committee Exhibit No. 7."

Chairman BENNETT. Describe the document.

Mr. WISEBRAM. Mr. Chlan, would you describe the document marked "Exhibit No. 7-A," please?

Mr. CHLAN. This is the Security Pacific National Bank ledger sheet for Charles H. Wilson Campaign Fund.

Mr. WISEBRAM. Thank you, Mr. Chlan. Mr. Chairman, I move that this be accepted into evidence at this point.

Chairman BENNETT. Exhibit No. 7?

Mr. WISEBRAM. Exhibit 7-A, Mr. Chairman.

Chairman BENNETT. Exhibit 7-A is accepted.

[Exhibit 7-A was received into evidence.]

Mr. WISEBRAM. Mr. Chlan, would you kindly describe—this is from the campaign fund of Charles H. Wilson?

Mr. CHLAN. That is correct.

Mr. WISEBRAM. Does this ledger sheet show a \$10,283.35 debit against that account?

Mr. CHLAN. Yes.

Mr. GUIDOBONI. May I state my objection?

Chairman BENNETT. Go ahead and state your objection.

Mr. GUIDOBONI. I object. Counsel is leading. He's speaking from the document. The document is before the witness. He should ask the witness—the form again—what the document shows and ask the witness to tell him; and not testify. He's not the witness here.

Mr. WISEBRAM. All right. I'll rephrase that.

Mr. FOWLER. Mr. Chairman, may I ask the chairman to instruct both counsel that we have the documents and we see the documents, and any highly technical objections to legal procedure I don't think are necessary.

If there is excessive leading of the witness or browbeating any witness, I'm sure the chairman will put a stop to it.

Simply because the counsel asks and reads a figure and that is not precisely the proper form of the question, we can discern that. We don't need these individual interruptions and technical objections, Mr. Chairman.

Chairman BENNETT. Well, we do want to proceed expeditiously. I think the format that has been established will be good to follow.

Mr. WISEBRAM. Thank you, Mr. Chairman. Mr. Chlan, what does that document—kindly identify what that document shows you.

Mr. CHLAN. This exhibit 7-A shows that on March 10, 1971, a debit to the account was in the amount of \$10,283.35.

Mr. WISEBRAM. Mr. Chlan, would you identify committee exhibit 7-B, the document marked "7-B"?

Mr. CHLAN. This is Bank of America ledger sheet for Charles H. Wilson Office Account.

Mr. WISEBRAM. And, Mr. Chlan, what does—Mr. Chairman, I ask that it be accepted into evidence at this time.

Chairman BENNETT. It will be accepted as exhibit 7-B.

[Exhibit 7-B was received into evidence.]

Mr. WISEBRAM. Mr. Chlan, what does that document show?

Mr. CHLAN. This document shows that on March 9 there was a deposit to this account of \$10,283.35, and that on March 10 there was a charge to this account in the amount of \$10,283.35.

Mr. WISEBRAM. Thank you, Mr. Chlan. Mr. Chlan, would you kindly identify committee exhibit 7-C?

Mr. CHLAN. Exhibit 7-C is the Imperial Bank loan approval and credit report in the name of Charles H. Wilson, who obtained a note on July 31, 1970, in the amount of \$10,000.

Mr. WISEBRAM. Mr. Chlan, what is the stated purpose of that loan?

Mr. CHLAN. The stated purpose of this loan is for personal expense.

Mr. WISEBRAM. Thank you, Mr. Chlan. Mr. Chlan, would you kindly identify the second—the third page of committee exhibit 7-C, please?

Mr. CHLAN. This copy shows that the Imperial Bank, on July 31, 1970, was to pay through a cashier's check to Charles H. Wilson in the amount of \$9,500, and to give him cash in the amount of \$500.

It also shows under the Federal truth-in-lending disclosure statement that the loan was to be repaid on November 28, 1970.

Chairman BENNETT. Is this still exhibit 7?

Mr. WISEBRAM. 7-C, Mr. Chairman.

Chairman BENNETT. It will be accepted in the record at this point.

[Exhibit 7-C was received into evidence.]

Mr. WISEBRAM. Mr. Chlan, the third page of that document.

Mr. CHLAN. This is another loan approval and credit report, in which the initial loan was renewed in the amount of \$10,000, with a maturity date of February 26, 1971.

Mr. WISEBRAM. What is the stated purpose of that renewal, Mr. Chlan?

Mr. CHLAN. The stated purpose is for personal expense.

Mr. WISEBRAM. Thank you, Mr. Chlan. The fourth page of that document, Mr. Chlan?

Mr. CHLAN. This is the Federal truth-in-lending disclosure statement, which shows that this renewal loan was due to be repaid February 26, 1971, and the disclosure statement is signed by Charles H. Wilson.

Mr. WISEBRAM. The next page, Mr. Chlan.

Mr. CHLAN. This is a worksheet from the Imperial Bank which shows that the purpose of this loan was to renew the previous loan in the amount of \$10,000.

Mr. WISEBRAM. Mr. Chlan, I ask you to identify the document marked "Committee Exhibit 7-D," please.

Mr. CHLAN. This is a letter from the Imperial Bank dated March 31,

1971, which was addressed to Mr. Wilson, which states that the original loan, as well as the renewal loan, was fully repaid.

Mr. WISEBRAM. Mr. Chlan, committee exhibit 7-E, would you please identify that?

Chairman BENNETT. Exhibit 7-D—

Mr. WISEBRAM. I move 7-D be accepted in the record.

Chairman BENNETT. Accepted.

[Exhibit 7-D was received into evidence.]

Mr. CHLAN. This exhibit 7-E shows that Mr. Wilson was last out of commercial debt on March 9, 1971.

Mr. WISEBRAM. Thank you, Mr. Chlan. Mr. Chlan, did you have occasion to calculate the—

Chairman BENNETT. Did you want to receive that?

Mr. WISEBRAM. I move that be received.

Chairman BENNETT. Without objection, exhibit 7-E is accepted into evidence.

[Exhibit 7-E was received into evidence.]

Mr. WISEBRAM. Did you have occasion to calculate the interest that would have been paid on these notes—the original note is November 28, 1970 until the date of payment?

Mr. CHLAN. I did calculate the interest on this outstanding renewal loan, and it amounted to \$283.35.

Mr. WISEBRAM. This is on a \$10,000 note; is that right?

Mr. CHLAN. This is on the \$10,000 note, from the period November 28, 1970 until the loan was repaid.

Mr. WISEBRAM. Thank you, Mr. Chlan. Have you summarized these documents on a chart, Mr. Chlan?

Mr. CHLAN. Yes.

Mr. WISEBRAM. Would you kindly describe it to the committee?

Mr. CHLAN. We have the repayment of the \$10,000 loan to the Imperial Bank. We show that a check for \$10,283.35 was drawn on the Security Pacific National Bank, Charles H. Wilson's Campaign Fund.

This check, this amount of money, was deposited at the Bank of America Western Branch to Mr. Wilson's Office Account, in the amount of \$10,283.35, on March 9, 1971.

A check is also drawn for \$10,283.35, which amount was debited to the account on March 10, 1971, which represents repayment of the \$10,000 loan, plus the interest of \$283.35, on March 9, 1971.

Mr. WISEBRAM. Thank you, Mr. Chlan. Mr. Chlan, would you kindly turn to the document marked "Committee Exhibit No. 8-A"?

Mr. CHLAN. This exhibit 8-A is drawn on the Security Pacific National Bank, Charles H. Wilson Campaign Fund.

Mr. WISEBRAM. What does this document show, Mr. Chlan?

Mr. CHLAN. This document shows that on March 17, 1971, a charge was made to the account of \$5,200.

Mr. WISEBRAM. Thank you, Mr. Chlan. Mr. Chairman, I move that this be accepted into evidence at this point, exhibit 8-A.

Chairman BENNETT. Without objection, exhibit 8-A is accepted.

[Exhibit 8-A was received into evidence.]

Mr. WISEBRAM. Mr. Chlan, would you please identify committee exhibit—the document marked "Committee Exhibit 8-B"?

Mr. CHLAN. This is a copy of a check drawn on the Charles H.

Wilson Campaign Fund on March 15 and deposited to the order of Charles H. Wilson Office Account in the amount of \$5,200, and it was deposited on March 16 to the Office Account.

Mr. WISEBRAM. Thank you, Mr. Chlan. Mr. Chairman, I move this be received into evidence at this point.

Chairman BENNETT. Without objection, it is received into evidence. [Exhibit 8-B was received into evidence.]

Mr. WISEBRAM. Will you please identify the document marked "Committee Exhibit 8-C," Mr. Chlan?

Mr. CHLAN. This is the Bank of America ledger sheet for the Charles H. Wilson Office Account, which shows that the deposit previously referred to was made in the amount of \$5,200 on March 16.

Mr. WISEBRAM. And does it show a debit, Mr. Chlan?

Mr. CHLAN. It also shows that on March 18, there was a debit to the account of \$5,129.85.

Mr. WISEBRAM. Thank you, Mr. Chlan. Now, Mr. Chlan, would you kindly identify the document marked "Committee Exhibit 8-D"?

Mr. CHLAN. This is the Security Pacific National Bank report of loan made, Culver City Branch, to Mr. Charles H. Wilson, in the amount of \$5,000.

Mr. WISEBRAM. Mr. Chairman, I move that this document be accepted into evidence as committee exhibit 8-D at this point.

Chairman BENNETT. Exhibit 8-D, as well as A, B, and C, are included in the record.

[Exhibits 8-C and 8-D were received into evidence.]

Mr. WISEBRAM. Mr. Chlan, does this document state the purpose of this loan?

Mr. CHLAN. The purpose of the loan is shown as personal expenses.

Mr. WISEBRAM. Thank you, Mr. Chlan. Would you kindly identify the second page of that document 8-D, Mr. Chlan?

Mr. CHLAN. This is a document from Security Pacific National Bank dated August 26, 1970, which states that they paid by cashiers check to Charles Wilson, \$5,000.

Mr. WISEBRAM. Thank you, Mr. Chlan. Mr. Chlan, would you identify the document marked "Committee Exhibit 8-E," please?

Mr. CHLAN. This is the report of the loan made by the Security Pacific National Bank, which represents a renewal of the previous loan in the amount of \$5,000.

Mr. WISEBRAM. Mr. Chairman, I move that this document be received into evidence.

Chairman BENNETT. Without objection it is received into evidence. [Exhibit 8-E was received into evidence.]

Mr. WISEBRAM. Mr. Chlan, does this document state the purpose of the loan?

Mr. CHLAN. The purpose of the loan is shown for personal expenses.

Mr. WISEBRAM. What interest is stated on that loan, Mr. Chlan?

Mr. CHLAN. The interest is at 8½ percent.

Mr. WISEBRAM. Thank you, Mr. Chlan.

Chairman BENNETT. I'm sorry. Which exhibit was that you were just referring to?

Mr. WISEBRAM. That was 8-E, Mr. Chairman.

Mr. Chlan, did you have occasion to calculate the interest at the

rate of 8.5 percent which would be owed on this \$5,000 loan which was made on November 27, 1970?

Mr. CHLAN. I did calculate the interest on this outstanding loan, and it amounted to \$129.85.

Mr. WISEBRAM. Thank you, Mr. Chlan. Mr. Chlan, would you kindly move to the chart and describe for the committee, if you will, summarize the evidence you just presented?

Mr. CHLAN. This is the repayment of the \$5,000 loan to the Security Pacific National Bank. We have a check drawn—a \$5,200 check drawn on the Security Pacific National Bank Campaign Fund on March 15, 1971, which in turn is deposited in the Bank of America Office Account in the amount of \$5,200 on March 16.

On the same date, a check is drawn on this account in the amount of \$5,129.85, which is made payable to—which is paid to Security Pacific National Bank, Culver City Branch, to pay off the outstanding \$5,000 loan plus \$129.85 of interest.

Mr. WISEBRAM. Mr. Chlan, before you step down, the first column of your chart, what is the name of that account?

Mr. CHLAN. This is called the Security Pacific National Bank, Charles H. Wilson Campaign Fund.

Mr. WISEBRAM. And the second column?

Mr. CHLAN. Is the Bank of America, Charles H. Wilson Office Account.

Mr. WISEBRAM. Thank you, Mr. Chlan.

Mr. Chlan, I will ask you to kindly turn to the document marked "Committee Exhibit 9-A."

Would you identify that document for the committee?

Mr. CHLAN. Exhibit 9-A is the Security Pacific National Bank ledger sheet for the Charles H. Wilson Campaign Fund.

Mr. WISEBRAM. Mr. Chairman, I move that this be moved into evidence now as committee exhibit 9-A.

Chairman BENNETT. Without objection, it is admitted into evidence as exhibit 9-A.

[Exhibit 9-A was received in evidence.]

Mr. WISEBRAM. What does this document show, Mr. Chlan?

Mr. CHLAN. This document shows that on March 24, 1971, a charge to the account was made in the amount of \$3,400.

Mr. WISEBRAM. Thank you, Mr. Chlan. Mr. Chlan, would you please identify committee exhibit 9-B, the document marked 9-B?

Mr. CHLAN. This is a check drawn on the Campaign Fund payable to the office account in the amount of \$3,400. It is dated November 23, 1971.

Mr. WISEBRAM. Mr. Chairman? I move that this be received into evidence as committee exhibit 9-B.

Chairman BENNETT. Without objection, exhibit 9-B is received in evidence.

[Exhibit 9-B was received into evidence.]

Mr. WISEBRAM. Mr. Chlan, would you please identify the document marked "Committee Exhibit 9-C"?

Mr. CHLAN. This is the Bank of America, Charles H. Wilson Office Account.

Mr. WISEBRAM. Mr. Chairman, I move that this document be received into evidence as committee exhibit 9-C.

Chairman BENNETT. Received.

[Exhibit 9-C was received into evidence.]

Mr. WISEBRAM. What does this document show you, Mr. Chlan?

Mr. CHLAN. This document shows that on November 23, a deposit was made of \$3,400.

Mr. WISEBRAM. Thank you, Mr. Chlan. Now would you kindly identify Exhibit 9-D?

Mr. CHLAN. This is also the Bank of America, Charles H. Wilson Office Account, that shows that a debit was made to the account on November 26, of \$3,047.91.

Mr. WISEBRAM. Mr. Chairman, I would like to have this exhibit accepted into evidence as committee exhibit 9-D.

Chairman BENNETT. Without objection, it is accepted.

[Exhibit 9-D was received in evidence.]

Mr. WISEBRAM. Mr. Chlan, would you please identify exhibit 9-E?

Mr. CHLAN. This is a report of the loan made by the Security Pacific National Bank to Charles H. Wilson in the amount of \$3,000.

Mr. WISEBRAM. Mr. Chairman, I move that this document be accepted into evidence as committee exhibit 9-E at this point.

Chairman BENNETT. Without objection, it is accepted into evidence.

[Exhibit 9-E was received in evidence.]

Mr. WISEBRAM. Mr. Chlan, what is the interest stated on this document?

Mr. CHLAN. The interest is $6\frac{1}{4}$ percent.

Mr. WISEBRAM. Thank you. What is the purpose of this loan stated, Mr. Chlan?

Mr. CHLAN. The purpose of this loan is for personal expenses.

Mr. WISEBRAM. Thank you, Mr. Chlan. Will you please identify the document marked "Committee Exhibit 9-F"?

Mr. CHLAN. This is a renewal of the \$3,000 loan.

Mr. WISEBRAM. Mr. Chairman, I move that this document be received into evidence now as exhibit 9-F.

Chairman BENNETT. Without objection, it is received.

[Exhibit 9-F was received in evidence.]

Mr. WISEBRAM. What purpose is stated for this loan, Mr. Chlan?

Mr. CHLAN. The purpose of this loan is for personal expenses.

Mr. WISEBRAM. Thank you, Mr. Chlan. Now I would ask that you kindly identify exhibit 9-G, Mr. Chlan.

Mr. CHLAN. This is a letter from Security Pacific National Bank, October 24, 1978, to the Committee on Standards of Official Conduct.

Mr. WISEBRAM. Thank you, Mr. Chlan. Mr. Chairman, I move that this be accepted into evidence as committee exhibit 9-G.

Chairman BENNETT. Without objection, so admitted.

[Exhibit 9-G was received in evidence.]

Mr. WISEBRAM. Mr. Chlan, what does this document show you?

Mr. CHLAN. This document states with respect to loan No. 097171, no record of repayment can be found. However, the banking office manager has advised me that the amount of the repayment should have been \$3,047.91.

Mr. WISEBRAM. Thank you, Mr. Chlan. Mr. Chlan, would you kindly step to the chart again and summarize this evidence for the committee, please?

Mr. CHLAN. This is the repayment of the \$3,000 loan to Security Pacific National Bank. We start with Security Pacific National Bank Campaign Fund, where we have a check drawn in the amount of \$3,400 on November 23, 1971, which is deposited to the Bank of America Office Account in the amount of \$3,400 on November 23, 1971.

On that date, we have a check drawn in the amount of \$3,047.91, which is the repayment of the loan to the Security Pacific National Bank of \$3,000 principal, \$47.91 interest.

Mr. WISEBRAM. Thank you, Mr. Chlan. Mr. Chlan, I'm going to ask that you kindly turn to the document marked "Committee Exhibit 10-A," please.

Would you kindly identify the exhibit marked "10-A," please?

Mr. CHLAN. This is the ledger sheet of the Security Pacific National Bank of the Charles H. Wilson Campaign Fund.

Mr. WISEBRAM. Mr. Chairman, I move that this document be received into evidence as committee exhibit 10-A at this time.

Chairman BENNETT. Without objection, so admitted.

[Exhibit 10-A was received in evidence.]

Mr. WISEBRAM. What does this document show you, Mr. Chlan?

Mr. CHLAN. This document shows that there was a debit to the account of \$3,500 on November 30, 1971.

Mr. WISEBRAM. Mr. Chlan, would you kindly turn to and identify the document marked "Committee Exhibit 10-B"?

Mr. CHLAN. This is a check drawn on the campaign fund, which was dated November 29, 1971, to the Charles H. Wilson Office Account, in the amount of \$3,500.

Mr. WISEBRAM. Thank you, Mr. Chlan. Mr. Chairman, I move that this document be received into evidence as committee exhibit 10-B at this time.

Chairman BENNETT. Without objection, so ordered.

[Exhibit 10-B was received in evidence.]

Mr. WISEBRAM. Mr. Chlan, would you kindly identify the document marked "Committee Exhibit 10-C"?

Mr. CHLAN. This is the Bank of America, Charles H. Wilson Office Account.

Mr. WISEBRAM. Mr. Chairman, I move that this document be received into evidence now as committee exhibit 10-C.

Chairman BENNETT. Without objection, so ordered.

[Exhibit 10-C was received in evidence.]

Mr. WISEBRAM. What does this document show you, Mr. Chlan?

Mr. CHLAN. This document shows that on November 29 there was a deposit of \$3,500, and that on December 14 there was a charge to the account of \$3,500.

Mr. WISEBRAM. Thank you, Mr. Chlan. Would you kindly identify the document marked "Committee Exhibit 10-E," Mr. Chlan?

Mr. CHLAN. This is the deposit ticket of the Sergeant at Arms account for Charles H. Wilson dated December 2, 1971, which shows that a check from Los Angeles, Calif., was deposited, in the amount of \$3,500.

Mr. WISEBRAM. Mr. Chairman, I misspoke myself. That should be committee exhibit 10-D, and I move that it be accepted into evidence at this time.

Chairman BENNETT. Without objection, so ordered.

[Exhibit 10-D was received into evidence.]

Chairman BENNETT. I see several slips there. Are we only talking about one?

Mr. WISEBRAM. Mr. Chlan, will you identify—

Mr. CHLAN. We are talking about the middle item, sir, which is dated December 2, 1971.

Mr. GUIDOBONI. I would ask that the other two be deleted from the record.

Mr. WISEBRAM. I have no objection to that, Mr. Chairman.

Mr. Chlan, would you kindly turn to the document marked "Committee Exhibit No. 10-E" and identify that document?

Mr. CHLAN. This is the statement of the Sergeant at Arms that shows that a deposit was made—the deposit made on December 2 was officially credited to the member's account on December 3, 1971, in the amount of \$3,500.

Mr. WISEBRAM. Thank you, Mr. Chlan. Mr. Chlan, would you kindly turn to the document marked "Committee Exhibit"—

Chairman BENNETT. Has that exhibit—

Mr. WISEBRAM. I'm sorry, Mr. Chairman. I move that that document be received in evidence at this point.

Chairman BENNETT. Without objection, so ordered.

[Exhibit 10-E was received in evidence.]

Mr. WISEBRAM. Mr. Chlan, would you kindly turn to the document marked "Committee Exhibit 10-F" and identify that?

Mr. CHLAN. This is the bank statement from the Sergeant at Arms account. It also shows the reconciliation of the outstanding checks.

Mr. WISEBRAM. Mr. Chairman, I move that that document be received into evidence at this point.

Chairman BENNETT. Without objection.

[Exhibit 10-F was received in evidence.]

Mr. WISEBRAM. Mr. Chlan, does that document show you the balance in Mr. Wilson's Sergeant at Arms checking account prior to the deposit, speaking about the \$3,500 deposit?

Mr. CHLAN. The balance of the account on December 1, 1971, was \$886.64.

Mr. WISEBRAM. Mr. Chlan, I ask that you now turn to the document marked "Committee Exhibit No. 10-G," and identify that, please.

Mr. CHLAN. These are copies of the checks, of the member's checks drawn on the Sergeant at Arms accounts, which support the outstanding checks shown on exhibit 10-F in support of the \$3,045 that was outstanding at that time.

Mr. WISEBRAM. Mr. Chlan, have you prepared a list of these checks? Will you kindly read to the committee just briefly who some of these checks were written to?

Mr. Chairman, I move that this document be received into evidence at this point.

Chairman BENNETT. Without objection, so ordered.

[Exhibit 10-G was received in evidence.]

Mr. CHLAN. The checks for the most part were drawn to cash with an endorsement "Western Harness Racing, Inc."

Mr. WISEBRAM. That's four checks; is that correct, Mr. Chlan?

Mr. CHLAN. That is correct, sir.

Mr. WISEBRAM. Thank you, Mr. Chlan. Mr. Chlan, would you kindly step to your chart and summarize this evidence for the committee, please?

Mr. CHLAN. This is the transfer of campaign funds to the personal account through the office account.

It shows that a check is drawn for \$3,500 on November 29, 1971, on the Security Pacific National Bank Campaign Fund. On the same day, this check is deposited in the Bank of America Office Account in the amount of \$3,500.

The check from—from the office account, a check is drawn in the amount of \$3,500 on November 29, 1971, which in turn is deposited in the Sergeant at Arms account on December 3, 1971, when it was officially credited to the account.

It also shows that the balance of the account prior to the deposit was \$886.64.

In addition, the outstanding checks prior to this deposit were \$3,045.

Mr. WISEBRAM. Thank you, Mr. Chlan. Mr. Chlan, I will ask you to kindly turn to the document marked "Exhibit 11-A."

Mr. CHLAN. This is the bank statement on the Charles H. Wilson Campaign Fund.

Mr. WISEBRAM. Mr. Chairman, I would request that this document be admitted into evidence at this time, exhibit 11-A.

Chairman BENNETT. Without objection, so ordered.

[Exhibit 11-A was received in evidence.]

Mr. WISEBRAM. What does this document show to you, Mr. Chlan?

Mr. CHLAN. This document shows that on November 8, 1971, there was a charge to the account of \$3,000.

Mr. WISEBRAM. Thank you, Mr. Chlan. Mr. Chlan, would you kindly identify the document marked "Committee Exhibit 11-B"?

Mr. CHLAN. This is a check drawn on the Charles H. Wilson Campaign Fund on November 1, 1971, in the amount of \$3,000 which is payable to cash.

Mr. WISEBRAM. Mr. Chairman, I move that this document be received into evidence at this time as committee exhibit 11-B.

Chairman BENNETT. Without objection, so ordered.

[Exhibit 11-B was received in evidence.]

Mr. WISEBRAM. Mr. Chlan, what is the endorsement on that check?

Mr. CHLAN. The endorsement on this check is "Charles H. Wilson" and it was deposited to the Sergeant at Arms account on November 3, 1971.

Mr. WISEBRAM. Thank you, Mr. Chlan. Mr. Chlan, I ask you to turn to the document marked "Committee Exhibit 11-C," and identify if you will the last deposit ticket on the right-hand side of the page.

Mr. CHLAN. This deposit ticket shows that there was a deposit on November 3, 1971, to the Charles H. Wilson account from Culver City, Calif., in the amount of \$3,000.

Mr. WISEBRAM. Mr. Chairman, I move that this document be received into evidence as committee exhibit 11-C.

Chairman BENNETT. Without objection, so ordered.

[Exhibit 11-C was received in evidence.]

Mr. GUIDOBONI. I think we have the same problem here that we had before.

Mr. WISEBRAM. I have no objection to deleting the other two deposit slips.

Chairman BENNETT. What are you offering?

Mr. WISEBRAM. Just the deposit slip that is identified as "Committee Exhibit 11-C." The others will be deleted. Mr. Chlan, will you kindly identify the document marked "Committee Exhibit 11-D"?

Mr. CHLAN. This is a statement of the Sergeant at Arms that shows that the deposit that was made on November 3 was officially credited to the member's account on November 4, in the amount of \$3,000.

Mr. WISEBRAM. Mr. Chairman, I move that this document be received in evidence as committee exhibit 11-D.

Chairman BENNETT. Without objection, so ordered.

[Exhibit 11-D was received in evidence.]

Mr. WISEBRAM. Mr. Chlan, I ask you to turn to committee exhibit 11-E and identify that.

Mr. CHLAN. This is the Sergeant at Arms statement of account.

Mr. WISEBRAM. Mr. Chairman, I move that this document be received into evidence now as committee exhibit 11-E.

Chairman BENNETT. Without objection, so ordered.

Mr. WISEBRAM. What does that document show you, Mr. Chlan?

Mr. CHLAN. This document shows that on November 1, 1971, the balance in the member's account was \$461.14, and there is a notation below that showing \$3,000 to be a deposit at a future date.

Mr. WISEBRAM. Thank you, Mr. Chlan. Mr. Chlan, I ask you now to turn to the document marked "Committee Exhibit 11-F" and kindly identify that.

Mr. CHLAN. This is a list of the outstanding checks prior to the November 4, 1971, deposit.

Mr. WISEBRAM. Mr. Chairman, I move that this document be received in evidence at this time.

Mr. GUIDOBONI. Objection. This list has not been identified as to maker or anything else. This does not appear to be a bank record.

Mr. WISEBRAM. I'll offer that in a minute. I offer now a document marked "Exhibit 11-G."

Would you identify this document?

Mr. CHLAN. 11-G are copies of the checks of Mr. Wilson.

Chairman BENNETT. Without objection, so ordered.

[Exhibit 11-G was received in evidence.]

Mr. WISEBRAM. Now, Mr. Chlan, back to the document marked "Committee 11-F." Is this a list of those checks?

Mr. CHLAN. This 11-F is a list of the outstanding checks prior to the November 4, 1971, deposit.

Mr. WISEBRAM. And this list reflects the checks which are contained in the document marked "Exhibit 11-G"?

Mr. CHLAN. That is correct.

Mr. WISEBRAM. Prepared by yourself?

Mr. CHLAN. That is correct.

Mr. WISEBRAM. Mr. Chairman, I move that this document be received in evidence.

Chairman BENNETT. Without objection, so ordered.

[Exhibit 11-F was received in evidence.]

Mr. WISEBRAM. Mr. Chlan, kindly turn to your chart once more. Kindly summarize the evidence which you just presented to the committee, Mr. Chlan.

Mr. CHLAN. This represents transfer from the campaign account directly to the personal account.

On November 1, 1971, a check was drawn on the campaign account in the amount of \$3,000, which was deposited to the Sergeant at Arms account on November 4, 1971, in the amount of \$3,000.

The balance prior to this deposit in the member's account was \$381.14. The outstanding checks previously referred to totaled \$2,004.25.

Mr. WISEBRAM. Thank you, Mr. Chlan. Mr. Chlan, I am going to ask you to turn to the document marked "Committee Exhibit 12-A."

Mr. CHLAN. This is the bank statement from the Imperial Bank on the Wilson Key Committee.

Mr. WISEBRAM. Mr. Chairman, I move that this document be received into evidence now as Committee Exhibit 12-A.

Chairman BENNETT. Without objection, so ordered.

[Exhibit Number 12-A was received in evidence.]

Mr. WISEBRAM. What does this document show you, Mr. Chlan?

Mr. CHLAN. This shows a charge on February 29, 1972, in the amount of \$1,500.

Mr. WISEBRAM. Thank you, Mr. Chlan. Mr. Chlan, would you kindly identify the document marked "Committee Exhibit 12-B?"

Mr. CHLAN. This is a check drawn on the Wilson Key Committee on February 22, 1972, pay to the order of Charles H. Wilson in the amount of \$1,500.

Mr. WISEBRAM. Mr. Chairman, I move this document be received in evidence at this point as committee exhibit 12-B.

Chairman BENNETT. Without objection, so ordered.

[Exhibit 12-B was received in evidence.]

Mr. WISEBRAM. Mr. Chlan, would you kindly read the signatures on that check?

Mr. CHLAN. The signature on this check is Charles H. Wilson. I do not have a very clear copy.

Mr. WISEBRAM. Mr. Chlan, I refer you back to committee exhibit 12-B. There are two signatures on the check.

Mr. CHLAN. Single signature.

Mr. WISEBRAM. Sorry. Mr. Chlan, I'm referring to the signatures at the bottom of the check, in the right-hand corner.

Mr. CHLAN. I beg your pardon, sir. The signatures on the bottom of this check are Lee Rogers and Hugh Brand.

Mr. WISEBRAM. Thank you, Mr. Chlan. Mr. Chlan, I ask you to turn to the document marked "Exhibit 12-C" and identify that.

Mr. CHLAN. This is a deposit ticket at the Sergeant at Arms that shows on February 23, 1972, there was a check deposited from the Wilson Key Committee in the amount of \$1,500.

Mr. WISEBRAM. Mr. Chlan, that is the middle ticket?

Mr. CHLAN. That is the middle ticket of the three shown on this exhibit.

Mr. WISEBRAM. Mr. Chairman, if Mr. Guidoboni cares to renew his objection at this time, I have no objection to deletion of the other two tickets from the record.

Chairman BENNETT. Are you offering that?

Mr. WISEBRAM. Yes, sir; I am offering that this document be received as committee exhibit 12-C.

Mr. GUIDOBONI. I would again object to the other deposit slips.

Chairman BENNETT. He is not offering them. Exhibit 12-C is received in evidence.

Mr. WISEBRAM. Mr. Chlan, would you kindly turn to the exhibit marked "Committee Exhibit 12-D" and identify that for the committee?

Mr. CHLAN. This is the statement of account—Sergeant at Arms statement of account that shows that a deposit was made on February 24, of \$4,000, which includes the \$1,500 from the Wilson Key Committee.

Mr. WISEBRAM. Mr. Chairman, I move that this document be received in evidence at this point as committee exhibit 12-D.

Chairman BENNETT. Without objection, so ordered.

Mr. WISEBRAM. Mr. Chlan, would you kindly identify the document marked "Committee Exhibit 12-E", several checks?

Mr. CHLAN. Exhibit 12-E consists of a listing of the outstanding checks, as well as copies of the specific checks themselves.

Mr. WISEBRAM. Mr. Chairman, I move that this document be received into evidence as exhibit 12-E.

Mr. GUIDOBONI. I don't object to the list, but I don't know who prepared the list.

Mr. WISEBRAM. Was that list prepared by yourself, Mr. Chlan?

Mr. CHLAN. The list was prepared by me.

Chairman BENNETT. Received.

[Exhibit 12-E was received in evidence.]

Mr. WISEBRAM. Mr. Chlan, this list of checks—would you kindly turn to the list which you prepared and read to the committee—I believe there are five checks there—would you read who those checks were made out to?

Mr. CHLAN. The first check is made to "Daniel Trash Removal" in the amount of \$15.

The second check is made out to cash and is endorsed "Los Angeles Turf Club" in the amount of \$600.

The third check is also to cash with an endorsement "Los Angeles Turf Club" in the amount of \$600.

The fourth check is to cash and the endorsement is the "Cockatoo Hotel." \$700.

The last check payable to cash was also endorsed by the Los Angeles Turf Club in the amount of \$600.

Mr. WISEBRAM. Thank you, Mr. Chlan. Mr. Chlan, would you kindly step to your chart once more and summarize this evidence for the committee.

Mr. GUIDOBONI. Mr. Chairman, if I might, could I ask if counsel would be willing to strike checks which appear to be superfluous checks?

Mr. WISEBRAM. I have no objection to that.

Mr. GUIDOBONI. I would ask that the record only reflect checks that are relevant to the case.

Mr. CHLAN. This is a transfer from the campaign account to the personal account on February 22, 1972. The check is drawn on the campaign account in the amount of \$1,500, which is deposited into the personal account on February 24, 1972, in the amount of \$1,500.

The balance in the account prior to this deposit was \$47.86. The outstanding checks were \$2,515.

Mr. WISEBRAM. Mr. Chlan, I ask that you turn to the document marked "Committee Exhibit 12-F."

Mr. CHLAN. This is a registration form and statement of organization for a committee for the U.S. House of Representatives, Office of the Clerk.

Mr. WISEBRAM. Mr. Chairman, I move that this document be received in evidence at this point as committee exhibit 12-F.

Chairman BENNETT. Without objection, so ordered.

Mr. WISEBRAM. Mr. Chlan, what is the name of the committee which registered with this statement?

Mr. CHLAN. The full name of the committee is the "Wilson Key Committee." The date of registration was April 5, 1972.

Mr. WISEBRAM. Thank you, Mr. Chlan. Mr. Chlan, I ask now that you turn to the document marked "Committee Exhibit 12-G" and identify that for the committee.

Mr. CHLAN. This is the committee's postelection campaign statement to the secretary of state of California.

Mr. WISEBRAM. Mr. Chairman, I move this document be received in evidence now as committee exhibit 12-G.

Chairman BENNETT. Without objection, so ordered.

Mr. WISEBRAM. Mr. Chlan, would you kindly read to the committee the first line of this form?

Mr. CHLAN. This form is to be filed by the treasurer of a political committee which supports only one candidate. A political committee is any organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates.

Mr. WISEBRAM. Thank you, Mr. Chlan. Mr. Chlan, I'm going to ask that you turn to the document marked "Committee Exhibit 13-A."

Mr. CHLAN. This is a statement from the Imperial Bank for the Wilson Key Committee, dated March 31, 1972.

Mr. WISEBRAM. Mr. Chairman, I move that this document be received into evidence now as committee exhibit 13-A.

Chairman BENNETT. Without objection, so ordered.

[Exhibit 13-A was received in evidence.]

Mr. WISEBRAM. What does this document show you, Mr. Chlan?

Mr. CHLAN. This document shows a debit to the account on March 20, 1972, in the amount of \$1,500.

Mr. WISEBRAM. Thank you, Mr. Chlan. Now I ask that you turn to the document marked "Committee Exhibit 13-B" and identify that.

Mr. CHLAN. This is a check drawn on the Wilson Key Committee on March 12, 1972, "Pay to the order of Charles H. Wilson," in the amount of \$1,500.

Mr. WISEBRAM. Mr. Chairman, I ask that this document be received in evidence as committee exhibit 13-B.

Chairman BENNETT. Without objection, so ordered.

[Exhibit 13-B was received in evidence.]

Mr. WISEBRAM. Mr. Chlan, who are the signatures on that check, looking at the bottom right-hand corner?

Mr. CHLAN. The signatures are "Lee Rogers" and "Hugh M. Brand."

Mr. WISEBRAM. Mr. Chlan, I ask now that you turn to the document marked "Committee Exhibit 13-C" and identify that for the committee, the left-hand ticket.

Mr. CHLAN. This is a deposit ticket to the Sergeant at Arms on March 14, 1972, from the Wilson Key Committee in the amount of \$1,500.

Mr. WISEBRAM. Mr. Chairman, I move that these documents be accepted into evidence now as committee exhibit 13-C, and once again I have no objection to striking the two right-hand-side tickets.

Chairman BENNETT. Without objection, so ordered.

[Exhibit 13-C was received in evidence.]

Mr. WISEBRAM. Mr. Chlan, would you kindly turn now to exhibit 13-D and identify that, please?

Mr. CHLAN. This is the statement of account with the Sergeant at Arms.

Mr. WISEBRAM. Mr. Chairman, I move that this document be received in evidence at this point as committee exhibit 13-D.

Chairman BENNETT. Without objection, so ordered.

[Exhibit 13-D was received in evidence.]

Mr. WISEBRAM. What does this document show you, Mr. Chlan?

Mr. CHLAN. The document shows that on March 15, 1972, a deposit was made in the amount of \$1,500.

Mr. WISEBRAM. Mr. Chlan, I ask you to turn to the documents marked "Committee Exhibit 13-E" and identify those.

Mr. CHLAN. This represents a copy of the checks and the listing of the outstanding checks, which I have prepared.

Mr. WISEBRAM. Mr. Chairman, I move that these documents be received as committee exhibit 13-E.

Chairman BENNETT. Without objection, so ordered.

[Exhibit 13-E was received in evidence.]

Mr. WISEBRAM. Mr. Chlan, would you kindly read to the committee who those checks were made out to?

Mr. CHLAN. There were four outstanding checks in the amount of \$1,056, as follows: The first check was made payable to cash and endorsed by "Los Angeles Turf Club" in the amount of \$700.

The second check was payable to the Travelers Insurance Co. in the amount of \$25.

The third check is payable to the Washington Performing Arts Society in the amount of \$249.

The last check is payable to the American Security Council in the amount of \$82.

Mr. WISEBRAM. Mr. Chlan, would you kindly step to your chart once again?

Mr. CHLAN. This is a check drawn on the campaign account on March 12, 1972, in the amount of \$1,500, which was deposited into the personal account on March 15 in the amount of \$1,500.

Mr. GUIDOBONI. Objection, sir. That doesn't reflect what he testified to. He testified that it was a check drawn on the Key Committee account and his testimony just now has been that it was the campaign account.

Mr. WISEBRAM. Mr. Chairman, it is our position that it was a check from the Key Committee and that the Key Committee was a campaign account, as is supported by the documents that were introduced, the registration forms.

Mr. GUIDOBONI. We're talking about the identification, sir.

Mr. WISEBRAM. Mr. Chairman, we have no objection to identifying it as the Key Committee.

Chairman BENNETT. It should be what it is. Is it the Key Committee?

Mr. WISEBRAM. Yes, sir, the Key Committee.

Chairman BENNETT. All right.

Mr. CHLAN. This is a check drawn on the Key Committee on March 12, 1972, in the amount of \$1,500.

It was deposited in the personal account on March 15, 1972. The balance in the personal account prior to this deposit was \$324.75. The outstanding checks at this time were \$1,056.

Mr. WISEBRAM. Thank you, Mr. Chlan.

Mr. Chlan, I'm going to ask that you turn to the document marked "Committee Exhibit 14-A."

Kindly identify the document marked "Committee Exhibit 14-A," Mr. Chlan.

Mr. CHLAN. This is a check drawn on the Charles H. Wilson Campaign Committee on November 6, 1974, in the amount of \$1,000.

Mr. WISEBRAM. Mr. Chairman, I move that this document be received in evidence at this point as committee exhibit 14-A.

Chairman BENNETT. No objection, so ordered.

[Exhibit 14-A was received in evidence.]

Mr. WISEBRAM. Who is this check endorsed by, Mr. Chlan?

Mr. CHLAN. This check is endorsed by Charles H. Wilson.

Mr. WISEBRAM. Thank you, Mr. Chlan, I ask that you identify the document marked "Committee Exhibit 14-B."

Mr. CHLAN. This is the Bank of America Charles H. Wilson Campaign Committee account.

Mr. WISEBRAM. Mr. Chairman, I move this document be received in evidence at this point as committee exhibit 14-B.

Chairman BENNETT. Without objection, so ordered.

[Exhibit 14-B was received in evidence.]

Mr. WISEBRAM. What does this document show you, Mr. Chlan?

Mr. CHLAN. This document shows that there was a charge to the account on November 15, in the amount of \$1,000.

Mr. WISEBRAM. Mr. Chlan, I'm going to ask that you look at the document marked "Committee Exhibit 14-C," and I am going to ask you to identify only the deposit ticket to the extreme right-hand side.

Mr. CHLAN. This is a deposit ticket of November 8, 1974, for a check in the amount of \$1,000, deposited to the Sergeant at Arms from the Charles Wilson Campaign Committee.

Mr. WISEBRAM. Mr. Chairman, I move at this point that the ticket only on the extreme right-hand side of that document be entered into evidence as committee exhibit 14-C.

Chairman BENNETT. Without objection, so ordered.

[Exhibit 14-C was received in evidence.]

Mr. WISEBRAM. Mr. Chlan, would you kindly identify the document marked "Committee Exhibit 14-D"?

Mr. CHLAN. This is the Sergeant at Arms statement of account which shows that on November 11, 1974, a deposit was made of \$1,500 which includes the \$1,000 previously referred to.

Mr. WISEBRAM. Mr. Chairman, I move that this document be accepted into evidence now as committee exhibit 14-D.

Chairman BENNETT. Without objection, so ordered.

[Exhibit 14-D was received in evidence.]

Mr. WISEBRAM. Mr. Chlan, I'm going to ask that you turn to the document marked "Committee Exhibit 14-E," and identify that for the committee.

Mr. CHLAN. These represent copies of the outstanding checks of the member's account, as well as the list of outstanding checks which I have prepared, which were outstanding prior to the November 11, 1974, deposit.

Mr. WISEBRAM. Mr. Chairman, I move at this point that this document be accepted into evidence as committee exhibit 14-E.

Chairman BENNETT. Without objection, so ordered.

[Exhibit 14-E was received in evidence.]

Mr. WISEBRAM. Mr. Chlan, I ask that you step to your chart one more time and summarize this evidence for the committee.

Mr. CHLAN. This last item is a transfer from a campaign account in the amount of \$1,000 on November 6, 1974, which was deposited to the personal account on November 11th, in the amount of \$1,000.

We also show that the balance prior to deposit was \$2,683.10 and that the outstanding checks were \$1,517.33.

Mr. WISEBRAM. Thank you, Mr. Chlan. Mr. Chairman, I have no further questions of this witness.

Chairman BENNETT. Well, at this point would be a good point to come back at 2.

Mr. WISEBRAM. I have no objection to that.

Chairman BENNETT. Why don't we have the cross-examination? Well, first of all, the committee has the opportunity to inquire.

Mr. BONNER. Mr. Chairman, the cross-examination could be rather lengthy.

Would it be possible to break at this time, after I make—may I make one statement for the record?

If I'm not mistaken, and if I am, I apologize, Mr. Chairman, I think at the time that we opened the proceedings and I renewed the two motions and then made the motion to recuse, Mr. Hamilton did not have the benefit of that last motion.

In order that my record be complete, I would simply advise him, if I may, through you, Mr. Chairman, that I asked each and every member of the committee who has sat during the investigatory stage of these proceedings, and sat on the vote on the statement of alleged violations to recuse themselves.

I would, for the record, in order to make it whole, ask Mr. Hamilton to do the same.

Chairman BENNETT. Do you want to reply, Mr. Hamilton? He is asking you to recuse yourself. He asked all the members to do it before, and they all said they didn't want to recuse themselves.

Mr. BONNER. What I asked the gentlemen, Mr. Hamilton, those that sat during the investigatory stage and in voting on the statement of alleged violations, was not to sit at this hearing because they had been involved in those stages of the proceeding.

The vote by the gentlemen was against that, but to make my record whole, because you were not here, I believe, and if you were and I missed you, I apologize, I would ask you to do the same, so I so move that you recuse yourself and not sit on this tribunal because of your prior involvement, as I have asked your brothers on the committee to do a little earlier this morning.

Mr. HAMILTON. I just respond, Mr. Counsel, by saying that I believe I can sit and give a fair and impartial hearing to your client.

Chairman BENNETT. All right, we will come back at 2 o'clock.

[The hearing recessed at 12:16 p.m. to reconvene at 2:07 p.m.]

AFTERNOON SESSION

Members present: Representatives Bennett, Preyer, Fowler, Spence, Hollenbeck, Thomas, Sensenbrenner, and Cheney (arrived 2:15 p.m.).

Chairman BENNETT. The meeting will come to order and the committee for the respondent—the attorney for the respondent can inquire.

Mr. BONNER. Mr. Chairman, before we commence with the cross-examination, I really hesitate to delay the proceedings in any way, but I notice that Mr. Hollenbeck has just joined us once again. In order to make my record, I would point out to you, Mr. Chairman, that this morning I made a motion to the various members of the committee who have previously sat during the investigation of this case, and during the proceeding which has resulted in the statement of alleged violations and asked them individually to recuse themselves from sitting at this procedure; that is to excuse themselves and not sit at this proceeding, so to make the record hold, Mr. Chairman, to you I would ask Mr. Hollenbeck also to recuse himself.

Mr. HOLLENBECK. I do not adopt that suggestion, Mr. Chairman. I consider it patently absurd, patently.

Chairman BENNETT. All right. Then you may inquire.

Mr. BONNER. Mr. Chairman, could we have this removed so my client might see the witness as the witness gives answers?

Chairman BENNETT. Yes; why can't we place it over there where it was before if it needs to be placed at all. [Pause].

Mr. GUIDOBONI. Mr. Chlan, is that how you pronounce it?

Mr. CHLAN. Chlan, like C-L-A-N.

Mr. GUIDOBONI. Mr. Chlan, you testified on direct testimony this morning that you worked for the GAO. Is that right?

Mr. CHLAN. That is correct.

Mr. GUIDOBONI. All right, and you were delegated to serve with this committee. Is that correct?

Mr. CHLAN. That is correct.

Mr. GUIDOBONI. So you worked hand in hand with the staff of this committee?

Mr. CHLAN. Yes; I did.

Mr. GUIDOBONI. All right. Now, Mr. Chlan, when you were preparing to present your testimony today—

Mr. THOMAS. Mr. Chlan, would you move closer to the microphone, please? I have difficulty understanding you. [Pause].

Mr. GUIDOBONI. Mr. Chlan, when you were preparing to testify today, did you review your testimony with anybody?

Mr. CHLAN. No sir, I did not.

Mr. GUIDOBONI. Have you ever talked to anybody on the staff about what you were going to testify to today? Ever, sir?

Mr. CHLAN. I work with the counsel. The counsel gives directions. I was responsible for the financial activity. That was my charter. That's what I did.

Mr. GUIDOBONI. Did you speak to the counsel about what you were going to testify today?

Mr. CHLAN. Not what I was going to testify today. We prepared the exhibits which we are going to—which we presented to the members.

Mr. GUIDOBONI. Uh huh. And you never discussed what your testimony, your oral testimony, would be?

Mr. CHLAN. No sir, I did not.

Mr. GUIDOBONI. You did not. Mr. Chlan, let's turn to the exhibits. Do you have the exhibits in front of you?

Mr. CHLAN. Yes; I do, sir.

Mr. GUIDOBONI. All right. Now, with regard to the packet of exhibits 7, I'd like to refer to them that way. They are—they are lettered, right?

Mr. CHLAN. Fine.

Mr. GUIDOBONI. All right. You mentioned in your testimony that Mr. Wilson had rollover loans. Is that what you called them?

Mr. CHLAN. Yes sir; I did.

Mr. GUIDOBONI. Was this a rollover loan, the one that is discussed in No. 7?

Mr. CHLAN. No, sir; it is not. It is a renewal of initial loan that was made 90 days or 120 days prior to when it was renewed as shown in exhibit No. 7-C. There was an initial loan to Mr. Wilson on July 31, 1970, of \$10,000 which matured November 28, 1970. We show in exhibit 7-C that on November 28, 1970, this loan was renewed—

Mr. GUIDOBONI. Very well.

Mr. CHLAN [continuing]. For \$10,000 dollars, with the maturity date of February 26, 1971.

Mr. GUIDOBONI. Now, Mr. Chlan, then the original of this loan was what date, the first time that he took out the \$10,000 loan?

Mr. CHLAN. He took out \$10,000 on July 31, 1970.

Mr. GUIDOBONI. All right. Now, directing your attention to exhibit C, you have that in front of you, 7-C, sir.

Mr. CHLAN. Which one?

Mr. GUIDOBONI. 7-C.

Mr. CHLAN. There are a number of 7-C's. Which page, which page?

Mr. GUIDOBONI. The first page.

Mr. CHLAN. OK.

Mr. GUIDOBONI. See it? Is Mr. Wilson's signature on that?

Mr. CHLAN. No sir, it is not, but I direct your attention to exhibit

7-C which is of the Imperial Bank which states, "Paid to cashier's check in cash \$10,000 and charge the same to the loan account of the undersigned, Charles H. Wilson."

Mr. GUIDOBONI. That's right, sir, and the loan approval and credit report, 7-C, page 1, where it states personal expenses does not contain that signature, does it?

Mr. CHLAN. No, sir; it doesn't.

Mr. GUIDOBONI. It doesn't.

Mr. CHLAN. Because—

Mr. GUIDOBONI. Thank you very much.

Mr. CHLAN. It's a loan approval and credit report.

Mr. GUIDOBONI. Now, let's turn to exhibit 8-A, sir.

Mr. CHLAN. All right; just a minute.

Mr. GUIDOBONI. I'll—I'll need the same amount of time as you will, so if we could take our time on it. [Pause.] Actually, I have in mind 8-B when you get to it, sir.

Mr. CHLAN. OK; OK.

Mr. GUIDOBONI. Do you have it, sir?

Mr. CHLAN. Yes; I do.

Mr. GUIDOBONI. Now, 8-B by my numbers is a check from the campaign fund to Mr. Wilson. Is that what you show, sir?

Mr. CHLAN. Yes sir, that is correct. To the Mr. Wilson Office Account.

Mr. GUIDOBONI. Office account. All right. Now, who signed that check?

Mr. CHLAN. This check was signed by O. Robert Fortenati who is his regional representative in the State of California.

Mr. GUIDOBONI. I believe that name is Fordiani.

Mr. CHLAN. Fordiani.

Mr. GUIDOBONI. That—

Mr. CHLAN. That is correct.

Mr. GUIDOBONI. So actually the check from the campaign fund, sir, was signed by O. Robert Fordiani and put into the office account. Is that correct?

Mr. CHLAN. That is correct.

Mr. GUIDOBONI. Thank you. Does Mr. Wilson's name appear on that, sir?

Mr. CHLAN. No sir, it does not.

Mr. GUIDOBONI. On the face or on the reverse, sir.

Mr. CHLAN. It does not, but it does state "to be deposited to Charles H. Wilson Office Account."

Mr. GUIDOBONI. "Office Account." That's right. Do you know who was overseeing the office account at that time?

Mr. CHLAN. No sir, I do not.

Mr. GUIDOBONI. Do you know, sir, from your papers whether Mr. Wilson was even aware of the transfer from the campaign account to the office account?

Mr. CHLAN. No sir, I do not.

Mr. GUIDOBONI. Very well. Now, let's turn if you will, sir, to exhibit 8-E, I believe it is, and I think—no, 8-C.

Mr. CHLAN. Uh huh.

Mr. GUIDOBONI. Do you have that in front of you?

Mr. CHLAN. Yes; I do.

Mr. GUIDOBONI. Does Mr. Wilson's signature appear on that anywhere, sir?

Mr. CHLAN. No sir, because my 8-C is the Bank of America ledger sheet for the Charles H. Wilson Office Account—

Mr. GUIDOBONI. All right.

Mr. CHLAN [continuing]. Which is the same as a check—which is the same as a bank statement.

Mr. GUIDOBONI. Is there another page to that, sir? I have another exhibit here, second page. It's like a—

Mr. CHLAN. Is that B—not for the Bank of America, Charles H. Wilson—

Mr. GUIDOBONI. All right, a loan application or approval form, the—

Mr. CHLAN. That is exhibit 8-D.

Mr. GUIDOBONI. 8-E?

Mr. CHLAN. D.

Mr. GUIDOBONI. All right. Does Mr. Wilson's name appear on that?

Mr. CHLAN. No, sir, it does not.

Mr. GUIDOBONI. All right. Very well. So where it says "Personal expenses," he didn't sign that, did he?

Mr. CHLAN. No, sir, he didn't because this is an internal bank form.

Mr. GUIDOBONI. Right. You don't know from the form where they got that information, do you?

Mr. CHLAN. No, sir, I do not.

Chairman BENNETT. Well, there is in the material before us an exhibit 8-D, Security Pacific National Bank, which is signed by Mr. Wilson, isn't there?

Mr. GUIDOBONI. That is correct, Mr. Chairman.

Chairman BENNETT. Are there two 8-D papers?

Mr. GUIDOBONI. Yes, sir, there are, and that is the one that is signed by Mr. Wilson?

Mr. CHLAN. That is the Security Pacific National Bank which states, "Paid by cashier's check to Charles H. Wilson, \$5,000," and it is signed by Charles H. Wilson.

Mr. GUIDOBONI. Right. And that would be a receipt for the money, sir, or just direct from the pay?

Mr. CHLAN. No, sir, that is a direction to pay.

Mr. GUIDOBONI. "Direction to pay," so that would be after they approved the loan?

Mr. CHLAN. Well, I would certainly hope so.

Mr. GUIDOBONI. Now, direct your attention to, I believe, this one is 8-E, sir.

Mr. CHLAN. Yes, sir.

Mr. GUIDOBONI. Does Mr. Wilson's name appear on that?

Mr. CHLAN. No, sir, it does not.

Mr. GUIDOBONI. Signature on that?

Mr. CHLAN. No, sir.

Mr. GUIDOBONI. Where it says "Personal expenses," he didn't sign that either, did he?

Mr. CHLAN. He did not sign.

Mr. GUIDOBONI. Do you have any information that shows that he would be aware of what was said in that loan?

Mr. CHLAN. Not in the evidence that has been introduced in the hearing.

Mr. GUIDOBONI. All right. Now, let's move along to No. 9, if you will, sir, packet No. 9.

Mr. CHLAN. All righty.

Mr. GUIDOBONI. Right. 9-B, sir?

Mr. CHLAN. Yes, sir.

Mr. GUIDOBONI. 9-B is a check drawn on the Charles H. Wilson Campaign Fund?

Mr. CHLAN. Yes, sir, it is.

Mr. GUIDOBONI. And we have the face in reverse in that exhibit.

Mr. CHLAN. That is correct.

Mr. GUIDOBONI. Who signed that check?

Mr. CHLAN. This check is signed by O. Robert Fordiani.

Mr. GUIDOBONI. Fordiani, sir?

Mr. CHLAN. Yes, sir.

Mr. GUIDOBONI. And does Mr. Wilson's name appear on the face or the reverse of the check?

Mr. CHLAN. It does not.

Mr. GUIDOBONI. Do you have in these documents—is there any way that you can tell whether Mr. Wilson was aware that this money was taken out of his campaign account and put into his office account?

Mr. CHLAN. No sir.

Mr. GUIDOBONI. The indulgence of the committee, please. Now, I direct your attention to exhibit 9-E, sir.

Mr. CHLAN. Yes, sir.

Mr. GUIDOBONI. I believe that's—that's several pages there that you have. I have two pages, 9-E.

Mr. CHLAN. Just a single page.

Mr. GUIDOBONI. A single page. The next one is 9-F. All right.

Mr. CHLAN. Which is a report—

Chairman BENNETT. Could we return to 9-D? 9-D in a paper that is before me is not a check.

Mr. GUIDOBONI. No sir. I'm asking about 9-E.

Chairman BENNETT. You're not asking about 9—

Mr. GUIDOBONI. C? I asked about—

Chairman BENNETT. You didn't ask about 9-D.

Mr. GUIDOBONI. I believe 9-B, 9-B as in boy, sir.

Chairman BENNETT. B—pardon me. I understand, sir.

Mr. GUIDOBONI. 9-B. And now I am turning and asking the witness to direct his attention to 9-E. Now, 9-E, sir, what is that document?

Mr. CHLAN. This is a report of loan made by the bank.

Mr. GUIDOBONI. All right. And that's one of the documents that says "purposes of loan, personal expense?" Right?

Mr. CHLAN. Yes, sir, it does.

Mr. GUIDOBONI. Mr. Wilson's name is not on that, his signature is not on that either?

Mr. CHLAN. No sir, it isn't.

Mr. GUIDOBONI. All right. Now, the next page. I believe that would be 9-F?

Mr. CHLAN. That is correct.

Mr. GUIDOBONI. That's a similar document, isn't it?

Mr. CHLAN. That is correct.

Mr. GUIDOBONI. And it says "personal expenses" on it?

Mr. CHLAN. It does.

Mr. GUIDOBONI. Mr. Wilson's signature does not appear on that either?

Mr. CHLAN. It is not there.

Mr. GUIDOBONI. So from the papers you can't tell where they got this information, can you?

Mr. CHLAN. From the papers on the report of loan made, it states it is a Culver City branch, that the borrower's name is Charles H. Wilson, whose street address is 104 Cannon House Office Building, Washington, D.C. This is the name of the borrower for which the report of loan made was prepared by the bank as well as the loan authorization officer—that's his signature on the bottom.

Mr. GUIDOBONI. Mr. Chlan, my question is: Do you know where they got the information? What person gave them the information that is on the form?

Mr. CHLAN. I do not know.

Mr. GUIDOBONI. All right. Now, would you please direct your attention to packet 10, group 10 of exhibits. Let's go to the exhibit 10-B or when you get to it, B as in boy.

Mr. CHLAN. Yes sir.

Mr. GUIDOBONI. You have that in front of you now?

Mr. CHLAN. I do, sir.

Mr. GUIDOBONI. Would you tell the committee what that is?

Mr. CHLAN. This is a check drawn on the campaign fund.

Mr. GUIDOBONI. And it is made payable to who?

Mr. CHLAN. Charles H. Wilson Office Account.

Mr. GUIDOBONI. All right. And who signed it?

Mr. CHLAN. Robert Fordiani.

Mr. GUIDOBONI. All right, and does either the face of the check or the reverse of the check have Mr. Wilson's signature on it?

Mr. CHLAN. It does not.

Mr. GUIDOBONI. So from this document you cannot tell whether Mr. Wilson was even aware of that transaction, can you?

Mr. CHLAN. I cannot.

Mr. GUIDOBONI. Very well. Now, would you move to packet 11, please, sir? Strike that. No. 12. You have the packet before you?

Mr. CHLAN. Not yet.

Mr. GUIDOBONI. All right.

Mr. CHLAN. Yes sir.

Mr. GUIDOBONI. All right, you have packet No. 12 before you?

Mr. CHLAN. Yes, I do.

Mr. GUIDOBONI. All right. Now, direct your attention to exhibit 12-B, as in boy. You see—you have that? What is that, sir?

Mr. CHLAN. This is a check drawn on the Wilson Key Committee in February, 1972, in the order of Charles H. Wilson, for the amount of \$1,500.

Mr. GUIDOBONI. And that is February 22, 1972, isn't it?

Mr. CHLAN. That is correct.

Mr. GUIDOBONI. All right. Now, do you know from your examination of the record whether this account, that is, the Wilson Key Committee account at the Imperial Bank, was open at the same time as the Wilson Campaign Committee account at, I believe, it is Security Pacific National Bank?

Mr. CHLAN. I don't recall off hand.

Mr. GUIDOBONI. You don't know if they were succeeding or they overlapped?

Mr. CHLAN. No, I'd have to review my records, sir.

Mr. GUIDOBONI. Now, I direct your attention to exhibit 12-F.

Mr. CHLAN. Yes, sir.

Mr. GUIDOBONI. That's a multipaged exhibit, right?

Mr. CHLAN. Yes, sir, it is.

Mr. GUIDOBONI. All right. And what is 12-F?

Mr. CHLAN. This is a registration statement—pardon me—required by the House under the Federal Campaign Act for a registration to be prepared after April 5, 1972, for organization for a committee.

Mr. GUIDOBONI. Very well, and the date on this registration is what?

Mr. CHLAN. April 5, 1972.

Mr. GUIDOBONI. And isn't that the date the act first went into effect?

Mr. CHLAN. That is the date when campaign funds were required to be reported to the House.

Mr. GUIDOBONI. So before that time there was no requirement of reporting these as far as you know?

Mr. CHLAN. Not by the House of Representatives.

Mr. GUIDOBONI. Do you know if there was even a definition by the House of Representatives of a campaign fund?

Mr. CHLAN. No, sir, I do not.

Mr. GUIDOBONI. Do you know whether—strike that. Now the—now, with regard to the exhibits, the transaction exhibited by No. 12, packet 12, and the transaction exhibited by packet No. 13. They're both from the Wilson Key Committee, aren't they?

Mr. CHLAN. Yes, sir, they are.

Mr. GUIDOBONI. All right. And they both proceeded this April 5, 1972, date, didn't they?

Mr. CHLAN. Yes, sir, I think they did.

Mr. GUIDOBONI. Now, let's move to exhibit 12-G, please.

Mr. CHLAN. All right.

Mr. GUIDOBONI. And what is that, sir?

Mr. CHLAN. This is the report filed with the State of California, July 11, 1972, and the committee's postelection campaign statement.

Mr. GUIDOBONI. You read from that statement, isn't that right?

Mr. CHLAN. That is correct.

Mr. GUIDOBONI. In response to Mr. Wisebram's question?

Mr. CHLAN. Yes, sir, I did.

Mr. GUIDOBONI. Does that thing that you read in any place state that a committee only have the purpose of supporting a candidate's political expenses? Does that say that anywhere?

Mr. CHLAN. I am not familiar with the State of California rules and regulations, sir.

Mr. GUIDOBONI. I see. So, all you know about the State of California rules and regulations is what you read up there?

Mr. CHLAN. That is correct, sir.

Mr. GUIDOBONI. And well, I think the document speaks for itself. Now, you mentioned, you went into great detail with your charts and your papers and so forth, what happened to some of these moneys that were deposited into Mr. Wilson's account. You introduced for him, or you were introducing lots of checks and different things, payments for various things, trash service, whatever.

Mr. CHLAN. Yes, sir.

Mr. GUIDOBONI. You recall that testimony?

Mr. CHLAN. Yes; I do.

Mr. GUIDOBONI. Are you familiar with the provisions of House rule 6 of the Code of Conduct?

Mr. CHLAN. No, sir, I am not.

Mr. GUIDOBONI. All right. May I ask if the witness has before him exhibit 5 introduced by the committee? If he doesn't I would ask that the committee counsel would furnish him with that.

[Pause.]

Mr. CHLAN. Yes, sir.

Mr. GUIDOBONI. OK. You have exhibit 5 there, sir?

Mr. CHLAN. Yes, I do.

Mr. GUIDOBONI. And on the front it says, "Jefferson's Manual, Rules of the House," et cetera?

Mr. CHLAN. Yes sir.

Mr. GUIDOBONI. All right. Let me ask you to turn to the next—skip two pages. Its says at the bottom of page 542—keep going through it. I'm sorry. I don't know any other way to focus your attention on it.

Mr. CHLAN. All right, sir.

Mr. GUIDOBONI. All right. And at the top of that page it says—there's a number—6, a couple of lines down; right?

Mr. CHLAN. Right.

Mr. GUIDOBONI. All right. And it says there, "A Member of the House shall keep his campaign funds separate from his personal funds. He shall convert no campaign funds to personal use in excess of reimbursement for legitimate and verifiable prior campaign expenditures." And then there's some more. Right?

Mr. CHLAN. That is correct.

Mr. GUIDOBONI. All right. Now, they use the word reimbursement there, don't they?

Mr. CHLAN. That is correct.

Mr. GUIDOBONI. All right. Reimbursement—you're an accountant; right?

Mr. CHLAN. That is correct.

Mr. GUIDOBONI. And you've been one for a long time now?

Mr. CHLAN. Yes, sir.

Mr. GUIDOBONI. What does reimbursement mean to you?

Mr. CHLAN. Reimbursement means to me when I incur an expense, a legitimate expense, which is to be reimbursed from my office. For example, if I travel for the General Accounting Office and I incur expenses of \$1,500, legal expenses—

Mr. GUIDOBONI. Uh huh.

Mr. CHLAN [continuing]. I submit a voucher to the General Ac-

counting Office on the completion of my trip and the Office, if all expenses are allowed, will reimburse me in a check for \$1,500.

Mr. GUIDOBONI. \$1,500. OK. And if you actually in that \$1,500 took money out of your pocket and used it, for instance, cab fare or to eat a meal if that's an expense—

Mr. CHLAN. Sure.

Mr. GUIDOBONI [continuing]. Then you would get that \$1,500; it would reimburse you, right, for that money you spent out of your pocket? Right?

Mr. CHLAN. That is correct.

Mr. GUIDOBONI. All right. So assume for a minute that Mr. Wilson actually spent this money legitimately for campaign purposes and he then received as reimbursement these checks. It would make no difference at all, once he had those—once he received those checks. If they were reimbursement, they would become his money to do with what he wanted.

Mr. CHLAN. That is correct.

Mr. GUIDOBONI. That is correct.

Mr. CHLAN. There is one other point. Once those funds are commingled into a personal account, the Member loses control over those funds.

Mr. GUIDOBONI. Sir, my question is this: If he spent the money on campaign expenses; right?

Mr. CHLAN. All right.

Mr. GUIDOBONI. He was entitled to be reimbursed under the House rule 6 which is—

Mr. CHLAN. That is correct.

Mr. GUIDOBONI. All right. His campaign fund gave him a check for \$1,500. At that point it became his money to do what he wanted with.

Mr. CHLAN. That is correct.

Mr. GUIDOBONI. Thank you. Now, let me ask you very quickly, unless counsel for the committee is willing to stipulate. The same provision is in the other House rules I believe, that are part of exhibit 5.

Mr. WISEBRAM. I believe that is correct.

Mr. GUIDOBONI. Now, may I approach the witness, sir? I want to show him an exhibit.

Chairman BENNETT. You may.

[Background conversation and laughter.]

Mr. WISEBRAM. Mr. Chairman, I would like to know which exhibit Mr. Guidoboni has shown to the witness.

Chairman BENNETT. Well, there is a quorum call and it might be just as expeditious if we all went right now instead of waiting for the 5 minutes. We'll recess until we come back from the vote.

[Whereupon, at 2:30 p.m., the hearing was recessed, to reconvene at 3:01 p.m. this same day, Monday, March 31, 1980.]

Members present: Representatives Bennett, Hamilton, Preyer, Fowler, Spence, Hollenbeck, Thomas, Sensenbrenner, Cheney, and Stokes (arrived 4 p.m.).

Chairman BENNETT. The meeting will come to order and the counsel for the respondent can further inquire.

Mr. GUIDOBONI. You testified earlier with regard to one of the exhibits, the effective date of the Reporting Act was April 5, 1972?

Mr. CHLAN. That is correct.

Mr. GUIDOBONI. All right. Now, all of the transactions that you have testified about here today, with the exception of those covered by exhibit No. 14, they all took place prior to that reporting date, didn't they?

Mr. CHLAN. That is correct.

Mr. GUIDOBONI. All right. Now, directing your attention to exhibit 14-A, that's a check.

Mr. CHLAN. Wait a minute. We have just moved from 12-G into another area.

Mr. GUIDOBONI. All right. Fine. Let's move to—

Mr. CHLAN. Could we—or you—finished with 12?

Mr. GUIDOBONI. We're finished with 12. Everything, 7 through 12 and 13, indeed, right, took place before April 5, 1972; is that right?

Mr. CHLAN. That is correct.

Mr. GUIDOBONI. All right. Now, let's move to No. 14. You have 14?

Mr. CHLAN. I have 14.

Mr. GUIDOBONI. All right. 14-A is a check; correct?

Mr. CHLAN. That is correct.

Mr. GUIDOBONI. Who is the check from? What account?

Mr. CHLAN. It is from the Charles H. Wilson Campaign Committee to Charles H. Wilson.

Mr. GUIDOBONI. And the date of that check is what?

Mr. CHLAN. November 6, 1974.

Mr. GUIDOBONI. All right. This is after the April 5, 1972, date; correct?

Mr. CHLAN. That is correct.

Mr. GUIDOBONI. All right. Now, I ask you to look at what is marked "Exhibit A." It is in front of you—that I furnished you.

Mr. CHLAN. Yes, sir.

Mr. GUIDOBONI. And turn to what is numbered page—well, you know what exhibit A is, sir?

Mr. CHLAN. Exhibit A is the report of the receipts and expenditures for a political committee—it was to the House of Representatives and it was certified on January 9, 1975.

Mr. GUIDOBONI. Certified by the Clerk of this House; is that correct?

Mr. CHLAN. It just says certified.

Mr. GUIDOBONI. Do you know whom those must be filed with?

Mr. CHLAN. Yes, indeed, Clerk of the House.

Mr. GUIDOBONI. Pardon me?

Mr. CHLAN. Clerk of the House.

Mr. GUIDOBONI. Clerk of the House. And do you know whether those reports are public, sir? Do you know? That is to say, can an individual, anybody from the audience here, walk in and demand to see one of those reports?

Mr. CHLAN. I do not know.

Mr. GUIDOBONI. You don't know? All right. Now, turning to page—what—what I asked you to look at, the next to the last page, and it's marked "3" at the bottom. You got that?

Mr. CHLAN. Yes, sir.

Mr. GUIDOBONI. Does that page show on it that a report of \$1,000 from the campaign, Charles H. Wilson Campaign Committee?

Mr. CHLAN. Yes, sir, it does.

Mr. GUIDOBONI. And what is the date of that report, sir? No, the date—

Mr. CHLAN. This—this date shows that a check—

Mr. GUIDOBONI. Right.

Mr. CHLAN [continuing]. Date of payment was November—

Mr. GUIDOBONI. Sixth, 1974.

Mr. CHLAN [continuing]. Sixth, 1974, to Charles H. Wilson.

Mr. GUIDOBONI. That's correct, and what does it say the purpose of that payment was, sir?

Mr. CHLAN. For campaign-reimbursed expenses.

Mr. GUIDOBONI. Very well. Now, you are—you are an accountant; is that correct?

Mr. CHLAN. Yes, sir.

Mr. GUIDOBONI. Have you ever had occasion in your practice to advise people about income tax?

Mr. CHLAN. I do not have a practice, sir.

Mr. GUIDOBONI. In your experience have you ever advised anybody about income tax?

Mr. CHLAN. No, sir, I did not.

Mr. GUIDOBONI. Now, let me ask you. These transactions, sir, that you testified to, your charts—

Mr. CHLAN. Yes, sir.

Mr. GUIDOBONI [continuing]. Your exhibits. Those things were all done by check, weren't they?

Mr. CHLAN. Yes, sir, they were.

Mr. GUIDOBONI. No cash, right?

Mr. CHLAN. They were all done by check.

Mr. GUIDOBONI. And you were able to trace them because they were done by check?

Mr. CHLAN. That is correct.

Mr. GUIDOBONI. And a lot of them ended up being deposited right here in the Sergeant at Arms account, right?

Mr. CHLAN. That is correct.

Mr. GUIDOBONI. I have no further questions.

Mr. WISEBRAM. Just a few questions, Mr. Chairman. Mr. Chlan, I believe just a moment ago, in answer to Mr. Guidoboni's question whether you and I had discussed this evidence, you replied in the negative.

Chairman BENNETT. Would you please speak up, Counsel?

Mr. WISEBRAM. I'm sorry. I believe in answering Mr. Guidoboni's question as to whether we had discussed this evidence, you replied in the negative. Have we in fact discussed this evidence over the course of your employment with this committee?

Mr. CHLAN. We had discussed it over the course that I had been assigned to the job. I interpreted the question to mean had we rehearsed the information.

Mr. WISEBRAM. Thank you, Mr. Chlan.

Mr. GUIDOBONI. Mr. Chairman, if I might, I would like to offer what I have marked "Exhibit A" into evidence. I think it would be respondent's exhibit A or 1, whichever you would like.

Chairman BENNETT. Would you identify it like you required them to do?

Mr. GUIDOBONI. I believe he did identify it, sir.

Mr. WISEBRAM. I believe he did.

Chairman BENNETT. Which. What is it is your—

Mr. GUIDOBONI. Oh, you want it right now? It's—it's a report of expenses to the Clerk of the House, 1974. It was certified in 1975 according to the testimony of the witness.

Chairman BENNETT. You're offering this as exhibit A for the respondent.

Mr. GUIDOBONI. For the respondent, yes.

Chairman BENNETT. No objection.

Mr. SENSENBRENNER. Reserving the right to object, Mr. Chairman, all of the committee's exhibits have been Xeroxed off in sufficient copies for members of the committee so that we can see exactly what the exhibits are. The exhibit which Mr. Guidoboni is trying to offer for evidence has not been Xeroxed off, and before passing on that, I'm wondering if we could either see that or get Xeroxed copies of that. I also would make a request of Mr. Guidoboni that if you plan on submitting any other documentary evidence, to please provide Xeroxed copies.

Mr. GUIDOBONI. Sir, I will be glad to do so. I would note that this was attached as an exhibit to our statement during the preliminary inquiry also in conjunction with our motion to dismiss, so I believe it has been seen, but we will be glad to provide them. I wasn't aware that I would have an opportunity to introduce this one to this witness today, but, however, I will be glad to do so.

Mr. SENSENBRENNER. I withdraw my reservation.

Chairman BENNETT. No objection then. It is admitted. All right. [Respondent's exhibit A was received in evidence.]

Mr. WISEBRAM. Mr. Chairman, one further—just a few more questions.

Mr. Chlan, during the questions with Mr. Guidoboni, the subject of reimbursements came up, reimbursements for campaign expenditures. I am going to hand you a document, Mr. Chlan, which is a hearing, its a deposition, before the Committee on Standards of Official Conduct, Korean Influence Investigation of April 17, 1978, a copy of which has been made available to the respondent prior to this date. I am going to ask you to turn to page 13 of that document.

Mr. CHLAN. Yes, sir.

Mr. WISEBRAM. Do you see the question that begins with Ms. Talley, what about transfer from campaign—

Mr. BONNER. Excuse me, Mr. Chairman. I don't know what document this is. I don't know that I have ever seen it before. Might we as a courtesy see it before the witness is examined on it, to be handed a copy of it?

Chairman BENNETT. Are you going to offer it as an exhibit or is it already in these proceedings?

Mr. WISEBRAM. Mr. Chairman, I'm not going to offer this as an exhibit. I'm going to merely have the witness read from it. It is a deposition testimony of Mr. Wilson before this committee. A copy has been made available to the respondent prior to this.

Mr. BONNER. Mr. Chairman, if I am not mistaken, this is not a deposition of Mr. Wilson given in this proceeding. This is something completely outside this proceeding unless I am mistaken.

Mr. WISEBRAM. Mr. Chairman, this is sworn testimony before this committee. It does relate to conversion of campaign funds.

Mr. BONNER. Mr. Chairman, Mr. Wilson is not on the stand. He is not subject to cross-examination vis-a-vis an impeachment matter—

And counsel knows perfectly well—excuse me, Congressman. It is inappropriate to be entering into evidence the statement of Mr. Wilson during his case in chief. There is no provision for such a thing, particularly when the statement is one made in a proceeding I assume from what I have heard over 2 years ago in an entirely different matter.

Mr. FOWLER. Counsel, hold it for just a minute. Is this the—is what you are offering what we have in count 15 of the—

Mr. WISEBRAM. Mr. Fowler, that's right.

Mr. FOWLER. Before we have it, why ask him about it now? Mr. Chairman, I hope you will sustain the defense's objection. There is no point whatsoever. We've got it. We can see it. We can read it.

Mr. WISEBRAM. Mr. Chairman, the only reason I bring this up is that it relates to the question of reimbursements of these campaign funds being used as reimbursements. I think it's relevant to the question.

Chairman BENNETT. Can you inquire without referring to the document?

Mr. WISEBRAM. No sir, I cannot.

Chairman BENNETT. At this point at least it's not going to be admitted.

Mr. WISEBRAM. OK. That's all, Mr. Chairman. I have no further questions of this witness, Mr. Chairman, unless members of the committee—

Chairman BENNETT. That concludes your witnesses?

Mr. WISEBRAM. Yes sir. This witness, yes sir.

Chairman BENNETT. Will you call your next witness? Mr. Thomas, you have a question?

Mr. THOMAS. I just had one question. On the—

Chairman BENNETT. Of this witness?

Mr. THOMAS. Yes, on the exhibit 7-C, 8-E, 9-E, and 9-F, all those bank forms. Apparently I missed it. The question was, There was no signature of Mr. Wilson on those forms. Where was the—the line that was left blank for signature on those forms?

Mr. CHLAN. There was no line left blank on this form, Mr. Thomas, because this is an internal document of the bank. In other words, when a borrower goes to the bank for a loan, you fill out various documents, and this was a loan approval and credit report from the head office on the borrower, Charles H. Wilson, and it states the date of the note, the interest rate, the maturity, and the amount. It also specifies whether it's secured or unsecured, and the purpose of the loan.

Mr. THOMAS. Would this be—would the information on the loan be required as a primary source for Mr. Wilson or is it a secondary form, the information on the form such as his name, his address, acquired from other documents that would be primary?

Mr. CHLAN. This would be an information form for the bank, sir.

Mr. THOMAS. So it would be a secondary document and there would certainly be no reason to have his signature on the secondary.

Mr. CHLAN. That is correct, sir.

Mr. THOMAS. Thank you.

Chairman BENNETT. All right. Would you call your next witness then?

Mr. WISEBRAM. Mr. Chairman, we call Mr. Lee Rogers.

Chairman BENNETT. Mr. Rogers, just come to this—this desk right—right here.

The WITNESS. Yes, sir.

Chairman BENNETT. All right. Have a seat.

[Whereupon, Lee Rogers, having been first duly sworn, was called as a witness herein and was examined and testified as follows:]

Mr. WISEBRAM. Mr. Rogers, are you represented by counsel here today?

Mr. ROGERS. Yes, sir, I am.

Mr. WISEBRAM. Kindly identify him for the record.

Mr. ROGERS. Mr. Michael Madigan.

Mr. WISEBRAM. Thank you. Mr. Rogers, if you don't mind, would you kindly speak directly into the microphone. There are some problems with hearing.

Mr. ROGERS. All right.

Mr. WISEBRAM. Mr. Rogers, this is not your first appearance before this committee, is it?

Mr. ROGERS. No, sir, it is not.

Mr. WISEBRAM. And you have appeared before this committee on how many previous occasions? Executive session?

Mr. ROGERS. Three times.

Mr. WISEBRAM. Thank you, sir. And, Mr. Rogers, your testimony here today as was your testimony at two prior occasions is pursuant to an order of the United States District Court, District of Columbia, "conferring immunity upon and compelling testimony and the production of information." Is that correct?

Mr. ROGERS. Yes, sir.

Mr. WISEBRAM. Mr. Rogers, are you currently self-employed?

Mr. ROGERS. Yes, sir.

Mr. WISEBRAM. What is the nature of your business?

Mr. ROGERS. I am in the mail order business.

Mr. WISEBRAM. What is the name of your business, Mr. Rogers?

Mr. ROGERS. American Holiday Association, also Pacific Advertising Consultants, and Leslie Lee Computer Services.

Mr. WISEBRAM. OK. And, Mr. Rogers, does your business involve a large amount of third-class mailings and some first-class mailings?

Mr. ROGERS. Yes, it is.

Mr. WISEBRAM. How long have you been in this line of business?

Mr. ROGERS. Since 1965.

Mr. WISEBRAM. Mr. Rogers, are you now and have you been in the past a member of the Associated Third Class Mail Users, a trade association?

Mr. ROGERS. Yes, sir.

Mr. WISEBRAM. How long have you been a member of the organization?

Mr. ROGERS. I think about 6 or 7 years.

Mr. WISEBRAM. In fact, you are an officer—you are an officer or a director of that organization; is that correct?

Mr. ROGERS. Yes, sir.

Mr. WISEBRAM. You also are a member of the Direct Mail Marketing Association which is an organization representing various firms involved in the use of the mails? Is that correct?

Mr. ROGERS. Yes, sir.

Mr. WISEBRAM. And that organization was previously known, if I am not mistaken, as Direct Mail Advertising Association; was it not?

Mr. ROGERS. I think you are correct on that; yes.

Mr. WISEBRAM. Thank you, Mr. Rogers. And, Mr. Rogers, as a third-class mailer, an officer of the Association of Third Class Mail Users, a member of the Direct Mail Marketing Association, it is a fact that you have characterized, in previous testimony, your interest in postal matters as vital.

Chairman BENNETT. He is asking if you did, so answer.

Mr. ROGERS. Yes, sir, I did.

Mr. WISEBRAM. OK. In fact, Mr. Rogers, is it not a fact that you were directly interested in legislation before the Congress, legislation which directly affects your personal interest for your businesses, financial interests?

Mr. ROGERS. What legislation are you referring to, Counsel?

Mr. WISEBRAM. Any matters before the Congress which would affect the postal system or the type of business that you are engaged in—which I believe is contest mailings.

Mr. MADIGAN. I'm not sure I understand the question. Are you talking about at the present or in the years that this matter is concerned with?

Mr. WISEBRAM. From 1970 to the present would you be interested in the matters before the Congress which would directly affect your business interests?

Mr. MADIGAN. If he understands that he can answer it.

Mr. ROGERS. I was interested in a piece of legislation. I think it was called H.R. 7700 which was also referred to as the Postal Reform Act which would in effect upgrade the level of service that the post office was—would upgrade the level of service with the post office, yes.

Mr. WISEBRAM. Let me approach this in a different manner, Mr. Rogers. I am going to show you a copy of a document marked "Committee Exhibit No. 15-A." I am going to hand it to you now. Do you recognize that document, can you identify that document for the committee?

Mr. MADIGAN. May I have a moment?

Mr. WISEBRAM. Sure.

Mr. MADIGAN. You're only asking about 15-A?

Mr. WISEBRAM. 15-A at this point.

Mr. ROGERS. Yes, sir, my counsel showed that to me. It was mailed to me, last week I think it was. Prior to that I had no recollection of this document.

Mr. WISEBRAM. Mr. Chairman, I ask that this exhibit be entered into evidence at this time as committee's exhibit 15-A.

Chairman BENNETT. Without objection.

[The document referred to was entered into evidence as the committee's exhibit 15-A and was so admitted.]

Mr. WISEBRAM. Mr. Rogers, who was this letter from? Read the heading to the committee.

Mr. ROGERS [reading]: "Gary B. Lovell, attorney-at-law."

Mr. WISEBRAM. Do you recognize the name Gary B. Lovell?

Mr. ROGERS. Yes, sir, I do.

Mr. WISEBRAM. And who is he?

Mr. ROGERS. He is the lawyer in private practice that sometimes represents me.

Mr. WISEBRAM. And he has represented you in the past; is that correct?

Mr. ROGERS. Yes, sir.

Mr. WISEBRAM. Who is this letter addressed to, Mr. Rogers?

Mr. ROGERS. It is addressed to me.

Mr. WISEBRAM. Lee Rogers, correct?

Mr. ROGERS. Yes.

Mr. WISEBRAM. What is the address?

Mr. ROGERS [reading]: "Mr. Lee Rogers, American Holiday Association."

Mr. WISEBRAM. That is your business? Is that correct?

Mr. ROGERS. Yes; it is.

Mr. WISEBRAM. What is the date of this letter, Mr. Rogers?

Mr. ROGERS. August 24, 1973.

Mr. WISEBRAM. Thank you. Just a moment, Mr. Chairman.

Mr. Rogers, I am going to ask you if you would, please, kindly read the first paragraph of that letter.

Mr. ROGERS [reading]. "Close examination of H.R. 53, rather 5838, by Representative Dominic V. Daniels indicates that it is aimed primarily at sales, promotional games, utilized in connection with another product or service. However, there is enough vague wording in the statute to make it a source of some worry for AHA."

Mr. WISEBRAM. Thank you, sir. Now, if you'd kindly skip to the last paragraph.

Mr. ROGERS. You want me to read the last paragraph?

Mr. WISEBRAM. Yes, sir; please.

Mr. ROGERS [reading]. "Thus it is my feeling that you should lend your support to the many voices which will undoubtedly be raised to oppose passage of this bill."

Mr. WISEBRAM. Thank you, Mr. Rogers. Mr. Rogers, could you turn to committee exhibit 15-B, please? Do you recognize this document?

Mr. ROGERS. Yes, sir.

Mr. WISEBRAM. Kindly identify it for the committee.

Mr. ROGERS. It's marked 93d Congress, first session, H.R. 5838. It's a bill.

Mr. WISEBRAM. Mr. Chairman, I ask that this document be received into evidence at this point as committee exhibit 15B.

Chairman BENNETT. Without objection. So ordered.

[The document referred to was received into evidence as the committee's exhibit 15-B.]

Mr. WISEBRAM. And this was the bill, Mr. Rogers, it is not, H.R. 5838, that is referred to in the committee document 15A, a letter from Mr. Lovell to yourself?

Mr. ROGERS. Yes sir.

Mr. BONNER. Mr. Chairman, just for the record, to make sure that it is clear, H.R. 5838, which contains the date March 20, 1973, states that a Mr. Dominic V. Daniels introduced the following bill which was referred to the Committee on Interstate and Foreign Commerce. Thank you, Mr. Chairman.

Chairman BENNETT. Thank you for making the record more explicit.

Mr. WISEBRAM. Mr. Rogers, will you kindly turn to the document marked "Committee 15-C?"

Mr. ROGERS. All right.

Mr. WISEBRAM. Would you kindly identify that document?

Mr. ROGERS. It's a memo pad size note written September 16, 1973. It says, "Congress of the United States, House of Representatives," on the top of it. It is dated September 6, 1973, and do you want me to read it or—

Mr. WISEBRAM. That's fine. Mr. Chairman, I ask that this document be received into evidence as committee exhibit 15-C at this point.

Chairman BENNETT. 15-C. Any objection? No objection—

[The document referred to was received into evidence as the committee's exhibit 15-C.]

Mr. WISEBRAM. Mr. Rogers, if you will look at the right hand side of that piece of stationery, what does it say there? Does it identify an office?

Mr. ROGERS. District Office, 1500 Aviation Boulevard, Room 2W30, Longdale, Calif. 90261.

Mr. WISEBRAM. Do you, sir, know whose office that is?

Mr. ROGERS. That is—that was Congressman Wilson's district office.

Mr. WISEBRAM. Thank you, Mr. Rogers. Mr. Rogers, would you kindly read to the committee the one sentence that is on that piece of stationery?

Mr. ROGERS [reading.] Charlie: Lee asked me to forward the enclosed letter and House of Representatives bill to you. Signed, Bob."

Mr. WISEBRAM. Thank you, Mr. Rogers. Now, Mr. Rogers, I'm going to ask you to turn to the document marked "Committee Exhibit 15-D." Would you kindly identify that document?

Mr. ROGERS. This is a letter from the Congressman dated September 24, 1973, to myself.

Mr. WISEBRAM. Mr. Chairman, I ask that this document marked "Committee exhibit 15-D" be entered into evidence at this point.

Chairman BENNETT. Without objection. So ordered.

[The document referred to was entered into evidence as the committee's exhibit 15-D.]

Mr. WISEBRAM. Mr. Rogers, I'm going to ask you briefly if you may—well, I'm going to ask you to read to the committee slowly the first paragraph of that letter.

Mr. ROGERS [reading]. "Thank you for contacting me concerning H.R. 5838, the Sales Promotion Game Act. This bill is identical to H.R. 1670 introduced by Congressman Rosenthal on January 6, and

has the cosponsorship of 39 other Congressmen. Three of the 39, Congressmen Eckhardt, Podell, and Helstoski, are on the House Interstate and Foreign Commerce Committee. These bills are pending in the Interstate and Foreign Commerce, Commerce and Finance Subcommittees. I have voiced my strong opposition to this bill to the subcommittee chairman, Congressman John Moss. In short, I consider myself personally responsible for stopping hearings from being scheduled on this bill."

Mr. WISEBRAM. Mr. Rogers, I'm going to ask you to turn to the document marked "Committee Exhibit 15-E." Kindly identify that document for the committee.

Mr. ROGERS. 15-E?

Mr. WISEBRAM. Right, sir.

Mr. ROGERS. It's a letter dated October 17, 1973, to myself from Charles H. Wilson.

Mr. WISEBRAM. Mr. Chairman, I ask that this document marked "Committee Exhibit 15-E" be received into evidence at this point.

Chairman BENNETT. Without objection. So ordered.

[The document referred to was received into evidence as the committee's exhibit 15-E.]

Mr. WISEBRAM. Mr. Rogers, kindly read the first paragraph again of that letter.

Mr. ROGERS [reading]:

DEAR LEE: As a follow-up to my previous letter of September 24 regarding H.R. 1670 and regulation of games of chance, I have enclosed copies of the opinions of the district and appeals courts in the important case in this area, *National Petroleum Refiners Association v. FTC*. I trust this information will also be helpful to you.

Mr. WISEBRAM. Thank you, Mr. Rogers. Now, sir, if you will kindly turn to the document marked "Committee Exhibit 15-F." Kindly identify this document for the committee.

Mr. ROGERS. This is a letter dated October 2, 1973, to Congressman Charles Wilson from myself.

Mr. WISEBRAM. Mr. Chairman, I move that this document marked "Committee Exhibit 15-F" be received into evidence at this point.

Chairman BENNETT. Any objection?

Mr. BONNER. None, no.

Chairman BENNETT. Absent objection, it is so ordered.

[The document referred to was received into evidence as the committee's exhibit 15-F.]

Mr. WISEBRAM. Now, Mr. Rogers, would you kindly read the first paragraph of that letter for the committee?

Mr. ROGERS [reading]. "Thanks for your letter of December 24. The material proved to be very informative and you can bet were going to put it to good use."

Mr. WISEBRAM. Thank you, Mr. Rogers. Mr. Rogers, I'm going to ask you the question once again. I believe you previously testified that you had an interest in a bill by the number of H.R. 7700. I believe that was the number. Did you have an interest in any other bills before the Congress?

Mr. MADIGAN. Are you asking about specific bills now?

Mr. WISEBRAM. I'm asking about H.R. 5838, H.R. 1670.

Chairman BENNETT. The postal reform bill. That's 7700 isn't it?

Mr. MADIGAN. I'm—I'm having some trouble, Mr. Chairman.

Mr. WISEBRAM. Previously Mr. Rogers has testified I believe today that he had an interest in H.R. 77 which was the postal reform bill.

Mr. MADIGAN. 7700.

Mr. WISEBRAM. 7700. I'm asking if he indeed did have an interest in H.R. 5838, H.R. 1670 which was regulated games of chance.

Mr. ROGERS. If these exhibits indicate that I do, then apparently I do or I did.

Mr. WISEBRAM. Thank you, Mr. Rogers. Mr. Rogers, on August 1, 1971, you were first employed by Congressman Charles H. Wilson of California, as a congressional employee. Is that correct?

Mr. ROGERS. Yes, sir.

Mr. WISEBRAM. And you were terminated on June 30, 1974?

Mr. ROGERS. Yes, sir.

Mr. FOWLER. What's the date—what's the date of the employment?

Mr. WISEBRAM. August 1, 1971, Mr. Fowler, to June 30, 1974. You were once again appointed again on January 1, 1976, were you not?

Mr. ROGERS. Yes; I believe that—that date is correct.

Mr. WISEBRAM. And you were terminated again on December 1, 1976. Is that correct?

Mr. ROGERS. That is correct.

Mr. WISEBRAM. Thank you. And your salary during this time was approximately \$12,000 per year. Is that correct?

Mr. ROGERS. Yes, sir.

Mr. WISEBRAM. Mr. Rogers, exactly what were your duties as a congressional employee of Mr. Wilson?

Mr. ROGERS. I was employed as a consultant. I would—I got involved in the preparation of newsletters. I was also involved in helping set up meetings between the Congressman and city councilmen of—and also the mayors of other towns that were in his district. I also was liaison between the Congressman's office and the business community. I gave some input on the H.R. 7700. I told the Congressman, gave him the idea of the presort concept of the post office where large mailers could do a lot of the work that the post office historically used to do or still does and they could do it faster, better, and cheaper.

These are the things that come to—come to my mind. Anything that anybody would throw at me, I would—I would help out if I could.

Mr. WISEBRAM. OK. Thank you, Mr. Rogers. This time, Mr. Rogers, you have briefly testified that you were involved in preparing the newsletter. If I'm not mistaken, in previous depositions you testified that you prepared and edited the newsletters. Is that correct?

Mr. ROGERS. I don't know that I prepared it. I helped prepare it at times and I would help edit it at times.

Mr. WISEBRAM. Mr. Rogers, I believe you first said you didn't know if you prepared it, and then contradicted yourself and said you prepared it and edited it.

Mr. MADIGAN. Well, it that a question?

Mr. WISEBRAM. Is it your testimony that you prepared and edited it?

Mr. MADIGAN. I'm going to object, Mr. Chairman, unless counsel asks the witness—

Mr. WISEBRAM. Mr. Rogers, did you prepare and edit the newsletter?

Mr. ROGERS. To the best of my recollection I helped prepare and helped edit some newsletters, yes.

Mr. WISEBRAM. OK. And your previous testimony is that you reported only to Mr. Wilson himself or to Mr. Fordiani, Mr. Wilson's west coast representative. Is that correct?

Mr. ROGERS. To the best of my recollection, that's correct.

Mr. WISEBRAM. And your previous testimony was that you don't recall ever submitting any written reports or surveys as part of your congressional duties? Is that correct?

Mr. MADIGAN. Now, I'm going to object again, Mr. Chairman. We have transcripts here as I'm sure the committee has of—of his prior testimony. I would think that if counsel is going to ask him what he had testified to previously as opposed to new questions today, that he ought to ask him the question and the answer and not characterize the testimony.

Mr. WISEBRAM. Mr. Rogers, let me direct your attention to page 9 of the deposition, July 18, 1979. Turn to—

Mr. FOWLER. Mr. Chairman, I could be in error and I ask for the chairman's guidance, but as a new member of the committee, I don't see any reason for this witness to be questioned on prior testimony. It seems to me this hearing today ought to speak for itself and that the counsel can ask him any questions he wants to. He is subject to cross-examination, but with live witness here I don't know why we rely on any deposition except and unless for purposes of impeachment, possibly, or any prior transcripts dated to—that I for one don't know anything about and don't really want to know anything about. We have Mr. Rogers here. He is under oath. He can answer any question. It seems like we—

Chairman BENNETT. It is somewhat redundant.

Mr. WISEBRAM. Well, sir, I'll rephrase that. I was merely trying to use that to refresh the witness recollection. I don't want to put him in a position where he's—

Chairman BENNETT. Well, he's probably—

Mr. WISEBRAM [continuing]. Different answers to—

Chairman BENNETT. He probably has had his memory refreshed, so you can probably just ask him the question. He'd probably just answer it and then you—and then you could challenge it if you felt it was not—

Mr. WISEBRAM. Oh. I will rephrase it.

Mr. ROGERS, did you recall ever submitting written reports or surveys as part of your congressional duties?

Mr. ROGERS. Not to my recollection.

Mr. WISEBRAM. And did you perform your congressional duties out of Mr. Wilson's west coast office?

Mr. ROGERS. I have been in Mr. Wilson's west coast office. I was—I would say that—even though I can't recall at this moment any particular thing I did in his office, I'm sure that I probably did perform some of my duties in his office.

Mr. WISEBRAM. Where were most of your duties performed then, Mr. Rogers?

Mr. ROGERS. They were usually handled on the telephone from my own office or from my own house.

Mr. WISEBRAM. And where is your own office?

Mr. ROGERS. My office is in Santa Monica, Calif.

Mr. WISEBRAM. Just for the record, that is not in Mr. Wilson's district, is it?

Mr. ROGERS. No; it is not.

Mr. WISEBRAM. Now, Mr. Rogers, as part of your preparing and editing the newsletter how, specifically was the newsletter presented to you?

Mr. ROGERS. Gee, I can't recall what it—I—I seem to think it was in rough draft form.

Mr. WISEBRAM. And was the newsletter prepared on the west coast or was it mailed to you from Washington?

Mr. ROGERS. I seem to remember having it mailed to me. I think it was prepared in Washington. I'm not sure if it was mailed from Washington or if Mr. Fordiani mailed it to me from the district office.

Mr. WISEBRAM. Well, Mr. Rogers, do you know who in the Washington office of Mr. Wilson was in charge of preparing the newsletter?

Mr. ROGERS. No; I don't.

Mr. WISEBRAM. How did you report back your suggestions, your contributions to the newsletter, your editing marks?

Mr. ROGERS. I beg your pardon?

Mr. WISEBRAM. How did you report back your editing marks or suggestions and your contributions to the newsletter?

Mr. ROGERS. I dealt with Mr. Bob Fordiani from the district office.

Mr. WISEBRAM. Thank you, Mr. Rogers.

Mr. Rogers, you testified that you performed duties as a postal consultant. Do you know Mr. George Gould?

Mr. ROGERS. Yes; I do.

Mr. WISEBRAM. Who is Mr. Gould?

Mr. ROGERS. Mr. Gould was—I believe he was a chief of staff of the subcommittee that the Congressman chaired.

Mr. WISEBRAM. Is that a subcommittee of the Post—Post Office and Civil Service Committee?

Mr. ROGERS. I believe it was; yes, sir.

Mr. WISEBRAM. Do you recall the name of that subcommittee?

Mr. ROGERS. No; I don't.

Mr. WISEBRAM. And have you ever had occasion to meet with Mr. Gould here in Washington?

Mr. ROGERS. Yes; I have.

Mr. WISEBRAM. And did you discuss postal matters with him?

Mr. ROGERS. I have no recollection of any of the conversations between myself and Mr. Gould. It was quite some time ago.

Mr. WISEBRAM. Did you ever have occasion to exchange correspondence with Mr. Gould, as you recall, concerning postal matters?

Mr. ROGERS. I have read a letter or maybe even two letters, from Mr. Gould to myself that was submitted to me by counsel last week. Yes.

Mr. WISEBRAM. Mr. Rogers, I'm going to hand you a document now marked "Committee Exhibit No. 16." I ask that you identify this document for the record and for the committee.

Mr. ROGERS. Yes, sir. It's a letter to myself from George Gould dated November 6, 1975, with a letterhead "U.S. House of Repre-

sentatives, Subcommittee on Postal Facilities and Labor Management of the Committee on Post Office and Civil Service."

Mr. WISEBRAM. Mr. Chairman, I move that this document be received as committee exhibit 16.

Chairman BENNETT. There being no objection, it's approved, and accepted.

[The document referred to was received into evidence as the committee's exhibit 16.]

Mr. WISEBRAM. Would you kindly just read the first paragraph of that letter?

Mr. ROGERS [reading]. "Pursuant to our conversation concerning the possible changes in first and third class rates," excuse me, "and the possible changes in classifications in connection with those rates, I think it is advisable that we meet to further discuss these matters as soon as possible."

Mr. WISEBRAM. Thank you. Mr. Rogers, did you ever have occasion to meet with Mr. George Gould on the west coast?

Mr. ROGERS. Yes, sir, I did.

Mr. WISEBRAM. Do you recall the circumstances of that meeting?

Mr. ROGERS. No; I don't.

Mr. WISEBRAM. Do you recall where the meeting was?

Mr. ROGERS. I think I seem to remember a meeting at my office with Mr. Gould, at least one meeting at my office.

Mr. WISEBRAM. And do you recall the year of that meeting?

Mr. ROGERS. No; I don't.

Chairman BENNETT. That was a corporate office.

Mr. WISEBRAM. Yes, sir. Mr. Rogers, you were a member of an organization called the Wilson Key Committee, were you not?

Mr. ROGERS. Yes; I was.

Mr. WISEBRAM. And what was the purpose of this organization, Mr. Rogers?

Mr. ROGERS. This was an organization made up of businessmen who supported the Congressman and the purpose was to—I believe it was to support the—some of his travel and some of the expenses he would incur in dealing with his constituents.

Mr. WISEBRAM. Mr. Rogers, did you term these expenses as campaign expenses?

Mr. ROGERS. I really don't know. I can't make a judgment on that.

Mr. WISEBRAM. Just a moment, Mr. Chairman. And your testimony was that this organization consisted of various businessmen and professionals. Is that correct?

Mr. ROGERS. To the best of my recollection, yes, sir.

Mr. WISEBRAM. And were you an officer of this organization, Mr. Rogers?

Mr. ROGERS. Yes; I was.

Mr. WISEBRAM. You were. And as an officer, of course, you had contact with the various businessmen and professionals who were members of the organization. Is that correct?

Mr. ROGERS. That's correct.

Mr. WISEBRAM. In fact, Mr. Rogers, were you not responsible for some disbursement from this Wilson Key Committee?

Mr. ROGERS. The last time I testified I was shown one or more checks that had my signature on it, but I had no recollection of signing it. I have since given it a great deal of thought, and I can say with a high degree of confidence that those checks would be mailed to me for my signature by Mr. Fordiani out of the district office, I would sign them, and mail them back to him.

Mr. WISEBRAM. OK, Mr. Rogers. Thank you. Mr. Rogers, I want to show you now the document marked "Committee Exhibit No. 1" which was previously admitted into evidence, and I ask that you identify that document to the committee.

Mr. ROGERS. This is a—yeah—this is a check, June 1, 1971, paid to the order of Charles H. Wilson, \$5,000, from my personal account marked loan.

Mr. WISEBRAM. Who signed this check, Mr. Rogers.

Mr. ROGERS. It was signed by Tracy Spicer.

Mr. WISEBRAM. Who is Tracy Spicer?

Mr. ROGERS. Tracy Spicer was an employee of mine that had authority to sign on all my checkbooks.

Mr. WISEBRAM. Thank you, Mr. Rogers. And you previously had made this document available for the committee under subpoena, did you not?

Mr. ROGERS. Yes; I did.

Mr. WISEBRAM. Thank you.

Chairman BENNETT. Now, you testified that these checks would come to you from Mr. Fordiani. Did he keep your checks or was that a different check?

Mr. MADIGAN. That was the Key Committee, Mr. Chairman.

Chairman BENNETT. Oh, pardon me. Excuse me.

Mr. FOWLER. Well, Mr. Chairman, if I may pursue that just to make sure understanding of your testimony just a moment ago. For the record, who is Mr. Fordiani?

Mr. ROGERS. Mr. Fordiani was Congressman Wilson's district representative.

Mr. FOWLER. In California?

Mr. ROGERS. Yes, sir.

Mr. FOWLER. Was he a member of the Key Committee? Mr. Wilson's Key Committee?

Mr. ROGERS. I don't know. I just can't remember.

Mr. FOWLER. And your testimony just a moment ago was, though, that he sent you checks for your signature.

Mr. ROGERS. Yes, sir.

Mr. FOWLER. On what bank were those checks drawn and what account?

Mr. ROGERS. I seem to remember them being on a bank called the Imperial Bank and I believe it was in Inglewood.

Mr. FOWLER. And what was the name of the account that was being drawn on?

Mr. ROGERS. I guess it was called the Charles H. Wilson Key Committee. I'm not altogether sure.

Mr. FOWLER. So your testimony is that he would send you as an officer in the Wilson Key Committee which you identify as a—which you identify—you were an officer. He would send you checks drawn on that—on that account which you testified you signed?

Mr. ROGERS. Yes, sir.

Mr. FOWLER. Were there any questions, did you ask Mr. Fordiani what those—what were the purposes of those expenses?

Mr. ROGERS. No, sir, not that I can recall.

Mr. FOWLER. Then what would you do with the check after you signed it?

Mr. ROGERS. Would mail it back to Mr. Fordiani.

Mr. FOWLER. Do you know what happened to it after that? These checks?

Mr. ROGERS. No.

Mr. FOWLER. So what you're telling the committee is you just signed those checks, whatever amount they were drawn on without questions, and then sent them back to Mr. Fordiani?

Mr. ROGERS. Yes; I'm not sure that the amount was even filled in on those.

Mr. FOWLER. Well, this was blank checks?

Mr. ROGERS. Blank checks.

Mr. FOWLER. What about the payor?

Mr. ROGERS. I can't recall ever seeing a payor on the check.

Mr. FOWLER. Were you an employee of the Congressman, Mr. Wilson's staff, at that time?

Mr. ROGERS. I was an employee from 1971 to, let's see, August 1971 to June 30, 1974, so if this took place during that time frame, yes.

Mr. FOWLER. Well, let's just leave the documents aside for a minute. At the time do you recall signing checks, these checks drawn on the Wilson Key Committee account that you testified that you would send back to Mr. Fordiani while you were an employee of—on Mr. Wilson's congressional payroll?

Mr. ROGERS. Was I an employee at the time I signed them? It's not clear when the dates were on these checks. If they were between August 1971 and June 1974, yes I was.

Mr. FOWLER. Well, what I'm asking you is whether or not you recall signing such checks while you were a member of the staff?

Mr. ROGERS. I have no recollection of the dates.

Mr. FOWLER. You have no recollection of the dates?

Mr. ROGERS. No sir.

Mr. FOWLER. That's all I have, Mr. Chairman.

Chairman BENNETT. Thank you. I—I've probably started a bad habit here of inquiring, but I'll be just brief.

Mr. THOMAS. Yes; I don't think it's been established and I am curious if Mr. Rogers was signing those checks by virtue of his being the treasurer of the Key Campaign Committee. Were you the treasurer of the committee?

Mr. ROGERS. I—the only thing I really know about it is the documents that I saw the last time I testified. I had forgotten about it, and I'm not sure I was a treasurer, but I seem to recall that I was an officer of the committee and I was one of the two signatures that took on the check.

Mr. THOMAS. There were two signatures that were required on the check and yours was one of them?

Mr. ROGERS. Yes sir.

Mr. THOMAS. Do you know how many other people were authorized for signing those checks?

Mr. ROGERS. I seem to recall that it was a Hugh Brand and myself.

Mr. THOMAS. Your recollection is that there were two people who were authorized and you needed both of those signatures for the Key Campaign Committee to issue a check?

Mr. ROGERS. Yes sir.

Mr. THOMAS. Thank you.

Mr. WISEBRAM. Thank you, Mr. Thomas. Mr. Rogers, going back to the document marked "exhibit No. 1." OK, what was the purpose of this check?

Mr. ROGERS. This was a loan.

Mr. WISEBRAM. Do you recall the purpose of this loan?

Mr. ROGERS. Well, I was making the loan. There was no purpose—the only purpose was—

Mr. WISEBRAM. Do you recall being told what was the purpose of the loan?

Mr. ROGERS. No, sir.

Mr. WISEBRAM. Is there any written instrument evidencing the loan?

Mr. MADIGAN. Well, may I inquire? Are you asking him what his purpose was in writing the check or what was the purpose of the Congressman requesting the loan?

Mr. WISEBRAM. I'm asking if there was any request from the Congressman, any purpose.

Mr. MADIGAN. Can you repeat the question?

Mr. WISEBRAM. Yes. Did the Congressman state to you what purpose he had in mind in seeking this loan from you?

Mr. ROGERS. I can't remember. This was back in 1971.

Mr. WISEBRAM. Was there any written instrument, evidencing this loan?

Mr. ROGERS. No, sir.

Mr. WISEBRAM. Any interest paid on this loan?

Mr. ROGERS. I have no recollection of any conversation about interest.

Mr. BONNER. Excuse me, Mr. Chairman. Maybe I misunderstood the question. Was there any instrument evidencing the loan? I thought there was a check with the—with a—the word "loan" on it or am I mistaken?

Chairman BENNETT. He's trying his—

Mr. BONNER. Was there another instrument?

Mr. WISEBRAM. Was there a loan agreement?

Mr. BONNER. Was there anything beside the check that said loan? I see.

Mr. WISEBRAM. Was there a loan agreement entered into between yourself and the Congressman?

Mr. ROGERS. The only evidence of this loan is the check marked "loan."

Mr. WISEBRAM. Was there any maturity date understood between the two of you for payment of this loan?

Mr. ROGERS. I have no recollection of any conversation about that.

Mr. WISEBRAM. Has in fact the loan ever been repaid?

Mr. ROGERS. The loan has not been repaid.

Mr. WISEBRAM. Has not been repaid. Did you ever demand repayment of this loan?

Mr. ROGERS. No; I didn't.

Mr. WISEBRAM. And were you an employee of Congressman Wilson's at the time this check was written, June 1, 1971?

Mr. ROGERS. No; I wasn't.

Mr. WISEBRAM. But were on the payroll approximately 2 months later, August 1, 1971. Is that correct?

Mr. ROGERS. That's correct.

Mr. WISEBRAM. Thank you, Mr. Rogers. Mr. Rogers, I'm going to hand you now a document marked "Committee Exhibit No. 2" and ask if you would identify that document and describe it to the committee.

Mr. ROGERS. That's a—a check for \$5,000, payable to Charles H. Wilson on my personal checking account dated June 20, 1972, signed by Tracy Spicer who signed the overcheck.

Mr. WISEBRAM. Thank you, Mr. Rogers. Mr. Rogers, what was the purpose of this check?

Chairman BENNETT. Do you want to offer it?

Mr. WISEBRAM. Mr. Chairman, this has already been offered into evidence previously. This is committee exhibit No. 2, offered into evidence.

Chairman BENNETT. Pardon me.

Mr. MADIGAN. I think, Mr. Chairman, if the questions would be a little more precise and his purpose was—

Mr. WISEBRAM. What was the purpose of your writing this check to Congressman Wilson?

Chairman BENNETT. He—the counsel of the other side wants to know if the purpose that you are addressing is Mr. Rogers' purpose or Mr. Wilson's purpose.

Mr. WISEBRAM. What was your purpose, Mr. Rogers?

Mr. ROGERS. Evidently my purpose was to loan Congressman Wilson \$5,000.

Mr. WISEBRAM. And do you recall any of the circumstances surrounding this loan?

Mr. ROGERS. No, sir, I don't.

Mr. WISEBRAM. Was there any written instrument such as loan agreement which would evidence this loan rather than the check?

Mr. ROGERS. There was no written instrument that I can recall other than the check itself.

Mr. WISEBRAM. Any interest on this loan?

Mr. ROGERS. I can recall no conversation about interest.

Mr. WISEBRAM. Your understanding as to a maturity date for this loan?

Mr. ROGERS. I can't recall any conversation about the maturity date on the loan.

Mr. WISEBRAM. Was there repayment of this loan?

Mr. ROGERS. The loan has not been repaid.

Mr. WISEBRAM. Was there any demand for repayment of this loan?

Mr. ROGERS. There has been no demand for the loan.

Mr. WISEBRAM. And were you an employee of Congressman Wilson's at the time you wrote this check?

Mr. ROGERS. Yes, I was.

Mr. WISEBRAM. Thank you, Mr. Rogers.

Mr. ROGERS, now may I ask that you turn your attention to the document I hand you which is marked "Committee Exhibit No. 3"? Will you kindly identify that document? Describe it, please.

Mr. ROGERS. OK. This is also a check on my personal checking account, dated December 11, 1972, "Pay to the order of Charles H. Wilson," for \$500, signed by myself.

Mr. WISEBRAM. OK. So, Mr. Rogers, you previously made this document available to the committee under subpoena; did you not?

Mr. ROGERS. Yes, sir.

Mr. WISEBRAM. Mr. Rogers, I am going to ask that you look at the copy of the back of that check. Who is this check endorsed to?

Mr. ROGERS. The back of the check says "Pay to the order of Donald H. Wilson, Charles Wilson," and then underneath Charles Wilson's signature is Donald H. Wilson's signature.

Mr. WISEBRAM. And do you recall the circumstances of your writing this check, Mr. Rogers? What your purposes were?

Mr. ROGERS. At my previous testimony I testified that Don Wilson, Congressman Wilson's son, Don Wilson ran for an assembly seat in California, and I told the committee at that time that I thought that this check some way was for Don Wilson as a campaign contribution. My lawyer has since told me that Don Wilson ran for that assembly seat, I believe it was in 1974, so if that's not the purpose for this check, I can't tell you what it was because I don't remember.

Mr. WISEBRAM. Thank you, Mr. Rogers. Mr. Rogers, I'm going to hand you a document marked "Committee Exhibit No. 4" and ask that you describe that document briefly for the committee also.

Mr. ROGERS. This is a—a check dated June 27, 1973 drawn on an account called Lee Rogers' Building Account, "Pay to the order of O. Robert Fordiani," for \$5,000, signed by myself.

Mr. WISEBRAM. Mr. Rogers, do you recall what your purpose was in writing this check to Mr. Fordiani?

Mr. ROGERS. As I stated in my earlier testimony, I believe this check was for an option to purchase a trailer park that Mr. Fordiani had in northern California.

Mr. WISEBRAM. Mr. Rogers, did you ever exercise this option on the trailer park?

Mr. ROGERS. No, sir, I didn't.

Mr. WISEBRAM. What is the name of that trailer park, Mr. Rogers?

Mr. ROGERS. I don't know.

Mr. WISEBRAM. Where is the trailer park?

Mr. ROGERS. I can't answer that question other than the fact that it is somewhere in northern California.

Mr. WISEBRAM. Have you ever purchased any other options on trailer parks in the past?

Mr. ROGERS. No; but I have purchased trailer park property in the past.

Mr. WISEBRAM. Thank you, Mr. Rogers. Mr. Rogers, if you would kindly look at the back of that document and describe to the committee who is it this check is endorsed by.

Mr. ROGERS. The—it was endorsed "O. Robert Fordiani," underneath that, "Charles H. Wilson."

Mr. WISEBRAM. And do you recall where you wrote this check to Mr. Fordiani? Was it on the west coast?

Mr. ROGERS. Where I wrote the check?

Mr. WISEBRAM. In what locale was it? Was it in California? Here in Washington, D.C.? Where the check actually changed hands.

Mr. ROGERS. It probably was written in my office in Santa Monica.

Mr. WISEBRAM. And the date of the check is what, Mr. Rogers?

Mr. ROGERS. June 27, 1973.

Mr. WISEBRAM. Now, Mr. Rogers, if you will kindly look at the back of the check again, the endorsement, it's "All prior endorsements guaranteed, Kenneth Harding, Sergeant at Arms." What is the date that check was credited to the Sergeant at Arms account here in the House?

Mr. ROGERS. June—

Mr. MADIGAN. I don't know that he knows what date it was credited. You mean what date—

Mr. WISEBRAM. What date is shown in the endorsement.

Mr. MADIGAN. Tell him what it says on the document.

Mr. ROGERS. It says "All prior endorsements guaranteed, June 29, 1973."

Mr. WISEBRAM. Thank you, Mr. Rogers. Mr. Rogers, were you then an employee of Congressman Wilson's at the time that you wrote this check to Mr. Fordiani?

Mr. ROGERS. Yes, sir, I was.

Mr. WISEBRAM. And Mr. Fordiani was the district west coast manager you reported to, is that correct?

Mr. ROGERS. Yes, sir.

Mr. WISEBRAM. Thank you.

Chairman BENNETT. Pardon me. I didn't hear that last one. What was his response?

Mr. WISEBRAM. I asked, Mr. Chairman, if he was employed by Congressman Wilson at the time he wrote the check. He answered in the affirmative, and I asked if Mr. Fordiani was the west coast representative.

Chairman BENNETT. Thank you.

Mr. WISEBRAM. Mr. Rogers, excuse me. Do you recall any time in the past having made campaign contributions to Congressman Wilson in the name of other persons?

Mr. ROGERS. Yes; I do.

Mr. WISEBRAM. How many contributions did you make in the names of other persons?

Mr. ROGERS. I'd have to refer to my earlier testimony to answer that.

Mr. WISEBRAM. Go right ahead. [Pause.]

Mr. ROGERS. There appears to be eight.

Mr. WISEBRAM. Eight. And do you recognize the names of these persons in whose name these contributions were made, Mr. Rogers?

Mr. ROGERS. Yes; they were all either current or ex-employees of mine.

Mr. WISEBRAM. Mr. Rogers, what was the date of these contributions that were reported or recorded? Was it August 28, 1974?

Mr. ROGERS. Will you repeat that question?

Mr. WISEBRAM. What was the date of these contributions? The date reported on Mr. Wilson's campaign report?

Mr. ROGERS. I don't know that I ever saw Mr. Wilson's campaign report.

Mr. WISEBRAM. When did you make these campaign contributions? What was the date of the checks?

Mr. ROGERS. I'm not sure I have the exact date of the checks.

Mr. MADIGAN. We furnished the checks—whatever date is on the checks is—on the checks.

Mr. WISEBRAM. If you'll bear with me just a minute, Mr. Chairman. [Pause.]

Mr. Rogers, I'm going to show you a copy of one of the checks that you previously made available, it has been made available to the counsel for the respondent also. The check is made out to the order of Cheryl Olson. Is that correct?

Mr. ROGERS. Yes, sir, it is.

Mr. GUIDOBONI. Excuse me. Could we see that document?

Mr. WISEBRAM. I have no objection to that.

Mr. ROGERS. It's very hard to read the date on this check. I still can't tell the date on it. [Pause.]

Mr. BONNER. Mr. Chairman, might I interrupt you, sir?

Chairman BENNETT. Yes.

Mr. BONNER. Please note I object to any further questioning regarding these documents as being completely irrelevant to this hearing. I note, Mr. Chairman, that in count 1 of the Statement of Alleged Violations it is stated that "on or about June 1, 1971, the respondent Charles H. Wilson conducted himself in a manner which did not reflect creditably on the U.S. House of Representatives"—and I'll skip the citation—"by accepting benefits, to wit, a payment of \$5,000 from Lee Rogers under circumstances which might be construed by reasonable persons as influencing the performance of his," meaning Congressman Wilson's, "governmental duties." Now, without reading as widely in the counts that follow, I note that in count 2 a similar allegation was made for a similar sum of money on June 20, 1972. And I note that an allegation is made for a much smaller sum, \$500, on December 11, 1972, and I note finally, that on June 29, 1973, Congressman Wilson by "accepting benefits, to wit, a payment of \$5,000 from Lee Rogers, again under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties," and I'm still quoting, but going back to the original part of the paragraph, "did not reflect creditably on the U.S. House of Representatives in violation of Clause 1," et cetera.

Chairman BENNETT. Well, these checks don't relate—

Mr. BONNER. These checks have nothing whatsoever to do with these allegations. Why don't we stay, sir, just within the confines of these allegations.

Mr. WISEBRAM. I'll withdraw my question. I have no further questions, Mr. Chairman.

Chairman BENNETT. No further questions. Then you can proceed, sir.

Mr. BONNER. Thank you, Mr. Chairman. [Pause.] Mr. Chairman, I thank you for permitting me now the time to cross-examine, but in accordance with your prior rulings, it may be that members of your committee would prefer to examine since that is their right.

Chairman BENNETT. Who has the right here. Is the committee—

Mr. WISEBRAM. The committee has the right under the 5-minute ruling to examine the witness at this time.

Chairman BENNETT. Under the procedure, they do—we do have it under the 5-minute ruling, and that seems a little illogical to me, but at any rate it's what we've done, so at this point does any member want to inquire? All right.

Mr. CHENEY. I wonder, Mr. Chairman, if we might clarify that the conditions under which the witness appears in the course—or the counsel for the witness.

Mr. MADIGAN. Yes, Mr. Cheney. Mr. Rogers is appearing here pursuant to an order which has granted him immunity from any criminal prosecution which might arise out of his appearance before the committee.

Chairman BENNETT. Any further inquiry from any member? All right. I really think this rule has been something we've established by custom, and I think the custom probably wasn't very logical. We—we'll think about it later, but we'll—we'll pursue this policy at the moment.

Mr. FOWLER. May I ask a question, Mr. Chairman? But I think, I do think that the counsel ought to have the right to cross-examine before the committee asks questions.

Chairman BENNETT. That's what I think myself.

Mr. BONNER. Well, I raised it only because it's been done the opposite way up until now.

Chairman BENNETT. You may inquire now.

Mr. MADIGAN. Thank you, sir. Mr. Chairman, if I might just indulge counsel for a moment to conclude my answer to Mr. Cheney's question. He does not have immunity for any perjury or any false statement that he may make before the committee and he has been instructed that that is the only immunity that he has if he does not tell the truth with respect to questions that he's asked about.

Chairman BENNETT. Now, I have the rule before me, and the reason why we're following an illogical rule is that it's the rule. It is specific in the rules of the House, so we'll follow the rules of the House until we change them. We'll probably change them in the future, but it is much more logical in my opinion to do it afterward.

Mr. BONNER. May I proceed then, Mr. Chairman?

Chairman BENNETT. Yes, sir.

Mr. BONNER. Good afternoon, Mr. Rogers. Can you see me from there?

Mr. ROGERS. Yes; I can.

Mr. MADIGAN. I'll move back, Mr. Bonner.

Mr. BONNER. All right. Mr. Chairman, I hesitate to do this with all you gentlemen sitting there with your coats on, but I'm awfully hot. May I take my coat off?

Chairman BENNETT. You may.

Mr. BONNER. Thank you, sir.

I still have my vest on so I feel protected.

Chairman BENNETT. I—I can't quarrel with that. I think the press can make us look bad, but take your coat off if you want to, Mr. Bonner.

Mr. FOWLER. They can't look any worse than I am, Mr. Chairman. I'd like to follow counsel.

Chairman BENNETT. All right. You go ahead and take your coat off. Anyone who wants to take his coat off, he may.

Mr. BONNER. All right. Now, Mr. Rogers. My name is Walter J. Bonner, and along with Edward C. O'Connell and Thomas Guidoboni next to me, we represent Congressman Wilson. Now, it is a fact, is it not, sir, that until last night you and I had never met?

Mr. ROGERS. Yes, sir.

Mr. BONNER. And it is also a fact that on June 20, 1979, you appeared before the Committee on Standards of Official Conduct in executive session; did you not?

Mr. ROGERS. Yes, sir, I did.

Mr. BONNER. And then, sir, you appeared again, did you not, before this same committee on July 18, 1979? Is that not correct?

Mr. ROGERS. Yes, sir, correct.

Mr. BONNER. And then, sir, on November 1, 1979, you again appeared before this committee; did you not, sir?

Mr. ROGERS. Yes, sir, I did.

Mr. BONNER. And in the course of appearing before this committee, am I correct in saying, sir, that you, through your counsel or directly, supplied this committee a good number of documents?

Mr. ROGERS. Yes; I did.

Mr. BONNER. All right. Now last night was the first time I spent any time with you since this entire proceeding began; isn't that true?

Mr. ROGERS. Yes, sir, that's true.

Mr. BONNER. I spent about an hour and a quarter with you, didn't I?

Mr. ROGERS. Approximately.

Mr. THOMAS. If counsel will indulge me for just a moment.

Mr. BONNER. Yes, sir.

Mr. THOMAS. "In executive session." My understanding was that it was the subcommittee that met in executive session; is that correct?

Mr. BONNER. That's not what it says on this document, sir. It says "Hearings before the Committee on Standards of Official Conduct," but I certainly—

Mr. THOMAS. I was not present at that executive committee meeting—

Mr. BONNER. Yes, sir.

Mr. THOMAS [continuing]. And my assumption is that it was the subcommittee which is two members of this committee in executive committee. Is that correct, Mr. Chairman?

Mr. MADIGAN. I believe that's right. Then it was two members representing this committee?

Chairman BENNETT. That is correct. Two members representing the committee.

Mr. BONNER. Yes. And testimony was taken at each of those meetings with the subcommittee of this committee. Is that not correct, sir?

Mr. ROGERS. Yes, sir.

Mr. BONNER. All right. Now then, to get back to my question. Is it fair to say, sir, that last night through your courtesy and the courtesy of your counsel I spent, along with Mr. O'Connell and Mr. Guidoboni, about an hour and a quarter with you?

Mr. ROGERS. Yes; it is.

Mr. BONNER. All right. And that is the first and only time we have ever met each other; is it not?

Mr. ROGERS. Yes; it is.

Mr. BONNER. And that's true of Mr. O'Connell as well, isn't it?

Mr. ROGERS. That's a fact.

Mr. BONNER. And it's true of Mr. Guidoboni, isn't it?

Mr. ROGERS. That's a fact.

Mr. BONNER. All right, sir. How long have you know Charles Wilson, as far as you can recollect, Mr. Rogers?

Mr. ROGERS. I met the Congressman somewhere between 1968 and 1970.

Mr. BONNER. All right, then, is it fair to say that by September 24, 1973 you had known him about 5 years or so?

Mr. ROGERS. Approximately.

Mr. BONNER. Is it fair to say that during that 5-year period you had occasion to talk with him on a number of occasions?

Mr. ROGERS. That's—that's a fair assumption, yes.

Mr. BONNER. And on some of those occasions you talked with him in person. Is that a fair statement?

Mr. ROGERS. Yes; it is.

Mr. BONNER. And on some of those occasions in that 5 years you talked to him by telephone?

Mr. ROGERS. Yes, sir.

Mr. BONNER. OK. Now, let me direct your attention if I may to what has been previously marked as—is it the staff or committee. How is that done? Exhibits 15-D, E, and F?

Mr. WISEBRAM. Marked committee exhibits.

Mr. BONNER. Committee exhibits. Thank you. Do you have that handy?

Mr. MADIGAN. Which one, counsel?

Mr. BONNER. 15-D, let's start with, if we may, Mr. Madigan, and then I'll go on to E and F, ad seriatum. All right, now you've just testified before the chairman and the committee that during the 5 years prior to what is marked as "Committee Exhibit 15-D," a letter dated as you will note September 24, 1973, bearing the Congressman's type-written name and addressed to you. You previously testified that during those 5 years you talked with the Congressman a good number of occasions both in person and by telephone. Right?

Mr. ROGERS. That's right.

Mr. BONNER. Would you call the Congressman sometimes and he would call you sometimes?

Mr. ROGERS. That's right, yes.

Mr. BONNER. So if Congressman Wilson wanted to pass a little information along to you regarding a bill he was secretly supporting for you, he—he knew how to reach you by telephone, didn't he, Mr. Rogers?

Mr. ROGERS. I would certainly assume that he would, yes.

Mr. BONNER. But he didn't do that on this occasion. Rather he submitted to you a letter for the record consisting of three pages, isn't that so?

Mr. ROGERS. Yes, sir.

Mr. BONNER. All right. Let's go to committee exhibit 15-E bearing in mind again this 5-year-prior relationship and various conversations you had had with each other in person and by telephone. Here again we find a letter dated October 17, 1973, addressed to you under a typewritten name of Charles H. Wilson. Is that not correct?

Mr. ROGERS. Correct.

Mr. BONNER. Now, then, if Congressman Wilson had wanted to convey something to you privately he could have reached you by telephone rather than writing this letter, couldn't he?

Mr. ROGERS. Yes, sir.

Mr. BONNER. And then finally, committee exhibit 15-F which appears to be a brief letter from you to the Congressman, dated October 2, 1973. Isn't that correct?

Mr. ROGERS. Yes, sir.

Mr. BONNER. Now, if you wanted to have a secret communication with him, you could have called him by telephone. You knew where to reach him, didn't you?

Mr. ROGERS. Yes, I did.

Mr. BONNER. Have you read all of the exhibits?

Mr. ROGERS. Yes, sir.

Mr. BONNER. Are you aware, sir, that these three committee exhibits were given to the committee by Congressman Wilson?

Mr. ROGERS. I am aware of that, yes, sir.

Mr. BONNER. Now, you have testified under your direct examination that you made several loans to the Congressman, and if I recall your testimony, you said that those loans were not repaid. Is that right?

Mr. ROGERS. That's right.

Mr. BONNER. Now, I do not mean to pry and cause you any personal embarrassment, but I would like to ask you these two questions:

Is it fair to say, Mr. Rogers, that you're a man of considerable means, financially?

Mr. ROGERS. I guess that's fair to say; yes.

Mr. BONNER. Is it fair to say that you are a multimillionaire?

Mr. ROGERS. Well, if you're getting Time magazine, that's what you'll see.

Mr. BONNER. Now, Congressman Wilson has not been pressed by you for a payment of these loans; is that correct?

Mr. ROGERS. That's correct.

Mr. BONNER. Have you lent money to any other people who haven't paid you?

Mr. ROGERS. Yes; I have.

Mr. BONNER. Have you pressed them for repayment?

Mr. ROGERS. No; I haven't.

Mr. BONNER. Have you sued any of them?

Mr. ROGERS. No; I haven't.

Mr. BONNER. Have you sued the Congressman?

Mr. ROGERS. No; I haven't.

Mr. BONNER. Why not?

Mr. ROGERS. There's not much there to sue him.

Mr. BONNER. Well, let's get right down to it. Since he hasn't repaid

you, even though it's not your style to sue, would you lend him any more money?

Mr. ROGERS. I don't think I would; no.

Mr. BONNER. All right, sir. Let me direct your attention—I guess, it's for the third time—to an order of the U.S. District Court for the District of Columbia. It's entitled, "In the Matter of the Application of the House of Representatives Committee on Standards of Official Conduct," miscellaneous No. 79-0157, and entitled, "An Order Conferring Immunity Upon and Compelling Testimony and Production of Information from Lee Rogers," signed by William B. Bryant, Chief Judge of that court.

Have you had an opportunity at some point in time to review this order?

Mr. ROGERS. Yes, sir. I have reviewed it.

Mr. BONNER. You are well aware of the fact that you are testifying today under an order of immunity?

Mr. ROGERS. Yes, sir.

Mr. BONNER. All right. And, it is a fact, is it not, sir, that your able counsel, Mr. Madigan has informed you that no matter what you tell this committee today in terms of any possible wrongdoing on your part, you cannot be prosecuted for that unless, unless you lie before the committee today; isn't that a fact?

Mr. ROGERS. That's a fact, sir.

Mr. BONNER. Now, then, you are under oath before this committee right now, Aren't you?

Mr. ROGERS. Yes, sir.

Mr. BONNER. And, you are well aware that the only way you can get in any trouble today at all is if you lie to this committee; isn't that so?

Mr. ROGERS. That is so.

Mr. BONNER. All right. Under your oath before Almighty God, sir, did you ever give any money to Charles Wilson to—and I am referring now to the language of this Statement of Alleged Violations—to influence the performance of his governmental duties, sir?

Mr. ROGERS. Absolutely not.

Mr. BONNER. You swear before God that is the truth?

Mr. ROGERS. Absolutely not.

Mr. BONNER. Did you ever lend him any money to, quote, "influence the performance of his governmental duties?"

Mr. ROGERS. Absolutely not.

Mr. BONNER. Did you ever give him anything at any time to influence him?

Mr. ROGERS. Absolutely not.

Mr. BONNER. And it's your sworn testimony before Almighty God today?

Mr. ROGERS. Yes, sir.

Mr. BONNER. And you know that the only thing you can be prosecuted for is perjury today; is that not correct under this order of immunity?

Mr. ROGERS. Yes, sir.

Mr. BONNER. No further questions.

Chairman BENNETT. Recross.

Mr. WISEBRAM. Mr. Rogers, you have testified in the cross that you were aware Mr. Wilson had supplied the document represented by the committee as exhibit No. 15 to this committee; is that a fact, sir?

Mr. MADIGAN. Could you repeat that, sir?

Mr. WISEBRAM. You have just testified on cross that you were aware that the document, marked "Committee Exhibit No. 15," was supplied by Mr. Wilson to this committee; is that correct, sir?

Mr. ROGERS. Yes.

Mr. WISEBRAM. In response to Mr. Bonner's question.

Mr. ROGERS. Yes, sir.

Mr. WISEBRAM. How were you aware of this?

Mr. ROGERS. Mr. Madigan told me.

Mr. WISEBRAM. When did Mr. Madigan tell you?

Mr. MADIGAN. I'll make a statement for the record that I informed my client that these documents had been produced. I reviewed the documents.

Mr. WISEBRAM. That's good.

Mr. MADIGAN. I don't think it's appropriate to ask questions about communications between counsel and client.

Mr. WISEBRAM. That's sufficient, thank you. Do you know under what circumstances these documents were produced for the committee by Mr. Wilson?

Mr. ROGERS. I'm not sure I understand the question.

Mr. WISEBRAM. Do you know that, in fact, these documents were produced in response to a subpoena?

Mr. ROGERS. I assume that they were; but I have no direct knowledge of that.

Mr. WISEBRAM. Thank you, Mr. Rogers.

Mr. Chairman, I have no further questions.

Chairman BENNETT. Any further cross?

Mr. BONNER. No, thank you, Mr. Chairman.

Chairman BENNETT. All right. Mr. Fowler or Mr. Preyer.

Mr. PREYER. When you were first employed by Mr. Wilson, back in August of 1971, you were conducting your own business?

Chairman BENNETT. You still have to testify.

Mr. ROGERS. Yes, sir; I was.

Mr. PREYER. And you've continued to conduct your own business through the termination of employment in 1974? How much time did you spend on Mr. Wilson's business as compared with your private?

Mr. ROGERS. I've been asked that question before and I just can't answer that. I don't know. I didn't keep track.

Mr. PREYER. You mentioned—we went into the newsletter. You also mentioned, as I understood it, that you arranged meetings for city councils—city council?

Mr. ROGERS. Yes, sir.

Mr. PREYER. What were those? How does that work?

Mr. ROGERS. Well, I remember several meetings in particular, that were aboard a motor yacht that I owned at the time. They were to acquaint the Congressman, I believe, to any of the peculiar problems, or anything about those small towns, that they wanted to communicate to the Congressman.

Mr. PREYER. And you would invite city councilmen onto the motor

yacht and the Congressman would join you and you would discuss the problems?

Mr. ROGERS. Yes, sir.

Mr. PREYER. About how often did you do that?

Mr. ROGERS. I had many, many meetings with the Congressman, with Bob Fordiani, with people in the business community, people who were mayors, city councilmen, inner communities in the Congressman's district, so I can't give you, with any degree of certainty, how many.

Mr. PREYER. Your meetings with business and community leaders went the same way—to invite them out on a certain occasion and discuss issues?

Mr. ROGERS. I'm having an awfully hard time hearing you.

Mr. MADIGAN. The fan here is causing us to be unable to hear.

Chairman BENNETT. Would you rather it was turned back off? I'd thought it would—

Mr. PREYER. No. It feels awfully good.

Mr. MADIGAN. We're having trouble hearing the questions.

Chairman BENNETT. Well, I'll leave it up to the committee whether they want the fan on or off. It actually was turned back on without my suggesting it. But, some things happen without me.

VOICE. Turn it off.

Mr. PREYER. Well, I realize that 1971 to 1974 was some time ago, but I was just seeking to whether you could give us some specific examples. If you can remember more specifically the names of some places that you had meetings for businessmen where you discussed some of these problems?

Can you recall any meetings more specifically than to say you had a number of meetings with businessmen?

Mr. ROGERS. I can't recall with any degree of certainty the names of the people, where they were. I can assume that they were rides on the motor yacht; they were at my home, my office, Congressman's office.

Mr. PREYER. Of the four checks that I believe you were asked about, the first four exhibits, I think you indicated that the first three were simply sent to you as blank checks and you signed them and returned them to Mr. Fordiani; is that right?

Mr. ROGERS. To the best of my recollection. I don't have these checks in front of me, but I seem to recall that the last time I testified, looking at some of those checks, and speaking about the Wilson Key Committee, I believe.

Mr. PREYER. Fine.

Mr. MADIGAN. The counsel didn't mark those checks as exhibits.

Mr. ROGERS. Oh, I see.

Mr. PREYER. These are the Wilson Key Committee checks?

Well, was—then, I am confused about the check that was for the option for Mr. Fordiani to buy an option on the trailer home.

Mr. ROGERS. The checks that were mailed to me were not my account. That was, as I recall, the account called, The Wilson Key Committee. The option money, I testified that I recall writing a check, June 27, 1973, that's on my own account, "Lee Rogers Building Account," marked exhibit No. 4. To the best of my recollection, this was a payment for an option to purchase a trailer park for Mr. Fordiani in northern California.

Mr. PREYER. Let me just ask one other question that I'm not clear in my own mind on the facts. I think I've got that check straight now.

Why did you happen to go back to work from January of 1976 to—what period in 1976 was it that you went back on the payroll of Mr. Wilson?

Mr. ROGERS. Well, I seem to recall that my leaving was a temporary leave of absence that there was no room for me in the budget for that year. And that when that—end of that year, I would be back as a consultant.

Mr. PREYER. So, you were off a year and then you went back on for how long?

Mr. ROGERS. January of 1976 to December of 1976, 1 year.

Mr. PREYER. For another year? And you were doing the same sort of consultant work during that time?

Mr. ROGERS. Same sort of thing.

Mr. PREYER. Thank you.

Chairman BENNETT. Any further questions of you or Mr. Fowler?

Mr. FOWLER. Mr. Rogers, now clear up for me, again—I just got to get these dates straight—When were you on the payroll, the congressional payroll of the U.S. Congressman?

Mr. ROGERS. August 1971 to June 1974, continuously.

Mr. FOWLER. All right. And January of 1976 to December of 1976? Why did you go on the payroll?

Mr. ROGERS. Well, I have a great admiration for the Congressman. He's a tough, outspoken man. We saw eye-to-eye on many, many things. I, probably, made overtures that I would like to join his staff as a consultant and back in 1971, I did. I was asked to come aboard, he implied, as a consultant.

Mr. FOWLER. That was my next question. You say, probably. You don't remember? Who made the first overture? Did you make it or did somebody—

Mr. ROGERS. Last time I testified, I said that I really wasn't sure who asked who, but I think that I can speak with a much higher degree of certainty now that the Congressman asked me.

Mr. FOWLER. That Congressman Wilson made the initial approach for you to come on the payroll?

Mr. ROGERS. Yes, sir.

Mr. FOWLER. Had there been any discussions between the two of you prior to the time that he made that offer?

Mr. ROGERS. You are going back—

Mr. FOWLER. Discussions concerning your employment?

Mr. ROGERS. You're going back an awfully long ways. I am sure there were. I can't recall specifics. I know that I had made myself available. I am a good problem-solver.

Mr. FOWLER. Now, were you a successful businessman in August of 1971, with a net worth of a million dollars at that time?

Mr. ROGERS. Probably.

Mr. FOWLER. So, tell me again why you wanted to leave your business and be on the congressional payroll?

Mr. ROGERS. I didn't leave my business. I was still just as active in my own personal business after I was on the payroll as before I was on the payroll. I would say there was some degree of personal sacrifice, but not a lot.

Mr. FOWLER. Was this an understanding between you and Mr. Wilson when you were employed that—or, what was the understanding between you and Mr. Wilson as to the time that you would devote to your public responsibilities for which you would be paid, starting August of 1971?

Mr. ROGERS. I can't recall any conversations about how the time would be divided or anything like that.

Mr. FOWLER. Anybody on the congressional payroll tell you what you were supposed to do for your congressional salary?

Mr. ROGERS. Mr. Fordiani, then.

Mr. FOWLER. What did he tell you to do—that you were expected to do? You told us what you did, but what did he tell you you were expected to do?

Mr. ROGERS. Well, I guess, more of the same as what I was doing.

Mr. FOWLER. You hadn't done anything yet. You hadn't been employed. I am talking about when you—

Mr. ROGERS. Many of the things that I did after I was on the payroll I was doing before that.

Mr. FOWLER. Your testimony is: That's what he told you? He wanted you to come on the payroll and help write some newsletters and set up some contacts? Or, was there a detailed discussion of what you were to do once you became an employee of the House of Representatives prior to your coming onboard?

Mr. ROGERS. Not that I can recall.

Mr. FOWLER. Was there any discussion prior to your coming on the public payroll as to where you were going to work—the physical location as to where you were going to do the public work?

Mr. ROGERS. I can't recall any such conversation back in 1971. I assumed that I would be working out of my office because if I have to go some place else to work, I don't think I would have done it.

Mr. FOWLER. Were there any other employees of Mr. Wilson at that time who were working somewhere other than the congressional district office in California, to your knowledge?

Mr. ROGERS. I don't know.

Mr. FOWLER. Why did you loan Mr. Wilson the first \$5,000 on June 1, 1971?

Mr. ROGERS. I assumed that he needed it, I would guess.

Mr. FOWLER. Did he ask you for it?

Mr. ROGERS. Yes; he did, sir.

Mr. FOWLER. Why did he say he needed it?

Mr. ROGERS. I can't recall ever being told why he needed it.

Mr. FOWLER. Did he contact you directly or did somebody else on his behalf?

Mr. ROGERS. To try and get into the details of that, I think, would be foolhearted and not quite truthful. I just plain can't remember about it.

Mr. FOWLER. I might ask you why it's foolhearted? The question is: You don't remember any contact by Mr. Wilson as to why he needed this money?

Mr. ROGERS. The question, again, sir?

Mr. FOWLER. You do not recall the circumstances of the check as to why you loaned Mr. Wilson \$5,000 in this check of June 1, 1971, exhibit 1?

Mr. ROGERS. No. I have no recollection, sir.

Mr. FOWLER. All right. How about exhibit 2, June 20, 1972? You have characterized this as a \$5,000 loan. What purpose was given to you by Mr. Wilson, or whoever, for that money, that loan?

Mr. ROGERS. I was asked the same questions when I testified earlier and it is my testimony that I have no independent recollection of who said what to who for any of these loans.

Chairman BENNETT. Now, Mr. Fowler, you have consumed 5 minutes, and we do have a 5-minute ruling in the printed rules. So, I guess, have to abide by them. We can come back to you afterward, though.

Mr. FOWLER. OK.

Chairman BENNETT. But, since I did give you your time before I recognized any Republican, my conscience is hurting me.

Mr. ROGERS. But, may I add something to that last—to my last answer now.

Chairman BENNETT. Oh, I didn't realize you hadn't answered. Yes, please.

Mr. ROGERS. I am sure that it was all explained to me at the time; that it all made sense at the time. But, I can't remember who said what to who.

Mr. FOWLER. In any of these—And, I'll finish, Mr. Chairman.

In any of these loans, these exhibits that you have been questioned about, you have no recollection—Your testimony is: You have no recollection of the purpose stated for the loan request?

Mr. ROGERS. No; I don't.

Mr. HOLLENBECK. Mr. Chairman, with unanimous consent, I'll yield my 5 minutes to the gentleman.

Mr. FOWLER. I appreciate that very much, if I may continue. Thank you.

How much were you paid on the congressional payroll for your responsibility?

Mr. ROGERS. Would you repeat that, please?

Mr. FOWLER. What was your congressional salary when you were a congressional employee?

Mr. ROGERS. It was \$12,000 a year and looking through everything that we had compiled to prepare ourselves to come here, I notice that I did get a raise, a small raise.

Mr. FOWLER. Did you request the raise?

Mr. ROGERS. No, I think it was probably an automatic cost-of-living thing.

Mr. FOWLER. By any chance, did you have a separate bank account into which your congressional salary was deposited?

Mr. ROGERS. Separate, where only those deposits were made?

Mr. FOWLER. Right.

Mr. ROGERS. No, sir.

Mr. FOWLER. Do you remember where you were—Well, I've asked you that before. You're standing on that you don't remember anything about how you went about making those loans?

Mr. ROGERS. No, sir; I don't.

Mr. FOWLER. Why did you leave the payroll, the congressional payroll, in June of 1974?

Mr. ROGERS. In 1974, I don't think there was—I think that spot was taken. For the year 1975 I was asked to take a hiatus for a year.

Mr. FOWLER. What does that mean? That was your spot. What do you mean, that spot was taken?

Mr. ROGERS. I think that there were no funds in the budget that year for me.

Mr. FOWLER. Any of the staff, or Mr. Wilson, express a dissatisfaction with your public duties that you were performing?

Mr. ROGERS. No; they didn't.

Mr. FOWLER. At any time during your employment?

Mr. ROGERS. Not that I can recall.

Mr. FOWLER. All right. How did you get back on the payroll, January of 1972?

Mr. ROGERS. When I left, there was the understanding that it would be for the year of 1975 and I was to come back on in 1976.

Mr. FOWLER. Is that the way it worked, or did you have to ask to get back on?

Mr. ROGERS. I am not sure.

Mr. FOWLER. Are you in the mail order business?

Mr. ROGERS. Yes, sir.

Mr. FOWLER. Did you have congressional cards printed up with your name as a consultant to Congressman Charles Wilson?

Mr. ROGERS. Not that I can recall.

Mr. FOWLER. How would anybody know that you were a congressional employee. When you're sitting over there in your office somewhere else doing your private business the majority of the time, as you've testified, how would I know that you were a congressional employee? What indexes of your public duties did you have?

Mr. ROGERS. Well, I had congressional staff license plates on my car.

Mr. FOWLER. And, what else? Did you have a sign on the door?

Mr. ROGERS. No sign on the door.

Mr. FOWLER. Did you have a—what did they—how did they answer the phone?

Mr. ROGERS. Where is this?

Mr. FOWLER. In your congressional office, which was also your private office? What did the girls say when you call up over there?

Mr. ROGERS. I would imagine—It depends on what number she is calling. I have three companies. And, depending on what the company was she would answer with the company name.

Mr. FOWLER. What about a public company, called a congressional office? Do you have a separate number that people were to call you if they wanted you for some public responsibility?

Mr. ROGERS. No, sir; I didn't.

Mr. FOWLER. So, except for your congressional license plates, nobody would know, just walking in, that you were a congressional employee; is that right?

Mr. ROGERS. It would appear that way, yes.

Mr. FOWLER. And, nobody could find you? Did you have a listing in the telephone book that so might indicate that you were a congressional employee?

Mr. ROGERS. No, sir.

Mr. FOWLER. Did you have any stationery?

Mr. ROGERS. Not that I can recall.

Mr. FOWLER. Did you ever write any letters on behalf of Congressman Wilson or his office on congressional stationery?

Mr. ROGERS. Not that I can recall.

Mr. FOWLER. Do you ever remember dictating any letters at all to anybody on a public matter that went out on public stationery?

Mr. ROGERS. Not that I can recall.

Mr. FOWLER. So, if you didn't have any way of anybody knowing if you put on your congressional hat, then you had to do it? And, that's when you would call up the mayor and say, "I'd like to talk to you about a public matter and I'm on Congressman Wilson's staff;" is that correct?

Mr. ROGERS. I am not going to testify that that's what I said.

Mr. FOWLER. Well, how would you let anybody know who you were?

Mr. ROGERS. I really can't remember. I worked very closely with the district office, which was Bob Fordiani. He may have told the mayor, whoever it was, that I am on the staff.

Mr. FOWLER. Now, you don't want us—you don't expect us to believe that you always had an intermediary? Somebody told you that we want to set up a meeting with a bunch of mayors, or some city councilmen, and you had to make contact. And, what I want to know is what you told them when you called them up?

Mr. ROGERS. I can't remember what I told them. I'm sorry.

Chairman BENNETT. Mr. Fowler, you have consumed your time.

Mr. FOWLER. I have. I thank the gentleman, Mr. Hollenbeck.

Chairman BENNETT. I must say to the attorney for the respondent, I now can see a reason why the rules are written as they are written. Because I think you should have a right to recross if you want to after these questions that we've been asking.

Mr. GUIDOBONI. Thank you.

Chairman BENNETT. So, you're going to be allowed that privilege if you want to exert it.

Now, Mr. SENSENBRENNER.

Mr. SENSENBRENNER. Mr. Rogers, you testified that you were on Mr. Wilson's congressional payroll from August of 1971 through June of 1974, at a rate of approximately \$1,000, gross pay, per month; is that correct?

Mr. ROGERS. Yes, sir.

Mr. SENSENBRENNER. There are 35 months involved there, so would you say that your gross pay through this period of time was approximately \$35,000, plus the cost-of-living adjustment that you received?

Mr. ROGERS. Yes, sir.

Mr. SENSENBRENNER. What percentage income tax bracket do you estimate you were in during that period of time?

Mr. ROGERS. I produced all my tax statements here. So, rather than to guess at that, why, they speak for themselves. I am not sure I can answer that question.

Mr. SENSENBRENNER. I would like to have the witness answer that question, simply because the tax return copies are not a part of the evidence.

Mr. MADIGAN. The witness doesn't prepare his own tax returns. I am not sure he knows the answer to the question.

Mr. SENSENBRENNER. Would you estimate you were in the 50 percent tax bracket, or the 60 percent tax bracket, or some other percentage?

Mr. ROGERS. I would say, probably.

Mr. SENSENBRENNER. 50 or 60, or what number?

Mr. ROGERS. You know, I'm just not sure.

Mr. SENSENBRENNER. Would you estimate that your net pay, after taxes, from the \$35,000, or so, you received during this period of time was approximately \$15,500?

Mr. ROGERS. You mean, after the House of Representatives took the withholding out?

Mr. SENSENBRENNER. The withholding for your Federal taxes, and for your California income taxes, and social security taxes? You weren't subject to social security taxes as a House employee, just the Federal and State taxes.

Mr. ROGERS. I don't know.

Mr. SENSENBRENNER. Mr. Rogers, would you state that from the period of time beginning in June of 1971 through June of 1974, you had as president of the American Holiday Association and your other direct mail operations a vital interest in postal legislation pending in the Congress, including, but not limited to, postage rates legislation, mail classification, and the bill that was previously referred to regulating the advertisement of games of chance through the mail? Did you have a vital interest in that legislation?

Mr. ROGERS. The—take them one at a time—the bill that regulated games of chance: The only thing I know about that is what the lawyer who wrote that letter wrote to me. And, that speaks for itself.

As far as H.R. 7700, I had a vital interest in that as a private citizen; and I had a vital interest in that as a person in the mail order business.

Mr. SENSENBRENNER. Were you concerned about what impact increases in postage rates would have on your business?

Mr. ROGERS. Certainly, I was.

Mr. SENSENBRENNER. Mr. Chairman, I have no further questions. I yield back the balance of my time.

Chairman BENNETT. Now, I'll call Mr. Cheney, next.

Mr. ROGERS. Could I follow up on the answer I just gave there that I was also aware that the Postal Reorganization Act was passed, I believe, in 1970, that the Congressman had nothing to do with making postal rates anymore. It was in the hands of a board of governors and a ratemaking commission.

Mr. THOMAS. Mr. Rogers, I believe you indicated to counsel that you had made loans to other individuals, similar to the one that you made to the Congressman; that is, loans with no other supporting documents, with no interest, and no maturity date. Is that a historical practice, that you had made them in the past or do you continue to make them today?

Mr. ROGERS. About 3 weeks ago, I just made a loan to a Lewis Green [phonetic]. In the past I've loaned money to Dick Greenberg [phonetic], Bernie Hermann [phonetic,], Kenney Spaulding [phonetic]. This is all from memory. There could be more.

Mr. THOMAS. Any of these individuals ever pay back any of the loans?

Mr. ROGERS. The only person that paid any loan back was Dick Greenberg.

Mr. THOMAS. Any portion of any loans paid back?

Mr. ROGERS. None of the ones that I just mentioned.

Mr. THOMAS. When you were a congressional employee did you place the moneys received from those congressional duties in your personal checking account and use that as funds earned? Or did you put it in any other particular account?

Mr. ROGERS. When the checks would come in I would give them to whoever was my AA and they would put them in my bank account and that's the extent of it.

Mr. THOMAS. You indicated that Congressman Wilson asked you to perform certain duties associated with his newsletter, in terms of writing and editing it. He indicated that he would pay you for these services? Was there any discussion, initially, about your doing gratis, as a service, based upon your more than 5 years working with the individual that you considered an outstanding person?

Mr. ROGERS. I am not sure I understand the question.

Mr. THOMAS. Was the suggestion by Congressman Wilson that you assist him in editing and, in fact, writing newsletters made initially on the basis of remuneration, or did he request that you assist him first without remuneration and then offered the remuneration when you, perhaps, declined the volunteer services, based upon your expertise and knowledge?

Mr. ROGERS. Are you talking about pre-1971, when I was employed? Because, I was getting paid.

Mr. THOMAS. No. Before you went on the congressional payroll.

Mr. ROGERS. I really can't recall who said what to who, exactly, before 1971.

Mr. THOMAS. Would you have been willing, in your opinion, to have done those services for which you were paid gratis if you had been asked?

Mr. ROGERS. I, probably, would do a certain amount of that sort of thing gratis, yes.

Mr. THOMAS. The contact with local people and working with mayors, probably couldn't hurt your business that you were also engaged in; I would assume?

Mr. ROGERS. My talking to any of the local mayors, or anything else, I have never, ever benefited from any of that. Never benefited from my association with the Congressman on anything to do with the post office at all that I can recall.

Mr. THOMAS. But, you do feel that if you had been asked to do it, or at least a major portion of it, without remuneration, you probably would have done it?

Mr. ROGERS. I probably would have done it. I don't know that I would have made a habit of it, but I would have done it.

Mr. THOMAS. Being a businessman, if someone offers to pay for it, you are not going to turn it down?

Mr. ROGERS. Beg your pardon?

Mr. THOMAS. Being a businessman, if someone offers you pay for it, you are not going to turn it down?

Mr. ROGERS. Being a businessman?

Mr. THOMAS. Yes. If no one asked you to do it for free, they asked you to go on the congressional payroll to perform those services, you're certainly not going to say, "No, you don't need to pay me, I'll go ahead and do it anyway."

Mr. ROGERS. Well, I don't know, exactly, who said what, but I was on the payroll to do it, but back there, it just wasn't felt.

Mr. THOMAS. Any of the services that you performed while on the payroll, of any nature—do you feel that it was necessary to be on the payroll before you would perform those; or, do you feel that based upon your relationship with the Congressman, you probably would have performed most of those anyway, even if you hadn't been on the payroll; if you had been asked?

Mr. ROGERS. I can't speculate on that.

Mr. THOMAS. Thank you. No further questions.

Mr. FOWLER. Will the gentleman yield for a second?

Mr. THOMAS. Certainly.

Mr. FOWLER. Mr. Rogers, it was a status thing with you to be on that payroll, wasn't it?

Mr. ROGERS. Beg your pardon?

Mr. FOWLER. You wanted the status of being on the congressional payroll, as a businessman, didn't you?

Mr. ROGERS. Yes; I did.

Mr. FOWLER. That's why you went on; that's why you wanted to be on?

Mr. ROGERS. That's right. That's part of the reasons.

Mr. FOWLER. And, the truth of the matter is if the Congressman had asked you to do all these things for him, as Mr. Thomas was asking you, you would have done them. But, you just wanted to be able to have those congressional plates and let everybody know—that you wanted to know, that you wanted to have it known to—that you had this special relationship on a congressional payroll. That's the truth of it, isn't it?

Mr. ROGERS. I am not sure I understand the question.

Mr. MADIGAN. Perhaps if you could define the special relationship you're trying to show.

Mr. FOWLER. Well, I'm not trying to trap him into any legal special relationships. The truth of the matter is you are an extremely successful businessman. To make an extra \$1,000 a month didn't mean anything to you. But, the reason that you wanted to be on that payroll was the status that you thought incurred to you as a businessman because of that affiliation with the congressional office, isn't it?

Mr. ROGERS. That's a fair statement, yes.

Mr. FOWLER. Thank you.

Chairman BENNETT. All right. Now, we've had two on each side and I think we ought to go back to him, although Mr. Cheney has been waiting long enough.

Mr. CHENEY. I agree.

Chairman BENNETT. Mr. Hamilton.

Mr. HAMILTON. May I thank the gentleman. I'll be glad to defer to the gentleman.

Mr. CHENEY. I thank the gentleman for deferring. I'd just like to pursue a minute more this question, because I am a little puzzled on the job arrangement. Why would a multimillionaire want a \$12,000 a year congressional job? That's not a lot of pay.

Mr. ROGERS. Well, part of the reason was just touched on by the Congressman before you started questioning me.

Mr. CHENEY. For someone looking at that from outside—

Mr. ROGERS. I beg your pardon?

Mr. CHENEY. For someone looking at the arrangement from outside, looking at the loans that were never repaid, coupled with being on the payroll at around \$1,000, a year, over a specified period of time—\$12,000 a year—you could draw a conclusion that the job was some sort of repayment for the loan. Is there any possibility that there was any kind of an arrangement between you and the Congressman that the—that your—

Mr. ROGERS. Absolutely not.

Mr. CHENEY. There's no connection at all between your being on the payroll and the loan?

Mr. ROGERS. Absolutely none whatsoever.

Mr. CHENEY. I wonder—you have mentioned that you were an employee in 1973. Obviously, that falls within that August 1971 to June 1974 time frame. You were definitely on the payroll in 1973. Did you always communicate with the Congressman by letter during this period of time?

Mr. ROGERS. Did I always communicate with the Congressman by letter?

Mr. CHENEY. Yes.

Mr. ROGERS. Very seldom.

Mr. CHENEY. I mean, during this period of time he wrote you a letter on the subject of legislation in H.R. 5838, sent it not to his California office, but to your Santa Monica office. Is that a usual kind of thing to do? Did he write you frequently?

Mr. ROGERS. Well, I would say that since this is the only letter that has been produced, it is probably the only letter, one of the very few letters that has been written.

Mr. CHENEY. And, then when you thanked him for the letter on October 2, you were back on your own stationery, addressed to his congressional office?

Mr. ROGERS. Yes, sir.

Mr. CHENEY. Did you ever write letters at all or exchange inter-office memos with him, as a staff person would with someone they were working for?

Mr. ROGERS. I may have. But, I would like to point out that I am not a big letterwriter. I hardly write any letters in my own business. I usually pick up the telephone and talk to people in person that way. Plus, I worked pretty much through the local district office with Bob Fordiani.

Mr. CHENEY. How did your relationship with the Congressman differ during that year 1975, when you were not on the payroll? How was that different, for example from 1976, when you were on the payroll?

Mr. ROGERS. Gee, I don't know how to answer that question. I'm not sure what you're talking about.

Mr. CHENEY. Did you see him less often, more often? Were you still involved in carrying out any kind of duties or responsibilities?

Mr. ROGERS. I am not sure. I'm not sure. I am sure that I probably saw the Congressman a good deal of the time in 1975, whenever he came into town.

Mr. CHENEY. Did you edit any newsletters in 1975?

Mr. ROGERS. I could have. But, I have no independent recollection of any particular in 1975.

Mr. CHENEY. Did you do any in 1976?

Mr. ROGERS. I could have; yes.

Mr. CHENEY. I have no further questions, Mr. Chairman.

Mr. HAMILTON. Mr. Rogers, I think you and others have described these payments as loans to Mr. Wilson. What were the terms of these loans?

Mr. ROGERS. I was asked that before and I can't remember conversation about terms and I brought out the other gentlemen that I have loaned money to before. I, likewise, can't remember any conversation about the terms of those loans.

Mr. HAMILTON. Your custom, as a businessman, just to make loans without any terms to them at all; you just hand the money out?

Mr. ROGERS. If it's a personal loan, yes.

Mr. HAMILTON. Did you expect the loan to be repaid when you made it, Mr. Rogers?

Mr. ROGERS. Yes; I did. I am sure I must have.

Mr. HAMILTON. Fully expected to and, yet, you didn't see fit to charge any interest or have any time demand, or anything of the sort, huh? You just handed over the money to him and said, "Pay me back when you can?" How did the transaction occur?

Mr. ROGERS. Probably, pretty close to along those lines that you just said.

Mr. HAMILTON. No evidence of the loan at all, no paper evidence of it?

Mr. ROGERS. Other than the check and the Congressman's endorsement on the back of the check, the check was marked, "loan."

Mr. HAMILTON. Yes; I recall that. I am not clear just how much time you put in for Mr. Wilson when you were on his payroll. How much time in a given month would you work for Mr. Wilson?

Mr. ROGERS. Well, that's a question that keeps coming up and I just can't speculate on that. I really don't know.

Mr. HAMILTON. Well, I mean, would it be 10 percent of your time; or would it be 50 percent of your time; or would it be a couple of phone calls a day; or, you know, give us some idea here. You are getting paid \$1,000 a month, \$250 a week, surely you did something for that and you have some recollection.

Mr. ROGERS. It—the time varied. It could be days, or I would put in many, many hours, although there were days where I put in no hours.

Mr. HAMILTON. And, over a course of a month, how much time would you put in?

Mr. ROGERS. Over the course of a month, I—over the course of 1971 to 1974, I think, everybody got their money's worth.

Mr. HAMILTON. So, you considered it fair compensation.

Mr. ROGERS. I considered it fair. I wouldn't do that for anybody else.

Mr. HAMILTON. And you think Mr. Wilson got a pretty good deal out of it, is that it, in the amount of time you put in?

Mr. ROGERS. I don't know about Mr. Wilson, but I know, for example, just the—for example, the presort that the post office does now, it probably saved millions, and millions, and millions of dollars and, I am sure, it gets mail delivered faster and better.

Mr. HAMILTON. Let me ask you this: Would you have been satisfied to have paid an employee the same amount of money for the same amount and quality of work that you did for Mr. Wilson?

Mr. ROGERS. Apparently. I think that I have done that, as a fact.

Mr. HAMILTON. So, you'd be setting the—

Mr. ROGERS. I think I have had consultants work for me where I would, maybe, not hear of them—hear from them for months?

Mr. HAMILTON. So, you would be satisfied to have paid someone that?

Mr. ROGERS. Absolutely.

Mr. HAMILTON. Did you ever talk to Mr. Wilson about postal legislation?

Mr. ROGERS. Well, I—as I said before, I talked to Mr. Wilson about having the hearing and what we did. I also alerted him to something that proved to be quite scandalous, where the Detroit Bulk Mail Handling Center and the Chicago Bulk Mail Handling Center had equipment that was just, literally, chewing up and destroying a large percentage of the packages that they were processing. I brought it to his attention and the Congressman, later, did something about that.

Mr. HAMILTON. So, on a number of occasions, one of which you've cited, you did encourage him to act in a certain way with regard to his duties as a Congressman.

Mr. ROGERS. I feel I was very instrumental; yes, sir.

Mr. HAMILTON. Did you ask him to do that on many occasions?

Mr. ROGERS. Well, those were the two things that are of any moment that I can remember right now.

Mr. HAMILTON. And, if I understand your testimony, there is absolutely no relationship in your mind between these rather large sums of money which you loaned to him and your request that he act in a certain way with regard to postal legislation?

Mr. ROGERS. Absolutely none, whatsoever.

Mr. HAMILTON. Thank you, Mr. Rogers.

Chairman BENNETT. Any further questions? If not, you can recross.

Mr. BONNER. I just have a very brief recross. Thank you, Mr. Chairman.

Something you said interested me, Mr. Rogers. You just spoke of the great cities of Detroit and Chicago having some sort of mail equipment which literally chewed up packages. What was that that you were referring to?

Mr. ROGERS. There were two bulk mail handling centers.

Mr. BONNER. Would you speak into that microphone.

Mr. ROGERS. There were two bulk mail handling centers in question, one was in Detroit and one was in Chicago. And it was a source of a continuing problem for people in the industry because they knew that the equipment there was damaging a high percentage of the packages.

Mr. BONNER. These were packages destined for members of the public?

Mr. ROGERS. These were packages that were bought and paid for by the consumer.

Mr. BONNER. And, therefore, when you brought it to the Congressman's attention, did you feel that it was something that would benefit just you or the public in general if you stopped packages from being chewed up by lousy mailing equipment in Detroit and Chicago?

Mr. ROGERS. Well, obviously, it benefits—

Mr. BONNER. Well, I don't know if it's obvious to the committee, so let's—let me hear it from you under oath. Did you think it was benefiting Lee Rogers or the general public if you brought to the Congressman's attention the fact that there was rotten equipment in those cities tearing up packages destined for the general public?

Mr. ROGERS. I thought it would benefit the public a great deal.

Mr. BONNER. Thank you, sir.

Mr. WISEBRAM. Mr. Chairman.

Chairman BENNETT. If there are no further questions, I—

Mr. WISEBRAM. Mr. Chairman, I have a few questions on redirect, if I may, sir.

Chairman BENNETT. All right.

Mr. WISEBRAM. Mr. Rogers, exactly what is the nature of your business? Would you just describe briefly what the nature of your business is, please?

Mr. ROGERS. I have three businesses—three main businesses. One business sponsors word games; one business is a computer company; and the one business is an advertising agency.

Mr. WISEBRAM. Thank you, Mr. Rogers. And, Mr. Rogers, do you employ bulk mail in your business? Are you a bulkmailer?

Mr. ROGERS. Yes, sir; I am a bulk-mailer.

Mr. WISEBRAM. Thank you, Mr. Rogers.

Chairman BENNETT. Any further questions? Oh, excuse me. No further questions, we'll—

Mr. WISEBRAM. One brief question, Mr. —

Mr. ROGERS. If I may also add that I do an awful lot of first class mailing, also.

Mr. WISEBRAM. But, you do do bulk mailing; is that correct, sir?

Mr. ROGERS. I use them both; yes, sir.

Mr. WISEBRAM. Mr. Rogers, have you ever held fundraisers at your home or anywhere else for Mr. Wilson?

Mr. ROGERS. I have held parties for Mr. Wilson, and I don't want to be put in the position to have a legal judgment of whether they were fundraisers, or not. I was asked that question once before and I don't know if they were fundraisers or not. We charged money, but I don't think at the end of the evening that there was anything left over for the Congressman.

Mr. WISEBRAM. Thank you, Mr. Rogers. That's all, Mr. Chairman.

Mr. FOWLER. We are all familiar with that type of fundraiser.

Chairman BENNETT. There being no further questions, we will reconvene at 10:30 in the morning.

Mr. MADIGAN. May this witness be excused, Mr. Chairman?

Mr. WISEBRAM. Mr. Chairman, I have no further questions from this witness.

Chairman BENNETT. All right. Then, he is excused.

Mr. ROGERS. Thank you.

[Witness excused.]

[Whereupon, at 5 p.m., the hearing was recessed, to reconvene at 10:30 a.m. tomorrow morning, Tuesday, April 1, 1980.]

TUESDAY, APRIL 1, 1980

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

The committee met, pursuant to notice, at 10:35 a.m. in room B-318 of the Rayburn House Office Building, Washington, D.C., Hon. Charles E. Bennett, chairman, presiding.

Present: Representatives Bennett, Hollenbeck, Preyer, Livingston, Thomas, Sensenbrenner, Cheney, Hamilton (arrived 10:55 a.m.), Stokes (arrived 10:37 a.m.), Rahall (arrived 10:37 a.m.), Spence (arrived 11 a.m.), and Fowler (arrived 11 a.m.).

Also present: John M Swanner, staff director; Steven R. Wisebram, counsel for the committee; Walter J. Bonner, Thomas A. Guidoboni, and Edward C. O'Connell, counsel to Representative Charles H. Wilson; and Representative Charles H. Wilson.

PROCEEDINGS

Chairman BENNETT. The meeting will come to order. A quorum is present.

Call your next witness.

Mr. WISEBRAM. Thank you, Mr. Chairman.

Mr. Chairman, I'd like for the record to reflect that at this time the staff would have called Mr. O. Robert Fordiani as its next witness, but Mr. Fordiani has chosen not to honor his subpoena from this committee.

Mr. Chairman, the next witness we will call will be Ms. Gail Armstrong.

Mr. LIVINGSTON. Excuse me, Mr. Chairman.

Chairman BENNETT. Yes.

Mr. LIVINGSTON. Are there any proceedings undertaken with regard to Mr. Fordiani?

Chairman BENNETT. Well, we don't need to do anything in this trial now about that. This will be a separate matter. We have taken necessary steps to put him in contempt, I think.

Mr. LIVINGSTON. At this point I'd like to insert into the record that I intend to make a motion before this committee at a later date regarding Mr. Fordiani's absence.

Chairman BENNETT. It's quite proper.

Mr. WISEBRAM. Thank you, Mr. Chairman. I call Ms. Gail Armstrong.

[Witness sworn.]

Mr. WISEBRAM. Ms. Armstrong, were you previously employed by Congressman Wilson?

Ms. ARMSTRONG. Yes; I have been.

Mr. WISEBRAM. And what were the dates of your employment, please?

Ms. ARMSTRONG. From May 1965 to December 1966, approximately. January 1968 to February 1969, and April 1972 through September of 1975.

Mr. WISEBRAM. Thank you. Ms. Armstrong, could you briefly describe to this committee exactly what your duties in Congressman Wilson's office were?

Ms. ARMSTRONG. In general, I was responsible for the newsletter and other press duties. I worked toward the latter part of my employment only 4 to 5 hours a day at which time I mostly did the newsletter and insertions for the Congressional Record.

The Congressman and I would confer on what to put in the newsletter. A lot of things would have been done in the—on the floor before. Statements in the record we reproduced in the newsletter, and other, you know, other things. He and I would kind of get together and I would draft it, give it back to him. He would make some suggestions or approve it. We'd put it into a blue line and give it back to him. We'd publish it and distribute it in the district.

Mr. WISEBRAM. Thank you.

Were you the person in the office primarily responsible for the newsletter?

Ms. ARMSTRONG. Yes.

Mr. WISEBRAM. How much input did you receive from the west coast office for the newsletter?

Ms. ARMSTRONG. Very little, if any. The only thing I recall them doing is sending pictures and identifying people that we would use in the newsletter.

Mr. WISEBRAM. Was this the extent of the input from Mr. Fordiani from the west coast office?

Ms. ARMSTRONG. Yes; to my knowledge.

Mr. WISEBRAM. Did you ever have occasion to mail the newsletter in rough form to the west coast office for purpose of editing it?

Ms. ARMSTRONG. I might have, but I don't recall doing so.

Mr. WISEBRAM. Do you know a Mr. Lee Rogers?

Ms. ARMSTRONG. I've heard the name that's all.

Mr. WISEBRAM. Did you know Mr. Lee Rogers to be an employee of Congressman Wilson?

Ms. ARMSTRONG. No; I did not.

Mr. WISEBRAM. Thank you, Mr. Chairman. I have no further questions.

Chairman BENNETT. Do you wish to inquire?

Mr. GUIDOBONI. Thank you, Mr. Chairman.

Mr. Chairman, does the committee have any questions? I believe you ruled yesterday that was the proper procedure.

Chairman BENNETT. That's correct.

Does the committee have any questions to ask her?

Mr. LIVINGSTON?

Mr. LIVINGSTON. Yes. Ms. Armstrong, you said that you didn't know Lee Rogers. Did you at any time know him to have any input into the newsletter?

Ms. ARMSTRONG. No; I did not.

Mr. LIVINGSTON. Thank you.

Chairman BENNETT. Any further questions?

[No response.]

Chairman BENNETT. Then you may inquire.

Mr. GUIDOBONI. Ms. Armstrong, were you deposed by members of the committee staff?

Ms. ARMSTRONG. Pardon me?

Mr. GUIDOBONI. Did the members of the committee staff or the committee take a deposition from you?

Ms. ARMSTRONG. Yes; they did. Not a deposition, they talked to me.

Mr. GUIDOBONI. They did talk to you?

Ms. ARMSTRONG. Uh-huh.

Mr. GUIDOBONI. Who was that that talked to you, ma'am?

Ms. ARMSTRONG. Mr. Powers.

Mr. GUIDOBONI. Mr. Powers. Was anybody with him?

Ms. ARMSTRONG. I think Mr. Moriarty. I'm not sure of the name.

Mr. GUIDOBONI. And was one of them taking notes?

Ms. ARMSTRONG. Yes.

Mr. GUIDOBONI. Which one, do you recall?

Ms. ARMSTRONG. I think it was Mr. Powers.

Mr. GUIDOBONI. All right. And during the interview, they would ask you a question, and you'd give them the answer, and Mr. Powers would write it down?

Ms. ARMSTRONG. That's right.

Mr. GUIDOBONI. And he'd write down pretty much after every single answer that you gave, right?

Ms. ARMSTRONG. Right.

Mr. GUIDOBONI. And did they read any of the questions back to you, or the answers?

Ms. ARMSTRONG. No; I don't think.

Mr. GUIDOBONI. How long did the interview go on?

Ms. ARMSTRONG. It was about 20 minutes.

Mr. GUIDOBONI. Have you ever seen any notes that they took?

Ms. ARMSTRONG. No. I mean, I've seen that they have them. I haven't read them.

Mr. GUIDOBONI. Mr. Chairman, at this time, we'd move the production of those notes, as a substantially verbatim statement, under the Jencks Act.

I believe that when we were in here on motions, the committee ruled, and I believe it was at Mr. Livingston's suggestion, that sworn depositions would be turned over to us, but the notes would not—or the statements. And because of the Jencks Act—and I believe Mr. Wisebram, committee counsel took the position at that time that they were Jencks Act material and he would be willing to turn them over after the witness had testified on direct examination.

So pursuant to those rulings and the Jencks Act, which is Federal statute which applies in criminal cases, administrative proceedings, as well, I would ask for the production of those notes.

Mr. WISEBRAM. I have no objection.

Chairman BENNETT. They will be turned over to you.

And since we have a vote, we'll go cast a vote and come back right away.

Mr. WISEBRAM. Thank you.

Chairman BENNETT. Please, all members try to come back as promptly as possible.

[Off the record 10:40 a.m.]

[On the record 10:55 a.m.]

Chairman BENNETT. Are you still inquiring?

Mr. GUIDOBONI. Mr. Chairman, I believe that the committee was going to question the witness.

Chairman BENNETT. Does the committee have any questions to ask this witness?

[No response.]

Chairman BENNETT. The committee has no questions, so, we'll now ask you if you have?

Mr. BONNER. Mr. Chairman, before Mr. Guidoboni inquires of the witness, I ask for your patience. Once again, I must renew my motion of yesterday of recusing and this time make it applicable to Mr. Livingston, with all respect, who I see has joined us this morning.

Chairman BENNETT. And Mr. Rahall is here.

Mr. BONNER. No; the motion did not go to Mr. Fowler, or Mr. Stokes, or Mr. Rahall because, based on my knowledge, they did not sit on the investigatory portion, nor the inquiry, which resulted in the statement of alleged violations. If indeed, any of them did, then I would certainly make a motion to dismiss any one of those gentlemen as well, but to my knowledge, they did not. That is why I have not raised a motion as to them.

Chairman BENNETT. Mr. Livingston?

Mr. LIVINGSTON. Mr. Chairman, as I have been briefed, I think I understand the motion and simply respond that I have no reason to recuse myself; unless the rules of this body were to call for my recusal, I would let that stand.

Article I, section 5 of the Constitution of the United States says that each House may determine the rules for the proceedings. So barring any such rule that requires it, I would refuse to do so.

Chairman BENNETT. All right.

Now, will you inquire?

Mr. GUIDOBONI. Ms. Armstrong, how many times were you interviewed by the committee, just once?

Ms. ARMSTRONG. Just once.

Mr. GUIDOBONI. And you've never talked to me before, have you?

Ms. ARMSTRONG. No; I haven't.

Mr. GUIDOBONI. And you've never talked to Mr. Bonner, or Mr. O'Connell, the two gentlemen sitting to my right about—have you ever met them before?

Ms. ARMSTRONG. No.

Mr. GUIDOBONI. Now, Ms. Armstrong, you worked in the Congressman's Washington office—

Ms. ARMSTRONG. Right.

Mr. GUIDOBONI. That's here in the District, right?

Ms. ARMSTRONG. Yes.

Mr. GUIDOBONI. Did you know anybody out in California in the district office?

Ms. ARMSTRONG. I knew Bob Fordiani and Diane Simon.

Mr. GUIDOBONI. Anybody else?

Ms. ARMSTRONG. I knew another lady who did some press work out there. I can't remember her name.

Mr. GUIDOBONI. And do they have other employees as far as you know?

Ms. ARMSTRONG. Yes; they had other employees.

Mr. GUIDOBONI. But you never had any contact with them?

Ms. ARMSTRONG. Well, I might have talked to them on the phone, I just don't—I only met Bob and Diane because they came here.

Mr. GUIDOBONI. Now, Ms. Armstrong, you stated on direct examination with Mr. Wisebram that you did have some input from the Congressman himself?

Ms. ARMSTRONG. Oh, yes.

Mr. GUIDOBONI. Do you know where he got his input?

Ms. ARMSTRONG. No.

Mr. GUIDOBONI. But he could have gotten that from Mr. Fordiani?

Ms. ARMSTRONG. He could have, yes.

Mr. GUIDOBONI. He could have gotten it from Mr. Rogers?

Ms. ARMSTRONG. Yes.

Mr. GUIDOBONI. You have no idea where he got his input?

Ms. ARMSTRONG. Right.

Mr. GUIDOBONI. Now, you didn't work for the Congressman in 1971, did you?

Ms. ARMSTRONG. No.

Mr. GUIDOBONI. So if he had had contact with Mr. Rogers in 1971, you wouldn't know?

Ms. ARMSTRONG. Right.

Mr. GUIDOBONI. You didn't work for him in 1976 either, did you?

Ms. ARMSTRONG. No.

Mr. GUIDOBONI. So if he would have had contact with Mr. Rogers or Mr. Fordiani in 1976, you wouldn't know?

Ms. ARMSTRONG. No.

Mr. GUIDOBONI. Now—

The committee's indulgence for one moment.

I have no further questions.

Chairman BENNETT. All right. No further question of any member.

The next witness.

Yes, Mr. Cheney?

Mr. CHENEY. I wonder if I might follow up just for a second, this question of how you received input for the newsletter.

Did the Congressman give you a copy of—

Ms. ARMSTRONG. No, sometimes we discussed things, or sometimes we'd do a rough draft of something he wanted in the newsletter.

Mr. CHENEY. In other words—but it would come to you in written form, or most of it—

Ms. ARMSTRONG. Often, yes.

Chairman BENNETT. No further questions?

[No response.]

Chairman BENNETT. No further questions. Then you are dismissed.

[Witness dismissed.]

Mr. WISEBRAM. Mr. Chairman, I call George Gould.

[Witness sworn.]

Chairman BENNETT. You may inquire.

Mr. WISEBRAM. Mr. Gould, where are you presently employed?

Mr. GOULD. National Association of Letter Carriers.

Mr. WISEBRAM. How long have you been so employed?

Mr. GOULD. Since May 21 of last year.

Mr. WISEBRAM. And where were you employed prior to this time?

Mr. GOULD. The House Post Office and Civil Service Committee.

Mr. WISEBRAM. In what capacity were you employed there?

Mr. GOULD. Staff director of the Subcommittee on Postal Services.

Mr. WISEBRAM. Who was the chairman of the subcommittee?

Mr. GOULD. Charles Wilson.

Mr. WISEBRAM. How long were you so employed?

Mr. GOULD. At that subcommittee?

Mr. WISEBRAM. Yes, sir.

Mr. GOULD. Less than a year.

Mr. WISEBRAM. And prior to that?

Mr. GOULD. Subcommittee on Postal Personnel and Modernization.

Mr. WISEBRAM. And how long were you employed in that subcommittee?

Mr. GOULD. Two years.

Mr. WISEBRAM. In what capacity were you employed there?

Mr. GOULD. Staff director.

Mr. WISEBRAM. Who was the chairman of that subcommittee?

Mr. GOULD. Charles Wilson.

Mr. WISEBRAM. And prior to that job?

Mr. GOULD. Post Facilities and Modernization.

Mr. WISEBRAM. In what capacity?

Mr. GOULD. Staff director.

Mr. WISEBRAM. Who was the chairman of that subcommittee?

Mr. GOULD. Charles Wilson.

Mr. WISEBRAM. And prior to that, Mr. Gould?

Mr. GOULD. Census and Statistics.

Mr. WISEBRAM. And in what capacity were you on that job?

Mr. GOULD. Staff director.

Mr. WISEBRAM. And the chairman of that subcommittee?

Mr. GOULD. Charles Wilson.

Mr. WISEBRAM. And prior to that employment?

Mr. GOULD. Administrative assistant to Charles Wilson.

Mr. WISEBRAM. How long were you employed in Congressman Wilson's office—in his personal office?

Mr. GOULD. In Washington?

Mr. WISEBRAM. Right.

Mr. GOULD. Between 1965 and 1969.

Mr. WISEBRAM. Thank you. Now, how long have you known Congressman Wilson?

Mr. GOULD. I would say early 1960's.

Mr. WISEBRAM. And you've had occasions to work on his campaigns on the west coast before working in Washington?

Mr. GOULD. Yes; I worked in his assembly campaign, and I also worked in his congressional campaign.

Mr. WISEBRAM. Thank you. Mr. Gould, could you briefly describe to the committee, as simply as possible, what the term "phasing" implies or means under the Postal Reorganization Act of 1970?

Mr. GOULD. Yes, sir. When the Postal Reorganization Act was set up and finally passed, the mailers rates were to be determined by a postal rate commission. To give them an opportunity to cope with what was anticipated as a raise in their rates, a section was put in the legislation called "phasing," and basically what this does—it allowed a mailer

to phase the rate increased over a period of time. Giving an example: If a particular magazine's rates were raised by 1 penny an issue, instead of paying that penny within 1 year, they would pay it over an 8-year period.

Mr. WISEBRAM. Thank you, Mr. Gould. Mr. Gould, would a mailer—a person who uses only first-class mail had been effected by phasing or the lack thereof of phasing?

Mr. GOULD. Well, the legislation, under the Postal Reorganization Act, it had phasing for all classes of mail except for first-class and fourth-class parcels. However, the Appropriations Committee when it levied the appropriations for the Postal Reorganization Act refused to grant phasing for third-class mail.

Mr. WISEBRAM. Mr. Gould, do you know a Mr. Lee Rogers?

Mr. GOULD. Yes.

Mr. WISEBRAM. How long have you known Lee Rogers?

Mr. GOULD. If my memory serves me correctly I met him in the early 1970's.

Mr. WISEBRAM. In what capacity did you meet him?

Mr. GOULD. As a member of a trade association in Washington, D.C.

Mr. WISEBRAM. Do you recall what the name of that trade association was?

Mr. GOULD. Well, yes; it was the ATCMU.

Mr. WISEBRAM. Which is what?

Mr. GOULD. Association of Third Class Mail Users.

Mr. WISEBRAM. Did you know him to be an officer or a director of that association?

Mr. GOULD. He was a director at that time and on their board of directors, yes.

Mr. WISEBRAM. And in what type of functions did you meet Mr. Rogers?

Mr. GOULD. It was an annual meeting of the association, which I was invited to participate.

Mr. WISEBRAM. And what is the purpose of the Association of Third Class Mail Users?

Mr. GOULD. I don't know all of their purpose, but the purpose in relationship to the committee was to involve themselves in legislative matters in relationship to mailing.

Mr. WISEBRAM. In your capacity as staff director on one of the subcommittees, the Post Office and Civil Service Committee, did you have occasion to visit Mr. Rogers' facilities in California?

Mr. GOULD. I visited his facilities at one time.

Mr. WISEBRAM. Was this merely an inspection tour?

Mr. GOULD. It was during a series of inspections of a number of mailers of different classes of mail.

Mr. WISEBRAM. And do you recall the year?

Mr. GOULD. I'm stretching—I think it was 1976.

Mr. WISEBRAM. Do you ever recall discussing legislative matters with Mr. Rogers?

Mr. GOULD. Yes; yes.

Mr. WISEBRAM. Mr. Gould, do you know Mr. Rogers to be a political supporter of Congressman Wilson?

Mr. GOULD. Yes.

Mr. WISEBRAM. Do you know of him being an employee of Congressman Wilson?

Mr. GOULD. No.

Mr. WISEBRAM. Mr. Chairman, that's all I have.

Chairman BENNETT. Any questions from any member of the committee?

Mr. LIVINGSTON?

Mr. LIVINGSTON. Mr. Gould, in the course of your employment with Mr. Wilson in various capacities, would you ordinarily come in contact with lobbyists?

Mr. GOULD. Yes, sir.

Mr. LIVINGSTON. What's your general definition of the term "lobbyist?"

Mr. GOULD. Someone who is paid to advocate a legislative position for certain organizations.

Mr. LIVINGSTON. Would they necessarily be paid?

Mr. GOULD. That would fit my definition of one.

Mr. LIVINGSTON. Was Mr. Wilson—excuse me, Mr. Rogers a lobbyist?

Mr. GOULD. I would not consider Mr. Rogers a lobbyist.

Mr. LIVINGSTON. Was he paid by the ATCMU?

Mr. GOULD. I don't know. With the most of those associations, the board of directors are volunteers. They're not paid.

Mr. LIVINGSTON. That's all, thank you.

Chairman Bennett. Mr. Rahall?

Mr. RAHALL. Thank you, Mr. Chairman.

Mr. GOULD, did you say that you did not know Mr. Rogers as an employee of Representative Wilson?

Mr. GOULD. That's correct.

Mr. RAHALL. And you did not consider him a lobbyist?

Mr. GOULD. No, sir.

Mr. RAHALL. Then where did you consider that he obtained his source of income? What did you associate him with?

Mr. GOULD. As a private businessman.

Mr. RAHALL. As a private businessman?

Mr. GOULD. Yes, sir.

Mr. RAHALL. Thank you.

Chairman BENNETT. Any further questions of the committee?

Mr. Fowler?

Mr. FOWLER. Mr. Gould, your testimony was that you never knew, in any of your capacities, that—that you just did not know that Mr. Rogers was ever a congressional employee of Representative Wilson?

Mr. GOULD. That's correct.

Mr. FOWLER. You were on his personal staff from when to when?

Mr. GOULD. 1965 to 1969.

Mr. FOWLER. What were you doing from August 1971 till June 1974?

Mr. GOULD. I was employed by the Post Office and Civil Service Committee.

Mr. FOWLER. Now, during that time did you have occasion to have any meetings or conversations with Mr. Rogers?

Mr. GOULD. I can't remember specifically, but I would assume so.

Mr. FOWLER. Why would you assume?

Mr. GOULD. Because of his activity with the two trade associations.

Mr. FOWLER. Which were directly involved with the work of your committee?

Mr. GOULD. Yes; they had their own paid lobbyists and I dealt mostly with them. But as a member of that—the board of directors, I'm sure I had to see him at functions, receptions, or things like that.

Mr. FOWLER. During that period of time that you were on the committee staff between—approximately between 1971 and 1974, if you saw Mr. Rogers, would it have been in a legislation capacity where he would—you can't remember specifically what. It's kind of hard to ask you, but you said you thought of him as a private businessman, you did not think of him as a lobbyist, but you knew him to be a campaign supporter of Representative Wilson from your personal days with Mr. Wilson, I suppose?

Mr. GOULD. Uh-huh.

Mr. FOWLER. So, in what capacity would you have done any business with him between 1971 and 1974?

Mr. GOULD. I can give you some examples. Those associations would have annual meetings in which they would invite staff and Members of the Congress to appear on panels or give speeches, and most of the time their members were at those meetings. And they would also give receptions in relationship to those meetings, and most of the time their members were at those receptions. So I think it's reasonable for me to assume that I had to see him or talk to him during this time.

Mr. FOWLER. When you were on the staff of Representative Wilson, did you—were any staff employees, that were hired as consultants, for your personal staff? Were you the staff director?

Mr. GOULD. Are you talking about when I was administrative assistant, or when I was the staff director on the committee?

Mr. FOWLER. Administrative assistant of his personal staff.

Mr. GOULD. Yes. Yes; there were consultants that were hired in the Washington office. I don't know anything about—very little about the district office.

Mr. FOWLER. What kind of consultants?

Mr. GOULD. People that made recommendations on certain specific office needs, administrative needs.

Mr. FOWLER. Can you give me a specific example? It doesn't have to be a name, but person X who did what?

Mr. GOULD. Assisted us with mailing lists, as an example.

Mr. FOWLER. And did that person work in—out of your office, or did that person work somewhere else?

Mr. GOULD. Frankly, sir, we had so little room that we couldn't have gotten them in the office if we chose to. They usually worked out of their own office.

Mr. FOWLER. But they were hired to do a specific task?

Mr. GOULD. A project type of task; yes.

Mr. FOWLER. And besides the direct mail operation, what else? Anything else?

Mr. GOULD. I can't remember other specifics, but that one sticks in my mind.

Mr. FOWLER. That's all I have, Mr. Gould.

Chairman BENNETT. Well, since we have to go vote again, if some other member of the committee wants to make inquiry, we'll come back and have you inquire.

[Off the record at 11:15 a.m.]

[On the record at 11:23 a.m.]

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

Chairman BENNETT. You may inquire.

Before you begin, I'd like to announce that I see no reason why we shouldn't complete this case in every respect, including voting, tonight. It looks to me like a possibility. So I think all the members should be prepared to stay.

Well, at least there's that possibility.

Mr. GUIDOBONI. May I proceed?

Chairman BENNETT. Yes.

Mr. GUIDOBONI. Mr. Gould, you mentioned in your direct testimony "phasing." You were asked by Mr. Wisebram about phasing?

Mr. GOULD. Yes, sir.

Mr. GUIDOBONI. And you explained that it did not affect the first-class mailer; is that a correct statement?

Mr. GOULD. That's correct.

Mr. GUIDOBONI. And that was by the terms of the statute itself, right?

Mr. GOULD. That's correct. The Postal Reorganization Act exempted first-class mail.

Mr. GUIDOBONI. So if Mr. Rogers did first-class mailing business, phasing had nothing to do with his business?

Mr. GOULD. If anyone did first-class business, it would not affect their business.

Mr. GUIDOBONI. And that was written into the act in 1970?

Mr. GOULD. Yes, sir.

Mr. GUIDOBONI. Now, turning to third class, tell us a little bit about the history of the phasing of the third-class mailers?

Mr. GOULD. Well, the Postal Reorganization Act stipulated that all classes of mail except first class and parcels, which is a subdivision of fourth class, would receive a phasing that I defined earlier, including third-class mail. And I should mention that third-class is broken down into what they call profit and nonprofit and Mr. Rogers, of course, is a profit business.

The third-class mail did not receive any phasing because of the Appropriations Committee. When the Appropriations Committee met to appropriate money for the Postal Reorganization Act, they refused to appropriate any money to phase third-class mail.

Mr. GUIDOBONI. Was Mr. Wilson on the Appropriations Committee, to your knowledge?

Mr. GOULD. No, no, sir; he was not.

Mr. GUIDOBONI. The third-class mail, did you ever get that money?

Mr. GOULD. No, sir; we never did.

Mr. GUIDOBONI. Do you know whether Mr. Wilson ever made an effort to see that they secured that money through legislation?

Mr. GOULD. Not to my knowledge.

Mr. GUIDOBONI. Did the issue ever come up to your knowledge?

Mr. GOULD. Yes, sir.

Mr. GUIDOBONI. Could you tell us a little bit about that?

Mr. GOULD. Congressman Hanley, who was chairman of the Postal Subcommittee that dealt with rates and classification.

Mr. GUIDOBONI. But that's a different subcommittee than the one Mr. Wilson served on?

Mr. GOULD. Yes; that's correct. Mr. Wilson was not on that subcommittee. And that subcommittee, as I said, had jurisdiction over rates and classification issues.

Mr. Hanley, along with some other members promoted legislation that would extend phasing. In other words, it would take the provision that was in the original Postal Reorganization Act and extend it so that the mailers would receive phasing for an additional period of time.

Mr. GUIDOBONI. Do you know what Mr. Wilson's position was on that bill?

Mr. GOULD. The bill was defeated on the floor. The rule for the bill was defeated on the floor and Mr. Wilson voted for that defeat. Voted against the rule.

Mr. GUIDOBONI. And the legislation died there?

Mr. GOULD. It died in the House at that point. It was later resurrected in the Senate.

Mr. GUIDOBONI. Now, you worked here in the Washington Office when you worked for Mr. Wilson personally; is that right?

Mr. GOULD. That's correct.

Mr. GUIDOBONI. Did you know which people worked for him in California?

Mr. GOULD. I knew Mr. Fordiani. I knew Mr. Wilson's personal secretary who had worked for him for a long time. I didn't know many of the other staff members. The offices were fairly autonomous. I ran the Washington office for Mr. Wilson and Mr. Fordiani ran the field office and we both reported to him. We didn't talk much about what the other's responsibilities were.

Mr. GUIDOBONI. Now, when you were on the staff committee—committee staff, I'm sorry—did you have much contact with his field office?

Mr. GOULD. Very, very little.

Mr. GUIDOBONI. But when you did, was it through Mr. Fordiani?

Mr. GOULD. Yes.

Mr. GUIDOBONI. Now, you mentioned hiring a consultant during your services as an administrative assistant. Now, this was in the sixties?

Mr. GOULD. Right.

Mr. GUIDOBONI. And you mentioned one particular which was updated mailing lists?

Mr. GOULD. We were trying to make the mailings more effective, more current.

Mr. GUIDOBONI. Would that be something that a businessman of the type of Mr. Rogers' business was in could be of assistance?

Mr. GOULD. Yes.

Mr. GUIDOBONI. And if the mailing list were more current and more up to date, then more people would receive it; is that right?

Mr. GOULD. That's right, and there would be less money wasted.

Mr. GUIDOBONI. And that would be, what, public money?

Mr. GOULD. Well, in this case of the newsletters, it would be public money, yes.

Mr. GUIDOBONI. No further questions.

Mr. WISEBRAM. No further questions of this witness.

Chairman BENNETT. No further questions. You can call the next witness.

Mr. WISEBRAM. Mr. Chairman, at this time I would like to move that the committee receive into evidence a document marked "Committee Exhibit No. 17." It's a deposition of Congressman Charles H. Wilson taken on Monday, April 17, 1978 before this committee. It has previously been shown. I move that page 1 of that document be received into evidence, along with page 12, beginning with line 24. Continuing on page 13 through line 18.

Chairman BENNETT. Any objection?

Mr. GUIDOBONI. Could we have a moment, sir? There is no objection, Mr. Chairman.

[Whereupon, the document referred to, having previously been marked for identification as "Committee Exhibit No. 17," was received in evidence.]

Chairman BENNETT. Well, there's another vote. So I guess before we start on another witness, we should vote.

Mr. WISEBRAM. Mr. Chairman?

Chairman BENNETT. Oh, you have a redirect?

Mr. WISEBRAM. Mr. Chairman, no. Mr. Chairman, we don't have any more witnesses. We rest our case.

Chairman BENNETT. All right. When we come back, we will take—we'll hear from the respondent.

[Off the record at 11:30 a.m.]

[On the record at 11:38 a.m.]

(Members present: Representatives Bennett, Spence, Hamilton, Hollenbeck, Fowler, Preyer, Cheney, Livingston, Rahall, Sensenbrenner, Stokes, and Thomas (arrived 11:50 a.m.).)

Chairman BENNETT. The committee will come to order.

Mr. BONNER. Mr. Chairman, at the outset, in the interest of moving forward, we are going to waive the opening statement which you so kindly permitted me to reserve at this point. Mr. Guidoboni will call our first witness, sir.

Mr. GUIDOBONI. The counsel for Mr. Wilson will call Michael Leo Murray.

Chairman BENNETT. Proceed.

[Witness sworn.]

Chairman BENNETT. You may proceed.

Mr. GUIDOBONI. Mr. Murray, would you give your name—your full name and where you're employed, sir?

Mr. MURRAY. My name is Michael Leo Murray and I'm Chief of the Office of Records and Registration in the Clerk's Office.

Mr. GUIDOBONI. Clerk of the House of Representatives?

Mr. MURRAY. Yes, sir.

Mr. GUIDOBONI. And who is the gentleman sitting at your left?

Mr. MURRAY. The gentleman to my left is Stephen Ross, who is Assistant General Counsel to the Clerk.

Mr. GUIDOBONI. He's here as your counsel today?

Mr. MURRAY. Yes; he is.

Mr. GUIDOBONI. Now, Mr. Murray, you're here pursuant to my subpoena to the Clerk; is that correct?

Mr. MURRAY. That's correct.

Mr. GUIDOBONI. And in that subpoena you were asked to bring some records with you?

Mr. MURRAY. Yes; I was.

Mr. GUIDOBONI. Did you bring those records, sir?

Mr. MURRAY. Yes; I did.

Mr. GUIDOBONI. And what are those records?

Mr. MURRAY. Those records are a certified copy of a report of receipts and expenditures filed by Charles Wilson's campaign committee in 1975.

Mr. GUIDOBONI. And have you had a chance, sir, to compare that with the exhibit I furnished you, marked "Exhibit A"?

Mr. MURRAY. Yes; I have.

Mr. GUIDOBONI. And is it the same—are they the same?

Mr. MURRAY. Yes; they are.

Mr. GUIDOBONI. Now, it is part of your responsibility as the Chief of the Office of Records and Registration to keep those records?

Mr. MURRAY. Yes; it is.

Mr. GUIDOBONI. Now, can you tell me from the face of that record—and I understand that the one that you brought is a little more readable; is that correct?

Mr. MURRAY. Yes; it is.

Mr. GUIDOBONI. Can you tell me from the face of that record when that was filed with the Clerk's Office?

Mr. MURRAY. This record was filed on January 13, 1975.

Mr. GUIDOBONI. Now, Mr. Murray, what law was that filed pursuant to, if you know?

Mr. MURRAY. That was filed pursuant to the Federal Election Campaign Act of 1971.

Mr. GUIDOBONI. And when did that act go into effect, sir?

Mr. MURRAY. It was effective April 5, 1972.

Mr. GUIDOBONI. So before that time records such as this were not required to be filed?

Mr. MURRAY. Not like this, no, sir.

Mr. GUIDOBONI. Mr. Murray, that record that you have in front of you, and others like it, are they secret records?

Mr. MURRAY. No; they're not.

Mr. GUIDOBONI. What do you do with them when they're filed? What does your office do with them?

Mr. MURRAY. Well, the office opens them up, stamps them in pursuant to the day they're received and the type of mail that they're sent by. They are microfilmed and the microfilm is made available for public inspection.

Mr. GUIDOBONI. So that any member of the public during your regular hours of the Clerk's Office could come in and request to see such a form?

Mr. MURRAY. Yes, sir, they could.

Mr. GUIDOBONI. And that would include members of this committee's staff?

Mr. MURRAY. Yes, sir.

Mr. GUIDOBONI. Members of the committee themselves?

Mr. MURRAY. Absolutely.

Mr. GUIDOBONI. Members of the audience?

Mr. MURRAY. That's right.

Mr. GUIDOBONI. All right. So this was filed in January 1975?

Mr. MURRAY. Yes, sir.

Mr. GUIDOBONI. And could you please turn to the fourth page—well, it's marked at the bottom—page 3 of schedule C.

Chairman BENNETT. Which exhibit is this?

Mr. GUIDOBONI. This is A for the respondent.

Chairman BENNETT. A? Do we have it?

Mr. GUIDOBONI. I believe Mr. Sensenbrenner raised that yesterday. It was furnished with the motions. I do have several extra copies.

Chairman BENNETT. Which is it? Which of ours is it? How is our exhibit numbered?

Is it part of our book? Is it in the motions?

Mr. GUIDOBONI. It was attached to the motion to dismiss.

Chairman BENNETT. How many pages is it?

Mr. FOWLER. It looks like tab J here.

Motion to stay the disciplinary—

Mr. GUIDOBONI. No, sir, it's the motion to dismiss.

Chairman BENNETT. Since he's got several extra copies, why couldn't one of them be furnished to a member of our staff and have them run off?

Do you have an extra copy?

Mr. GUIDOBONI. Sure.

Mr. FOWLER. Tab C.

Here it is; we've found it.

Chairman BENNETT. We've already got it in the file?

Mr. FOWLER. It's tab C.

Mr. GUIDOBONI. It's schedule C, page 3. There are several schedules there.

Chairman BENNETT. Tab C.

Identify it under tab C; it says—starts off, "Schedule C, Itemized Expenditure—Communications and Non-media or Other Expenditures." I guess I've identified it. The bottom of it has a total of this period, \$345.92.

Is that the page we're talking about?

Mr. GUIDOBONI. No, sir. That's marked "Page 1," I believe.

Chairman BENNETT. What is the page you're talking about?

Mr. GUIDOBONI. Page 3.

Chairman BENNETT. There's one that says schedule D?

Mr. GUIDOBONI. No, sir. I guess the committee didn't get it.

Chairman BENNETT. Then let's—

Mr. LIVINGSTON. Just before that. It's there, it's the second page.

Mr. GUIDOBONI. It's marked "Page 3."

Chairman BENNETT. Look down the left-hand corner, page 3. It has the amount of \$1,525.72 on the right side, page 3 on the other.

Mr. GUIDOBONI. That's it.

Chairman BENNETT. Proceed.

Mr. GUIDOBONI. Very well.

Now, Mr. MURRAY, the copy you have has been certified by the Clerk of the House?

Mr. MURRAY. Yes, it has.

Mr. GUIDOBONI. Now, you have that page 3 in front of you?

Mr. MURRAY. Yes, sir.

Mr. GUIDOBONI. And there are entries on page 3 showing expenditures; correct?

Mr. MURRAY. That's correct.

Mr. GUIDOBONI. All right. Now, I direct your attention to the third entry there. What does that say?

Mr. MURRAY. It says—first of all it has the date of the payment, November 6, 1974. Then the full name of the payee, "Charles H. Wilson, 4141 Rosecrans, Hawthorne, Calif. 90250. Occupation and principal place of business: Same. Purpose of expenditure: Candidate reimbursed expenses."

Mr. GUIDOBONI. And the amount?

Mr. MURRAY. In the amount of \$1,000.

Mr. GUIDOBONI. So that has been on file since 1975 in your office and available for public inspection?

Mr. MURRAY. That's correct.

Mr. GUIDOBONI. I have no further questions of this witness.

Chairman BENNETT. Any cross?

Mr. WISEBRAM. Mr. Murray, do you audit these reports when they come into your office?

Mr. MURRAY. A preliminary desk audit.

Mr. WISEBRAM. What do you mean by an audit? Do you actually compare the supporting documentation for expenses on the report to determine if in fact the expense is supported by vouchers, receipts, this type of thing?

Mr. MURRAY. No, sir, we do not.

Mr. WISEBRAM. So what is received in your office is merely that document? No supporting documentation; is that correct?

Mr. MURRAY. That's correct.

Mr. WISEBRAM. No further questions.

Chairman BENNETT. Now, at this point in the rules, the committee may inquire.

Any inquiries of this witness on the part of any member of the committee?

Mr. RAHALL?

Mr. RAHALL. Thank you, Mr. Chairman.

In regard to that supporting documentation, is that required by law to be filed with the FEC if not with you?

Mr. MURRAY. No, sir, it is not.

Mr. RAHALL. Supporting documentation is not required by law to be filed in your office with regard to expenditures—reimbursed expenditures?

Mr. MURRAY. It's not required to be filed, sir.

Mr. RAHALL. Thank you.

Chairman BENNETT. Any other questions?

[No response.]

Chairman BENNETT. The next witness.

Mr. BONNER. I call Mr. Eli Davidson Minton.

[Witness sworn.]

Chairman BENNETT. You may inquire.

Mr. BONNER. Would you please, for the record, sir, state your name?

Mr. MINTON. Eli Davidson Minton.

Mr. BONNER. And where are you employed, Mr. Minton?

Mr. MINTON. With the House of Representatives. Committee of the Post Office and Civil Service.

Mr. BONNER. And what is your position on that committee?

Mr. MINTON. I'm the chief of staff of the committee.

Mr. BONNER. How long have you been so employed in that position by that committee?

Mr. MINTON. Since February 8, 1978.

Mr. BONNER. All right. Now, how long have you been an employee of the House of Representatives, sir?

Mr. MINTON. Since July 1, 1975.

Mr. BONNER. And may I ask you—did you say 1975?

Mr. MINTON. Yes, sir.

Mr. BONNER. Were you ever employed in any capacity by the House prior to that time?

Mr. MINTON. Yes, sir.

Mr. BONNER. Do you know Congressman Charles Wilson?

Mr. MINTON. Yes, sir.

Mr. BONNER. When and where did you first meet him, sir?

Mr. MINTON. Well, I assume it was here. I was a member of the staff of the Senate Committee on the Post Office and Civil Service for 11 years before I came to the House, and so I have been associated with Mr. Wilson professionally since about 1965 or 1966, or 1967, along in there.

Mr. BONNER. When were you first employed by the Senate, sir?

Mr. MINTON. October 8, 1962.

Mr. BONNER. And was it in that year that you came in contact with the Congressman for the first time?

Mr. MINTON. No; I'm sure it was later than that.

Mr. BONNER. Could you give us some rough approximation?

Mr. MINTON. I'd say about 1965 or 1966.

Mr. BONNER. All right. And in what capacity did you come in contact with him in that period, 1965 or 1966?

Mr. MINTON. I attended hearings in the House of Representatives as a staff member of the other body and observed Mr. Wilson. And then he was a conferee occasionally between the Senate and House committee meetings and I was, by that time, the chief counsel of the Senate committee and so I got to know him.

Mr. BONNER. What year was that? Excuse me. What year was that?

Mr. MINTON. I became the chief counsel in 1965.

Mr. BONNER. All right. And how long did you remain in that position?

Mr. MINTON. Until June 1973.

Mr. BONNER. And during the period 1965-73, did you continue to come into contact with Congressman Wilson?

Mr. MINTON. Yes, sir.

Mr. BONNER. And would you please tell the gentlemen of the committee in what capacity you came in contact with him, sir?

Mr. MINTON. In the same capacity that I was an employee of the Senate and that he was a Member of the House and that I encountered professionally in conferences between the House and the Senate, and occasionally attended hearings or meetings of the House committee to observe.

Mr. BONNER. Would you tell us what kind of conferences, if you remember?

Mr. MINTON. Conferences on legislation principally relating to postal legislation.

Mr. BONNER. Principally postal legislation?

Mr. MINTON. Yes, sir.

Mr. BONNER. All right. And after 1973—what post did you hold after 1973?

Mr. MINTON. I was in private law practice in Washington for 2 years and then returned to the House—or came to the House.

Mr. BONNER. In 1975?

Mr. MINTON. Yes, sir.

Mr. BONNER. And that was in the capacity that you are now in?

Mr. MINTON. Well, substantially the same. I was the assistant counsel, and now I'm the chief counsel.

Mr. BONNER. To the same Postal Committee?

Mr. MINTON. Yes, sir.

Mr. BONNER. And during that period of time, did you come in contact with Congressman Wilson?

Mr. MINTON. Oh, yes.

Mr. BONNER. In what way, sir?

Mr. MINTON. Well, he is a member of the committee and I'm a member of the staff of the committee so my association with him was much closer and I dealt with him on a fairly regular basis.

Mr. BONNER. Did you have occasion to observe him as a member of that committee?

Mr. MINTON. Yes, sir.

Mr. BONNER. And in terms of his dealings on the various pieces of legislation coming before that committee?

Mr. MINTON. Yes, sir.

Mr. BONNER. In your contact with Congressman Wilson, Mr. Minton, from 1962 forward to date—strike that.

Let me inform you, if I may, that there are a number of allegations of violations of the House rules that have been made against the Congressman and, four of them, which are quite serious, state that Congressman Wilson accepted money from a man named Lee Rogers who had a direct interest in postal legislation before the Congress and that Congressman Wilson accepted that money for the purpose of influencing the performance of his—that is, the Congressman's duties.

Now, I return to my question. In the entire period that you have dealt with Congressman Wilson in your various capacities with the Senate and the House on matters involving postal legislation, have you ever known him to try to influence, let us say, first-class mail, as op-

posed to second class, as opposed to third class, as opposed to fourth class?

Mr. MINTON. I have—in the answer to first class, Mr. Wilson—

Mr. BONNER. Well, let me add to the question.

Mr. MINTON. All right.

Mr. BONNER. For private interests, for a particular group or a particular person.

Mr. MINTON. A particular user of the mail?

Mr. BONNER. Yes, sir.

Mr. MINTON. No; I have not.

Mr. BONNER. Have you ever known him to try—

Mr. MINTON. Well, let me amend that. Mr. Wilson and other members of the committee have voted for legislation which would have the overall impact of changing the method of fixing postal rates for all classes of mail which, in my opinion as an expert in the field, is to the general benefit of the postal system and the public, and all mail users.

Mr. BONNER [continuing]. And is it fair to say that in the time that you have associated with Congressman Wilson from the period 1962 to date, you have only known him, as along with other Congressmen with whom you have associated on postal committees, to try to influence legislation for the public good in general as opposed to some private interest of a given person?

Mr. MINTON. Yes. And I would add, if I may, that he has impressed me as having a better understanding of postal legislation than some other Members of Congress and has advocated positions which strongly represent the public interest generally.

Mr. BONNER. Thank you, sir. I have no further questions.

Mr. WISEBRAM. Mr. Minton?

Mr. MINTON. Yes, sir.

Mr. WISEBRAM. Do you know Mr. Lee Rogers?

Mr. MINTON. No, sir.

Mr. WISEBRAM. Then obviously you couldn't have been privy to any conversations between Congressman Wilson and Lee Rogers, have you?

Mr. MINTON. No, sir.

Mr. WISEBRAM. That's all, Mr. Chairman.

Chairman BENNETT. The committee have any questions?

Mr. LIVINGSTON. Yes, Mr. Chairman.

Chairman BENNETT. Mr. Livingston?

Mr. LIVINGSTON. I am not certain about that last answer.

Sir, can you tell me—certainly over the last several years since you've been dealing with the Postal and Civil Service Committees, obviously, there are private interests on both sides of many issues that you deal with, aren't they?

Mr. MINTON. Yes, sir.

Mr. LIVINGSTON. And so what you're essentially telling us is that if Mr. Wilson did or did not represent any private interest on any particular issue, you didn't know about it?

Mr. MINTON. That's right. And I am in a position where ordinarily I could figure that sort of thing out as counsel for the committee.

Mr. LIVINGSTON. You mean you could draw a conclusion based on certain actions?

Mr. MINTON. Yes, sir; I could draw—on inference of the conclusion at least if a member says, draft me an amendment that does “X” or “Y” or “Z”. I’ve been at it for 18 years and I can ordinarily figure out.

Mr. LIVINGSTON. But he specifically didn’t ask you to draft an amendment for any specific party in the 10 years that you’ve known him?

Mr. MINTON. Yes, sir; he did on one occasion.

Mr. LIVINGSTON. What was that?

Mr. MINTON. In 1978, he asked me to draft an amendment which would generally benefit the public and parcel post users, which are mostly the public. It is the method of distributing parcels that is beneficial to the public and he asked me to draft such an amendment and the House passed it.

Mr. LIVINGSTON. Mr. Minton, if Mr. Wilson simply didn’t relate to you any specific ties with any other specific individual, you wouldn’t have known about it, would you?

Mr. MINTON. No, sir.

Mr. LIVINGSTON. Thank you.

Chairman BENNETT. Do you have questions from the members of the Committee?

Mr. SENSENBRENNER. Mr. Chairman.

Chairman BENNETT. Yes, Mr. Sensenbrenner.

Mr. SENSENBRENNER. When did you say you first came to work for the House Post Office Committee?

Mr. MINTON. July 1, 1975.

Mr. SENSENBRENNER. Did you have a relationship with Representative Wilson, that you’ve described, prior to that period of time when you were working either for the Senate Post Office Committee or in private law practice?

Mr. MINTON. Well, I knew him, not very well when I worked in the Senate, but I knew him, yes. He knew me well enough to call me by name, and I knew him well enough. I associated with him professionally. I’ve come to know him better since, but I’m not a personal friend of Mr. Wilson’s in that sense.

Mr. SENSENBRENNER. During the period between 1971 and 1974 when you were not an employee of the House Post Office Committee, were you able to follow the comments that members of that committee and which amendments they propose to offer, what legislation they were pushing within the House Post Office Committee or not?

Mr. MINTON. Yes, I was; because I worked for the Senate until June 1973, and I was the chief counsel and it was my responsibility to be intimately familiar with all postal legislation in the House and the Senate. I was an adviser to the Senate committee and the chairman, and I was supposed to keep up on a daily basis.

Mr. SENSENBRENNER. When you were an employee of the Senate committee, were you as up on what was going on in the House committee as after you became an employee of the House committee?

Mr. MINTON. I don’t mean to be flippant by saying I hope not. I hope I’m better informed. No, sir; but I did keep up. I attended hearings. I conferred with members of the staff here on a regular basis.

Mr. SENSENBRENNER. I have no further questions.

Mr. LIVINGSTON. Mr. Chairman?

Chairman BENNETT. Yes.

Mr. LIVINGSTON. If I might ask one more.

Are you familiar with House bill 5838 of March 20, 1973?

Mr. MINTON. I'm sorry, sir, I really don't keep up with the numbers that well; I keep up with subject matter.

Mr. LIVINGSTON. It's a bill to amend the Federal Trade Commission Act and make sales promotion games unfair methods of competition?

Mr. MINTON. I don't recall it. That's a little long ago to recall that quickly for me at least.

Mr. LIVINGSTON. More specifically, if we can get you a copy of a letter dated September 24, 1973, purportedly to Mr. Lee Rogers from Charles H. Wilson.

If you would scan that, please, sir, and tell us if you have any background knowledge or information regarding the substance of that letter, or if you personally know of that letter, I'd appreciate your telling this committee.

Chairman BENNETT. It's exhibit—

Mr. WISEBRAM. It's exhibit 15.

Mr. BONNER. Excuse me, Mr. Chairman, if I might. Forgive me.

I don't believe that the bill that Mr. Livingston has alluded to is in any way involved with postal legislation.

Mr. LIVINGSTON. If I'm mistaken, I apologize.

Mr. MINTON. I think my answer would be that I'm—first of all, I know that I'm not familiar with the letter. I've never seen any private correspondence of Mr. Wilson, and I'm not familiar with the bill.

Mr. LIVINGSTON. Fine.

Chairman BENNETT. Any other questions from the members of the committee?

[No response.]

Chairman BENNETT. Any recross?

Mr. RAHALL?

Mr. RAHALL. Thank you, Mr. Chairman.

You say that only one time during your working for Representative Wilson that he asked you to draft an amendment for any special group?

Mr. MINTON. Yes, sir.

Mr. RAHALL. And that was in 1978?

Mr. MINTON. Yes, sir.

Mr. RAHALL. Were there any other occasions during your relationship with him that you drafted an amendment for him on behalf of anybody?

Mr. MINTON. No, sir, I don't recall any other time. I draft amendments for any member that asks, but I only recall Mr. Wilson asking me in that one case.

Mr. RAHALL. Only on this one occasion—

Mr. MINTON. Yes, sir.

Mr. RAHALL [continuing]. Were you asked by Representative Wilson?

Mr. MINTON. Yes, sir.

Mr. RAHALL. Thank you, Mr. Chairman.

Chairman BENNETT. Any other questions?

Mr. THOMAS. Yes.

Chairman BENNETT. Yes, Mr. Thomas.

Mr. THOMAS. You indicated, Mr. Minton, that you would draft amendments for any members who asked. It's been my experience that staff sometimes come to members with suggestions that they come to on their own in terms of suggested amendments. Have you ever approached Mr. Wilson on ideas of your own or others of the committee staff asking to support this particular amendment?

Mr. MINTON. I don't believe that's a proper role of the staff and I don't do it.

Mr. THOMAS. I agree with you.

Mr. MINTON. And I have never done it.

Mr. THOMAS. Thank you.

Chairman BENNETT. Anybody else have a question on the committee?

[No response.]

Chairman BENNETT. You wish to inquire further, sir?

Mr. BONNER. No, thank you, sir.

Chairman BENNETT. Do you wish to inquire further?

Mr. WISEBRAM. No; Mr. Chairman.

Chairman BENNETT. Your next witness.

Mr. BONNER. Mr. Chairman, would you indulge us for just one moment?

Chairman BENNETT. Sure.

Mr. BONNER. Thank you.

Throughout the various times when I have had the opportunity and the honor to appear before you and the gentlemen of the committee, I have said the things I have said and I have done the things I have done with the approval of my client most of the time.

Last night when we left here, I sat down for a good number of hours with my co-counsels, Mr. O'Connell and Mr. Guidoboni and talked through the evidence as it had been presented up to that point by the staff.

I did not, of course, have the benefit of the transcript, which in due course I hope I will have in addressing you further. But in light of the evidence that has been presented by the staff, it is my view that the defense should rest, and in fairness to my client, who was not overjoyed with my advice and that of my co-counsel who agree with me. Nevertheless, I have his permission to do so, and, therefore, Mr. Chairman and gentlemen, we rest.

Chairman BENNETT. Now, under the rules at this stage of the proceeding at page 18 of the rules of procedure, there are two phases. At the bottom of page.

Phase 2 of a disciplinary hearing shall consist of oral and/or written submission by counsel for the committee and counsel for the respondent as to the sanction the committee should recommend to the House of Representatives with respect to any count of the Statement of Alleged Violation which has been proved. Testimony by witnesses will not be heard at phase 2 except by a vote of a majority of the committee.

And then at another page—anyway, it does take a majority vote of the committee and we would like to know if you would like to submit any testimony or any information on phase 2, which has to do with

the second phase described on page 16 in rule 16. (a), the same sentence in subsection (a). "The second phase shall be for the purpose of determining what action to recommend to the House with respect to any count found to have been proved."

Mr. SENSENBRENNER. Mr. Chairman.

Chairman BENNETT. Yes.

Mr. SENSENBRENNER. I'm looking at rule 17, which says:

As soon as practicable after the completion of the first phase of a disciplinary hearing respecting a Statement of Alleged Violation, the committee shall consider each count contained in the Statement and with respect to each count as originally drawn or as amended shall vote on a motion that the count has been proved.

It seems to me, I think, that rather than taking advice from counsel or possibly from witnesses, we should vote on each of the counts because if some of the counts are determined as being absolutely proved, the advice is merely superfluous. I, also, speaking as an individual, think it would be very useful if we have closing arguments on the part of both Mr. Wisebram and Mr. Bonner, and with that thought, maybe it's about time to break for lunch.

Mr. BONNER. May I be heard?

Chairman BENNETT. Yes.

Mr. BONNER. I'll try not to delay you too much.

You are well aware, Mr. Chairman, as are most of the members of the committee by now, that with all respect to you and the gentlemen on the committee, I did not feel it correct to proceed with this hearing before this body. However, you have listened carefully to my arguments and you have voted against my motion.

Now, I want to make another request, Mr. Chairman, and you gentlemen, and that is this—and it is based not upon a criticism of any individual member of this committee because by now you know that if I had one, I would make it—but I make it to you as a body because, once again your procedures are sadly deficient and I don't blame you for that, but it's just the way things are. And having said that, let me point this out to you, and, again it's not a remark made to any one individual, just to the procedure. And if I misstate myself in stating names, I know you will correct me swiftly.

I have noted carefully over the past few days—I've tried to note carefully who has been present and who has not been present during the taking of all of the testimony.

Now, where I come from it is unheard of for any jury to judge guilt or innocence, or make recommendations, if you will, regarding guilt or innocence, or whatever you gentlemen will choose to call it, when the jurors were missing.

It seems to me if you're going to deal with Congressman Wilson fairly in this proceeding, and I know you all want to, albeit that I don't approve of this proceeding and I inevitably will challenge it if I have to. I don't think in conscience you can determine whether or not he has, or for that matter, has not committed any of the alleged violations until each and every one of you has taken the time to receive a copy of this record and to review it, and to understand all the evidence that has been presented pro and con on direct and cross-examination.

Now, I noted while a good number of you tried to be here—I'm sure you all tried to be here all the time, but because you have these other commitments because of the way things work in this honorable House, that at times we missed Mr. Thomas, and at times, but not very—he was here most of the time, and he tried to be here all the time, Mr. Hollenbeck, Mr. Spence. Mr. Livingston, I noticed, joined us this morning. I must say with all respect, I missed you yesterday. Mr. Stokes wasn't here all the time. Mr. Rahall wasn't here. Mr. Preyer was out for a time. Mr. Fowler was here almost all the time. He did miss a little bit of testimony here this morning.

The only way that you can reasonably assess whether or not these allegations are true is to be totally familiar with all of the evidence, and you're not.

Therefore, with all respect to the chairman and gentlemen, I say to you that you cannot make such judgment today. I want that record made available to you as quickly as possible. I have asked for an expedited copy. I hope I can do that, and I'm willing to pay for it. And when that's available, and you've had an opportunity to read it, and I'll be reading with you, and I'll be preparing, I hope, an intelligent, concise, and cogent closing argument to make regarding the evidence, or lack of it, then I think, gentlemen, with all respect, you will be in a position to judge your colleague, Congressman Charles Wilson, and not until then.

So, Mr. Chairman, having said that, I respectfully request that phase I be kept open, that this committee adjourn until such time as we are all able to have in our possession very soon this transcript so that you will be totally advised, each and every one of you, of all of the evidence, or lack of it, that has been presented and I and my colleagues will have a chance to parse it out and to present to you—I hope in a short period of time—an intelligent closing argument to convince you of the innocence of our client. Thank you very much, Mr. Chairman.

Mr. LIVINGSTON. Mr. Chairman.

Chairman BENNETT. Mr. Livingston?

Mr. LIVINGSTON. Mr. Chairman, before counsel addressed you, I had attempted to get your attention so that I could make a statement because I had agreed with Mr. Sensenbrenner that we should have an opportunity to sit down and review the situation.

Now, let me say that I simply agree with counsel. I made an attempt to be here yesterday and was not successful because Eastern Airlines chose to fill up their plane and not permit me to get on the plane Sunday night.

In addition, we had some severe flooding in my district which once I missed that plane, it kept me in the district. And so, counsel is quite right. I missed yesterday. I also instructed my staff to have the reporter attempt to get a daily copy of the entire record so that I could review it at 9 o'clock last night. I think the records of the committee will show that I made that attempt. The record was not only unavailable at 9 o'clock last night, it was unavailable as promised at 8 o'clock this morning, and I came into the office at 7:30 with the intent to review the record at that time.

Accordingly, I still don't have the record of it and I feel absolutely incapable of judging the text of this trial, or proceeding, whatever he happened to call it, until such time as I can get that record.

And I would echo counsel's plea for a deferral until such time as we can have an opportunity to study the record and then commence with phase II.

Mr. HOLLENBECK. Mr. Chairman.

Chairman BENNETT. Yes.

Mr. HOLLENBECK. Mr. Chairman, very briefly I'd like to concur in the remarks of the gentleman from Louisiana. I shared a similar experience coming from the other direction in getting a plane and I was forced to miss yesterday morning's session, and I too agree with counsel that every member of this committee if you only missed only 5 minutes of these hearings should be afforded an opportunity of a complete, thorough review of the testimony in the interest of elemental fairness.

Chairman BENNETT. I seem to be getting a consensus of that direction.

Does anybody want to speak to the contrary?

[No response.]

Chairman BENNETT. If nobody wants to speak to the contrary well then the only thing that I know to do is to—

Do you want to speak?

Mr. RAHALL. Not to the contrary, Mr. Chairman, but I wish to explain my absence yesterday, and the fact that—well, I will not go into details of that matter, but the fact that I did have my administrative assistant here through every minute of the hearing who takes excellent shorthand and I do have a pretty good summary, although not verbatim. Well, it's more than a summary of yesterday's proceedings and the points—the counterpoint made by the witnesses and by counsel.

Chairman BENNETT. That being the case and there's no other evidence to be brought before us, unless there is some objection, the transcript will be presented to us during the recess and subject to the call of the Chair, after the recess is over—early after it's over, we will then call upon counsel to make arguments on each side and conclude the matter.

Mr. Stokes?

Mr. STOKES. I was also wondering if after the conclusion of closing argument by the respective counsel since the committee will act in the capacity of a jury, whether the opportunity will be afforded the committee to discuss the case as in the capacity of jurors prior to taking any votes on each count as provided by the rules?

Chairman BENNETT. That's been our practice, and we'd expect to do that.

Mr. STOKES. Thank you.

Chairman BENNETT. Mr. Fowler, do you have something?

Mr. FOWLER. I wonder if we could—if we're going to take this course, which I support, that we could save more time by getting agreement with counsel as to how many days, after the record is submitted to him, does he need to review it so that we don't go back into the motion stage and everything else, after which time we'd be subject to the call of the Chair. After which time we'll know that they are ready.

Chairman BENNETT. That's what I was trying to do. I'm glad you

made the suggestion because I do want to be sure we're not waiting for another delay.

Mr. BONNER. No. Once the transcript is in hand, I would hope that we would have the transcript at the same time that you would be receiving it—the same day. That I would think that a period of 5 days would be adequate.

Chairman BENNETT. And that would probably be accomplished during the recess.

I don't know of anything else to say at this point. I think everything has been taken care of, and so we will recess subject to the call of the Chair.

Mr. BONNER. Fine. Thank you, Mr. Chairman.

[Whereupon, at 12:25 p.m., the hearing was adjourned, subject to the call of the chairman.]

LEE ROGERS Loan 287 90-1374
 1015 CHANTILLY ROAD
 LOS ANGELES, CALIFORNIA 90024

6/20 1972

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FOR DEPOSIT ONLY
 Congressman Charles H. Wilson
 Acct: 902
 0740510

JUN 26 1972
 JUN 26 1972
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COMMITTEE HEARING
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DEC 27 1972

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Barnes & Wilson
Charles H. Wilson
Lee Rogers*

COMMITTEE HEARING
EXHIBIT NO. 3

CONSTITUTION
JEFFERSON'S MANUAL
AND
RULES OF THE HOUSE OF
REPRESENTATIVES
OF THE UNITED STATES
NINETY-SECOND CONGRESS

By
LEWIS DESCHLER, J.D., M.P.L., LL.D.
PARLIAMENTARIAN



COMMITTEE HEARING
EXHIBIT NO. 5

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1971

RULE XLIII.

CODE OF OFFICIAL CONDUCT.

There is hereby established by and for the House of Representatives the following code of conduct, to be known as the "Code of Official Conduct":

§ 939. Official conduct of Members, officers, or employees of the House.

1. A Member, officer, or employee of the House of Representatives shall conduct himself at all times in a manner which shall reflect creditably on the House of Representatives.

2. A Member, officer, or employee of the House of Representatives shall adhere to the spirit and the letter of the Rules of the House of Representatives and to the rules of duly constituted committees thereof.

3. A Member, officer, or employee of the House of Representatives 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.

4. A Member, officer, or employee of the House of Representatives shall accept no gift of substantial value, directly or indirectly, from any person, organization, or corporation having a direct interest in legislation before the Congress.

5. A Member, officer, or employee of the House of Representatives shall accept no honorarium for a speech, writing for publication, or other similar

1919.

activity, from any person, organization, or corporation in excess of the usual and customary value for such services.

6. A Member of the House of Representatives shall keep his campaign funds separate from his personal funds. He shall convert no campaign funds to personal use in excess of reimbursement for legitimate and verifiable prior campaign expenditures. He shall expend no funds from his campaign account not attributable to bona fide campaign purposes.

7. A Member of the House of Representatives shall treat as campaign contributions all proceeds from testimonial dinners or other fund raising events if the sponsors of such affairs do not give clear notice in advance to the donors or participants that the proceeds are intended for other purposes.

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RULES OF THE HOUSE OF REPRESENTATIVES

Rule XLIV.

§ 940.

This rule was adopted on April 3, 1968 (H. Res. 1099, 90th Cong.). The jurisdiction of the Committee on Standards of Official Conduct was also redefined by this resolution. The rule was amended in the 92d Congress to bring the Delegate from the District of Columbia within the definition of "Member" (H. Res. 5, Jan. 22, 1971, p. —).

RULE XLIV.

FINANCIAL DISCLOSURE.

§ 940. Financial report disclosing certain financial interests.

Members, officers, principal assistants to Members and officers, and professional staff members of committees shall, not later than April 30, 1969, and by April 30 of each year thereafter, file with the Committee on Standards of Official Conduct a report disclosing certain financial interests as provided in this rule. The interest of a spouse or any other party, if constructively controlled by the person reporting, shall be considered to be the same as the interest of the person reporting. The report shall be in two parts as follows:

PART A.

1. List the name, instrument of ownership, and any position of management held in any business entity doing a substantial business with the Federal Government or subject to Federal regulatory agencies, in which the ownership is in excess of \$5,000 fair market value as of the date of filing or from which income of \$1,000 or more was derived during the preceding calendar year. Do not list any time or demand deposit in a financial institution, or any

CONSTITUTION
JEFFERSON'S MANUAL
AND
RULES OF THE HOUSE OF
REPRESENTATIVES
OF THE UNITED STATES
NINETY-THIRD CONGRESS

By
LEWIS DESCHLER, J.D., M.P.L., LL.D.
PARLIAMENTARIAN



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973

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RULES OF THE HOUSE OF REPRESENTATIVES

Rule XLIII.

§ 939.

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CONSTITUTION

JEFFERSON'S MANUAL
7

AND

RULES OF THE HOUSE OF
REPRESENTATIVES

OF THE UNITED STATES
NINETY-FOURTH CONGRESS

By
WM. HOLMES BROWN
PARLIAMENTARIAN



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1975

RULES OF THE HOUSE OF REPRESENTATIVES

§ 939.

Rule XLIII.

in force since the Forty-third Congress. Discussion of the importance of Jefferson's Manual as an authority in congressional procedure (VII, 1029, 1049; VIII, 2501, 2517, 2518, 3330).

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against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin.

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RULE XLIV.

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§ 940. Financial report disclosing certain financial interests.

Financial Disclosure Statement filed pursuant to H.R. 2050, HOUSE OF REPRESENTATIVES

Charles H. Wilson (Name) Principal Assistant
 2409 Rayburn Building (Office Address) To: Exhibit # 6 (Member/Officer)
 Member of Congress 31st California (District) (State) Professional Staff Member
 Officer Of: _____ (Committee)

Coverage Dates: October 1, 1977 to December 31, 1977

Due Date: Not Later than APRIL 30, 1978

NOTE: See reverse side for Instructions, Definitions, and Exemptions.
 If additional space is required, use continuation sheets provided.
 Complete all parts. (If None, so indicate.)

PART I

A. INCOME—The source and amount of each item of income aggregating over \$100 from any one source.

Source	Amount
Salary - U.S. House of Representatives	\$14,375.00
Honorarium - National Association of Postmasters	500.00
Honorarium - 3rd Class Mail Users	1,000.00

B. GIFTS—The source, a brief description or value of gifts of transportation, lodging, food or entertainment aggregating \$250 or more from one source.

Source	Description or Value
None	

C. OTHER GIFTS—The source, a brief description, and value of all other gifts aggregating \$100 or more from one source.

Source and Description	Value
None	

D. REIMBURSEMENTS—The source, a brief description or value of reimbursements, directly or indirectly, for expenditures aggregating \$250 or more from any one source.

Source	Description or Value
National Association of Postmasters	2 round-trip tickets to Phoenix and 1 night's lodging and food
3rd Class Mail Users	2 round-trip tickets to San Francisco 3 night's lodging and food

NOTE: For Parts II-V below, indicate Category of Value: Category I—Under \$5,000; Category II—\$5,000—\$15,000; Category III—\$15,000—\$50,000; Category IV—\$50,000—\$100,000; Category V—Over \$100,000.

PART II

HOLDINGS—The identity and category of value of any property held, directly or indirectly, in a trade or business or for investment or the production of income, and with a fair market value of at least \$1,000 as of the close of the year.

Identity	Category of Value (I, II, III, IV, V)
H V Industries, Inc	III
International Minerals & Chemical	III
ATO, Inc	I

PART III

LIABILITIES—The identity and category of value of any personal liability owed, directly or indirectly, which exceeds \$2,500 as of the close of the year.

Identity	Category of Value (I, II, III, IV, V)
Wright Patman Credit Union	II
Master Charge	I
National Bank of Washington	II

PART IV

SECURITIES TRANSACTIONS—The identity, date, and category of value of any transaction, directly or indirectly, in securities or commodities futures during the calendar year (beginning in 1978) which exceeds \$1,000. (Not required in first filing.)

PART V

REAL PROPERTY TRANSACTIONS—The identity, date, and category of value of any purchase or sale, directly or indirectly, of any interest in real property which exceeds \$1,000 in value as of the date of such purchase or sale.

Identity	Date	Category of Value (I, II, III, IV, V)
None		

April 26, 1978 (Date)

Original Copy - To Clerk of the House
 COMMITTEE HEARING
 EXHIBIT NO. 6

INSTRUCTIONS, DEFINITIONS AND EXEMPTIONS

House Rule XLIV and Advisory Opinions Nos. 2, 9, and 12 of the House Select Committee on Ethics available in the *Congressional Record* of April 21 (p. H3417), May 18 (p. H4701), and December 6, 1977 (p. H12735) should be consulted. If you have any further questions about the information required to be filed, contact the House Select Committee on Ethics, 225-8461.

Who Must File: Members, officers, principal assistants to Members and officers and professional staff members of committees.

A Principal Assistant is any staff employee designated by Members or Officers or Committee Chairmen on the basis of a relationship which authorizes them to act, under some circumstances, in the employer's name. Professional staff members of committees are those employees designated as professional staff in the Report of the Clerk of the House.

Any Member who announces before April 30, 1978 that he will not seek election to the Ninety-sixth Congress may elect to file by that date a statement for calendar year 1977 in the form required under House Rule XLIV prior to the 1977 amendment.

When To File: Not later than April 30, 1978.

Where To File: Clerk of the House of Representatives, Room 1036 Longworth House Office Building, Washington, D.C. 20515.
Telephone Number: (202) 225-1300.

General: With respect to the information required to be disclosed, a "rule of reasonableness" should apply. In disclosing gifts and reimbursements, it is not necessary that exact dollar figures be reported in every case. If the exact value of a gift is not reasonably ascertainable, a good-faith estimate is sufficient for disclosure purposes. Similarly, since travel-related expenses are often not provided directly to a Member or employee on an individual basis, but rather involve an official group or delegation, actual or estimated costs may not be reasonably ascertainable. Therefore, whenever the exact or approximate value of travel-related expenses is not reasonably ascertainable, a brief description of the itinerary or the nature of the expenses provided is sufficient for disclosure purposes.

Spouse Disclosure: The financial interests of a spouse should be reported as follows: (1) source, but not amount, of spouse earned income exceeding \$1,000; (2) gifts or reimbursements to the spouse, unless received independent of the relationship to the reporting individual; and (3) assets and liabilities of the spouse unless the reporting individual indicates that: (a) he or she neither derives, nor expects to derive, any economic benefit from such interests; and (b) such interests were not obtained in any way from the assets or activities of the reporting individual.

Income: In reporting income, the individual should designate Honorarium (H), Interest (I), Dividends (D), Salaries and fees (S). Any combination of the above from a single source aggregating \$100 or more must be reported. Capital gains are excluded from the first filing.

Gifts: Exempted from disclosure requirements are gifts from relatives, gifts valued at \$35 or less, and gifts of personal hospitality of an individual. This personal hospitality exemption is essentially limited to food, lodging, and entertainment provided at the personal residence or other property owned by the individual providing the hospitality. It would not extend, for example, to hospitality in facilities owned or provided by a corporation. The term "relative" means an individual who is related to the person required to file as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother of the spouse of the person reporting.

A gift is defined as: a payment, advance, forbearance, rendering, or deposit of money, or anything of value, unless consideration of equal or greater value is received. Exempted from the definition of a gift are the following categories of gifts: (1) inheritances; (2) political contributions; (3) transportation, lodging, food and entertainment provided (a) by federal, state and local governments, or political subdivisions thereof, or (b) within a foreign country by the government of that country; (4) communications to the offices of a Member, including subscriptions to newspapers and periodicals; (5) suitable mementos of a function held in honor of the Member, officer, or employee; (6) consumable products provided by home-state businesses to a Member's office for distribution; and (7) food and beverages consumed at banquets, receptions or similar events.

Reimbursements: This category would include items such as travel-related expenses provided in connection with a speaking engagement or fact-finding event related to official duties, whether those expenses were reimbursed to the individual or paid directly by the sponsoring organization. Exempted are reimbursements for travel-related expenses provided by Federal, State and local governments, or political subdivisions thereof, and by foreign governments or inter-governmental associations (e.g. NATO). Also exempted are expenses provided to a Member from campaign funds to make a political appearance on behalf of a Federal office-holder or candidate for Federal office.

Holdings: In reporting property holdings, one should not simply list "stocks"—the name of each company in which stock worth over \$1,000 is held must be listed separately. However, one could have one listing for "farm equipment", for example, and it would not be necessary to list each tractor or other machinery separately. In listing real property holdings, the reporting individual should include a brief description of the property (such as number of acres and indication of any improvements), and its location. In listing the category of value of any property where it is difficult to determine an approximate fair market value, the individual may use any recognized indication of value provided that the method of valuation is indicated on the disclosure form.

Liabilities: This category requires the listing of all personal loans over \$2,500 as of the close of the year, whether secured or not, and regardless of the repayment terms, or interest rates. Exempted, however, are mortgages secured by real property which is the personal residence of a Member or his spouse in the Washington, D.C. area or in the district; or the principal residence of any other reporting individual. Automobile loans and any obligation to make alimony or child-support payments need not be reported. A contingent liability (e.g., if the individual co-signs a note), and the liabilities of a business, corporation, partnership, etc., in which the reporting individual has an interest also need not be listed. The identity of a personal liability should include the name of the individual or organization to which the liability is owed.

Real Property Transactions: A typical listing under this category would be that a 10% interest in an office building at 1500 Connecticut Avenue, Washington, D.C., was purchased on November 15, 1977, and the reporting individual's interest in that property had a category of value of between \$50,000 and \$100,000. Transactions involving the personal residence of the reporting individual are exempted.

LEDGER SHEET
 CHARLES H WILSON - OFFICE ACCOUNT
 300 EAST HILLCREST BOULEVARD
 INGLEWOOD, CALIFORNIA 90303

BANK OF AMERICA

PERIOD ENDING
 MAR. 25, 1974

ACCOUNT NO.
 837478001

CHARLES H WILSON-OFFICE ACCOUNT HOLD
 300 EAST HILLCREST BOULEVARD
 INGLEWOOD CA 90303

038656

COMMITTEE HEARING
 EXHIBIT NO. 7 (8)

CHECKS - LISTED IN ORDER OF PAYMENT - READ ACROSS				DEPOSITS	DATE	NEW BALANCE
8500					FEB 23	1261.3
8900					MAR 5	411.3
				44603		
-1028335				-1028335	MAR 9	10770.51
475	1000	3221	10734		MAR 10	4871.0
600	2625	3450			MAR 12	3320.0
368					MAR 15	2645.1
6825				52000	MAR 16	5460.43
512485					MAR 17	5392.68
2500					MAR 18	2623.3
					MAR 24	2330.4

SUMMARY OF ACTIVITY							
BALANCE FORWARD	NUMBER	DEBITS	AMOUNT	NUMBER	CREDITS	SERVICE CHARGE	NEW BALANCE
2111.1	3	1390137		3	1592338		2330.4

CERTIFIED TO BE A TRUE AND
 EXACT COPY OF THE ORIGINAL

 Asst. Mgr.-Cash.

AND
CREDIT REPORT

OFFICE Head Office		BORROWER'S NAME WILSON: Charles R.	
BORROWER'S BUSINESS OR OCCUPATION Congressman		ADDRESS 300 E. Hillcrest Blvd, Inglewood 90301	PHONE NO. 674-4343
DATE OF NOTE 7/31/70	ENTERED ON BOOKS date	RATE 10 %	MATURITY 11/28/70
IF REHEMIAL SHOW PREVIOUS DATE	PREVIOUS LOAN NO.	PREVIOUS AMOUNT	LOAN NUMBER UT7868
BORROWER'S SIGNATURE Wife, Betty G. Wilson - unlimited		Maturity	
DESCRIPTION OF COLLATERAL THIS LOAN, ALSO LIST LOAN NUMBERS WHICH IDENTIFY OTHER COLLATERAL. (USE REVERSE IF NECESSARY)			
f/c...\$333.33			
LOAN MADE BY: CAA		MARKET VALUE OF COLLATERAL SUPPORTING THIS LOAN AS OF: \$	
LIABILITY (NAME)		MARKET VALUE OF OTHER COLLATERAL AS OF: \$	
DATE 7/31/70		MARKET VALUE OF TOTAL COLLATERAL: \$	
UNSECURED \$10,000			
SECURED			
INSTALLMENT LOAN			
INDIRECT			
LETTERS OF CREDIT			
OTHER LIABILITIES (INCLUDING O.D.)			
TOTAL \$ 10,000			
REAL ESTATE LOAN			
AVERAGE ACCOUNT BALANCE NO. MO. COMMERCIAL SAVINGS	AVERAGE AFFILIATED ACCOUNT NO. MO. COMMERCIAL SAVINGS	BALANCE COMMERCIAL SAVINGS	LAST OUT OF COMMERCIAL DEBT (FROM - TO DATES INCLUSIVE)
\$	\$	\$	
APPROVAL			LOANS (EXCL. R. E. & I. L.) LAST IS MO HIGH \$ LOW \$

COMMENT — COMMENTS SHOULD INCLUDE: (1) INFORMATION RELATIVE TO PAST BORROWING EXPERIENCE. (2) COMMENT ON ANY PART DUE OR BEING OUTSTANDING. (3) EXPLANATION OF ANY SIGNIFICANT CHANGES IN FINANCIAL STATEMENT, IF NOT PREVIOUSLY REVIEWED. (4) IF REAL ESTATE LOAN, ATTACH APPRAISAL REPORT.

DATE OF COMMENTS: **8/6/70** DATE OF LAST STATEMENT: **7/22/70**
 SOURCE OF REPAYMENT: **income**
 PURPOSE OF LOAN: **personal expense**

**COMMITTEE HEARING
EXHIBIT NO. 7 (c)**

This is certified to be a true and correct copy

Lauretta K. Lucas **A.V.P.** **038756**

Lauretta K. Lucas A.V.P.

TO 1984 CA (10-74)

PAGE OF PAGES

(Individual)

STATE OF CALIFORNIA } SS.
 COUNTY OF Los Angeles

On **February 19, 1980**

before me, the undersigned, a Notary Public in and for said State, personally appeared **Lauretta R. Lucas**

known to me to be the person whose name subscribed to the within instrument and acknowledged that executed the same.

WITNESS my hand and official seal.

Signature *Christine Robinson*
 Christine Robinson



(This area for official notarial seal)

NO 107-7668

IMPERIAL BANK

Cashier's Check No. 69590 to Charles H. Wilson - \$9,500.00
PAY TO Cash 500.00 ONLYTen thousand and no/100 ----- DOLLARSAND CHARGE THE SAME TO LOAN ACCOUNT OF The undersigned**NON-NEGOTIABLE**

SIGNATURE

Charles H. Wilson

SIGNATURE

FEDERAL TRUTH IN LENDING DISCLOSURE STATEMENT
IMPERIAL BANK Read OFFICECommercial Loan (including agricultural) - Simple interest - for the purpose of
Personal ExpenseTO: Loan Applicant(s) - The following disclosures are made by Imperial Bank in compliance
with the Federal Truth in Lending ActTO: Charles H. WilsonJuly 31, 1970

1. The Amount Financed by your loan will be \$ 10,000.00
2. The FINANCE CHARGE on the above loan, assuming payments are made when due, will be \$ 333.33
3. ANNUAL PERCENTAGE RATE 10 %
4. Total of payments, sum of above \$ 10,333.33
5. Loan, including FINANCE CHARGE, is payable in one single payment of \$ 10,333.33 on demand or if no demand is made on November 28, 1970
6. Security for this loan: None

This collateral will be security for any other obligation due the Bank from the borrower(s). Loan is subject to a lien under Civil Code No. 3054 on property in Bank's possession. If made, the proposed loan will be secured only as indicated above notwithstanding agreement between the Bank and you or any third party to the contrary.

7. Prepayment credit - Upon prepayment of the loan in full borrower will be entitled to a rebate of any unearned pre-computed finance charge. This unearned finance charge will be lowered to permit a minimum charge of \$30.00.
8. Late payment charge - If the amount financed is not paid when due, it will thereafter bear interest at the rate of 10% per annum. Attorney's fees and collection costs are payable by borrower in event of suit.
9. FINANCE CHARGE accrues from the date of the transaction except that interest on an advance begins to accrue from the time of the advance.

Borrower acknowledges reading and receiving a duplicate of this disclosure statement and that he has not entered into any agreement with Bank for the making or payment of the loan; and if the loan is to be made in a series of advances pursuant to written agreement, approves the Annual Percentage Rate and method of computing the Finance Charge as set forth above, and all the terms of that proposed agreement. THIS IS NOT AN OFFER OR COMMITMENT TO LEND OR TO PROVIDE INSURANCE.

IMPERIAL BANK

BY: Lauretta R. Lucas A.V.P.
This is certified to be a true
and correct copy.Charles H. Wilson
Charles H. Wilson038758
03875

Lauretta R. Lucas A.V.P.

This is certified to be a true and correct copy.

Lauretta R. Lucas
 Lauretta R. Lucas A.V.P.

FEDERAL TRUTH IN LENDING DISCLOSURE STATEMENT
 IMPERIAL BANK Head OFFICE

Commercial Loan (including agricultural) - Simple interest - for the purpose of
 Personal expense

TO: Loan Applicant(s) The following disclosures are made by Imperial Bank in compliance
 with the Federal Truth In Lending Act
 TO: Charles H. Wilson

November 28, 1970

1. The Amount Financed by your loan will be \$ 10,000.00
2. The FINANCE CHARGE on the above loan, assuming payments are made when
 due, will be \$ 250.00
3. ANNUAL PERCENTAGE RATE 10 %
4. Total of payments, sum of above \$ 10,250.00
5. Loan, including FINANCE CHARGE, is payable in one single payment of
 \$ 10,250.00 on demand or if no demand is made on February 26, 1971
6. Security for this loan: None

This collateral will be security for any other obligation due the Bank from the
 borrower(s). Loan is subject to a lien under Civil Code No. 3054 on property in
 Bank's possession. If made, the proposed loan will be secured only as indicated
 above notwithstanding agreement between the Bank and you or any third party to the
 contrary.

7. Prepayment credit Upon prepayment of the loan in full borrower will be entitled
 to a rebate of any unearned pre-computed finance charge. This unearned finance
 charge will be lowered to permit a minimum charge of \$30.00.
8. Late payment charge If the amount financed is not paid when due, it will thereafter
 bear interest at the rate of 10% per annum. Attorney's fees and collection costs are
 payable by borrower in event of suit.
9. FINANCE CHARGE accrues from the date of the transaction except that interest on an
 advance begins to accrue from the time of the advance.

Borrower acknowledges reading and receiving a duplicate of this disclosure statement
 and that he has not entered into any agreement with Bank for the making or payment of the
 loan; and if the loan is to be made in a series of advances pursuant to written agreement,
 approves the Annual Percentage Rate and method of computing the Finance Charge as set forth
 above, and all the terms of that proposed agreement. THIS IS NOT AN OFFER OR COMMITMENT
 TO LEND OR TO PROVIDE INSURANCE.

IMPERIAL BANK

BY: *Charles H. Wilson*

038761
Charles H. Wilson
 Charles H. Wilson

LOAN APPROVAL WORK SHEET

Borrowers <i>Charles H. Wilson</i>			TELEPHONE NO. <i>674-4343</i>
ADDRESS <i>380 E. Hillcrest Blvd, Inglewood</i>			BUSINESS OR OCCUPATION <i>Compassion</i>
PROBINGERS OR GUARANTORS <i>Wife Betty J. Wilson - Unemployed 7/31/70</i>			
DATE OF NOTE <i>11/28/70</i>	CLASSIFICATION <i>UTR</i>	LOAN NO. <i>8188</i>	INTEREST RATE <i>10% 48.56</i>
DATE INTEREST BEGINS <i>date</i>	AMOUNT OF NEW LOAN \$	AMOUNT OF RENEWAL LOAN \$ <i>10,000.00</i>	MATURITY DATE <i>2/26/71</i>
AMOUNT OF EACH REGULAR INSTALLMENT \$		DATE FIRST PAYMENT DUE	
FREQUENCY OF INTEREST PAYMENTS <input type="checkbox"/> Monthly <input type="checkbox"/> Quarterly <input type="checkbox"/> Semiannually <input type="checkbox"/> Annually <input checked="" type="checkbox"/> At Maturity			
FREQUENCY OF PRINCIPAL PAYMENTS <input type="checkbox"/> Monthly <input type="checkbox"/> Quarterly <input type="checkbox"/> Semiannually <input type="checkbox"/> Annually <input checked="" type="checkbox"/> At Maturity			
BASIS FOR INTEREST OR DISCOUNT COMPUTATION <input type="checkbox"/> 360 Day Rate <input type="checkbox"/> 365 Day Rate <input type="checkbox"/> 30 Day Month <input type="checkbox"/> Actual Day Month			
DISPOSITION OF PROCEEDS: Credit account of \$ Pay in cash to \$ Pay by Cashier's Check to \$ Pay off Loan No. <i>477868</i> Signed by \$ <i>10,000.00</i>			
REMARKS OR COLLATERAL (Use reverse if necessary) <i>APR 108</i> <i>7/e 250.00</i>			
DATE OF LAST STATEMENT <i>7/28/70</i>	DATE COPY SENT TO HEAD OFFICE	TOTAL MARKET VALUE OF COLLATERAL \$	
ORIGINAL PURPOSE OF LOAN <i>personal expense</i>			
UNDERSTANDING AND SOURCE OF REPAYMENT <i>income</i>			
PRESENT LIABILITY (including above loan)		ACCOUNT INFORMATION	
Unsecured	<i>10,000.00</i>	Checking Account Balance	\$
Collateral	\$	Checking Account Average Bal.	Mos. \$
Advances on Drafts	\$	Average Balance of Related Accounts	\$
Indirect	\$		
Real Estate	\$		
DATE <i>11/26/70</i>	LOAN OFFICER'S SIGNATURE		

ORDER TO PAY LOAN FUNDS

IMPERIAL BANK

NO. *447 8188*

11/28/70

DATE

PAY TO Renew No. UT 7868

Ten thousand and no/100

ONLY DOLLARS

AND CHANGE THE SAME TO LOAN ACCOUNT OF *A* the undersigned

This is certified to be a true and correct copy

Lauretta R. Lucas 11/28/70
Lauretta R. Lucas A.V.P.



IMPERIAL BANK

IMPERIAL AT WESTERN • LOS ANGELES 47, CALIFORNIA

TELEPHONE 757-8151

March 31, 1971

Charles H. Wilson
300 East Hillcrest Blvd.,
Inglewood, California

Dear Mr. Wilson,

UT-7868

UTR-8188

In connection with payment in full of your commercial loan, we are pleased to enclose the original note in evidence of this obligation marked PAID.

Should you feel the need for utilizing any of our many banking services, please feel free to discuss your needs with our officers.

Sincerely yours,

IMPERIAL BANK

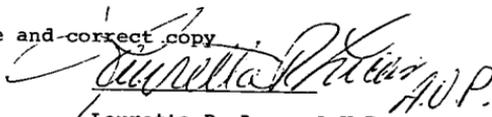


Enclosure -2-

2 notes

038714

This is certified to be a true and correct copy



Laretta R. Lucas A.V.P.

COMMITTEE HEARING
EXHIBIT NO. 7 (d)

LOAN APPROVAL
AND
CREDIT REPORT

OFFICE Head Office			BORROWER'S NAME Charles E. Wilson		
BORROWER'S BUSINESS OR OCCUPATION Congressman,			ADDRESS 3006 Hillcrest Blvd., Inglewood		PHONE NO. 676-4343
DATE OF NOTE 10/15/71	ENTERED ON BOOKS	INT. ACCRUES FROM 10/15/71	RATE 8 %	MATURITY 1/13/72	LOAN NUMBER UTRL 9038
IF RENEWAL SHOW PREVIOUS DATE 6/15/71	PREVIOUS LOAN NO. UT 8741	PREVIOUS AMOUNT \$ 5,000	THIS ADVANCE MADE UNDER: <input type="checkbox"/> LINE OF CREDIT <input type="checkbox"/> COMMITMENT OR AUTHORIZATION		ORIGINAL AMOUNT \$ 5,000
GUARANTOR(S) (SHOW LIABILITY BELOW) Wife			LOAN REPAYABLE AS FOLLOWS: At maturity		
DESCRIPTION OF COLLATERAL THIS LOAN. ALSO LIST LOAN NUMBERS WHICH IDENTIFY OTHER COLLATERAL. (USE REVERSE IF NECESSARY)					
APR 62 FC \$50.00					
LOAN MADE BY: DBS			MARKET VALUE OF COLLATERAL SUPPORTING THIS LOAN AS OF: \$		
			MARKET VALUE OF OTHER COLLATERAL AS OF: \$		
			MARKET VALUE OF TOTAL COLLATERAL \$		
LIABILITY (NAME)	Charles E. Wilson				
DATE	10/15/71				
UNSECURED	2,500				
SECURED					
INSTALLMENT LOAN					
INDIRECT					
LETTERS OF CREDIT OTHER LIABILITIES (INCLUDING D.D.)					
TOTAL	2,500				
REAL ESTATE LOAN					
AVERAGE ACCOUNT BALANCE NO. NOS. COMMERCIAL SAVINGS	AVERAGE AFFILIATED ACCOUNT BALANCES NO. NOS. COMMERCIAL SAVINGS		LAST OUT OF COMMERCIAL DEBT (EPP) TO DATE(S) INCLUSIVE:		LOANS (ENCL. R. E. & I. L.) LAST 12 MOS. HIGH \$ LOW \$
\$ 2,500	\$		3/9/71 - 6/17/71		2,500 5,000
APPROVALS	<i>[Signature]</i>				

COMMENT — COMMENTS SHOULD INCLUDE: (1) INFORMATION RELATIVE TO PAST BORROWING EXPERIENCE. (2) COMMENT ON ANY PAST DUE OBLIGATIONS OUTSTANDING. (3) EXPLANATION OF ANY SIGNIFICANT CHANGES IN FINANCIAL STATEMENT, IF NOT PREVIOUSLY REVIEWED. (4) IF REAL ESTATE LOAN, ATTACH APPRAISAL REPORT.

DATE OF COMMENTS: **November 11, 1971** DATE OF LAST STATEMENT: **11/4/71**
 SOURCE OF REPAYMENT: **Personal expense**
 PURPOSE OF LOAN: **Income**

This is certified to be a true and correct copy.

[Signature]
 Lauretta R. Lucas A.V.P.

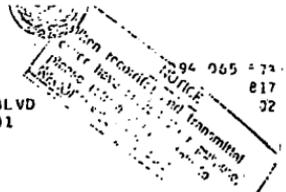
COMMITTEE HEARING
EXHIBIT NO. 7 (e)

038767

PAGE OF PAGES

LEDGER SHEET

CHARLES H WILSON
CAMPAIGN FUND
300 E HILLCREST BLVD
INGLEWOOD CA 90301



VER CITY BRANCH		ADJ. NO.	573	PERIOD	FEB 26 71	MAR 31 71
CHECKS	CHECKS	DIFDAS	CHECKS	DEPOSITS	DATE	BALANCE
				1226 00	MAR 1 71	13412.26
				972 00		
				3972 00	MAR 3 71	15356.26
38 00				1080 00	MAR 9 71	15318.26
10283.35				540 00	MAR 10 71	6114.91
				594 00	MAR 12 71	6654.91
					MAR 16 71	7248.91
5200 00					MAR 17 71	2148.91

CHECKING ACCOUNT SUMMARY

BEGINNING BALANCE	DEPOSITS		CHECKS		SERVICE CHARGE		ENDING BALANCE
	TOTAL NUMBER	TOTAL AMOUNT	TOTAL NUMBER	TOTAL AMOUNT	NUMBER OF ITEMS	AMOUNT	
9186.26	6	8384.00	3	15521.35	3		2148.91

PAYEE'S CHECK
 SERVICE CHARGE
 AUTOMATIC TRANSFER

CURITY PACIFIC NATIONAL BANK

19 036911

Subscribed and sworn to before me this
 19th day of MARCH, 1971
 Margaret Lozano
 NOTARY PUBLIC in and for the
 State of California

COMMITTEE HEARING
 COUNTY OF LOS ANGELES
 By: *[Signature]*



COMMITTEE HEARING
EXHIBIT NO. 8 (a)

CHARLES H. WILSON
 HAMPDEN FUND
 400 N. HILL STREET, DOWNTOWN
 INDEPENDENCE, CALIFORNIA 94901

No. 11
 March 15, 1961
 \$ 3,000.00

Charles H. Wilson Office Account
 Five Thousand and Two Hundred and No/100
 DOLLARS

SECURITY PACIFIC NATIONAL BANK
 811 Market Street
 8133 Corner Street, Oakland, Calif. 94612

038850 41222-11255094-055 571*

Charles H. Wilson

700005 AUGUUR

For Deposit Only

Charles H. Wilson Office Account

Charles H. Wilson
 4-661

Branch of Bank

16

MAR 16 1961

COMMITTEE HEARING
EXHIBIT NO. 8 (C)

LEDGER SHEET
 300 EAST HILLCREST BOULEVARD
 INGLEWOOD, CALIFORNIA

BANK OF AMERICA

PERIOD ENDING
 MAR. 27, 1976

ACCOUNT NO.
 44803

CHARLES H WILSON-OFFICE ACCOUNT
 300 EAST HILLCREST BOULEVARD
 INGLEWOOD CA 90305

HOLD

03885

COMMITTEE HEARING
 EXHIBIT NO. 8 (2)

CHECKS - LISTED IN ORDER OF PAYMENT - READ ACROSS				DEPOSITS	DATE	NEW BALANCE
					FEB 23	120113
					MAR 5	4811
				44803		
				1028335	MAR 9	1077651
					MAR 10	48720
	1000	3221	10734		MAR 12	33200
	2625	3850			MAR 15	26414
				520000	MAR 16	546143
					MAR 17	539246
					MAR 18	26253
					MAR 24	23714

SUMMARY OF ACTIVITY		DEBITS		CREDITS		SERVICE CHARGE		NEW BALANCE
NUMBER	AMOUNT	NUMBER	AMOUNT	NUMBER	AMOUNT	NUMBER	AMOUNT	
			1137	3	1572938			123914

CERTIFIED TO BE A TRUE AND EXACT COPY OF THE ORIGINAL

SECURITY PACIFIC NATIONAL BANK

Date Aug. 26, 1970

You are authorized to disburse the proceeds of that certain note dated Aug. 26, 1970 in the amount of \$ _____ executed by the undersigned, as follows:

Credit account of _____ \$ _____
 Pay in cash to _____ \$ _____
 Pay by cashiers check to Charles H. Wilson \$ 5,000.
 Pay by cashiers check to _____ \$ _____
 Pay off loan No. _____ signed by _____ \$ _____

Subtotal \$ 5,000.
 Discount \$ _____
 TOTAL \$ 5,000.

Received \$ _____ in cash. Date _____

Charles H. Wilson
 Charles H. Wilson

3085 CL 1072 7-68 60 BY

036863

Subscribed and sworn to before me this
19th day of MARCH 1980
Margaret Lozano
 NOTARY PUBLIC in and for the
 State of California

Certified to be a true and correct
 copy of the original.
 SECURITY PACIFIC NATIONAL BANK
 By *[Signature]*



COMMITTEE HEARING
 EXHIBIT NO. 8 (d)

Exhibit 8(a)

Part 1 of Form No. 10-C (Revised 1-1-37)

① DATE RECEIVED: 71 1947 7 2715
 ② INT. AREA: 9.0
 ③ BORROWER'S NAME: WILSON
 ④ BORROWER'S LAST NAME: WILSON
 ⑤ BORROWER'S FIRST NAME: CHARLES H
 ⑥ BORROWER'S OCCUPATION OR BUSINESS: (CONSULTANT)
 ⑦ SPouse's FIRST NAME: BETTY
 ⑧ SPouse's OCCUPATION OR BUSINESS:
 ⑨ MAILING ADDRESS (IND. & STREET OR R.F.D.): 300 E. Hillcrest
 ⑩ CITY & STATE (IND. & STATE): Inglewood, Calif.
 ⑪ DATE & AMT. OF PAYMENT: 8-26-70
 ⑫ FREQUENCY OF INTEREST PAYMENTS: MONTHLY
 ⑬ FREQUENCY OF PRINCIPAL PAYMENTS: MONTHLY
 ⑭ OTHER TERMS OF REPAYMENT:
 ⑮ Maturity DATE: 11-27-70
 ⑯ DATE 1ST PRIN. PAYMENT: 11-27-70
 ⑰ DATE 1ST INT. PAYMENT: 11-27-70
 ⑱ REGULAR PAY. AMT.: 5,000.
 ⑲ DATE INT. BEGINS ON FULL LOAN: 8-26-70
 ⑳ INT. COMPUTATION BASIS: 360 DAY RATE
 ㉑ NEW LOAN (OR PORTION):
 ㉒ DISPOSITION OF PROCEEDS:
 CREDIT ACCT. NO.:
 PAY CASH TO:
 CASHIERS CHECK NO.: D 978905
 RECEIVAL/INT. PORTION:
 PAYOFF LOAN NO.:
 TOTAL \$ 5,000

PURPOSE OF LOAN: PERSONAL EXPENSES

SOURCE OF REPAYMENT: INCOME

BALANCES	DEMAND (3 MOS. AVG.)	SAVINGS	CERT. OF DEP.	BORROWER	
BORROWER	\$ 5,000	\$	\$	DESCRIPTION OF DEBT	AMOUNT
GUARANTOR	\$	\$	\$	UNSECURED	
ASSOCIATED	\$	\$	\$		5,000
REMARKS AND COLLATERAL DESCRIPTIONS (Use for Other Supporting Information)				UNIT PRICE	MARKET VALUE
CUSTOMER REFERRED TO US BY AND LOAN RECOMMENDED BY NORMAN BELIN, Ex. V.P. AND DAVID BAUCHER, V.P.					
TOTAL \$					
HEAD OFFICE/DIVISION CREDIT DEPARTMENT USE ONLY				BORROWER'S REAL ESTATE	
DATE RECEIVED:				GUARANTOR'S REAL ESTATE	
REPLY TO:				APPROVED BY LOAN COMMITTEE: [Signature]	
<input type="checkbox"/> LIST <input type="checkbox"/> FILE BY:				H.W. S. D. Drummond 6606 LOAN AUTHORIZED BY SIGNATURE 14-77-60	

036862

8770 CL 1117 S 847 BY

Subscribed and sworn to before me this
 19th day of MARCH, 1947
 Margaret Lozano
 NOTARY PUBLIC in and for the
 State of California



Certified to be a true and correct
 SECURITY
 By [Signature]

LEDGER SHEET

Exhibit 9(a)

CHARLES H WILSON
CAMPAIGN FUND
300 E HILLCREST BLVD
INGLEWOOD CA 90301

094-065 5

SILVER CITY BRANCH		ACCOUNT NUMBER	PERIOD	DCT 29 71		NOV 30	
CHECKS	CHECKS	CHECKS	CHECKS	DEPOSITS	DATE	BALANCE	
				1510 00	NOV 2 71	8318 91	
				1000 00	NOV 3 71	9318 91	
				5210 00	NOV 5 71	14528 91	
100 00	3000 00			200 00	NOV 8 71	11628 91	
				100 00	NOV 9 71	11728 91	
23 43					NOV 18 71	11705 48	
3400 00					NOV 24 71	8305 48	
3500 00					NOV 30 71	4805 48	

CHECKING ACCOUNT SUMMARY

BEGINNING BALANCE	DEPOSITS		CHECKS		SERVICE CHARGE		ENDING BALANCE
	TOTAL NUMBER	TOTAL AMOUNT	TOTAL NUMBER	TOTAL AMOUNT	NUMBER OF ITEMS	AMOUNT	
6808 91	5	8020 00	5	10023 43	5	100	4805

5

SECURITY PACIFIC NATIONAL BANK
1438 AL 380 7-71 10Y

181364 036919

Subscribed and sworn to before me this
19th day of MARCH, 1980
Margaret Lozano
NOTARY PUBLIC in and for the
State of California

Certified to be a true and correct
copy of the original.
SECURITY PACIFIC NATIONAL BANK
By *[Signature]*



COMMITTEE HEARING
EXHIBIT NO. 9(a)

STATEMENT OF ACCOUNT WITH
 CREDIT BALANCE
 LOS ANGELES, CALIFORNIA

BANK OF AMERICA

PERIOD ENDING
 NOV. 23, 1971

ACCOUNT NO.
 0374900661

CHARLES H WILSON-OFFICE ACCOUNT
 300 EAST HILLGREST BOULEVARD
 INGLEWOOD CA 90301

NOV 19

⚠️ Cite along this line when sending a change of address - See reverse

CHECKS - LISTED IN ORDER OF PAYMENT - READ ACROSS				DEPOSITS	DATE	NEW BALANCE
426					OCT 26	32931
12500					OCT 28	20431
8500				15000	NOV 5	26931
415	1000	3884	11072		NOV 10	10620
2043					NOV 11	8577
500					NOV 19	8077
				340000	NOV 23	348077

COMMITTEE HEARING
 EXHIBIT NO. 9 (c)

CERTIFIED TO BE A TRUE AND
 EXACT COPY OF THE ORIGINAL

SUMMARY OF ACTIVITY

BALANCE FORWARD	DEBITS	CREDITS	NEW BALANCE
AMOUNT	NUMBER	AMOUNT	AMOUNT
172847	9	1135400	348077

STATEMENT OF ACCOUNT WITH
WESTERN-BYTH BRANCH
LOS ANGELES, CALIFORNIA

BANK OF AMERICA

PERIOD ENDING
DEC. 27, 1971

ACCOUNT NO.
0374900865

CHARLES H WILSON-OFFICE ACCOUNT
300 EAST HILLCREST BOULEVARD
INGLEWOOD CA 90301

HOLD

Clip along this line when sending a change of address - See reverse

CHECKS - LISTED IN ORDER OF PAYMENT - READ ACROSS				DEPOSITS	DATE	NEW BALANCE
4500	304791			350000	NOV 26	38786
					NOV 29	388786
8500					DEC 1	300286
8055					DEC 2	372231
				15000	DEC 6	387231
635	1500				DEC 13	385096
350000					DEC 14	35096
415	1000	1700	3879			
12732					DEC 16	15200
1171					DEC 20	14119
223					DEC 21	13896
1946					DEC 22	11950
540					DEC 23	11410

SUMMARY OF ACTIVITY

BALANCE FORWARD	DEBITS	CREDITS	SERVICE CHARGES	NEW BALANCE
NUMBER	AMOUNT	NUMBER	AMOUNT	
348077	16	2	365000	11410
	101667			

COMMITTEE HEARING
EXHIBIT NO. 9 (D)

CERTIFIED TO BE A TRUE AND
EXACT COPY OF THE ORIGINAL

317 W.P.C.B.

REPORT OF NO. 7 LOAN MADE

BRANCH NO. 094 CITY PLAZA

DATE 04/15/71

LOAN NUMBER 77171

AMOUNT OF NOTE 3000.00

NOTE DATE 04/15/71

DATE INTEREST BEGINS 04/15/71

MATURITY DATE 08/19/71

CLASS CODE 50

INTEREST RATE 00250

REGULAR PAYMENT 3000.00

FIRST INT. DUE DATE 08/19/71

FIRST PRIN. DUE DATE 08/19/71

PRIMARY BORROWER NAME WILSON, C H

STREET ADDRESS 104 CANNON HOUSE OFFICE

CITY AND STATE WASHINGTON D C

ZIP CODE 20515

FAR CODE C15

SIC CODE 8811

S/U CODE 01

DEMAND CODE 1

TAX CODE 1

LOAN OFF. NO. 6606

PURPOSE OF LOAN PERSONAL EXPENSES

SOURCE OF REPAYMENT INCOME

DISPOSITION OF LOAN PROCEEDS

CREDIT ACCOUNT NO. \$

CREDIT ACCOUNT NO. \$

PAY CASH TO \$

PAY BY CASHIER'S CHECK NO. Charles H. Wilson \$ 3,000.

PAY OFF LOAN NO. \$

OTHER \$

TOTAL \$ 3,000.

GUARANTOR'S ENDORSEMENT

GUARANTOR'S NAME Betty G. Wilson

DATE AND AMOUNT OF R/C/G 11/69 \$10,000.

DATE OF LAST FINANCIAL STATEMENT 8/25/70

DATE STATE SENT TO NO OR DIV. CREDIT DEPT.

DATE OF LAST CREDIT INVESTIGATION

DISBURSED IN FULL UNDISBURSED

BALANCES	DEMAND (3 MOS. AVG.)	SAVINGS	CERT. OF DEP.	BORROWER
BORROWER	\$	\$	\$	DESCRIPTION OF DEBT
GUARANTOR	\$	\$	\$	AMOUNT
ASSOCIATED	\$	\$	\$	UNSECURED
				3,000
REMARKS AND COLLATERAL DESCRIPTIONS				UNIT PRICE
(Use for Other Supporting Information)				MARKET VALUE
				SECURED
				INDIRECT (NAME)
				A. BORROWER'S LIABILITY TOTAL \$ 3,000
				GUARANTOR:
				UNSECURED
				SECURED
				OTHER INDIRECT (NAME)
				B. GUARANTOR'S LIABILITY TOTAL \$
				TOTAL LIABILITY (A + B) \$ 3,000
				(For clearance purposes)
HEAD OFFICE/DIVISION CREDIT DEPARTMENT USE ONLY				BORROWER'S REAL ESTATE
DATE RECEIVED:				APPROVED BY LOAN COMMITTEE
SENT TO:				GUARANTOR'S REAL ESTATE
<input type="checkbox"/> LIST <input type="checkbox"/> FILE BY:				L. D. Drummond 6606
				LOAN AUTHORIZED BY SIGNATURE

Subscribed and sworn to before me this 19th day of March 1971

Margaret Lozano

NOTARY PUBLIC In and for the State of California

Certified to be a true and correct copy

SECURITY BANK

By [Signature]



COMMITTEE HEARING EXHIBIT NO. 9 (e)

Exhibit 4(f)

REPORT OF NO. 7 LOAN MADE

DI		REGION NO.	BRANCH NO.	NCH NAME	
17771		30071	011571	CITY	
LOAN NUMBER	AMOUNT OF NOTE	NOTE DATE	DATE INTEREST BEGINS	MATURITY DATE	PMT. SCH. (1-5)
17771	30071	011571	011571	111571	1 5 5
AMOUNT OF DISCOUNT INCLUDED IN LOAN	RELATED BORROWER NO.	LINE NO. C	PRIMARY BORROWER NAME		STREET ADDRESS
			LILLY, C. H.		174 CANNON HILLS DRIVE
CITY AND STATE		ZIP CODE	FRR CODE	SIC	S/U CODE
MANHATTAN, MO		64113	015	011	01
DEMAND CODE	TAX CODE	LOAN OFF. NO.	REGULAR PAYMENT	FIRST INT. DUE DATE	FIRST PRIN. DUE DATE
1	1	6676	30071	111571	111571
POINTS OVER PRIME	MINIMUM INTEREST RATE	MAXIMUM INTEREST RATE	PRIME CHARG. CODE	LOAN DESCRIP.	INCREASE AMOUNT
				CON	10250
BORROWER FIRST NAME			BORROWER OCCUPATION OR BUSINESS		
CHARLES H.			Congressman		
SPOUSE NAME			DATE AND AMOUNT OF G/C/G		
BETTY G.			11/69 \$10,000		
GUARANTOR'S ENDORSER'S OR CASHIER'S NAME			DATE OF LAST FINANCIAL STATEMENT		
Betty G. Wilson			8/25/70		
DATE OF LAST FINANCIAL STATEMENT			DATE STMT. SENT TO HD OR DIV CREDIT DEPT.		
8/25/70					
DATE OF LAST CREDIT INVESTIGATION			DISBURSED IN FULL		
			<input checked="" type="checkbox"/>		
			UNDISBURSED		
			<input type="checkbox"/>		
			TOTAL \$ 3,000		
PURPOSE OF LOAN: PERSONAL EXPENSES					
SOURCE OF REPAYMENT: INCOME					

BALANCES	DEMAND (3 MDS. AVE.)	SAVINGS	CERT. OF DEP.	BORROWER
BORROWER	\$	\$	\$	DESCRIPTION OF DEBT
GUARANTOR	\$	\$	\$	UNSECURED
ASSOCIATED	\$	\$	\$	AMOUNT
				3,000
REMARKS AND COLLATERAL DESCRIPTIONS				
(Use for Other Supporting Information)				
036854				
TOTAL \$				
HEAD OFFICE/DIVISION CREDIT DEPARTMENT USE ONLY				BORROWER'S REAL ESTATE
DATE RECEIVED:				APPROVED BY
SENT TO:				LOAN COMMITTEE
<input type="checkbox"/> LIST <input type="checkbox"/> FILE BY:				L. D. Drummond 6606
				LOAN AUTHORIZED BY SIGNATURE - LN OFF. NO.

Subscribed and sworn to before me this 19th day of March, 1970
 Margaret Lozano
 NOTARY PUBLIC in and for the State of California

Certified to be a true and correct copy
 SECURED BY
 By: [Signature]



COMMITTEE HEARING
 EXHIBIT NO. 9 (f)


SECURITY PACIFIC NATIONAL BANK

HEAD OFFICE, SECURITY PACIFIC PLAZA, 333 SO. HOPE STREET, LOS ANGELES, CALIFORNIA

MAILING ADDRESS: P. O. BOX 2097, TERMINAL ANNEX, LOS ANGELES, CALIFORNIA 90007

RECEIVED

1978 OCT 30 AM 11: 57

 COMMITTEE ON
STANDARDS OF OFFICIAL CONDUCT

LEGAL DEPARTMENT

October 24, 1978

Martha Talley, Esq.
Committee on Standards of Official Conduct
United States House of Representatives
Room 3517, House Office Building Annex II
Washington, D.C. 20514

Re: Charles H. Wilson Campaign Fund

Dear Ms. Talley:

Our Culver City banking office has only been able to recover a loan payment ticket for Loan Number 097696. A copy of that ticket is enclosed and reflects that the loan was repaid on February 28, 1978, in the amount of \$4,570.91. The banking office manager determined that the funds for repayment came from Bank of America's Western and 87th Office.

With respect to Loan Number 097171, no record of repayment can be found, however, the banking office manager has advised me that the amount of the repayment should have been \$3047.91, as you suspected.

I am enclosing a copy of the final up-date of the checks requested. Nothing further was found.

If I can provide you with further information, please do not hesitate to contact me.

Very truly yours,

Neil B. Martin
Vice President and
Associate Counsel

NBM/mc
Enclosures

COMMITTEE HEARING
EXHIBIT NO. 9 (g)

039288

01750

CHARLES H WILSON
 CAMPAIGN FUND
 300 E HILLCREST BLVD
 INGLEWOOD CA 90301

094.065 5
 6

ULVER CITY BRANCH

ACCOUNT NUMBER 065 573

PERIOD OCT 29 71

NOV 30

CHECKS	CHECKS	CHECKS	CHECKS	DEPOSITS	DATE	BALANCE
				1510.00	NOV 2 71	8318.91
				1000.00	NOV 3 71	9318.91
100.00	3000.00			5210.00	NOV 5 71	14528.91
				200.00	NOV 8 71	11628.91
23.43				100.00	NOV 9 71	11728.91
3400.00					NOV 18 71	11705.48
3500.00					NOV 24 71	8305.48
					NOV 30 71	4805.48

CHECKING ACCOUNT SUMMARY

BEGINNING BALANCE	DEPOSITS		CHECKS		SERVICE CHARGE		ENDING BALANCE
	TOTAL NUMBER	TOTAL AMOUNT	TOTAL NUMBER	TOTAL AMOUNT	NUMBER OF ITEMS	AMOUNT	
6808.91	5	8020.00	5	10023.43	5	.00	4805.48

KEY
 M. MINUTE SERVICE CENTER S. SERVICE CENTER
 N. NIGHT DEPOSIT X. AFTERMATH, TRANSFER

SECURITY PACIFIC NATIONAL BANK

181364 036919

Subscribed and sworn to before me this
 19th day of MARCH, 1980
Margaret Lozano
 NOTARY PUBLIC in and for the
 State of California

Committed to be a good and correct
 SECURITY PACIFIC NATIONAL BANK
 By [Signature]



COMMITTEE HEARING
 EXHIBIT NO. 10 (a)

WILLIAM H. WILSON
 CHARITABLE FOUNDATION FUND
 500 N. HOLLAND ST. BLDG. 2
 ANGLEWOOD, CALIFORNIA 90001

No. _____

November 29, 1971

Charles H. Wilson Office Account _____ \$ 7,500

038859

10 1 2 2 2 = 11 2 5 1 0 4 4 0 6 5 5 7 3 4

70000 1500000

W.H.W.

Robert E. Johnson

COMMITTEE HEARING
 EXHIBIT NO. 10 (8)

29
 701

NOV 29 1971

LOS ANGELES

NOV 29 1971

NOV 29 1971

NOV 29 1971

STATEMENT OF ACCOUNT WITH
WESTERN-BYTH BRANCH
LOS ANGELES, CALIFORNIA

BANK OF AMERICA

DEC. 27, 1971

ACCOUNT NO.
0374900661

CHARLES H WILSON-OFFICE ACCOUNT
300 EAST HILLCREST BOULEVARD
INGLEWOOD CA 90301

HOLD

☛ *Clip along this line when sending a change of address - See reverse*

COMMITTEE HEARING
EXHIBIT NO. 10 (c)

CHECKS - LISTED IN ORDER OF PAYMENT - READ ACROSS				DEPOSITS	DATE	NEW BALANCE
4900	304791			350000	NOV 26	38786
					NOV 29	388786
8500					DEC 1	380286
8055				15000	DEC 2	372231
					DEC 6	387231
635	1500				DEC 13	385096
350070					DEC 14	35096
415	1000	1700	3879		DEC 16	15290
12732					DEC 20	14119
1171					DEC 21	13896
223					DEC 22	11950
1946					DEC 23	11410
540						

CERTIFIED TO BE TRUE AND
EXACT COPY OF THE ORIGINAL

SUMMARY OF ACTIVITY		DEBITS		CREDITS		SERVICE CHARGE		NEW BALANCE
PAYMENTS FORWARD	NUMBER	AMOUNT	NUMBER	AMOUNT	TYPE	AMOUNT		
348077	15	701667	2	350000			11410	

STATEMENT
 IN ACCOUNT WITH SERGEANT AT ARMS
 HOUSE OF REPRESENTATIVES

HONORABLE CHARLES H. WILSON, M.C.

1900#

DATE	CHECKS	DATE	DEPOSITS	DATE	NEW BALANCE	
BALANCE BROUGHT FORWARD FROM LAST STATEMENT					DEC 1771	886.64*
		DEC 371	3,600.00+			
		DEC 371	2,123.63+	DEC 371	6,520.27*	
371	500.00-	700.00		DEC 371	5,320.27*	
671	25.00	500.00		DEC 671	4,795.27*	
771	600.00			DEC 771	4,195.27*	
871	360.00	200.00		DEC 871	3,635.27*	
C 971	350.00	700.00				
EC 971	12.47	20.97		DEC 971	2,491.83*	
EC 971	60.00					
JEC 1071	60.00	35.00		DEC 1071	2,194.53*	
DEC 1071	91.57	110.73				
DEC 1371	54.50	8.68		DEC 1371	1,923.24*	
DEC 1371	18.84	189.21		DEC 1471	3,123.24*	
		DEC 1471	1,200.00+			
DEC 1471	6.52	26.44		DEC 1471	2,969.28*	
DEC 1471	121.00					
DEC 1571	55.76	43.64		DEC 1571	2,711.99*	
DEC 1571	100.00	57.89		DEC 1771	2,697.60*	
DEC 1771	14.39			DEC 2071	2,624.60*	
DEC 2071	53.00	20.00		DEC 2171	2,611.09*	
DEC 2171	13.51					
DEC 2271	55.40	42.00		DEC 2271	2,446.92*	
DEC 2271	66.77			DEC 2371	2,371.62*	
DEC 2371	48.12	27.18		DEC 2871	2,326.28*	
DEC 2871	37.84	7.50				
DEC 2971	52.30	500.00		DEC 2971	1,359.48*	
DEC 2971	400.00	14.50		JAN 372	3,857.67*	
		JAN 372	2,498.19	JAN 372	5,990.94*	
		JAN 372	2,133.27	JAN 372	3,790.94*	
JAN 372	2,200.00			JAN 372	2,939.95*	
JAN 372	17.67	14.60				
JAN 372	18.72	800.00				

18-44877-1

THIS LAST AMOUNT IN THIS COLUMN IS YOUR BALANCE

COMMITTEE HEARING
 EXHIBIT NO. 10 (e)

035402

HONORABLE CHARLES H. WILSON, M.C.

Exhibit 10(f)

DATE	CHECKS	DATE	DEPOSITS	DATE	NEW BALANCE	
BALANCE BROUGHT FORWARD FROM LAST STATEMENT					NOV 171	461.14*
NOV 371	80.00-			NOV 371	381.14*	
		NOV 471	3,000.00+	NOV 471	3,381.14*	
NOV 871	500.00-			NOV 871	2,881.14*	
NOV 971	35.00- 121.75-			NOV 971	2,722.39*	
NOV 1071	27.54- 5.00-					
NOV 1071	350.00-			NOV 1071	2,340.05*	
NOV 1171	24.00- 350.00-					
NOV 1171	106.00- 99.13-			NOV 1171	1,760.62*	
NOV 1271	19.72- 18.51-					
NOV 1271	17.65- 10.50-					
NOV 1271	44.11- 9.88-					
NOV 1271	9.87- 104.11-					
NOV 1271	-104.60- 103.00-			NOV 1271	1,318.37*	
NOV 1571	77.15- 90.55-					
NOV 1571	12.00- 18.00-					
NOV 1571	7.00- 104.50-					
NOV 1571	61.68-			NOV 1571	1,016.93*	
		NOV 1771	500.00+	NOV 1771	1,516.93*	
NOV 1771	118.80- 12.18-					
NOV 1771	101.00- 75.00-					
NOV 1771	12.00- 83.02-			NOV 1771	1,113.33*	
NOV 1871	5.60- 19.75-					
NOV 1871	53.00-			NOV 1871	1,035.52*	
		NOV 1871	588.00+	NOV 1871	1,623.52*	
NOV 1971	56.52- 15.00-					
NOV 1971	7.50- 45.50-					
NOV 1971	40.50-					
NOV 2271	41.72- 7.75-			NOV 1971	1,458.71*	
NOV 2271	34.50-					
NOV 2371	35.75- 17.00-			NOV 2271	1,374.34*	
NOV 2471	36.00-			NOV 2371	1,321.59*	
NOV 2671	12.00- 500.00-			NOV 2471	1,285.59*	
NOV 2971	27.15- 158.00-			NOV 2671	773.59*	
		DEC 171	2,403.23+	NOV 2971	588.41*	
EC 171	2,200.00-			DEC 171	3,086.64*	
				DEC 171	886.64*	

10-04477-1

THIS LAST AMOUNT IN THIS COLUMN IS YOUR BALANCE

COMMITTEE HEARING
EXHIBIT NO. 10 (f)

035377

Washington, D.C. 11/23/71 10(q)
 \$640
 Dollars
 The Honorable Charles W. Stenholm
 House of Representatives
 U.S.
 #0540-0121# 16-954-5578-0 #0000000640#

STRAITER No. 3600
 NOV 25 1971 Washington, D.C. 11/23/71 15-121 540
 \$700.00
 Dollars
 The Honorable Charles W. Stenholm
 House of Representatives
 U.S.
 #0540-0121#

STRAITER No. 3601
 NOV 26 1971 Washington, D.C. 11/26/71 15-121 540
 \$700.00
 Dollars
 The Honorable Charles W. Stenholm
 House of Representatives
 U.S.
 #0540-0121# #0000070000#

COMMITTEE HEARING
 EXHIBIT NO. 10 (g)

STRAITER No. 3602
 NOV 28 1971 Washington, D.C. 11/26/71 15-121 540
 \$500.00
 Dollars
 The Honorable Charles W. Stenholm
 House of Representatives
 U.S.
 #0540-0121# #0000050000#

STRAITER No. 3604
 NOV 28 1971 Washington, D.C. 11/27/71 15-121 540
 \$200.00
 Dollars
 The Honorable Charles W. Stenholm
 House of Representatives
 U.S.
 #0540-0121# 035423

FOR ANY BANK, P.E.B.
RICHMOND
TEXACO INC. H. T. C. C.
UVB/STATE PLANTERS

DEC 24

102

DEC 24 1971

1701

DEC 24 1971 27000
DEC 24 1971 27000
NATIONAL BANK OF WASHINGTON, D.C.

PAY ANY BANK, P.E.B.
240
Bank of America, N.T. & SA
400 S. WASHINGTON ST.
LOS ANGELES, CA 90071
PAY ANY BANK, P.E.B.
240
FNB-BALTIMORE
BANK OF AMERICA, N.T. & SA
240

Western Business Machine
Hollywood Park
Hollywood, California 90028
703-345-1111

PAY ANY BANK, P.E.B.
240
Bank of America, N.T. & SA
400 S. WASHINGTON ST.
LOS ANGELES, CA 90071
PAY ANY BANK, P.E.B.
240
FNB-BALTIMORE
BANK OF AMERICA, N.T. & SA
240

Western Business Machine
Hollywood Park
Hollywood, California 90028
703-345-1111

DEC 24 1971

PAY TO THE ORDER OF
CALIFORNIA BANK

DEC 24 1971

DEC 16 7 10 AM '71

ANY BANK, P.E.B.
RICHMOND

Washington D.C. 11/27/1971
 Pay to the order of Charles H. Wilson \$2500.⁰⁰
 Two thousand five hundred and no/100 Dollars
 The Honorable Charles H. Wilson
 House of Representatives, U.S.
 000000 2500

No. 366
 Washington D.C. 11/27/1971
 Pay to the order of Charles H. Wilson \$500.⁰⁰
 Five hundred and no/100 Dollars
 The Honorable Charles H. Wilson
 House of Representatives, U.S.
 000000 50000

STRAITER
 No. 367
 Washington D.C. 11/27/1971
 Pay to the order of Charles H. Wilson \$600.⁰⁰
 Six hundred and no/100 Dollars
 The Honorable Charles H. Wilson
 House of Representatives, U.S.
 000000 600000

HON. CHARLES H. WILSON, M. C.
 104 HOUSE OFFICE BUILDING
 WASHINGTON, D. C. 20515
 No. 368
 Washington D.C. 12/14/1971
 Pay to the order of Charles H. Wilson \$700.⁰⁰
 Seven hundred and no/100 Dollars
 The Honorable Charles H. Wilson
 House of Representatives, U.S.
 000000 20000

HON. CHARLES H. WILSON, M. C.
 124 HOUSE OFFICE BUILDING
 WASHINGTON, D. C. 20515
 No. 369
 Washington D.C. 12/13/1971
 Pay to the order of Charles H. Wilson \$500.⁰⁰
 Five hundred and no/100 Dollars
 The Honorable Charles H. Wilson
 House of Representatives, U.S.
 000000 50000

LEDGER SHEET

EXHIBIT 11(a)
094.065

CHARLES H WILSON
CAMPAIGN FUND
300 E HILLCREST BLVD
INGLEWOOD CA 90301

JLVLR CITY BRANCH		ACCOUNT NUMBER	065 573	PERIOD	OCT 29 71	NOV 30
CHECKS	CHECKS	CHECKS	CHECKS	DEPOSITS	DATE	BALANCE
				1510 00	NOV 2 71	8318 91
				1000 00	NOV 3 71	9318 91
				5210 00	NOV 5 71	14528 91
100 00	3000 00			200 00	NOV 8 71	11628 91
				100 00	NOV 9 71	11728 91
23 43					NOV 18 71	11705 48
3400 00					NOV 24 71	8305 48
3500 00					NOV 30 71	4805 48

CHECKING ACCOUNT SUMMARY

BEGINNING BALANCE	DEPOSITS		CHECKS		SERVICE CHARGE		ENDING BALANCE
	TOTAL NUMBER	TOTAL AMOUNT	TOTAL NUMBER	TOTAL AMOUNT	NUMBER OF ITEMS	AMOUNT	
6808 91	5	8020 00	5	10023 43	5	00	4805 48

5

KEY
M NEW YEAR'S PARTY S SERVICE CHARGE
N BIRTHDAY PARTY E PAYROLL DEPOSIT

SECURITY PACIFIC NATIONAL BANK

181364 036919

Subscribed and sworn to before me this
19th day of MARCH, 1980
Margaret Lozano
NOTARY PUBLIC in and for the
State of California

CONFIRMED TO BE TRUE AND CORRECT
SECURITY PACIFIC NATIONAL BANK
By *[Signature]*

COMMITTEE HEARING
EXHIBIT NO. 11 (a)



CHARLES W. WILSON
CAMPAIGN FUND
300 F. HILLCREST BOULEVARD
BURLINGAME, CALIFORNIA 94010

No. 44
19 71

Nov. 1,

\$ 3,000.00

DOLLARS

Charles Wilson

089480

573*

⑆ 0001 2515071 ⑈ 0551

THOUSAND AND NO/100

CITY PACIFIC NATIONAL BANK
SAN FRANCISCO
1000 MARKET STREET, SAN FRANCISCO, CALIF. 94102

Charles Wilson

ALL YOUR DEPOSITS
SECURED BY
FEDERAL DEPOSIT INSURANCE
CORPORATION
NOV 13 1971
FBI - SAN FRANCISCO

COMMITTEE HEARING
EXHIBIT NO. 11 (8)

DATE	CHECKS	DATE	DEPOSITS	DATE	NEW BALANCE
	BALANCE BROUGHT FORWARD FROM LAST STATEMENT			NOV 1'71	461.1-
3'71	800.00			NOV 3'71	381.14
		NOV 4'71	3,000.00+	NOV 4'71	3,381.14
4'71	500.00			NOV 8'71	2,881.14
4'71	35.48	123.75		NOV 9'71	2,722.39
4'71	27.54	5.00			
4'71	350.00			NOV 10'71	2,340.05
11'71	24.50	350.00			
11'71	106.48	991.75		NOV 11'71	1,760.62
12'71	19.02	18.51			
12'71	17.55	10.55			
12'71	44.42	9.82			
12'71	9.87	104.02			
12'71	104.50	103.08		NOV 12'71	1,518.37
1'71	7.13	90.55			
1'71	12.05	18.00			
1'71	7.00	104.52			
1'71	61.60			NOV 15'71	1,016.93
		NOV 17'71	500.00+	NOV 17'71	1,516.93*
1'71	118.40	12.15			
1'71	101.25	75.00			
1'71	12.00	83.02		NOV 17'71	1,113.33*
1'71	5.63	19.75			
1'71	53.05			NOV 18'71	1,035.52*
		NOV 18'71	588.00+	NOV 18'71	1,623.52*
1'71	56.52	13.02			
1'71	7.50	45.55			
1'71	40.55			NOV 19'71	1,458.71*
2'71	41.72	7.75			
2'71	34.55			NOV 22'71	1,374.34*
3'71	35.75	17.00		NOV 23'71	1,321.59*
4'71	36.00			NOV 24'71	1,285.59*
5'71	12.65	500.00		NOV 26'71	773.59*
5'71	27.12	158.00		NOV 29'71	588.41*
		DEC 1'71	2,498.23+	DEC 1'71	3,086.64*
1'71	2,200.00-			DEC 1'71	886.64*

18-64377-2

THIS LAST AMOUNT IN THIS COLUMN IS YOUR BALANCE

COMMITTEE HEARING
EXHIBIT NO. 11 (d)

035377

MEMORANDUM FOR CHARLES H. WILSON, M.C.

74

MEMO	CHECKS	DATE	DEPOSITS	DATE	NEW BALANCE
	BALANCE BROUGHT FORWARD FROM LAST STATEMENT			OCT 171	1,313.13
7/1	98.54	125.68			
7/2	29.57	7.05			
7/3	125.77	29.03			
7/4	15.93	71.65			
7/5	187.40			OCT 4'71	622.42
		OCT 5'71	688.00+		
		OCT 5'71	2,133.63+	OCT 5'71	3,444.05
7/6	55.40		(NEW)	OCT 5'71	3,388.45
7/7	27.18	2.18		OCT 5'71	3,299.09
		OCT 6'71	6,000.00+	OCT 6'71	9,299.09
7/8	114.50	106.75			
7/9	78.42	28.45			
7/10	500.00	35.00		OCT 6'71	8,431.97
7/11	20.00	36.35			
7/12	400.00	47.03		OCT 7'71	7,928.40
7/13	289.83	200.00		OCT 8'71	7,438.58
12/1	18.00	18.00			
12/2	700.00	1.43			
12/3	18.55	7.89			
12/4	204.77			OCT 12'71	6,469.52
12/5	200.00	107.50		OCT 13'71	6,162.02
12/6	19.53	.42		OCT 14'71	6,092.22
12/7	50.00			OCT 15'71	7,092.22
12/8	12.05	27.07	1,000.00+	OCT 15'71	
12/9	6.75	56.25			
12/10	2,678.56			OCT 15'71	4,311.35
12/11	62.00	73.75			
12/12	500.00	127.84			
12/13	84.15			OCT 18'71	3,464.05
12/14	27.18	49.83			
12/15	72.03			OCT 19'71	3,314.00
12/16	193.25	223.46		OCT 20'71	1,935.50
12/17	881.00	80.05			

30-54577-3

THIS LAST AMOUNT IN THE COLUMN IS YOUR BALANCE

COMMITTEE HEARING
EXHIBIT NO. 11 (e)

035343

Exhibit 11(e)

CHECKS	DATE	DEPOSITS	DATE	NEW BALANCE
BALANCE BROUGHT FORWARD FROM LAST STATEMENT			OCT 20'71	1,935.54 *
118.00 -	106.68 -		OCT 20'71	1,710.65 *
500.00 -	8.48 -			
14.50 -			OCT 21'71	1,187.98 *
500.00 -	55.59 -		OCT 22'71	632.29 *
25.20 -	53.82 -			
70.50 -	49.50 -			
6.00 -			OCT 26'71	426.87 *
300.00 -			OCT 28'71	126.87 *
1125 -			OCT 29'71	125.62 *
	NOV 1'71	2,498.18 +	NOV 1'71	2,623.81 *
	NOV 1'71	2,132.27 +	NOV 1'71	4,757.08 *
2,200.00 -			NOV 1'71	2,557.08 *
500.00 -	51.94 -			
500.00 -	300.00 -			
40.00 -	700.00 -		NOV 1'71	461.14 *

3000 -
3461.14

NBW

035344

CHARLES H. WILSON - SERGEANT AT ARMS ACCOUNT
 LIST OF OUTSTANDING CHECKS PRIOR TO NOVEMBER 4, 1971 DEPOSIT

Check Number	Date	Payee / Endorsement	Amount
3477	10-21-71	John Butz Treasurer (Cong. Secretaries Club)	* 5.00
3485	10-28-71	Cash - Endorsement, Western Harness Racing, Inc	500.00
3486	11-3-71	Washington Gas	24.30
3487	"	Congressional Credit Union	350.00
3488	"	1 st Federal Savings and Loan	350.00
3489	"	Shell Oil Corporation	17.95
3490	"	Mobil	7.00
3491	"	Arco	18.81
3492	"	Mayer Electric Service	35.00
3493	"	B.A. Melany, DDS	18.00
3494	"	L.A. Commodities #9	15.00
3495	"	Shenandoah Pkide Dairy	27.34
3496	"	Morris Carr	106.00
3497	"	National Capital Democratic Club	99.13
3498	"	American Legion Luncheon Club	5.00
3499	"	TWA	123.75
3500	"	Association of Former California Legislators	12.00
3501	"	BP Oil Corporation	44.41
3501	"	California Western States - Life Insurance Company	90.56
3502	"	Ambassadors Club	12.00
3503	"	BPOE #1492	40.00
3504	11-3-71	Security Pacific National Bank	103.00
			<u>*2,004.25</u>

COMMITTEE HEARING
 EXHIBIT NO. 11 (8)

Pay to the order of *John Brown* *Dever* \$55.00
Guaranty of John Dollars
Chas. H. Wilson
 :0511-0121: #0000000500#

No 3480 Washington, D.C. 10/22/1971
 The Sergeant at Arms
 House of Representatives, U.S.
 Pay to the order of *John Brown* \$80.00
Guaranty of John Dollars
Chas. H. Wilson
 :0511-0121: #0000008000#

No 3485 Washington, D.C. 10/28/1971
 The Sergeant at Arms
 House of Representatives, U.S.
 Pay to the order of *John Brown* \$500.00
Guaranty of John Dollars
Chas. H. Wilson
 :0511-0121: #0000050000#

No 3486 Washington, D.C. 11/3/1971
 The Sergeant at Arms
 House of Representatives, U.S.
 Pay to the order of *John Brown* \$24.30
Guaranty of John Dollars
Chas. H. Wilson
 :0540-0121: #0000002430#

No 3487 Washington, D.C. 11/5/1971
 The Sergeant at Arms
 House of Representatives, U.S.
 Pay to the order of *John Brown* \$350.00
Guaranty of John Dollars
Chas. H. Wilson
 075300

COMMITTEE HEARING
 EXHIBIT NO. 11 (g)

No. 3487
 11/3 1971 11(g)
 Washington, D.C.
 Pay to the order of Ben Owen \$350.⁰⁰
 Five hundred and no/100 Dollars
 The Secretary of the
 House of Representatives, U.S. Charles Wilson
 @0540@0121@ #0000035000#
 M #L9458

No. 3489
 15-121
 540
 Washington, D.C. 11/3 1971
 Pay to the order of Ben Owen \$17.95
 Seventeen and 95/100 Dollars
 The Secretary of the
 House of Representatives, U.S. Charles Wilson
 @0540@0121@ #0000001795#
 #2216288924

No. 3490
 15-121
 540
 Washington, D.C. 11/3 1971
 Pay to the order of Ben Owen \$7.⁰⁰
 Seven and no/100 Dollars
 The Secretary of the
 House of Representatives, U.S. Charles Wilson
 @0540@0121@ #0000000700#
 #836-873-080-3

No. 3491
 15-121
 540
 Washington, D.C. 11/3 1971
 Pay to the order of Ben Owen \$18.81
 Eighteen and 81/100 Dollars
 The Secretary of the
 House of Representatives, U.S. Charles Wilson
 @0540@0121@ #0000001881#
 #596-768-984

No. 3492
 15-121
 540
 Washington, D.C. 11/3 1971
 Pay to the order of Ben Owen \$35.⁰⁰
 Thirty five and no/100 Dollars
 The Secretary of the
 House of Representatives, U.S. Charles Wilson
 @0540@0121@ #0000003500#
 035388

Washington D.C. 11/3/1871
 Payable to the order of *Charles Wilson* \$1800
 The House of Representatives, U.S.
 No 3494
 15-121 540
 :054000121:

Washington D.C. 11/3/1871
 Payable to the order of *Charles Wilson* \$1500
 The House of Representatives, U.S.
 No 3494
 15-121 540
 :054000121:

Washington D.C. 11/3/1871
 Payable to the order of *Charles Wilson* \$2734
 The House of Representatives, U.S.
 No 3495
 15-121 540
 :054000121:

Washington D.C. 11/3/1871
 Payable to the order of *Charles Wilson* \$10600
 The House of Representatives, U.S.
 No 3496
 15-121 540
 :054000121:

Washington D.C. 11/3/1871
 Payable to the order of *Charles Wilson* \$9913
 The House of Representatives, U.S.
 No 3497
 15-121 540
 :054000121:

0550

Pay to the Order of
National Capital Democratic Ch.
1032-15-210

American City Bank
BANK OF THE DISTRICT OF COLUMBIA
MORRIS & SON, INC.
MORRIS CARP

AMERICAN CITY BANK
ANGELES, CALIF.

WASHINGTON, D. C.
NOV 10 1971

NOV 10 20 17

PAY TO THE ORDER OF

AMERICAN CITY BANK

BANK OF THE DISTRICT OF COLUMBIA

MORRIS & SON, INC.

MORRIS CARP

AMERICAN CITY BANK

ANGELES, CALIF.

NOV 05 71 160534

FOR DEPOSIT ONLY WITH
UNITED FEDERAL BANK FIRST & CENTERS NATIONAL
ALEXANDRIA, VIRGINIA
P.O. BOX 277
NOV 9 1971

Alexandria Dairy Products Company
SHENANDOAH PRIDE DAIRY
VALLEY VA. CO-OP. MILK PRODUCERS ASSN.

NOV 10 71

PRODECTEERS NAT. ASSN.
VALLEY VA. CO-OP. MILK PRODUCERS ASSN.

SHENANDOAH PRIDE DAIRY
ALEXANDRIA, VIRGINIA

NOV 10 71

NOV 10 71

NOV 10 71

DEPOSIT ONLY
VALLEY VA. CO-OP. MILK PRODUCERS ASSN.

SHENANDOAH PRIDE DAIRY
ALEXANDRIA, VIRGINIA

NOV 10 71

111111 111111
11(8)

Washington, D.C. 11/3 1871
 Paid to the order of W. H. C. Co. \$5.00
 Five Dollars
 The Treasury Department
 House of Representatives U.S.
 #0000000500#
 #0540-0121#

Washington, D.C. 11/3 1871
 No. 3499
 15-121
 540
 Paid to the order of W. H. C. Co. \$123.75
 One Hundred and Twenty Three and 3/4 Dollars
 The Treasury Department
 House of Representatives U.S.
 #0000012375#
 #151-972-279-5-000#
 #0540-0121#

Washington, D.C. 11/3 1871
 No. 3500
 15-121
 540
 Paid to the order of W. H. C. Co. \$12.00
 Twelve Dollars
 The Treasury Department
 House of Representatives U.S.
 #0000001200#
 #0540-0121#

Washington, D.C. 11/3 1871
 No. 3501
 15-121
 540
 Paid to the order of W. H. C. Co. \$44.41
 Forty Four and 41/100 Dollars
 The Treasury Department
 House of Representatives U.S.
 #0000004441#
 #11-970-250-4#
 #0540-0121#

Washington, D.C. 11/3 1871
 No. 3501
 15-121
 540
 Paid to the order of W. H. C. Co. \$90.36
 Ninety and 36/100 Dollars
 The Treasury Department
 House of Representatives U.S.
 #035386#
 #0540-0121#

EXHIBIT 111
11 (g)

Washington D.C. 11/3/1971
 Pay to the order of Charles C. Clark \$170.00
 \$100.00
 The Treasury Department
 House of Representatives U.S. Charles W. Wilson
 ⑆0540⑆0121⑆ ⑆0000001200⑆

No. 3503
 Washington D.C. 11/3/1971
 Pay to the order of B. B. Felt \$40.00
 \$10.00
 The Treasury Department
 House of Representatives U.S. Charles W. Wilson
 ⑆0540⑆0121⑆ ⑆0000004000⑆

No. 3504
 Washington D.C. 11/3/1971
 Pay to the order of Mr. Paul Hill \$103.80
 \$10.00
 The Treasury Department
 House of Representatives U.S. Charles W. Wilson
 ⑆0540⑆0121⑆ ⑆00000010300⑆

No. 3505
 Washington D.C. 11/8/1971
 Pay to the order of Housekeeping Room \$75.00
 \$10.00
 The Treasury Department
 House of Representatives U.S. Charles W. Wilson
 ⑆0540⑆0121⑆ ⑆0000007500⑆

No. 3506
 Washington D.C. 11/9/1971
 Pay to the order of Mr. Hill \$101.30
 \$10.00
 The Treasury Department
 House of Representatives U.S. Charles W. Wilson
 ⑆0540⑆0121⑆ ⑆00000010130⑆

035388

COMMITTEE HEARING
EXHIBIT NO. 12 (a)

This is certified to be a true and correct copy.

Lauretta R. Lucas A.V.P.

Lauretta R. Lucas A.V.P.

DATE	CHECKS AND OTHER DEBITS		DEPOSITS AND OTHER CREDITS		BALANCE											
	AMOUNT	#	AMOUNT	#												
2/07			2,155.00	DP	651.27											
2/15			2,940.00	DP	2,806.27											
2/16			6,530.00	DP	5,746.27											
2/18	75.00	CK			12,276.27											
2/22			330.00	DP	12,201.27											
2/28			550.00	DP	12,531.27											
2/25	1,500.00	CK			13,081.27											
					11,581.27											
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;">TOTAL DEBITS</td> <td style="width:10%;">1,575.00</td> <td style="width:10%;"></td> <td style="width:10%;">ENDING BALANCE</td> <td style="width:10%;">11,581.27</td> <td style="width:10%;">2 5</td> </tr> <tr> <td>TOTAL CREDITS</td> <td>12,505.00</td> <td>00</td> <td>CHECKS</td> <td>2 5</td> <td>2</td> </tr> </table>					TOTAL DEBITS	1,575.00		ENDING BALANCE	11,581.27	2 5	TOTAL CREDITS	12,505.00	00	CHECKS	2 5	2
TOTAL DEBITS	1,575.00		ENDING BALANCE	11,581.27	2 5											
TOTAL CREDITS	12,505.00	00	CHECKS	2 5	2											

ACCOUNT NUMBER
01-057-537

WILSON KEY COMMITTEE
P O BOX 66
INGLENOC CALIF 90306

DATE: 02/29/72 PAGE 1

038476

12

WILSON KEY COMMITTEE

P. O. BOX 66
INGLEWOOD, CALIFORNIA 90306

10-10-72
1228

February 27 10 72

\$ 1,500.00

ORDER OF Charles H. Wilson

One-Thousand and Five-Hundred and no/100

IMPERIAL BANK
31 WESTERN AVE.
INGLEWOOD, CALIFORNIA 90306

[Handwritten signature]

039410

⑆ 122200144⑆ 010057 537⑈

COMMITTEE HEARING
EXHIBIT NO. 12 (8)

HONORABLE CHARLES H. WILSON, M. C.

STATE OF MISSISSIPPI

Exhibit 12(d)
12

wd

DATE	CHECKS	DATE	DEPOSITS	DATE	NEW BALANCE
BALANCE BROUGHT FORWARD FROM LAST STATEMENT				FEB 1 '72	427.98*
		FEB 2 '72	2,133.52*	FEB 2 '72	2,561.61*
FEB 2 '72	90.50 -	700.00 -			
FEB 2 '72	8.00 -	8.60 -		FEB 2 '72	1,754.37*
FEB 3 '72	600.00 -	18.00 -			
FEB 3 '72	12.00 -			FEB 3 '72	1,124.37*
FEB 4 '72	350.00 -	200.00 -			
FEB 4 '72	25.00 -			FEB 4 '72	549.37*
FEB 7 '72	350.00 -			FEB 7 '72	199.37*
FEB 8 '72	100.00 -			FEB 8 '72	99.37*
		FEB 9 '72	700.00*	FEB 9 '72	799.37*
FEB 10 '72	27.00 -			FEB 10 '72	772.28*
FEB 11 '72	64.60 -			FEB 11 '72	707.62*
FEB 14 '72	103.73 -	10.00 -			
FEB 14 '72	143.33 -	24.00 -			
FEB 14 '72	25.00 -	20.30 -			
FEB 14 '72	25.00 -			FEB 14 '72	355.78
FEB 15 '72	53.00 -	64.00 -			
FEB 15 '72	16.51 -	7.87 -		FEB 15 '72	213.80*
FEB 16 '72	121.50 -	19.84 -		FEB 16 '72	72.86
FEB 18 '72	25.00 -			FEB 18 '72	47.86
		FEB 24 '72	6,000.00*	FEB 24 '72	4,047.86
FEB 24 '72	15.00 -			FEB 24 '72	4,032.86
FEB 28 '72	600.00 -	50.00 -			
FEB 28 '72	600.00 -			FEB 28 '72	2,782.86
FEB 29 '72	700.00 -			FEB 29 '72	2,082.86
		MAR 1 '72	2,318.43*	MAR 1 '72	4,401.29
MAR 1 '72	2,200.00 -		2,132.53*	MAR 1 '72	6,533.82
MAR 1 '72	66.00 -	33.85 -		MAR 1 '72	4,333.82
MAR 1 '72	249.80 -	51.50 -			
MAR 1 '72	16.84 -	11.30 -		MAR 1 '72	3,904.96

19-6477-1

THIS LAST AMOUNT IN THIS COLUMN IS YOUR BALANCE

COMMITTEE HEARING
EXHIBIT NO. 12 (d)

035455

CHARLES H. WILSON - SERGEANT AT ARMS ACCOUNT
 LIST OF OUTSTANDING CHECKS PRIOR TO FEBRUARY 24, 1972 DEPOSIT

Check umber	Date	Payee / Endorsement	Amount
3714	1-19-72	Deziel Trash Removal	15.00
3616	2-19-72	Cash - Endorsement, Los Angeles Turf Club	600.00
3617	2-19-72	Cash - Endorsement, Los Angeles Turf Club	600.00
3618	2-19-72	Cash - Endorsement, Cochitoo Hotel	700.00
3619	2-20-72	Cash - Endorsement, Los Angeles Turf Club	600.00
			<u># 2,515.00</u>

COMMITTEE HEARING
 EXHIBIT NO. 12 (ca)

HON. CHARLES H. WILSON, M. C.
104 HOUSE OFFICE BUILDING
WASHINGTON, D. C. 20515

No 3714

15-1
540

Washington D.C. 119 NY

Pay to the order of *Charles H. Wilson* \$15.00

The *House of Representatives*

House of Representatives of *Charles H. Wilson*

⑆0540⑉0121⑆ 0000001500⑆
4801 Randolph Dr. Laurel Md

HON. CHARLES H. WILSON, M. C.
104 HOUSE OFFICE BUILDING
WASHINGTON, D. C. 20515

No 3617

15-121
540

Washington D.C. 119 NY

Pay to the order of *Charles H. Wilson* \$600.00

The *House of Representatives*

House of Representatives of *Charles H. Wilson*

⑆0000060000⑆
035468

HON. CHARLES H. WILSON, M. C.
104 HOUSE OFFICE BUILDING
WASHINGTON, D. C. 20515

No 3618

15-121
540

Washington D.C. 119 NY

Pay to the order of *Charles H. Wilson* \$780.00

The *House of Representatives*

House of Representatives of *Charles H. Wilson*

⑆0000070000⑆

HON. CHARLES H. WILSON, M. C.
104 HOUSE OFFICE BUILDING
WASHINGTON, D. C. 20515

No 3619

15-121
540

Washington D.C. 119 NY

Pay to the order of *Charles H. Wilson* \$600.00

The *House of Representatives*

House of Representatives of *Charles H. Wilson*

⑆0000060000⑆

HON. CHARLES H. WILSON, M. C.
104 HOUSE OFFICE BUILDING
WASHINGTON, D. C. 20515

No 3620

15-121
540

Washington D.C. 119 NY

Pay to the order of *Charles H. Wilson* \$600.00

The *House of Representatives*

House of Representatives of *Charles H. Wilson*

⑆0000060000⑆

UNITED STATES HOUSE OF REPRESENTATIVES

Office of the Clerk
Washington, D.C.REGISTRATION FORM AND STATEMENT OF ORGANIZATION
FOR A
COMMITTEE

1972 APR 17 PM 1:35

SUPPORTING ANY CANDIDATE(S) FOR THE U.S. HOUSE OF REPRESENTATIVES AND
ANTICIPATING CONTRIBUTIONS OR EXPENDITURES IN EXCESS OF
\$1,000 IN ANY CALENDAR YEAR

REQUIREMENTS IN A REGISTRATION OF POLITICAL COMMITTEES

(In accordance with the provisions of the Federal Election Campaign Act of 1971, P.L. 92-225)

SEE APPROPRIATE SUPERVISORY OFFICE'S MANUAL FOR ADDITIONAL
REGULATIONS AND INSTRUCTIONS

A. The treasurer of each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding \$1,000 any portion of which will be expended for the purpose of influencing the nomination or election of candidates for the U.S. House of Representatives shall file with the Clerk of the U.S. House of Representatives a Registration Form and Statement of Organization, within 10 days after its organization, or, if later, 10 days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of \$1,000 any portion of which will be expended for the purpose of influencing the nomination or election of candidates for the U.S. House of Representatives. Each such committee in existence on April 7, 1972 shall file a Registration Form and Statement of Organization with the Clerk of the U.S. House of Representatives on or before April 17, 1972. Note: If the committee also supports a candidate for the U.S. Senate, a similar statement must be filed with the Secretary of the Senate, and if the committee supports a candidate for President or Vice President of the United States a similar statement must be filed with the Comptroller General.

B. A copy of this statement shall be filed with the Secretary of State (or, if there is no Office of Secretary of State, the equivalent State officer) of the appropriate State.

C. A copy of this statement shall be preserved by the treasurer of the political committee for a period of not less than two (2) years.

D. Any change or correction of information previously submitted in a Registration Form and Statement of Organization shall be reported to the Clerk of the U.S. House of Representatives within ten (10) days following the change or correction. Such amendments to the statement shall contain the date, identity of the committee, the changed or corrected information appropriately identified, and shall be verified by the oath or affirmation of the person filing such information, taken before any officer authorized to administer the oath.

E. Any committee which, after having filed one or more Registration Form and Statement of Organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall so notify the Clerk of the U.S. House of Representatives. Such notification shall be verified by the oath or affirmation of the person filing it, taken before any officer authorized to administer the oath, and such notification shall include a statement as to the disposition of residual funds if the committee is disbanding.

1. Full name of committee: WILSON KEY COMMITTEEMailing address and ZIP code: P. O. BOX 66 INGLEWOOD, CA 90306
300 East Hillcrest Blvd. Inglewood, Ca 90301Date of this registration: APRIL 5, 19722. Affiliated or connected organizations: NONE

Name of affiliated or connected organization	Mailing address and ZIP code	Relationship
NONE		

*Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate box where information is continued on separate sheets.

3. Area, Scope and Jurisdiction of the Committee:

(a) Will this committee operate in more than one State? NO(b) Will it operate on a statewide basis in one State? YES(c) Will it primarily support candidates seeking State or local office? NO(d) Will it support a candidate for the U.S. House of Representatives in an aggregate amount in excess of \$1,000 during the calendar year? YESCOMMITTEE HEARING
EXHIBIT NO. 12 (4)

H.R. ELECTION FORM 1

Exhibit 12(f)

(Full Name of Committee)

- 4 (a) If the committee is supporting individual candidates for the U.S. House of Representatives, list each candidate by name, address, office sought, and party affiliation:

Full names of candidate.	Mailing address and ZIP code	State and Congressional District	Party
CHARLES H. WILSON	300 EAST HILLCREST BLVD. INGLEWOOD, CA 90301	CALIFORNIA 31st	DEMOCRATIC

- (b) List by name, address, office sought, and party affiliation, any candidate for other Federal office that this committee is supporting:

Full names of candidates	Mailing address and ZIP code	Office sought	Party
NONE			

- (c) List by name, address, office sought, and party affiliation, any candidate for any other public office that this committee is supporting:

Full names of candidates	Mailing address and ZIP code	Office sought	Party
NONE			

5. If this committee is supporting the entire ticket of a party, give name of party:

6. Identify by name, address and position, the committee's custodian of books and accounts:

Full name	Mailing address and ZIP code	Committee title or position
Myrtis George	13013 Inglewood Ave. #30 Hawthorne, Ca 90250	Reporting Secretary

7. List by name, address and position, other principal officers of the committee, including officers and members of the finance committee, if any:

Full name	Mailing address and ZIP code	Committee title or position
Hugh M. Brand	2015 W. Olympic Blvd. Los Angeles, Ca 90054	Treasurer
Mr. Dave Hersh 6331 Glade Avenue, H 205 Woodland Hills, Ca 91364	6331 Glade Avenue, H 205 Woodland Hills, Ca 91364	Chairman

Report additional entries on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Entries on the appropriate line above with a reference to continuation is enclosed on separate pages.

Exhibit 12(f)

Does this committee plan to stay in existence beyond the current calendar year? **YES** If so how long? **As long as candidate is in office.**

10. In the event of dissolution, what disposition will be made of residual funds? **Residual funds will be transferred to candidate and reported to the Clerk.**
11. List all banks or other repositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds:

Name of bank, repository, etc.	Mailing address and ZIP code
IMPERIAL BANK	IMPERIAL HIGHWAY AT WESTERN LOS ANGELES, CA 90047

11. List all reports required to be filed by this committee with States and local jurisdictions, together with the names, addresses, and positions of the recipients of the reports:

Report title	Dates required to be filed	Name and position of recipient	Mailing address and ZIP code
NONE			

*Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate box above where information is contained on separate page(s).

State of California

County of Los Angeles

- I, Hugh M. Brand, being duly sworn, depose (affirm) and say that the information in this Registration Form and Statement of Organization is complete, true, and correct.

Hugh M. Brand
(Signature of Treasurer of Political Committee)

Subscribed and sworn to (affirmed) before me this 5 day of April, A.D. 19 72.

[SEAL]

Robert F. ...
(Notary Public)
My commission expires Oct. 6, 1975.

Return completed form and attachments to:
The Clerk, U.S. House of Representatives
Office of Records and Registration
1036 Longworth House Office Building
Washington, D.C. 20515



FORM D

SECRETARY OF STATE OF CALIFORNIA
**COMMITTEE'S POST-ELECTION
 CAMPAIGN STATEMENT**

(Government Code Sections 3750-3754;
 Elections Code Sections 11500-11631)

FILED
 In the Office of the Secretary of State
 of the State of California
 JUL 11 1972
 EDWARD G. BREWER, Jr., Secretary of State
 By _____ Deputy Secretary of State

This form is to be filed by the treasurer of a political committee which supports only one candidate. A political committee is any organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates. A committee which supports only one candidate but which plays no role in conducting that candidate's campaign and which is entirely independent of the candidate's campaign may, if the treasurer chooses, file its campaign statement on Form E. Committees which support more than one candidate must file Form F. Form E and Form F may both be obtained from the Secretary of State.

THIS STATEMENT MUST BE FILED NO MORE THAN 35 DAYS AFTER THE ELECTION

Name of Committee: WILSON KEY COMMITTEE (FEDERAL IDENTIFICATION NUMBER 006688)

Name of Treasurer: HUGH M. BRAND

Name of Candidate: CHARLES H. WILSON

Type of Election (Primary, General, or Special): PRIMARY

Date of Election: JUNE 6 1972 Office for which the candidate ran: CONGRESS
Month Day Year

Political Party and District No. (if applicable): DEMOCRATIC PARTY 31st CONGRESSIONAL DISTRICT

RECEIPTS

List on the following lines the name of every contributor who made contributions. Specify the exact amount in the case of contributors who gave a total of more than \$500. Political committees which made contributions should be listed separately on page 2. Loans, pledges, contributions of goods or services worth more than \$500 ("in-kind" contributions), and contributions by the candidate should be stated as indicated on page 2. Attach extra sheets if necessary.

NAME	CITY OR LOCALITY	AMOUNT
(Contributors other than political committees)		
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

ATTACHED

* Must be shown for each contributor who contributed a total of more than \$500.

**COMMITTEE HEARING
 EXHIBIT NO. 12 (g)**

NAME OF PAYEE (Person or Organization Receiving Payment)	NAME OF PERSON OR ORGANIZATION PROVIDING GOODS AND SERVICES (If same as payee enter "same")	DESCRIPTION OF GOODS AND SERVICES	AMOUNT
NONE			
			Total Spent \$ _____

6. Entertainers

NAME OF PAYEE (Person or Organization Receiving Payment)	NAME OF PERSON OR ORGANIZATION PROVIDING GOODS AND SERVICES (If same as payee enter "same")	DESCRIPTION OF GOODS AND SERVICES	AMOUNT
Paula Whitcomb	Same	Dinner Music	\$ 75.00
Hollywood Palladium	Same	Banquet Dinner	4,885.57
Cockatoo Inn	Same	Dinner Meeting	147.72
Total Spent			\$5,108.29

(e) For the preparing, printing and posting of billboards, signs and posters.

NAME OF PAYEE (Person or Organization Receiving Payment)	NAME OF PERSON OR ORGANIZATION PROVIDING GOODS AND SERVICES (If same as payee enter "same")	DESCRIPTION OF GOODS AND SERVICES	AMOUNT
NONE			
			Total Spent --\$ _____

(f) For the preparing, printing, and distribution of literature by direct mail, including postage, throwaways and handbills.

NAME OF PAYEE (Person or Organization Receiving Payment)	NAME OF PERSON OR ORGANIZATION PROVIDING GOODS AND SERVICES (If same as payee enter "same")	DESCRIPTION OF GOODS AND SERVICES	AMOUNT
CHARLES H. WILSON	TRUMANNARD PRINTING CO, INC.	PRINTING	\$1,500.00
			Total Spent \$ 1,500.00

Exhibit (5)

EXPENDITURES

Amount entered in additional schedule if any

(a) For the preparing, printing, circulation and verifying of the nomination papers and for the candidate's official filing fee

NAME OF PAYEE (Person or Organization Receiving Payment)	NAME OF PERSON OR ORGANIZATION PROVIDING GOODS AND SERVICES (If same as payee enter "same")	DESCRIPTION OF GOODS AND SERVICES	AMOUNT
NONE			
			Total Spent \$ _____

(b) For the candidate's and campaign personnel's personal traveling expenses.

NAME OF PAYEE (Person or Organization Receiving Payment)	NAME OF PERSON OR ORGANIZATION PROVIDING GOODS AND SERVICES (If same as payee enter "same")	DESCRIPTION OF GOODS AND SERVICES	AMOUNT
CHARLES H. WILSON	SAME	TRAVEL EXPENSES	\$1,500.00
			Total Spent \$ 1,500.00

(c) For rent, furnishing, and maintaining headquarters and halls and rooms for public meetings, including light, heat, and telephone

NAME OF PAYEE (Person or Organization Receiving Payment)	NAME OF PERSON OR ORGANIZATION PROVIDING GOODS AND SERVICES (If same as payee enter "same")	DESCRIPTION OF GOODS AND SERVICES	AMOUNT
NONE			
			Total Spent \$ _____

Exhibit 2(g)

DATE	DESCRIPTION OF GOODS AND SERVICES	AMOUNT
NONE		

Total Spent \$ _____

Grand Total Spent \$ **8,116.14**

Does the above report reflect all contributions, loans, and pledges furnished directly or indirectly and all expenditures on behalf of the candidate's campaign?

Yes
(YES or NO)

If answer is No, then list below the name of each committee known to you which has or may have received contributions, loans, or pledges or has made or may have made expenditures on behalf of the candidate, along with the name, address and telephone number of the treasurer or other responsible officer of each committee.

I have used all reasonable diligence in the preparation of this statement and it is true and is as full and explicit as I am able to make it.

I declare under penalty of perjury that the foregoing is true and correct.

Dated June 29, 1972

Charles H. Wilson
Signature of Treasurer

2017 W. Olympic Blvd.

Address

Los Angeles, CA 90054

City, State, Zip Code

381-2131

Telephone Number

NOTE: Transferred to Charles H. Wilson- Campaign Account \$17,726.27

FEDERAL BANK



NAME
 WILSON KEY COMMITTEE
 P O BOX 66
 INGLEWOOD CALIF

STATEMENT DATE PAGE
 03/31/72 1
 90306

ACCOUNT NUMBER
 01-057-537

DATE	CHECKS AND OTHER DEBITS				DEPOSITS AND OTHER CREDITS				BALANCE		
	AMOUNT	*	AMOUNT	*	AMOUNT	*	AMOUNT	*			
									11,581.27		
3/02					2,490.00	DP			14,071.27		
3/09					750.00	DP			14,821.27		
3/10					330.00	DP			15,151.27		
3/14					100.00	DP			15,251.27		
3/20	1,500.00	CK							13,751.27		
3/22	10,000.00	CK							3,751.27		
3/23	300.00	CK							3,451.27		
3/24					550.00	DP			4,001.27		
3/31					200.00	DP			4,201.27		
2/29	11,581.27		11,600.00		4,420.00	00	00	4,201.27	3	6	3

Lauretta R. Lucas
 Lauretta R. Lucas A.V.P.

COMMITTEE HEARING
 EXHIBIT NO. 13 (a)

038477

WILSON KEY COMMITTEE
P. O. BOX 66
INGLEWOOD, CALIFORNIA 90306

No 125

10-144
1222

March 12 10 22

BY
THE
ORDER OF Charles H. Wilson

\$1,500.00

One Thousand and Five-hundred and no/100 DOLLARS

HEAD OFFICE
IMPERIAL BANK
CORNER 1ST & WESTERN AVE
IMPERIAL, CALIFORNIA 92342

Henry M. Bond

⑆ 222 0144 ⑆ 01 057 537 ⑆ 039441

COMMITTEE HEARING
EXHIBIT NO. 13 (8)

RECEIVED
MAY 14 1972
FBI - WASHINGTON
COMMUNICATIONS SECTION

Charles Wilson

B (d)
IN ACCOUNT WITH SERGEANT JAMES
HOUSE OF REPRESENTATIVES

HONORABLE CHARLES H. WILSON, M.C.

DATE	CHECKS	DATE	DEPOSITS	DATE	NEW BALANCE
BALANCE BROUGHT FORWARD FROM LAST STATEMENT				MAR 1772	3,904.98*
MAR 2772	4.85	25.00			
MAR 2772	34.12	700.00			
MAR 2772	56.78	48.70			
MAR 2772	26.52	228.33		MAR 2772	2,780.55*
MAR 3772	7.83	350.00			
MAR 3772	24.76	52.00			
MAR 3772	27.18	600.00		MAR 3772	1,718.71*
MAR 6772	1.85	42.71			
MAR 6772	300.00			MAR 6772	1,374.75*
MAR 7772	10.00	390.00			
MAR 7772	350.00			MAR 7772	624.75*
MAR 10772	300.00			MAR 10772	324.75*
MAR 16772	700.00	82.00	MAR 15772	1,500.00	1,824.75*
MAR 21772	100.00			MAR 16772	1,042.75*
				MAR 21772	942.75*
MAR 22772	25.00		MAR 22772	2,000.00	2,942.75*
MAR 23772	13.00	61.40		MAR 22772	2,917.75*
MAR 23772	249.00	2.00		MAR 23772	2,592.28*
MAR 2772	49.00	27.18			
MAR 2772	38.09	14.82			
MAR 2772	152.25	78.69			
MAR 2772	50.76	165.42			
MAR 2772	37.29	5.30		MAR 2772	1,973.01*
MAR 28772	81.85	20.00	MAR 28772	500.00	2,473.01*
MAR 28772	207.50	8.40			
MAR 28772	207.65	80.00			
MAR 28772	7.75	6.88			
MAR 28772	22.60	25.00			
MAR 28772	22.25	20.67			
MAR 28772	47.84			MAR 28772	1,715.11*
MAR 29772	34.26	24.00	MAR 29772	300.00	2,015.11*
				MAR 29772	1,954.75*

16-64377-1

THIS LAST AMOUNT IN THIS COLUMN IS YOUR BALANCE

COMMITTEE HEARING
EXHIBIT NO. 13 (d)

035474

CHARLES H. WILSON - SERGEANT AT ARMS ACCOUNT
 LIST OF OUTSTANDING CHECKS PRIOR TO MARCH 15, 1972 DEPOSIT

Check Number	Date	Payee/Endorsement	Amount
3623	3-11-72	Cash Endorsement, Los Angeles Turf Club	* 700.00
3771	2-28-72	Travelers Insurance Company	82.00
3777	3-14-72	Washington Performing Arts Society	249.00
3778	3-14-72	American Society Council	25.00
			* <u>1,056.00</u>

COMMITTEE HEARING
 EXHIBIT NO. 13 (e)

No. 3772
 13⁰⁰ (e)
 852.02
 Dollars
 House of Representatives
 No. 0000005202

No. 3770
 HON. CHARLES H. WILSON, M. C.
 104 HOUSE OFFICE BUILDING
 WASHINGTON, D. C. 20515
 15-121
 540
 2/25/72
 \$10.00
 Dollars
 House of Representatives
 No. 0000001000

No. 3771
 HON. CHARLES H. WILSON, M. C.
 104 HOUSE OFFICE BUILDING
 WASHINGTON, D. C. 20515
 15-121
 540
 2/28/72
 \$27.00
 Dollars
 House of Representatives
 No. 0000008200

No. 3772
 HON. CHARLES H. WILSON, M. C.
 104 HOUSE OFFICE BUILDING
 WASHINGTON, D. C. 20515
 15-121
 540
 2/28/72
 \$42.00
 Dollars
 House of Representatives
 No. 0000004271
 035482

Washington, D.C. 3/19 '17
 \$300.00
 Three hundred and no/100 Dollars
 The Signatures of
 House of Representatives
 C. H. Wilson

⑆0540⑆0121⑆

HON. CHARLES H. WILSON, M. C.
 104 HOUSE OFFICE BUILDING
 WASHINGTON, D. C. 20515
 No. 3623
 15-121
 540
 Washington, D.C. 3/11 '17
 \$700.00
 Seven hundred and no/100 Dollars
 The Signatures of
 House of Representatives
 C. H. Wilson

⑆0540⑆0121⑆

⑆0000070000⑆

HON. CHARLES H. WILSON, M. C.
 104 HOUSE OFFICE BUILDING
 WASHINGTON, D. C. 20515
 No. 3777
 15-121
 540
 Washington, D.C. 3/14 '17
 \$249.00
 Two hundred and forty nine and no/100 Dollars
 The Signatures of
 House of Representatives
 C. H. Wilson

⑆0540⑆0121⑆

⑆0000024900⑆

HON. CHARLES H. WILSON, M. C.
 104 HOUSE OFFICE BUILDING
 WASHINGTON, D. C. 20515
 No. 3778
 15-121
 540
 Washington, D.C. 3/14 '17
 \$25.00
 Twenty five and no/100 Dollars
 The Signatures of
 House of Representatives
 C. H. Wilson

⑆0540⑆0121⑆

⑆000002500⑆
025486

COMMITTEE HEARING
EXHIBIT NO. 14 (a)

CLAYTON H. WILSON
LITTLE ORANGE
P.O. BOX 2888
PALM BEACH, CALIFORNIA 92067
PALM BEACH, CALIF. 33403

NOVEMBER 6, 1974
USA

No 217

\$ 331,000.00**

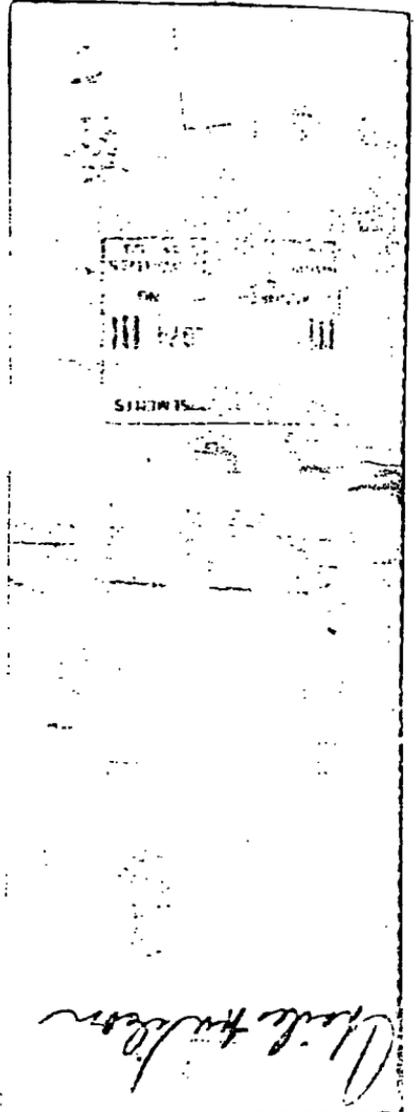
DOLLARS

039487

Clayton H. Wilson

POST OFFICE BOX 184915 05687 MOBILE AL

BANK OF AMERICA



COMMITTEE HEARING
EXHIBIT NO. 14 (8)

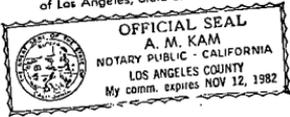
STATEMENT OF ACCOUNT WITH MEMBER: HEDONIC BEACH OFFICE CAMPBELL CALIF		BANK OF AMERICA NATIONAL TRUST AND SAVINGS ASSOCIATION		PERIOD ENDING DEC. 6, 1977					
ACCOUNT NO. 0588704951		CHARLES H WILSON CAMPAIGN COMMITTEE C-D M-1 GEORGE P. O. BOX #1 PARAMOUNT CA 90723							
NOTE: AN AUTOMATIC CHRISTMAS CLUB NOW. HAVE MONEY FOR 1975 YEAR-END EXPENSES.									
CHECKS LISTED IN ORDER OF PAYMENT-READ ACROSS		DEPOSITS	DATE	NEW BALANCE					
1088	1585		NOV 8	779390					
318			NOV 12	779072					
100000			NOV 15	679072					
20000			NOV 18	659072					
100000			NOV 26	559072					
500		1000	NOV 29	554772					
500			DEC 2	554272					
SUMMARY OF ACTIVITY									
BALANCE FORWARD	NUMBER	DEBITS	AMOUNT	NUMBER	CREDITS	AMOUNT	SERVICE CHARGE	AMOUNT	NEW BALANCE
1-5-75	4	231554		1	1000				554272
					ENCLOSURES 9				
					LAST DATE: 11 OF 74 DATE THIS BAL 12-02-77 BAL CODE 4-5				
					FORWARD BALANCE 679072 MINIMUM BALANCE 5,542				

[Handwritten Signature]

Bank of America NT & SA
By: Steven Hatzias
Assistant Vice President - Operations

Subscribed and sworn to before me this
26th day of February, 1980
[Handwritten Signature]

NOTARY PUBLIC in and for the County
of Los Angeles, State of California



038637

HONORABLE CHARLES H. WILSON, M.C.

STATE OF MISSISSIPPI
 IN ACCOUNT WITH CHARLES H. WILSON
 HOUSE OF REPRESENTATIVES 090

27 8-4

CHECKS	CHECKS	DEPOSITS	DATE	NO. OF CER. PD.	BALANCE	
BALANCE BROUGHT FORWARD FROM LAST STATEMENT					NOV 1 74	3,549.26*
23.63	17.07		NOV 4 74	2	3,508.46*	
445.00			NOV 6 74	3	3,063.46*	
130.36			NOV 7 74	4	2,933.10*	
250.00			NOV 8 74	5	2,683.10*	
		1,500.00	NOV 11 74	5	4,183.10*	
322.22	198.43		NOV 13 74	7	3,662.45*	
212.00	80.62		NOV 15 74	9	3,369.83*	
357.91	206.77					
80.37	18.65					
18.00			NOV 18 74	14	2,688.13*	
26.50			NOV 19 74	15	2,661.63*	
328.00	205.80		NOV 20 74	17	2,313.03*	
103.54	75.00		NOV 21 74	19	2,134.49*	
		2,000.63				
136.12		587.17	NOV 22 74	20	4,067.00*	
338.77	7.50					
7.61			NOV 25 74	23	4,300.29*	
		500.00				
100.00			NOV 26 74	24	4,700.29*	
117.00	1.25		NOV 29 74	26	4,582.04*	
		2,326.55	DEC 2 74	26	6,908.59*	
2,200.00			DEC 2 74	27	4,708.59*	

+ 04

Burroughs

THIS LAST AMOUNT IN THE
 COLUMN IS YOUR BALANCE

MAGNETIC UNIT

COMMITTEE HEARING
 EXHIBIT NO. 14 (d)

033878

CHARLES H. WILSON - SERGEANT AT ARMS ACCOUNT
 LIST OF OUTSTANDING CHECKS PRIOR TO NOVEMBER 11, 1974 DEPOSIT

Check Number	Date	Payee/Endorsement	Amount
5041	10-18-74	The Danbury Mint	\$ 328.00
3822	10-25-74	Kansas City Convention Bureau	75.00
5049	11-8-74	Morris Carr	212.00
5050	"	Exxon	20.60
5051	"	Arco	18.65
5052	"	The Mesa Club	1.25
5053	"	Angles Mesa Lodge # 625	18.00
5054	"	Linens Club	80.37
5055	"	BankAmericard	198.43
5056	"	Gulf Oil Corporation	80.62
5057	"	Los Angeles Times	26.50
5058	"	Security Pacific National Bank	357.91
5059	"	Shoal Creek Publishers, Inc.	100.00
			<u>\$ 1,517.33</u>

COMMITTEE HEARING
 EXHIBIT NO. 14 (c)

2111 JEFF DAVIS HIGHWAY - APT. NO. 1103-S
ARLINGTON, VIRGINIA 22202

Washington, D.C. 10/18/1974 Exhibit 16(e)

1433

Pay to the order of *Mr. Wilson* \$328.⁰⁰

Three hundred and twenty eight and 00/100 Dollars

The Treasurer of the House of Representatives *Charles H. Wilson*

⑆0540⑉0121⑆ 902 ⑈ #0000032800⑈

HON. CHARLES H. WILSON, M. C.
2111 JEFF DAVIS HIGHWAY - APT. NO. 1103-S
ARLINGTON, VIRGINIA 22202

Washington, D.C. 10/13/1974 No 5047

15-121
540

Pay to the order of *Mr. Wilson* \$236.⁰³

Two hundred and thirty six and 03/100 Dollars

The Treasurer of the House of Representatives *Charles H. Wilson*

⑆0540⑉0121⑆ 902 ⑈ #0000002363⑈

1103

HON. CHARLES H. WILSON, M. C.
2111 JEFF DAVIS HIGHWAY - APT. NO. 1103-S
ARLINGTON, VIRGINIA 22202

Washington, D.C. 10/13/1974 No 5048

15-121
540

Pay to the order of *Mr. Wilson* \$445.⁰⁰

Four hundred and forty five and 00/100 Dollars

The Treasurer of the House of Representatives *Charles H. Wilson*

⑆0540⑉0121⑆ 902 ⑈ #0000044500⑈

November Rent

HON. CHARLES H. WILSON, M. C.
2111 JEFF DAVIS HIGHWAY - APT. NO. 1103-S
ARLINGTON, VIRGINIA 22202

Washington, D.C. 11/8/1974 No 5049

15-121
540

Pay to the order of *Mr. Wilson* \$212.⁰⁰

Two hundred and twelve and 00/100 Dollars

The Treasurer of the House of Representatives *Charles H. Wilson*

⑆0540⑉0121⑆ 902 ⑈ #0000021200⑈

HON. CHARLES H. WILSON, M. C.
2111 JEFFERSON DAVIS HIGHWAY APT. 1103-S
ARLINGTON, VIRGINIA 22202

Washington, D.C. 10/5/1974 No 3822

15-121
540

Pay to the order of *Mr. Wilson* \$75.⁰⁰

Seventy five and 00/100 Dollars

The Treasurer of the House of Representatives *Charles H. Wilson*

⑆0540⑉0121⑆ 902 ⑈ #0000007500⑈

EXHIBIT 101
14

NOV 13 1974

NOV 13 1974
02-9-4

FOR THE ACCOUNT OF
THE BANK OF AMERICA
TO THE ORDER OF
F.R.B. BALTIMORE
0520-0027-8

DEC 1 1974
20

05 0223
PAY TO THE ORDER OF
FRANKLIN MINT CORP.
TRUST COMPANY
1107
11-7

PAY ANY BANK, P.E.G.
F.R.B. BALTIMORE
0520-0027-8
FRANKLIN MINT CORP.
FOR DEPOSIT ONLY

NOV 13 1974

PAY ANY BANK, P.E.G.
F.R.B. BALTIMORE
15-3520-0027-8
WITHIN 60 DAYS
THE RIGGS NATIONAL BANK
15-3 OF WASHINGTON, D.C. 20004

84 CHRYSLER PLAZA
MORRIS CARR
FOR DEPOSIT ONLY
RICHARD E. SMITH, Assistant Dir.

NOV 5 1974

NOV 15 1974

NOV 12 1974
F.R.B. BALTIMORE
0520-0027-8

149 PAY TO THE ORDER OF
UNITED CALIFORNIA BANK
MORRIS CARR
149331887

LOS ANGELES 16-20 1974

PAY ANY BANK, P.E.G.
F.R.B. LOS ANGELES
NOV 12 1974
UNITED CALIFORNIA BANK
LOS ANGELES MAIN OFFICE
LOS ANGELES, CALIF. 149

LOS ANGELES 16-20 1974

21

NOV 27 1974
F.R.B. BALTIMORE
0520-0027-8
0023 083890

FOR DEPOSIT ONLY
CONVENTION & VISITORS QUEEN
SPECIAL DIC DEPOSIT ACCOUNT
BY
NO. 469-418-5

2111 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VIRGINIA 22202

Washington, D.C. 10/25 1974

Exhibit (c)

15-121
540

Payable to the order of W. Wilson \$27.12

Twenty Seven and 12/100 Dollars

The Honorable Charles H. Wilson
House of Representatives

0540-0121-902 #000001717

HON. CHARLES H. WILSON, M. C.
2111 JEFFERSON DAVIS HIGHWAY APT. 1103-S
ARLINGTON, VIRGINIA 22202

Washington, D.C. 10/31 1974

No. 5824

15-121
540

Payable to the order of W. Wilson \$130.36

One Hundred and Thirty and 36/100 Dollars

The Honorable Charles H. Wilson
House of Representatives

0540-0121-902 #000002036

HON. CHARLES H. WILSON, M. C.
2111 JEFFERSON DAVIS HIGHWAY APT. 1103-S
ARLINGTON, VIRGINIA 22202

Washington, D.C. 11/1 1974

No. 3825

15-121
540

Payable to the order of W. Wilson \$150.00

Fifty and 00/100 Dollars

The Honorable Charles H. Wilson
House of Representatives

0540-0121-902 #0000025000

HON. CHARLES H. WILSON, M. C.
2111 JEFF DAVIS HIGHWAY APT. NO. 1103-S
ARLINGTON, VIRGINIA 22202

Washington, D.C. 11/8 1974

No. 5050

15-121
540

Payable to the order of W. Wilson \$20.60

Twenty and 60/100 Dollars

The Honorable Charles H. Wilson
House of Representatives

0540-0121-902 #000002060

HON. CHARLES H. WILSON, M. C.
2111 JEFF DAVIS HIGHWAY APT. NO. 1103-S
ARLINGTON, VIRGINIA 22202

Washington, D.C. 11/8 1974

No. 5051

15-121
540

Payable to the order of W. Wilson \$18.65

Eighteen and 65/100 Dollars

The Honorable Charles H. Wilson
House of Representatives

0540-0121-902 #0000033883

NOV 1974
F.R.B. BALTIMORE
0520-0027-8
PAY ANY BANK, P.E.C.
F.R.B. BALTIMORE
0520-0027-8

100
PAY TO THE ORDER OF
100
FOR DEPOSIT ONLY
F.R.B. BALTIMORE, INC.
BALTIMORE, MD. 21201

100
PAY TO THE ORDER OF
100
FOR DEPOSIT ONLY
F.R.B. BALTIMORE, INC.
BALTIMORE, MD. 21201

100
PAY TO THE ORDER OF
100
FOR DEPOSIT ONLY
F.R.B. BALTIMORE, INC.
BALTIMORE, MD. 21201

376
PAY TO THE ORDER OF
376
FOR DEPOSIT ONLY
CROCKER NATIONAL BANK
BALTIMORE, MD. 21201

100
PAY ANY BANK, P.E.C.
F.R.B. BALTIMORE
0520-0027-8

100
PAY ANY BANK, P.E.C.
F.R.B. BALTIMORE
0520-0027-8

GIRARD BANK
PAY ANY BANK, P.E.C.
PHILADELPHIA, PA.

GIRARD B.
PAY ANY BANK, P.E.C.
PHILADELPHIA, PA.

100
PAY ANY BANK, P.E.C.
F.R.B. BALTIMORE
0520-0027-8

100
PAY ANY BANK, P.E.C.
F.R.B. BALTIMORE
0520-0027-8

FOR DEPOSIT ONLY
P.E.C. ALSO
ATLANTIC TRUST COMPANY

Washington, D.C. 11/8/74
 One hundred and twenty five Dollars
 The Honorable Charles H. Wilson
 House of Representatives

Exhibit 1 (c)
 11/8/74
 \$125
 Dollars

054001210902
 000000125

HON. CHARLES H. WILSON, M.C.
 2111 JEFF DAVIS HIGHWAY - APT. NO. 1103-S
 ARLINGTON, VIRGINIA 22202

Washington, D.C. 11/8/74
 One hundred and eighty Dollars
 The Honorable Charles H. Wilson
 House of Representatives

No. 5053
 15-121
 540
 \$180
 Dollars

054001210902
 0000001800

HON. CHARLES H. WILSON, M.C.
 2111 JEFF DAVIS HIGHWAY - APT. NO. 1103-S
 ARLINGTON, VIRGINIA 22202

Washington, D.C. 11/8/74
 One hundred and thirty seven Dollars
 The Honorable Charles H. Wilson
 House of Representatives

No. 5054
 15-121
 540
 \$137
 Dollars

054001210902
 0000008037

HON. CHARLES H. WILSON, M.C.
 2111 JEFF DAVIS HIGHWAY - APT. NO. 1103-S
 ARLINGTON, VIRGINIA 22202

Washington, D.C. 11/8/74
 One hundred and ninety eight Dollars
 The Honorable Charles H. Wilson
 House of Representatives

No. 5055
 15-121
 540
 \$198
 Dollars

054001210902
 0000019843

HON. CHARLES H. WILSON, M.C.
 2111 JEFF DAVIS HIGHWAY - APT. NO. 1103-S
 ARLINGTON, VIRGINIA 22202

Washington, D.C. 11/8/74
 One hundred and sixty Dollars
 The Honorable Charles H. Wilson
 House of Representatives

No. 5056
 15-121
 540
 \$160
 Dollars

033885

14

25 NOV
 1974
 ANELLES
 SECURITY FIRST NATIONAL BANK
 163 ANELLES

18 NOV
 1974
 16 J
 PAY ANY BANK
 SECURITY FIRST NATIONAL BANK
 FOR DEPOSIT ONLY
 ANGELES LODGE NO. 625
 S. T. MILLER, SECRETARY
 416106-0027

14 NOV
 1974
 PAY ANY BANK, P.E.C.
 F.R.B. BALTIMORE
 0520-0027-8
 BALTIMORE
 20-0027-8
 NOV 1974
 FRB DENVER
 231

13 NOV
 1974
 4366
 4366
 13 NOV
 1974
 PAY ANY BANK, P.E.C.
 F.R.B. BALTIMORE
 0520-0027-8
 NOV 1974
 1974

13 NOV
 1974
 4038
 4038
 13 NOV
 1974
 PAY ANY BANK, P.E.C.
 F.R.B. BALTIMORE
 0520-0027-8
 NOV 1974
 1974
 FOR DEPOSIT ONLY
 GULF OIL CORP.
 COLLECTION ACCT.

Washington D.C. 11/8/74
 Payable to the order of Mrs. Wilson \$26.50
 The Speaker of the House of Representatives
 No. 5058
 15-121 540
 #0540#0121# 902 # #000002650#

HON. CHARLES H. WILSON, M. C.
 2111 JEFF DAVIS HIGHWAY - APT. NO. 1103-S
 ARLINGTON, VIRGINIA 22202
 Washington D.C. 11/8/74
 Payable to the order of Mrs. Wilson \$37.91
 The Speaker of the House of Representatives
 No. 5058
 15-121 540
 #0540#0121# 902 # #0000035791#

HON. CHARLES H. WILSON, M. C.
 2111 JEFF DAVIS HIGHWAY - APT. NO. 1103-S
 ARLINGTON, VIRGINIA 22202
 Washington D.C. 11/8/74
 Payable to the order of Mrs. Wilson \$100.00
 The Speaker of the House of Representatives
 No. 5059
 15-121 540
 #0540#0121# 902 # #0000010000#
 Book # 10

HON. CHARLES H. WILSON, M. C.
 2111 JEFF DAVIS HIGHWAY - APT. NO. 1103-S
 ARLINGTON, VIRGINIA 22202
 Washington D.C. 11/11/74
 Payable to the order of Mrs. Wilson \$32.22
 The Speaker of the House of Representatives
 No. 5060
 15-121 540
 #0540#0121# 902 # #0000032222#

HON. CHARLES H. WILSON, M. C.
 2111 JEFF DAVIS HIGHWAY - APT. NO. 1103-S
 ARLINGTON, VIRGINIA 22202
 Washington D.C. 11/11/74
 Payable to the order of Mrs. Wilson \$75.00
 The Speaker of the House of Representatives
 No. 5061
 15-121 540
 #0540#0121# 902 # #0000075000#
 033887

1474
14

106 SECURITY PACIFIC NATIONAL BANK

PAY TO THE ORDER OF
106
LOS ANGELES

18
PAY ANY BANK, P.E.C.
F.R.B. BALTIMORE
0520-0027-8
LOS ANGELES
P.R.A.
616-543

26 NOV
FOR DEPOSIT ONLY
MEMORIAL CREEK PUBLISHERS

13
PAY ANY BANK, P.E.C.
TO THE CREDIT OF
MAYER & CO
W. & J. SLOANE/MAYER CO
NOV 1 2 1974
THE MAYER FURNITURE CO
WASHINGTON, D. C.
3 22222 A
COLLEGE PARK, MD.

25
PAY ANY BANK, P.E.C.
F.R.B. BALTIMORE
0520-0027-8
LOS ANGELES
16-12 K 16-12
UPANY BANK, P.E.C.
LAWYER
Crestler National Bank
LOS ANGELES, CALIF.

GARY B. LOVELL
 ATTORNEY AT LAW
 SUITE 506 THE GIBRALTAR TOWER
 9107 WILSHIRE BOULEVARD
 BEVERLY HILLS, CALIFORNIA 90210
 BRADSHAW 2-3255 (LOS ANGELES) CR357VIEW 3-9635 (BEVERLY HILLS)

August 24, 1973

Mr. Lee Rogers
 American Holiday Association
 1848 Lincoln Blvd.
 Santa Monica, CA 90404

3:20 - Daniels
 Pending

In re: HR.5838-Sales Promotion Game Act

Dear Lee:

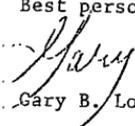
Close examination of HR.5838 by Representative Dominick V. Daniels indicates that it is aimed primarily at sales promotional games utilized in connection with another product or service. However, there is enough vague wording in the statute to make it a source of some worry for AHA.

In defining the word "item" to include "any product or service", it could conceivably be deemed applicable to our arrangement with Alden's or W. T. Grant, under which they might be deemed to be participating in our contest in connection with their sale of mail order merchandise.

The bill has the added problem of giving to the FTC, basically a civil agency, the authority to fine a respondent \$10,000 or sentence him to jail for five years. These are rather strong criminal sanctions for Section 5 of the FTC Act which forbids unfair methods of competition.

Thus it is my feeling that you should lend your support to the many voices which will undoubtedly be raised to oppose passage of this Bill.

Best personal wishes,


 Gary B. Lovell

GBL:pf

COMMITTEE HEARING
 EXHIBIT NO. 15 (a)

COMMITTEE HEARING
 EXHIBIT NO. 15 (8)

93^d CONGRESS
 1st Session

H. R. 5838

IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 1973

Mr. DOMINICK V. DANIELS introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To amend the Federal Trade Commission Act to make sales promotion games unfair methods of competition.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*
 3 That this Act may be cited as the "Sales Promotion Game
 4 Act".

5 SECTION 1. That the Congress finds that sales pro-
 6 motional games perform no useful function in the market-
 7 place. Instead, they serve to entice the consumer into basing
 8 his purchases on the contest with the most lucrative prize,
 9 rather than on the more relevant concerns of the best

1 price and the best quality. In addition, the cost of sales
2 promotional games is passed on to the consumer, whether
3 he enters the contest or not, and whether he wins the contest
4 or not. The element of chance is already far too prevalent
5 in the marketplace because of the uneven quality of the
6 products sold. Clearly, promotional contests are an abuse
7 of the consumer's confidence, and must be abolished.

8 SEC. 2. The Federal Trade Commission Act (15 U.S.C.
9 41-58) is amended by redesignating sections 16, 17, and
10 18 as sections 17, 18, and 19, respectively, and by inserting
11 after section 15 the following new section:

12 "SEC. 16. (a) It shall be an unfair method of competi-
13 tion (within the meaning of section 5) for any manufacturer,
14 producer, distributor, or wholesaler doing business in inter-
15 state commerce to require or encourage any retail seller to
16 participate in a game in connection with the sale of any
17 item, or for a retail seller to engage on his own in a game
18 in connection with the sale of any item.

19 "(b) For purposes of this section—

20 "(1) The term 'to require or encourage' with respect
21 to any retail seller means to induce such seller by any means
22 whatsoever to participate in a game. Such inducement is
23 presumed where—

24 "(A) a course of business conduct extending over

1 a period of one year or longer between a manufacturer,
2 producer, distributor, or wholesaler and a retail seller
3 is materially changed coincident with a failure or refusal
4 of the seller to participate in a game; or

5 “(B) a manufacturer, producer, distributor, or
6 wholesaler advertises generally that a customer may par-
7 ticipate in a game at its retail sellers’ outlets.

8 “(2) The term ‘to participate in a game’ means to do
9 any act as part of a game by which a customer or prospec-
10 tive customer is offered the opportunity to win a prize,
11 award, or gift, whether or not in the form of cash, and
12 whether or not such opportunity is conditioned upon pur-
13 chase of an item.

14 “(3) The term ‘game’ means any contest, competition,
15 or other arrangement by which certain customers (or pro-
16 spective customers) are designated to receive money or
17 other prizes, awards, or gifts, whether or not the winners are
18 selected by chance.

19 “(4) The term ‘item’ means any product or service sold
20 on a commercial basis.

21 “(c) The Federal Trade Commission may require any
22 information from a manufacturer, producer, distributor,
23 wholesaler, retail seller, or game promoter which is neces-
24 sary for the enforcement of this section.

1 “(d) Whoever willfully violates the provisions of this
2 section shall be fined not more than \$10,000 or imprisoned
3 not more than five years, or both.”

CHARLES H. WILSON
31st DISTRICT CALIFORNIA

DISTRICT OFFICE:
15305 SOUTH NORMANDE AVENUE
POST OFFICE BOX 2062
GARDENA, CALIFORNIA 90247

Congress of the United States
House of Representatives
Washington, D.C. 20515

DISTRICT OFFICE:
15000 AVIATION BOULEVARD
ROOM 2W30
GARDENA, CALIFORNIA 90247

September 6, 1973

Charlie:

Lee asked me to forward the enclosed letter
and House of Representatives Bill to you.

Bob

COMMITTEE HEARING
EXHIBIT NO. 15 (c)

Federal Trade Commission

COMMITTEE HEARING
EXHIBIT NO. 15 (d)

September 24, 1973

Mr. Lee Rogers
American Holiday Association
1848 Lincoln Boulevard
Santa Monica, California 90404

Dear Lee:

Thank you for contacting me concerning H.R. 5838, the Sales Promotion Game Act. This bill is identical to H.R. 1670 introduced by Congressman Rosenthal on January 6th, and has the cosponsorship of 39 other Congressmen. Three of the 39, Congressman Eckhardt, Podell and Helstoski are on the House Interstate and Foreign Commerce Committee. These bills are pending in the Interstate and Foreign Commerce, Commerce and Finance Subcommittee. I have voiced my strong opposition to this bill to the Subcommittee Chairman, Congressman John Moss. In short, I consider myself personally responsible for stopping hearings from being scheduled on this bill. You may be certain that I will work with you to see it stays buried in the Subcommittee.

I have also contacted counsels on the Committee, the Federal Trade Commission, various associations opposed to the bill, and even Congressman Rosenthal, and can state that there is no pressure on the Subcommittee to consider H.R. 1670 for a number of reasons. First, the Subcommittee schedule is overcrowded with other bills more important than consumer ones, and even in the consumer area, a number of other bills have greater priority. Even Congressman Rosenthal is more concerned with other more important consumer bills in the Subcommittee. As you can see from the attached statement, H.R. 1670 was only one of 12 consumer bills introduced the same day by Rosenthal. Secondly, the Federal Trade Commission has already established fair games of chance rules to regulate promotional games in the petroleum and retail food industry. A copy of FTC rules is attached.

Thirdly, the FTC is flatly opposed to this bill, and is totally opposed to the section giving it criminal penalties. They were against a similar bill in the 92nd Congress. Why give them penalties prohibiting unfair promotional games, when it doesn't have them for anti-trust actions? In short, criminal penalties are entirely inappropriate. As a policy decision, FTC would rather adjuciate these cases under the present Section 5 or under their broad rule making ability. In other words, the FTC sees no need for a new law in this area and does not want Congress to pass one.

Finally, a number of associations which will be against H.R. 1670 typically do not strongly voice their opposition until the Subcommittee actually schedules hearings. At present, there is no pressure on the Subcommittee by proponents of the bill to schedule hearings. In fact, advertising games, particularly the slick and gimmicky type, have benn on the wane so there is little public outcry for legislation.

Although the FTC, in 1969, promulgated rules on promotional games for the petroleum and food industry, it has not yet used its rulesmaking power for all promotional games, as it was waiting for a court case brought against it to be resolved (National Petroleum Refiners Association v. FTC). The district court ruled against FTC, stating it did not have statutory authority to issue such a rule. The Appeals Court reversed the district court, ruling for FTC. However, the Appeals court decided on only one point: Whether or not the FTC has sufficient authority to issue rules and do such rules have force of law. It did not go into the issue of whether the particular rule was overly borad, vague, or capricious. The Appeals Court remanded the case to lower court with instructions to decide these other issues. National Refiners has petitioned for rehearing to Court of Appeals; unofficially, word has it that this was denied. A decision has not been made yet by the Association to petition the Supreme Court for writ of certiorari, or wait for the District Court to act and then appeal to the Supreme Court. The earliest the Supreme Court could decide the case is one year.

As a practical matter, FTC is not enforcing its octane r rule until the case is finally resolved. Until now, the FTC

was not issuing any new promotional game rules as they were awaiting a favorable Appeals decision. The staff is now preparing a new draft of a rule to affect promotional games for all industries which will be submitted to the Commission in 4-6 weeks, at which time it could be accepted, rejected, or held over. If accepted, FTC would issue new rules early in January. Yet, a number of policy considerations within FTC reduce the chance of such a rule. It is very expensive to issue a new rule, and also to enforce it once enacted. It may find it takes more money to enforce this area than the present consumer interest warrants. It is also difficult to show injuries. Another factor is the small size of the FTC budget and staff, as well as a number of more important priorities. Mr. Ernest Rosenberg is the only counsel knowledgeable in drafting a rule in this area and he has other pressing responsibilities.

In conclusion, legislatively, the bill is dead, and administratively, the FTC won't issue new rules until January at the earliest. Although I realize this is quite a long letter, I wanted you to have a full assessment of the facts on this matter.

I am always glad to be of assistance. Best personal wishes.

Very truly yours,

Charles H. Wilson

CHW/jps
Enclosure

**COMMITTEE HEARING
EXHIBIT NO. 15 (e)**

FTC

October 17, 1973

Mr. Lee Rogers
American Holiday Association
1848 Lincoln Boulevard
Santa Monica, California 90404

Dear Lee:

As a follow up to my previous letter of September 24 regarding HR 1670 and regulation of games of chance, I have enclosed copies of the opinions of the district and appeals courts in the important case in this area, National Petroleum Refiners Association v. FTC. I trust this information will also be helpful to you.

I look forward to our next visit. Best wishes.

Very sincerely yours,

Charles H. Wilson

CEW/jpm

Enclosures

FTC



*1 to 1 per -
letter*

*American Holiday Association / 1848 Lincoln Boulevard / Santa Monica, California 90404
Telephone 451-8522*

October 2, 1973

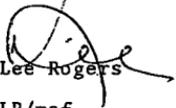
Congressman Charles H. Wilson
15000 Aviation Blvd.
Room 2W30
Lawndale, California 90261

Dear Charlie:

Thanks for your letter of September 24. The material proved to be very informative and you can bet we're going to put it to good use.

I hope everything is well with you and I look forward to seeing you at our next "garden party" the 28th of next month.

Best personal regards,


Lee Rogers

LR/maf

COMMITTEE HEARING
EXHIBIT NO. 15 (8)

WILLIAM (BILL) CLAY, MO.
 PATRICIA SCHMIDT, IOWA
 WILLIAM M. BRUENIGER, WISCONSIN
 PAUL STONE, ILL.
 ANDREW J. HINSHAW, CALIF.
 ROBIN L. BEARD, TENN.
 CH OFFICE:
 DAVID H. HENDRICKSON, N.C.
 EDWARD J. DEWINDLE, ILL.

U.S. House of Representatives
 SUBCOMMITTEE ON POSTAL FACILITIES, MAIL, AND
 LABOR MANAGEMENT
 OF THE
 COMMITTEE ON POST OFFICE AND CIVIL SERVICE
 122 CANNON HOUSE OFFICE BUILDING
 Washington, D.C. 20515

November 6, 1975

Mr. Lee Rogers
 American Holiday Association
 8831 Sunset Boulevard, #200
 Los Angeles, California 90069

Dear Lee:

Pursuant to our conversation concerning the possible changes in first and third-class rates, and the possible changes in classifications in connection with those rates, I think it is advisable that we meet to further discuss these matters as soon as possible.

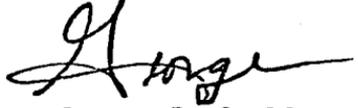
As you know, the Postal Service has recommended rate changes and is about to issue a study on classification changes. Additionally, the Postal Rate Commission will be issuing its study on classifications and changes and is now working on the new rate increases requested by the Postal Service. Finally, H.R. 8603 passed the House of Representatives on October 30th with a provision that would mandate Congressional appropriations and authorizations of all Postal Service funds.

Unfortunately, I will not be able to be in California for some time due to professional obligations here. However, you led me to believe in our conversation that it was possible for you to come to Washington during the weekend of November 21st, 22nd and 23rd. I plan to be in Washington on the 21st and 22nd and would be glad to meet with you then to discuss the aforementioned matters.

COMMITTEE HEARING
EXHIBIT NO. 16

Please let me know if that would be possible so that I can arrange my schedule to meet your needs.

Very truly yours,

A handwritten signature in cursive script, appearing to read "G. B. Gould". The signature is written in dark ink and is positioned above the typed name.

George B. Gould
Staff Director

GBG:lf

KOREAN INVESTIGATION

- -

Monday, April 17, 1978

House of Representatives,

Committee on Standards of
Official Conduct,

Washington, D.C.

1
COMMITTEE HEARING
EXHIBIT NO. 17

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The parties to the deposition met at 11:00 o'clock a.m., in
Room 2118, Rayburn House Office Building, Washington, D.C.

Present: Representative Fenwick.

Also present: John W. Nields, Jr., Chief Counsel; Martha
Talley, Counsel; and Harry Gossett, Investigator.

Ian D. Volner, appearing on behalf of Mr. Wilson.

Mrs. Fenwick. Do you solemnly swear that the testimony
you will give in this deposition before this committee in the
matters now under consideration shall be the truth, the whole
truth and nothing but the truth, so help you God?

Mr. Wilson. I do.

Ms. Talley. Congressman Wilson, again state your full
name for the record.

Mr. Wilson. Charles H. Wilson.

Ms. Talley. Mr. Wilson, you are a Member of Congress from
California, is that correct?

Mr. Wilson. Yes.

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Ms. Talley. Mr. Wilson, when we had a previous meeting, we
discussed sources of income. One which you indicated was, of

1 course, your House of Representatives salary, the other was
2 honoraria from speeches. Have you any other source of income?

3 Mr. Wilson. No.

4 Ms. Talley. What about the transfers from campaign ac-
5 counts?

6 Mr. Wilson. Well, there were some transfers from my cam-
7 paign account one or two years, I believe. While I have no
8 records to verify it, they were intended to be reimbursements
9 for expenses that I had put out during campaign time. Generally
10 it is not unusual for candidates for office to have money in
11 their pockets, cash in their pockets to give to volunteer work-
12 ers for their expenses, transportation or meals and it is
13 generally appreciated if they get it from the candidate person-
14 ally, rather than from some other person associated with the
15 campaign. But I wouldn't say there was any large or significant
16 amounts over a period of -- I don't know -- three or four years,
17 at the most, where I transferred money from campaign accounts
18 to myself.

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RESPONDENT'S EXHIBIT A
UNITED STATES HOUSE OF REPRESENTATIVES

JAN 9 1975

Office of the Clerk
Washington, D.C.

CERTIFIED

675 JAN 13 PM 4:05

**REPORT OF RECEIPTS AND EXPENDITURES
 FOR A**

POLITICAL COMMITTEE

SUPPORTING ANY CANDIDATE(S) FOR NOMINATION OR ELECTION TO THE
 UNITED STATES HOUSE OF REPRESENTATIVES

Charles W. Wilson Campaign Committee
 (Full Name of Committee)

Identification Number

R.R. 034428

P.O. Box 939

Paramount, CA 90723

(Street)

(City, State, ZIP code)

 Check if New Address

NOTE: If you have not registered then a complete Registration (H.R. Election Form 1) must accompany this Report. If you have registered and an number has been assigned, so indicate.

TYPE OF REPORT

(Check Appropriate Box and Complete, if Applicable)

- | | |
|---|--|
| <input type="checkbox"/> March 10 report | <input type="checkbox"/> Termination report |
| <input type="checkbox"/> June 10 report | <input type="checkbox"/> Suspension report |
| <input type="checkbox"/> September 10 report | <input type="checkbox"/> Amendment to _____ report |
| <input checked="" type="checkbox"/> January 31 report | |
| <input type="checkbox"/> Fifteenth day report preceding _____ election on _____ | |
| (Primary, general, special, runoff, caucus, or convention) | (Date) |
| <input type="checkbox"/> Fifth day report preceding _____ election on _____ | |
| (Primary, general, special, runoff, caucus, or convention) | (Date) |

VERIFICATION BY OATH OR AFFIRMATION OF TREASURER

State of California

ss.

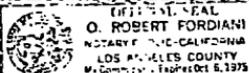
County of Los Angeles

I, Myrtis L. George, being duly sworn, depose (affirm) and say
 (Full Name of Treasurer of Committee)

that this Report of Receipts and Expenditures is complete, true, and correct.

Myrtis L. George
 (Signature of Treasurer of Committee)

Subscribed and sworn to (affirmed) before me this 9 day of January, A.D. 19 75.



Robert Fordiani
 (Notary Public)

My commission expires _____, 19__.

RETURN COMPLETED REPORT AND ATTACHMENTS TO:
 The Clerk, U.S. House of Representatives
 Office of Records and Registration
 1036 Longworth House Office Building
 Washington, D.C. 20515

H.R. ELECTION FORM 3

75000754307

SUMMARY PAGE

Name of Committee Charles P. Wilson Campaign CommitteeREPORT COVERING PERIOD FROM October 25, 1974 THRU December 31, 1974

	Column A— This period	Column B— Cumulative year to date
SECTION A—RECEIPTS:		
Part 1. Individual contributions:		
a. Itemized (use schedule A*)	\$ 2,450.00	
b. Unitemized	230.00	
	Total individual contributions	\$ 4,680.00
Part 2. Sales and collections		
Itemized (use schedule B and as necessary schedule A*)	\$ -0-	\$ 4,680.00
Part 3. Loans received:		
a. Itemized (use schedule A*)	\$ -0-	
b. Unitemized	\$ -0-	
	Total loans received	\$ -0-
Part 4. Other receipts (to funds, rebates, interest, etc.):		
a. Itemized (use schedule A*)	\$ -0-	
b. Unitemized	\$ -0-	
	Total other receipts	\$ 40.80
Part 5. Transfers in:		
Itemize all (use schedule A*)	\$ -0-	\$ -0-
	TOTAL RECEIPTS	\$ 4,720.80
SECTION B—EXPENDITURES:		
Part 6. Communications media expenditures:		
Itemize all (use schedule C*)	\$ 766.86	\$ 766.86
Part 7. Expenditures for personal services, salaries, and reimbursed expenses:		
a. Itemized (use schedule D*)	\$ -0-	
b. Unitemized	\$ -0-	
	Total expenditures for personal services, salaries, and reimbursed expenses	\$ -0-
Part 8. Loans made:		
a. Itemized (use schedule D*)	\$ -0-	
b. Unitemized	\$ -0-	
	Total loans made	\$ -0-
Part 9. Non-media and other expenditures:		
a. Itemized (use schedule C*)	\$ 1,525.72	
b. Unitemized	\$ 419.27	
	Total other expenditures	\$ 1,945.99
Part 10. Transfers out:		
Itemize all (use schedule D*)	\$ 1,030.00	\$ 1,030.00
	TOTAL EXPENDITURES	\$ 3,746.11
SECTION C—CASH BALANCES:		
Cash on hand at beginning of reporting period	\$ 6,086.20	
Add total receipts (section A above)	\$ 4,720.80	
Subtotal	\$ 10,807.00	
Subtract total expenditures (section B above)	\$ 3,321.51	
Cash on hand at close of reporting period	\$ 7,485.49	
SECTION D—DEBTS AND OBLIGATIONS:		
Part 11. Debts and obligations owed to the committee (use schedule E*)	\$ -0-	
Part 12. Debts and obligations owed by the committee (use schedule E*)	\$ -0-	

*Effective 1/1/75, the use of the word "itemized" is required, (use with Schedule for itemizations.) When itemizations is necessary for a given item, the total amount itemized for that item to be reported as a line item on the "Detailed" line of the appropriate Part of the Summary Report. The word "itemized" is not to be used on any line of the Summary Report where no itemization is being reported.

7 5 0 0 0 7 6 4 5 0 0

SCHEDULE A

ITEMIZED RECEIPTS—CONTRIBUTIONS, SALES AND COLLECTIONS, LOANS, AND TRANSFERS

Charles H. Wilson Campaign Committee
(Full Name of Candidate or Committee)Part No. 1
(Use for Itemizing Part 1, 2, 3, 4, or 5)

SEE REVERSE SIDE FOR INSTRUCTIONS

(Use separate page(s) for each numbered Part)

Date (month, day, year)	Full Name, Mailing Address, and ZIP Code	Organization and Purpose (If not same, if any, list additional also check box)	Amount of Receipt This Period
10/29/74	United Steelworkers of America Political Action Fund Five Gateway Center Pittsburgh, Pa 15222	Same <input type="checkbox"/>	This period \$ 250.00 Aggregate Year-to-Date \$ 250.00
7-9/74	California Dental Political Action Committee 11 and L Building 1127 - 11th Street Sacramento, CA 95814	Same <input type="checkbox"/>	This period \$ 1,000.00 Aggregate Year-to-Date \$ 1,000.00
10/30/74	Bert H. Cardon 2400 Belmont Drive Beverly Hills, CA 90210	Executive The Cardon Co. Inc. 9301 Wilshire Beverly Hills 90210 <input type="checkbox"/>	This period \$ 200.00 Aggregate Year-to-Date \$ 200.00
7/30/74	Political Education Fund of the Building and Construction Trades Department, Room 503 Washington, D.C. 20005	Same <input type="checkbox"/>	This period \$ 200.00 Aggregate Year-to-Date \$ 200.00
1/4/74	Optometric Political Action Committee P.O. Box 3345 Washington, D.C. 20005	Same <input type="checkbox"/>	This period \$ 500.00 Aggregate Year-to-Date \$ 500.00
1/4/74	Howard R. Hupkes Hupkes Helicopters Culver City, CA 90230	Owner <input type="checkbox"/>	This period \$ 300.00 Aggregate Year-to-Date \$ 300.00
		<input type="checkbox"/>	This period \$ Aggregate Year-to-Date \$
		<input type="checkbox"/>	This period \$ Aggregate Year-to-Date \$
		<input type="checkbox"/>	This period \$ Aggregate Year-to-Date \$

TOTAL THIS PERIOD \$2,450.00
(Last page of this Part only)

7 5 2 0 0 3 1 6
SCHEDULE C
ITEMIZED EXPENDITURES—COMMUNICATIONS AND NON-MEDIA OR OTHER EXPENDITURES

— Charles H. Wilson Campaign Committee
 (Full Name of Candidate or Committee)

Part No. A
 (Use for Itemizing Part C or D)

SEE REVERSE SIDE FOR INSTRUCTIONS
 (Use separate page(s) for each numbered Part)

DATE OF PAYMENT (month, day, year)	PAYEE (Recipient of Payment)		PURPOSE OF EXPENDITURE (For communications media expenditures, also specify date(s) of use)	CHECK (✓) EXPENDITURE BY ELECTION					AMOUNT OF EXPENDITURE THIS PERIOD	ALLOCATE EXPENDITURES BY CANDIDATE (To be completed only by Campaigns supporting more than one candidate)	
	Full Name, Mailing Address, and ZIP Code	Occupation and Principal Place of Business, if any (If self-employed, also check box)		P	G	P	S	O		Full Name, Congressional District (if applicable), State, and Party	Amount of Expense (see 41, p. 10)
10/25/76	Northern Community News 52166 So. Hawthorne Blvd. Hawthorne, CA 90240	Same <input type="checkbox"/>	Political Ad		X				57.50		
10/25/76	Lynwood Press 1717 Mulford Ave. Lynwood, CA 90242	Same <input type="checkbox"/>	Political Ad		X				14.80		
10/25/76	Daily Breeze 5115 Torrance Blvd. Torrance, CA 90501	Same <input type="checkbox"/>	Political Ad		X				28.50		
10/25/76	Metropolitan Gazette 911 East Rescottans Ave. Compton, CA 90221	Same <input type="checkbox"/>	Political Ad		X				78.40		
10/25/76	Complex Herald American 121 North Alameda St. Compton, CA 90220	Same <input type="checkbox"/>	Political Ad		X				42.56		
10/25/76	Paramount Journal 15605 Paramount Blvd. Paramount, CA 90723	Same <input type="checkbox"/>	Political Ad		X				24.00		
10/25/76	Gardena Valley News 14417 S. Western Ave. Gardena, CA 90247	Same <input type="checkbox"/>	Political Ad		X				24.00		

Page 2

TOTAL THIS PERIOD: 1745.92
 (Last page of this Part only)

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7 5 3 0 0 SCHEDULE C
 ITEMIZED EXPENDITURES—COMMUNICATIONS AND NON-MEDIA OR OTHER EXPENDITURES

Charles H. Wilson Campaign Committee
 (Full Name of Candidate or Committee)

Part No. 3
 (Use for itemizing Part 6 or 7)

SEE REVERSE SIDE FOR INSTRUCTIONS
 (Use separate page(s) for each numbered Part)

DATE OF PAYMENT (month, day, year)	PAYER (Recipient of Payment)		PURPOSE OF EXPENDITURE (For communications media expenditures, also specify date(s) of use)	CHECK (X) EXPENDITURE BY ELECTION					AMOUNT OF EXPENDITURE THIS PERIOD	ALLOCATE EXPENDITURE BY CANDIDATE (To be completed only by Committees supporting more than one candidate)	
	Full Name, Mailing Address, and ZIP Code	Occupation and Principal Place of Business, if any (if self-employed, also check box)		P	T	P	S	R		Full Name, Congressional District (if applicable), State, and Party	Amount of Expenditure
11/2/74	Hel Calaver 624 E. Compton Blvd. Compton, CA 90220	Same <input type="checkbox"/>	Rent Campaign Headquarters	X					200.00		
11/5/74	Leon Guide 1313 Casino Road Los Angeles, CA 90049	Same <input type="checkbox"/>	Music for Sunday Picnic 11/3/74	X					200.00		
11/5/74	Charles H. Wilson 4141 Resecrans Hawthorne, CA 90250	Same <input type="checkbox"/>	Candidate re-imbursed expenses	X					1,000.00		
12/30/74	Bellas & Sons 15734 Hawthorne Blvd. Lawndale, CA 90260	Same <input type="checkbox"/>	Refreshments for Press Party	X					175.72		
		<input type="checkbox"/>									
		<input type="checkbox"/>									
		<input type="checkbox"/>									

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APPENDIX K—TRANSCRIPT OF CLOSING ARGUMENTS

WEDNESDAY, APRIL 16, 1980

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

The committee met in open session at 10:05 a.m., in room B-318 of the Rayburn House Office Building; Hon. Charles E. Bennett, chairman of the committee, presiding.

Present: Representatives Bennett, Spence, Preyer, Livingston, Sensenbrenner, Thomas, Cheney, Hamilton (arrived 10:18 a.m.), Hollenbeck (arrived 10:15 a.m.), Stokes (arrived 10:23 a.m.), and Rahall (arrived 10:10 a.m.)

Also present: John M. Swanner, staff director; Steven R. Wisebram, counsel for the committee; Walter J. Bonner and Thomas A. Guidoboni, counsel to Representative Charles H. Wilson; and Representative Charles H. Wilson.

The CHAIRMAN. The committee will come to order.

The staff director will call the roll.

Mr. SWANNER. Mr. Bennett?

The CHAIRMAN. Here.

Mr. SWANNER. Mr. Spence?

Mr. SPENCE. Here.

Mr. SWANNER. Mr. Hamilton?

[No response.]

Mr. SWANNER. Mr. Hollenbeck?

[No response.]

Mr. SWANNER. Mr. Preyer?

Mr. PREYER. Here.

Mr. SWANNER. Mr. Livingston?

Mr. LIVINGSTON. Here.

Mr. SWANNER. Mr. Fowler?

[No response.]

Mr. SWANNER. Mr. Thomas?

Mr. THOMAS. Here.

Mr. SWANNER. Mr. Stokes?

[No response.]

Mr. SWANNER. Mr. Sensenbrenner?

Mr. SENSENBRENNER. Here.

Mr. SWANNER. Mr. Rahall?

[No response.]

Mr. SWANNER. Mr. Cheney?

Mr. CHENEY. Here.

Mr. SWANNER. Mr. Chairman, seven members answer "present," five Members are absent.

The CHAIRMAN. The presence of a quorum is noted for the record, and we will proceed.

The disciplinary hearing which commenced on March 31, 1980, is hereby reconvened and shall proceed in accordance with the committee rules of procedure.

Respondent's attorney asked the committee to delay findings in the Wilson matter in order that some Members who had been absent for a short period from the hearings might be able to review the transcripts of the part they have missed.

I want to point out that it should not be inferred from this that at any time the committee was without a legal quorum. In fact, under House rules, the committee could have received evidence and taken testimony with as few as two members present.

Now, under stricter committee rules, the quorum was seven, and at no time were there less than seven members present.

Counsel for both sides will be recognized for final arguments. Both counsels will be afforded 20 minutes for presentation of their arguments. Counsel for the committee may elect to reserve any unused portion of his allotted time for presentation after completion of argument by counsel for the respondent. I ask that Members of the committee not interrupt counsel during argument.

I now recognize counsel to the committee.

Mr. BONNER. Mr. Chairman, before you do, might I address the committee on a preliminary matter?

I realize that within the rules of the committee, you may move forward, a quorum being present, but since it is, in effect, argument to the jury, and the jury does consist of 12, might I ask you to just temporarily recess so that we can get the other members of the jury here to hear the arguments?

It does seem, according to our traditions, the correct thing to do.

Second, I would ask you to permit us, if necessary, additional time beyond 20 minutes. It may very well be that we can make our argument in that time, but in the event it takes us a bit longer, so much being at stake for the Congressman, I would ask yours and the committee's indulgence to permit us some additional time to complete our argument.

The CHAIRMAN. With regard to the first request, it is denied, because we must proceed with the rules of the House as they are, and they can't be reconstituted to suit the provisions and desires of anyone outside of the House of Representatives.

With regard to the second point, let's proceed on the 20-minute arrangement and at that time, if you would ask for continuation, it's very likely to be granted, but we would like to move expeditiously on with this matter if we can.

So we'll proceed as I originally suggested.

Mr. WISEBRAM. Thank you, Mr. Chairman, members of the committee.

Mr. Chairman, at this time I would like to reserve any unused time. Can I be heard by everyone?

The CHAIRMAN. I think you're being heard. How much do you want to reserve? Whatever you need.

Mr. WISEBRAM. Any unused time, Mr. Chairman, from my 20 minutes.

The CHAIRMAN. Without objection.

MR. WISEBRAM. Gentlemen, the case is before you. You've seen all the documents that have been introduced into evidence in support of each and every count of the Statement of Alleged Violations.

You've had a chance to hear the testimony of most of the key witnesses in this matter; you've had a chance yourselves to question most of the key witnesses in this matter, and you have had ample opportunity to study the transcripts of the hearings themselves.

I'd just like to briefly review that evidence with you.

Count 7 through 14 in the statement of charges: Mr. Wilson commingled campaign funds with personal funds, in violation of House rules. The additional charge is that Mr. Wilson converted campaign funds to personal use, again in violation of House rules.

For a moment, let's just focus on counts 7, 8, and 9.

You have seen documented these transfers. You've seen campaign funds transferred from the campaign account of Mr. Wilson into Mr. Wilson's office account. From that office account, these funds were transferred on the same day or soon thereafter, to repay personal loans of Mr. Wilson to banks in California.

Now, respondent may ask you to believe these payments were merely reimbursements, and not conversions, reimbursements of campaign expenditures. You've seen the bank loan reports introduced into evidence, which reflect the fact that these loans were for the personal expenses of Mr. Wilson.

Again, counsel for the respondent seems to stress the fact that Mr. Wilson's signature was not on these internal bank documents. The reason for that is very simple.

These were internal bank documents that did not require his signature. The information on these documents was obtained for someone; generally, it's personal information obtained from the person receiving the loan.

Respondent would ask you to believe in this case that three different bank officers, with two different banks in California, falsified information on an internal bank document in violation of Federal laws, and reflected falsely that the purpose of these loans was for personal expenses when, in fact, as he claims, they were for reimbursements.

Gentlemen, this simply insults the intelligence of any reasonable person.

Furthermore, let's look at the methods of transfers. If these transfers were meant as legitimate reimbursements, then I ask you, why were they transferred through the office account? These funds remained in the office account for less than one day.

The answer is simple, gentlemen. There can be only one answer; it's nothing more than an attempt to launder these funds, and to hide the original source of these funds, the campaign coffers.

Next, gentlemen, let's look at the transfer of campaign funds into Mr. Wilson's personal account, here at the Sergeant at Arms.

Count 10, if you will recall, involves transfers very similar to the previous transfers. \$3,500 in campaign funds were transferred into Mr. Wilson's office account. Again, on the same day these funds were transferred out of that office account and deposited in Mr. Wilson's personal checking account here at the Sergeant at Arms, in Washington.

Again, gentlemen, these funds were laundered through Mr. Wilson's office account. The reason for that, again, is very simple; it was an attempt to hide the source of these funds.

Counts 11, 12, 13, and 14 involve transfers of campaign funds from Mr. Wilson's campaign account directly into his personal account here at the Sergeant at Arms. The timing of these transfers, gentlemen, is very interesting. As you've seen by the evidence introduced during the hearing, in most of these cases, Mr. Wilson's balance in his personal checking account was extremely low. At the same time there were large amounts of checks outstanding against his balance; he simply did not have the funds to meet those outstanding checks.

For example, you've seen a transfer take place 2 days after Mr. Wilson wrote checks in large amounts to a racetrack in California.

Finally, gentlemen, let's look at what Mr. Wilson himself has had to say about these reimbursements. I refer you to a document which is marked "Committee Exhibit 17," which is in part copied in count 15 of the Statement of Alleged Violations.

When asked about reimbursements, transfers from campaign accounts, Mr. Wilson told this committee, under oath, that any reimbursements from his campaign account were for out-of-pocket expenditures for campaign expenses, and that there were no large or significant amounts involved.

Gentlemen, we're talking here of amounts of \$1,000, \$3,000, \$3,500, \$5,000, and \$10,000.

Gentlemen, the facts are clear and convincing, that these transfers were conversions of funds, not reimbursements, as Mr. Wilson would have you believe.

Now gentlemen, I ask you to turn your attention to counts 5 and 6 in the Statement of Alleged Violations.

These counts charge that Mr. Wilson caused to be hired from the clerk-hire payroll Mr. Lee Rogers and caused him to be paid a salary not commensurate with his duties.

You heard Mr. Rogers come before you and testify that his duties included the following: Preparing and editing the newsletter for Mr. Wilson, advising Mr. Wilson on postal matters, and serving as a liaison with the business community in California.

Gentlemen, you've heard Gail Armstrong, a former employee of Mr. Wilson for approximately a 3-year period, testify before you that she was in charge of that newsletter and she was in charge of preparing and editing that newsletter, and that the input from the west coast amounted to nothing more than a few photographs that were sent in from the west coast office.

She's testified before you that she never knew Lee Rogers to be an employee of Congressman Wilson's, and knows of no input that he had in that newsletter during that time period.

In regard to Mr. Rogers' testimony, about serving as a liaison with the business community, you've heard Mr. Rogers himself testify to you that he was an officer, a director of an organization called the Wilson Key Committee, an organization made up of businessmen who supported the Congressman, an organization which is registered in California and, under the Federal law, as a campaign committee.

Gentlemen, I submit to you that it's clear that any duties of Mr.

Rogers as a liaison with the business community were a result of his position with the Wilson Key Committee, a political position.

Finally, gentlemen, let's look at Mr. Rogers' duties as a postal consultant to Mr. Wilson.

You've heard Mr. George Gould, long-time administrative aide to Mr. Wilson, and subcommittee staff director on numerous subcommittees which Mr. Wilson chaired in the Post Office and Civil Service Committee, testify before you that he met with and knew Mr. Rogers only as a businessman with a vital interest in matters affecting the postal service and his own business.

It's simply beyond belief, gentlemen, that two fellow congressional employees, both advisors to the same Member of Congress on postal matters, could meet and discuss postal matters and be unaware of their common roles.

Finally, gentlemen, counts 1 through 4 charge three separate violations each of the House Rules.

The first violation is of clause 4 of the Code of Official Conduct, which charges that Mr. Wilson received gifts, payments, from Mr. Lee Rogers, a person with a direct interest in legislation.

Second, the charge is that Mr. Wilson received these benefits under circumstances under which a reasonable person might conclude that he was influenced in the performance of his governmental duties.

The third violation charges that Mr. Wilson, in so doing, reflected discredit upon the House.

Gentlemen, Mr. Rogers' direct interest in the legislation is clear. You've heard Mr. Rogers himself testify that his interest in postal matters which may have been before this Congress was vital; indeed, he was a large third-class mailer. His livelihood depended on it; you've seen correspondence between Mr. Wilson and Mr. Rogers which reflected Mr. Rogers' direct interest in an FTC bill which would have adversely affected his business interests and his livelihood, and you've seen correspondence between Mr. Gould and Mr. Rogers concerning postal classifications, postal rates—again matters which would directly affect Mr. Rogers' livelihood.

The payments, gentlemen—we have a \$5,000 check from Mr. Rogers to Mr. Wilson in June of 1971. We have a \$5,000 check from Mr. Rogers to Mr. Wilson in June of 1972. We have a \$5,000 check that ultimately was deposited in Mr. Wilson's Sergeant at Arms account in June of 1973, and a \$500 payment in December of 1972.

Let's focus for a moment on the first two checks, gentlemen. The first is a payment of \$5,000 from Mr. Rogers to Mr. Wilson in June of 1971. Two months later, Mr. Rogers was placed on the congressional payroll for Mr. Wilson at a salary of approximately \$12,000 a year.

The second is a check for \$5,000 in June of 1972, a time at which Mr. Rogers, of course, was an employee of Mr. Wilson's.

Now, Mr. Rogers has testified, and would have you believe, that these payments are nothing more than loans, and indeed, the two checks are marked "Loan."

Let's go behind them a little bit further, gentlemen. You've heard Mr. Rogers testify that there are no written loan agreements as evidence of these loans, there's no interest charge on these loans, there's no maturity date set for repayment of these loans. In fact, there is no

demand for repayment of these loans. There has been no repayment of these loans.

Gentlemen, this simply does not meet any acceptable definition of a loan. These payments were in fact payments, not loans.

Finally, gentlemen, let's see what Mr. Wilson himself had to say about those loans, how he treated them. His financial disclosure report, which was introduced as committee exhibit No. 6 for the year 1977, required the disclosure of any obligation or loan owed to a single source in amounts above \$2,500—\$2,500, gentlemen.

Mr. Wilson did not report any obligation to Lee Rogers; it's simply not there. It's clear, gentlemen, that Mr. Wilson himself did not treat these payments, and did not consider these payments to be loans.

Next, gentlemen, we have the \$5,000 payment in June of 1973. This is a check from Mr. Lee Rogers to "O. Robert Fordiani," Mr. Wilson's district west coast representative. Mr. Rogers has testified that this check changed hands between himself and Mr. Fordiani on the west coast; the date of the check is June 27, 1973. Yet, gentlemen, within 2 days—2 days—this check was endorsed by Mr. Wilson and deposited into his personal account with the Sergeant at Arms here in Washington—in 2 days, gentlemen.

I think it's apparent that the purpose of this check was as a payment to Mr. Wilson, and not a payment to Mr. Fordiani. Mr. Rogers has attempted to explain the check by saying it was the payment for an option to purchase a trailer park from Mr. Fordiani.

Mr. Rogers can't even tell you the name of the trailer park. He can't even tell you its location, other than it's somewhere in northern California, which is a very large area, northern California.

Gentlemen, we submit that any reasonable person familiar with the circumstances of this case could reasonably conclude that Mr. Wilson was influenced in the performance of his governmental duties by these payments. In so doing, Mr. Wilson reflected discredit upon the House.

In the final analysis, gentlemen, what we have here is a situation in which there are two winners; both Mr. Wilson and Mr. Rogers were winners.

Mr. Wilson won in that he gained a ready source of needed cash through Mr. Rogers. Mr. Rogers was a winner; Mr. Rogers gained influence with a Member of Congress in matters vital to his personal livelihood. He also was reimbursed for his payments to Mr. Wilson through the congressional payroll.

Last, as you've heard him admit to you, he gained in status, as a congressional employee.

Gentlemen, the two losers in this matter are the American taxpayer and this Congress. The American taxpayer reimbursed Mr. Rogers for his payments to Mr. Wilson, and underwrote a 4-year ago trip for this man as a congressional employee to the tune of some \$47,000.

Finally, gentlemen, this institution itself was a loser, because the actions of this man, Mr. Wilson, have humiliated and disgraced this body.

Gentlemen, finally, I ask that you not be misled or confused into seeing doubts in this evidence which simply are not there. The facts speak for themselves; contrary to the assertions of counsel for the respondent, his decision not to present an active and vigorous defense

to these charges is not a reflection of the fact that this committee staff has not proven its case, it's nothing more than an admission—an admission, gentlemen—that the facts in this case are overwhelming. It is these facts, gentlemen, which we ask you to base your decision on today, these facts which support clearly and convincingly each and every count in that Statement of Alleged Violations.

Thank you, Mr. Chairman.

The CHAIRMAN. At this point there are some additional members; if you'll raise your hand, the clerk will—oh, he already has.

There are four additional members. All right.

I now recognize counsel for the respondent.

Mr. BONNER. Mr. Chairman, I have one further request to make of you and the gentlemen of the committee.

That is, if you would permit, please, Mr. Guidoboni and myself to share the argument. There are some points he would like to highlight for you, Mr. Chairman and gentlemen, and there are some I would like to highlight.

Is that agreeable?

The CHAIRMAN. That's acceptable.

Mr. BONNER. Thank you, sir.

Mr. GUIDOBONI. Mr. Chairman, members of the committee, Mr. Wisebram.

I will address the so-called conversion counts, and Mr. Bonner will handle and will address himself to the other counts.

Mr. Wisebram, through his witness, Mr. Chlan, presented you gentlemen with a lot of evidence about campaign conversions, a lot of papers, lots of checks, big charts—lots of things, and in doing this, we submit they missed the central point of this whole thing.

He spent a lot of time talking about what Mr. Wilson spent this money on once it went into his personal account, and Mr. Chlan, you will recall, upon being questioned by me, admitted that if this were indeed a reimbursement to Mr. Wilson, it was perfectly proper for him to spend it on whatever he wanted to. That includes the race-track, that includes the trashman, that includes everything else in those millions of documents that they put into evidence.

The central question here is: Is this reimbursement for campaign expenses?

Now, on these matters, as the others, the committee staff has the burden of proof. It's their duty to come forward with the evidence. Let's examine what they brought forth here.

First of all, I would mention, most of these transactions—in fact, all of them—counts 7 through—I believe 11, happened in 1971, and gentlemen, we've already submitted a motion discussing the staleness of these charges.

We would submit to you today that it is unreasonable to ask Mr. Wilson to come forth with documents to verify the campaign expenses more than 9 years—pardon me—8 years after those expenses were made.

But we do have some corroboration, gentlemen, and it is in the record.

Mr. Wilson was asked about these matters in a deposition before this committee in 1978. At that time, whatever the question of ma-

teriality, it was clear—and I believe Mr. Levy said so—the focus was on the Korean investigation, looking into other matters.

Mr. Wilson didn't say: "I never made the transfers; I don't know anything about it."

What Mr. Wilson said was: "Yes, there were some transfers, and now, in 1978, I don't have records to document it."

He didn't say: "I never had those records." And, you know, they were reimbursements for campaign expenditures.

Now, gentlemen, they weren't looking into that at this time; they were looking into any dealings with the Koreans. Mr. Wilson could have said a lot of things, but he said at that time "reimbursement for campaign expenditures." That's some corroboration, gentlemen, I submit to you.

Now, there's a little bit more. Let's take a look at counts 12 and 13, the Key Committee counts.

Now, the staff, through their witnesses, were very cute about that, I would submit. Mr. Chlan read from a statement filed on April 5, 1972, where the committee declared itself a political fund or campaign fund. However, the transfers took place in February and March of 1972, and I had to bring that out in cross-examination.

But let's go a little further. It was Exhibit 12-G which was furnished to you gentlemen, a report to the State of California which was filed also after the reporting deadline by the Key Committee. I didn't put this into evidence; Mr. Wisebram put it into evidence through Mr. Chlan. This was a committee exhibit.

Gentlemen, I ask you when you deliberate on this, to look at page 2, page No. 2 of exhibit 12-G, the California report, and lo and behold, filed in 1972, what does it say? \$1,500 paid to Charles Wilson for travel expenses.

That was 1972, gentlemen, and he said it then. Remember count 12, \$1,500 transferred from the Key Committee to Charles Wilson, and is it reported? Is it reported 8 years before we came in here today to talk about it?

And turn to page 3, gentlemen; what does it say there? It says: "Charles H. Wilson, printing," and it lists the name of the company, Truman Ward Printing Co., \$1,500. Remember count 13, gentlemen? Remember the \$1,500 in count 13?

I submit to you, there's your \$3,000 from the Key Committee, whether it was a campaign fund or it wasn't; Mr. Wilson reported it and reported it 8 years before we came to this hearing. And there it is; is that corroboration?

Yes, gentlemen, we submit to you it is.

Let's turn to count 14, the only count that the Federal act required to be reported.

Does that show—that was my recollection of respondent's exhibit A, which you gentlemen, as I recall from my exchange with Mr. Sensenbrenner, had seen before. In 1975, a report of the election in 1974, a \$1,000 transfer from the campaign fund to Mr. Wilson.

Did he report it in 1975? You bet he did. Was there testimony to that? There certainly was from Mr. Chlan and Mr. Murray, 1975, 5 years ago, he reported that.

You heard the testimony of Mr. Murray; it's been available to members of this committee, for the audience, to go and look at.

Gentlemen, I ask you: Are you going to penalize Mr. Wilson on these counts and the earlier counts—these three are the last three and the only ones that came under the reporting requirements—are you going to penalize Mr. Wilson because 9 years later he can't come up with the actual expenses, the receipts for those things?

I submit to you, gentlemen, on the most recent counts, and the only ones that were required to be reported, we have corroborated that they were campaign expenditures, and those things were publicly available, if anybody had raised the question at a reasonable time.

By the way, gentlemen, the statute of limitations on the Campaign Act is 3 years. Is Mr. Wilson entitled to rely on that for how long he keeps his records? How long do you gentlemen save your tax records? How long does anybody? This is 9 years ago. The most recent is 5 years ago.

Now, the committee staff says to you: Mr. Wilson doesn't have any records. Look at this: Gentlemen, we submit to you that the ones that were required to be reported were reported, and anybody who had come to Mr. Wilson in a reasonable period of time could have come up with those documents and those verifications. Nine years later it is unfair to hold it against him that he hasn't come forward with those. We've come forward with what we can; indeed, the staff has even submitted some documentation, surprisingly enough.

Now, gentlemen, let's look at a few other issues here. In this sort of smokescreen of papers, did we see anything with Mr. Wilson's signature on it? Very, very little. We saw some internal bank documents; right? They said "Personal expenses."

Gentlemen, I would direct your attention to the bank documents dealing with the first loan, submitted in count 7, exhibit 7; it not only said "Personal expenses," it says it's a "commercial loan." Can the staff come forward with anybody to explain to us what those terms of art might mean? How do we know that that loan wasn't for campaign expenditures?

I note that in 1970, when that loan was made, that was an election year, and if those funds were used for campaign expenditures, then he was perfectly entitled—you recall the testimony of Mr. Chlan—to use the money when he got it back, to do whatever he wanted with it, including paying off that loan.

And gentlemen, if there were exhibits there, if there were documents, if there were papers which had Mr. Wilson's signature on it, which showed that he ever said that it was for personal as opposed to campaign expenditures, why weren't they here? The committee had a year to investigate this; they had the subpoena power. It's their burden to prove. We don't have to speculate today.

Why didn't we bring in a bank manager from California? Why didn't the committee staff bring him in, to explain what those terms meant? Those aren't papers signed by Mr. Wilson. We don't even know for a fact certain that the information came directly from Mr. Wilson, nor do we know what those terms mean.

That's the slim reed that the committee rests its case on, gentlemen. Also, it shows a lot of transfers. There's no evidence whatsoever that Mr. Wilson ever knew that those first four loans came from his campaign funds.

Mr. Wisebram slides nicely over that, and I note that there were no checks introduced into evidence from the office account; that's where the money came from to pay the loans off. If Mr. Wilson knew anything, he knew it was from the office account.

Now, yes, it's true; we don't contest that they were transferred into the office account, but that was in California. You recall the testimony; Mr. Fordiani signed those things. Mr. Fordiani was in California. How do we know that Mr. Wilson, here in Washington, D.C., had knowledge of that? Certainly not from evidence offered by this staff, and it is, I repeat, their burden to prove this by clear and convincing evidence.

Now gentlemen, there are holes in this case; there are holes in counts 7 through 14, and who's responsible for those? Not the respondent in this matter, it's not our burden to plug those holes; it's the staff's. It's the staff who had the right to take depositions.

Isn't it strange, gentlemen, that there were no witnesses here from California? That's where all the action took place. True, they did summon one, Mr. Fordiani, and he didn't appear, but they've known about his problems for a long time, and there were plenty of other people who worked out there in California, and we didn't see any of them, gentlemen.

That's the staff's burden; they could have explained some of these things.

Gentlemen, let's turn to the perjury or false statement count for just a minute. There are a number of elements there that must be considered.

First of all, we have to look at what Mr. Wilson said. If you gentlemen reject counts 7 through 14—which you should do, you should reject those counts and dismiss them—of course Mr. Wilson is not guilty of count 15, because it was implicitly found that he told the truth. But there's more than that, gentlemen. There are other certain requirements that must be proven in order to sustain that charge.

The count alleges that the deposition was taken before—pardon me—that the testimony was given before the committee. Committee rules at that time required that two members be present to constitute the committee for taking testimony.

Now, there was only one member present, and that's clear from the record. Mr. Wisebram will argue to you, well, it was a deposition; well, it may be, but that's not what was alleged in the count. I didn't draft that count; Mr. Wisebram did, and the committee approved it.

At the time, also, gentlemen, the committee rules and House Resolution 252 required that the oath be given either by the chairman of the committee or the ranking minority member, or somebody designated by them. Now I think you can see from exhibit No. 17 that the oath was given by, I believe, Congresswoman Fenwick.

There is no evidence in the record whatsoever that she was designated, and it's clear and I believe this committee can take notice, that she was not the chairperson of the committee, nor was she the ranking minority member. There must be a proper oath given, and there's no evidence that the oath was given here.

That is an element of that charge.

Gentlemen, materiality—let's address materiality for a moment. There was some attempt here through Mr. Levy to explain to you why it was material that Mr. Wilson was asked about transfers from his campaign account.

Gentlemen, I don't quite understand Mr. Levy's testimony, certainly not clearly and convincingly. What he seemed to be saying to me was: I was trying to track down some cash, so I had to look at the checks. And from that we're expected to believe that, it was material to the Korean investigation. It's interesting that the rest of that deposition was not put into evidence. It's not in the record. I'll pass on that.

But it is clear from the first page what was the focus of that investigation, and I submit to you, they have not made that link-up with materiality.

Finally, gentlemen, there is a question of literal truth. The Supreme Court, in the *Bronston* case, has said even if an answer is evasive or implies something that's not true, that's not enough to sustain this kind of conviction. Gentlemen, I would submit to you that Mr. Wilson's answer was truthful. It was certainly truthful as far as he knew it to be; however, if you disagree with that, it was beyond question, literally true.

Read what he said; he didn't say:

"I never made any transfers."

He said: "Sure there were transfers."

He said they were intended to be reimbursements, he didn't say they were. He didn't say he had documentation; he said: "I don't have it now."

Gentlemen, I submit to you, at the minimum it's literally true.

Now, gentlemen, for all of these reasons, I would submit to you that the staff has failed to prove clearly and convincingly that these transfers were transfers other than reimbursement for campaign expenditures, and that Mr. Wilson testified falsely under oath before this committee, and I would ask you to dismiss counts 7 through 15.

I thank you.

Mr. BONNER. Mr. Chairman, may I address you?

The CHAIRMAN. Yes.

Mr. BONNER. Mr. Chairman, and gentlemen, I am going to talk to you about the first six counts, but before I do I want to address a few remarks to you.

By now, you know, and I guess the world knows, that I don't agree with what you have been doing with Charles Wilson. I don't agree with it because, as you well know, I've been unhappy from the very beginning with the terrible staleness of the charges you've brought against him, and you know by now, and I know, and hopefully they all know, that if Charles Wilson was to be charged with Federal crimes, a Federal Court would throw out this Statement of Alleged Violations on its ear.

I've been unhappy with your procedures, in addition, because I don't like the idea of you investigators, you prosecutors, and you grand jurors sitting here as petit jurors. I don't think that that's the

American way to do things, and I think it ought to be changed, and the sooner it is the better.

No reflection on you personally, but on this miserable procedure.

Now, having said that, let me say this: There's a lot at stake here today. What is at stake is Charles Wilson's reputation, his honor, and his place in this honorable House.

Now, that may not impress some of the folks seated in here who might, over the years, have turned a bit skeptical about the workings of the various Members of this honorable House; it might not impress some of the folks in here who have turned even cynical about it.

But I want to tell you something: It impresses me. I'm his advocate, and I care, and I don't want him disgraced. I don't want him humiliated, and I don't want him found guilty for acts that he has not committed, and which your staff has absolutely failed to prove, because, as I argued to you, Mr. Chairman and gentlemen, I'm going to argue to you from the record, and I'm going to insist that you stay within the record, and if you don't stay within the record, I'm going to go to the full House of Representatives, if I'm permitted, and I'm going to argue again from the record.

And if the House of Representatives won't listen to me I'm going to try to go into the courts, and I'm going to argue to the record, because I can't let you find Charles Wilson guilty of these allegations when your staff hasn't proven them, and your staff hasn't proven them.

Two more remarks before I turn to the record.

I don't like your procedures; I think they are unconstitutional. I hope there's one thing that's still going here for me, though; even though a lot of good Americans today don't really agree with what I'm going to say, it's sad but true—Charles Wilson is entitled to the presumption of innocence.

May I repeat that? Your fellow Congressman, this American citizen, is entitled to the presumption of innocence. He does not have to come in here and prove anything; you've got to prove it, and you've got to prove it by clear and convincing evidence.

Now let's see what you've got, because what this trial is all about isn't really campaign contributions out of one fund into another—and God knows, Mr. Guidoboni has met those charges nicely.

What this trial is all about is whether or not Charles Wilson is corrupt. Let's call a spade a spade: let's not play around with this thing any more. That's what it's about. Was he bought? Was he bought by Lee Rogers? That's what those six charges are about. That's what the whole damned thing is about.

And if you didn't prove that you haven't proven anything, and you ought to have the courage to go back there, even though you sat as investigators and you had certain ideas about this case, working with the staff all the time, and sitting as prosecutors and sitting as grand jurors—you ought to have the guts to go back there and vote him not guilty, and I'm now going to tell you why you ought to, because this isn't innuendo, this isn't inference; this is just plain record.

And here's what the record says, coming from your witness, for whom you got the grant of immunity, with whom you spent—in committee or subcommittee—hours and hours and hours. We got a tran-

script that thick from the time he spent with you. He spent an hour and a quarter with me. That's all I got from him.

But here's what I got, and here's what you got, on the record.

Page 161. This is Bonner, question :

And it is a fact, is it not, sir, that your able Counsel, Mr. Madigan, has informed you that no matter what you tell this committee today, in terms of any possible wrongdoing on your part, you cannot be prosecuted for that unless you lie before the committee today.

Isn't that a fact?

Answer : That's a fact.

Now, then, you are under oath before this committee, aren't you?

Yes, sir.

The CHAIRMAN. Your 20 minutes are up; how much more time do you need?

Mr. BONNER. 20 more, sir. It's an awful lot at stake here, Mr. Chairman; it's his whole career.

The CHAIRMAN. I'll allow you 10, and you can ask again when you've exhausted 10.

Mr. BONNER. Thank you.

Yes, sir.

And are you well aware that the only way you can get in any trouble today at all is if you lie to this committee? Isn't that so?

That is so.

All right. Under your oath before Almighty God, sir, did you ever give any money to Charles Wilson to * * *—

and I am referring now to the language of this Statement of Alleged Violations—

* * * to influence the performance of his governmental duties, sir?

Absolutely not.

You swear before God that is the truth?

Absolutely not.

Did you ever lend him any money to * * *—

and I quote—

* * * influence the performance of his governmental duties?

Absolutely not.

Did you ever give him anything at any time to influence him?

Absolutely not.

And it's your sworn testimony before Almighty God today?

Yes, sir.

And you know that the only thing you can be prosecuted for is perjury today; is that not correct, under this order of immunity?

Yes, sir.

Now, Lee Rogers may not be a perfect man; it may be that he wanted to serve the Congressman, because it's kind of nice to serve a Congressman. This House is loaded with people who like to serve Congressmen. They are on your staffs—your personal ones and on your committee staffs—Rogers is really no different than them in his desire to be part of the great historical process that you take part in every day of your lives in this House.

Mr. Fowler asked him, on page 169 of the transcript :

“Why did you go on the payroll?”

Mr. Rogers said :

“Well, I have a great admiration for the Congressman; he's a tough, outspoken man. We saw eye to eye on many, many things. I probably made overtures that I would like to join his staff as a consultant, and back in 1971 I did.

I was asked to come aboard. He—

and the word doesn't make sense—"imlight"—we have a little error there—" * * * as a consultant."

And on page 170, Mr. Fowler:

Tell me again why you wanted to leave your business and be on the congressional payroll?

Mr. ROGERS. I didn't leave my business. I was still just as active in my own personal business after I was on the payroll as I was before I was on the payroll.

I would say that there was some degree of personal sacrifice, but not a lot.

And then we have this testimony from Mr. Rogers, Bonner questioning:

Is it fair to say, Mr. Rogers, that you're a man of considerable means financially?

I guess that's fair to say, yes.

Is it fair to say that you are a multimillionaire?

Well, if you're getting Time Magazine, that's what you'll see.

Now, Congressman Wilson has not been pressed by you for a payment of these loans; is that correct?

That's correct.

Have you lent money to any other people who haven't paid you?

Yes; I have.

Have you pressed them for repayment?

No; I haven't.

Have you sued any of them?

No; I haven't.

Why not? Have you sued the Congressman?

No; I haven't.

Why not?

There's not much there to sue him.

Well, let's get right down to it; since he hasn't repaid you, even though it's not your style to sue, would you lend him any more money, meaning since he hasn't repaid you

Answer: I don't think I would. No.

Now, that was picked up on by, I believe, Mr. Thomas, who, at page 183 of the transcript, asked this question:

Mr. Rogers, I believe you indicated to Counsel that you had made loans to other individuals similar to the one that you made to the Congressman; that is, loans with no other supporting documents, with no interest, no maturity date. Is that historical practice, that you had made them in the past, or do you continue to make them today?

Mr. ROGERS. About three weeks ago, I just made a loan to a Lewis Green; in the past I've loaned money to Dick Greenberg, Ernie Herman, Kenny Spalding. That's all from memory; there could be more.

Mr. THOMAS. Did any of these individuals ever pay back any of these loans?

Mr. ROGERS. The only person that paid any loan back was Dick Greenberg.

Mr. THOMAS. Any portion of any loans paid back?

Mr. ROGERS. None of the ones that I just mentioned.

On page 189 of the record, Mr. Fowler comes to grips with it. He says, says Mr. Fowler:

Well, I'm not trying to trap him into any legal special relationships. The truth of the matter is that you, an extremely successful businessman; to make an extra \$1,000 a month didn't mean anything to you, but the reason that you wanted on the payroll was the status that you thought incurred to you as a businessman because of that affiliation with the congressional office, isn't it?

Mr. ROGERS. That's a fair statement, yes.

How many people around here, gentlemen, are on your staff, come close to you day by day, here or in your district—never mind those who serve on the general staffs of the many committees—for the very same reasons?

Is that corruption? Is that corruption? What has that got to do with him? What has that got to do with being bought? The man has sworn under oath, uncontradicted, with no evidence to the contrary, that he did not lend him money to influence his votes, that he did not give him money to influence his vote; that he never gave him anything at any time to influence his votes.

That's all you've got in this record. There is no evidence to the contrary whatsoever.

Now, on page 192 of this same record, this set of questions was asked by Mr. Hamilton:

Mr. HAMILTON. I am not clear just how much time you put in for Mr. Wilson when you were on his payroll. How much time in a given month would you work for Mr. Wilson?

Mr. ROGERS. Well, that's a question that keeps coming up and I just can't speculate on that; I really don't know.

Mr. HAMILTON. Well, I mean, would it be 10 percent of your time, or would it be 50 percent of your time? Or would it be a couple of phone calls a day, or could you give us some idea here?

You're getting paid \$1,000 a month, \$250 a week; surely you did something and you have some recollection?

Mr. ROGERS. The time varied. It could be days, or I would put in many, many hours, although there were days when I would put in no hours.

Mr. HAMILTON. And over the course of a month, how much time would you put in?

Mr. ROGERS. Over the course of a month I—over the course of 1971 to 1974, I think everybody got their money's worth.

Mr. HAMILTON. So you considered it fair compensation?

Mr. ROGERS. I considered it fair. I wouldn't do that for anybody else.

Mr. HAMILTON. And you think Mr. Wilson got a pretty good deal out of it? Is that it, in the amount of time you put in?

Mr. ROGERS. I don't know about Mr. Wilson, but I know, for example—just for example, the presort that the post office does now, it probably saved millions and millions and millions of dollars, and I am sure it gets mail delivered faster and better.

And in his testimony he explained to you that this was his concept while he was working for this Congressman, namely that for 12,000 miserable dollars per year, you bought an idea that he claims, and no one has controverted in this record, has saved the taxpayers millions upon millions of dollars per year.

I wasn't as clear about that as I might have been, so I went on and I asked him some questions, but before I did, Mr. Hamilton asked him some more important questions.

Did you ever talk to Mr. Wilson about postal legislation?

Mr. ROGERS. Well, as I said before, I talked to Mr. Wilson about having the hearing and what we did. I also alerted him to something that proved to be quite scandalous, where the Detroit Mail Handling Center and the Chicago Bulk Mail Handling Center had equipment that was just literally chewing up and destroying a large percentage of the packages that they were processing.

I brought it to his attention and the Congressman later did something about that.

Mr. HAMILTON. So on a number of occasions, one of which you cited, you did encourage him to act in a certain way with regard to his duties as a Congressman?

Mr. ROGERS. I feel very instrumental; yes, sir.

Did you ask him to do that on many occasions?

Well, those were the two things that are of any moment that I can remember right now.

Mr. HAMILTON. And if I understand your testimony, there is absolutely no relationship in your mind between these rather large sums of money which you

loaned him and your request that he act in a certain way with regard to postal legislation?

The CHAIRMAN. Your additional 10 minutes are up. We will allow you another 10 minutes. I believe that counsel for the other side should be allowed an equal amount of time.

Mr. BONNER. Thank you, Mr. Chairman [continuing].

"Mr. ROGERS. Absolutely none whatsoever."

Uncontradicted answer of your witness in this record. I wanted clarification; I said to him:

Something you said interested me, Mr. Rogers. You just spoke of the great cities of Detroit and Chicago having some sort of mail equipment which would literally chew up packages.

What was that you were referring to?

Answer. There were two bulk mail handling centers in question; one was in Detroit, and one was in Chicago, and it was a source of continuing problems to people in the industry, because they knew that the equipment there was damaging a high percentage of the packages.

Question. These were packages destined for members of the public?

Answer. These were packages that were bought and paid for by the consumer.

Question. And therefore, when you brought it to the Congressman's attention, did you feel that it was something that would benefit just you, or the public in general, if you stopped packages from being chewed up by lousy mailing equipment in Detroit and Chicago?

Answer. Well, obviously it benefits.

Question. Well, I don't know if it's obvious to the committee, so let me hear it from you under oath.

Do you think it was benefitting Lee Rogers or the general public if you brought to the Congressman's attention the fact that it was rotten equipment in those cities tearing up packages destined for the general public.

Answer, under his oath: "I thought it would benefit the public a great deal."

Uncontradicted in the record. And then we heard from another one of your witnesses, Mr. Gould. Mr. Gould, an expert in postal legislation, testifying regarding first and third-class mailusers, areas that were of interest to Mr. Rogers; Gould testified that first-class mail, one of the two types utilized by Rogers in his business, had never been subject to "phasing," to rates, and in fact, was exempted by statute.

Further, according to Mr. Gould, third-class mail, the other classification utilized by Rogers, had never received any money for "phasing," and that Mr. Wilson had never, never attempted to secure such funds.

Moreover, the only time that the issue ever came to the floor of the House, guess what Charles Wilson, who was corrupted, did? He voted it down.

Uncontradicted in the record, from your witness; uncontradicted. And then, we had Mr. Eli Davidson Minton appear, the General Counsel of the Postal Committee.

Well, let's see what he had to say.

Bonner asking the question to this gentleman, again under oath:

In the entire period that you have dealt with Congressman Wilson in your various capacities in the Senate and the House on matters involving postal legislation, have you ever known him to try to influence, let's say first-class mail as opposed to second-class mail, as opposed to third-class mail, as opposed to fourth-class mail?

And let me add to the question, to influence for a private interest, for a particular group or a particular person?

Mr. MINTON. * * *

A question back to me :

A particular user of the mail ?

Yes, sir.

Mr. MINTON. No. I have not. Well, let me amend that.

Said Mr. Minton, under oath.

Mr. Wilson and other Members of the Committee have voted for legislation which would have the overall impact of changing the methods of fixing postal rates for all classes of mail, which in my opinion as an expert in the field, is to the general benefit of the postal system, and the public, and all mail-users.

Mr. BONNER. And is it fair to say that in the time that you have been associated with Congressman Wilson, from the period 1962 to date, you have only known him as along with other Congressmen with whom you have associated on postal committees, to try to influence legislation for the public good in general, as opposed to some private interest of a given person?

Mr. MINTON.—

Under oath, uncontradicated in the record—

Yes. And I would add—

Says he—

if I may, that he has impressed me as having a better understanding of postal legislation than some other Members of Congress, and has advocated positions which strongly represent the public interest generally."

Uncontradicated in the record. This is a case which started, and should end, on what it's really all about. And what it's really all about is whether or not my client—who has served this House well for almost 18 years—in the opinion of his constituents, and who has been deprived of what I think are proper procedures in this House, under the Constitution, and who is entitled to and insists that you recognize that under American law, he is entitled to the presumption of innocence and that the burden is solely that of your staff to prove him guilty by clear and convincing evidence—under this sworn testimony from these witnesses, uncontradicted, can be found by you to be guilty of corruption.

Can anyone be serious about this, on such a record?

That man is innocent of these charges. I don't care where this investigation started, and I don't care how it continued, and I don't care what notions you once had in your head, because you certainly had them; you're human beings and you're thinking creatures, and you had some ideas about this when you first walked in here for this hearing, and I will not hear the contrary, because that's reality.

But by God Almighty, he is an American citizen, this is—thank God—not Nazi Germany, it is not the Soviet Union; the State doesn't just sit here in some mock trial and put on its case with the results all decided, please God.

He stands here under American law, presumptively innocent, and I say again, your staff has had the burden, by clear and convincing evidence, to prove to you what is the heart and soul of this set of charges; namely, that this Congressman was corrupted by a man named Lee Rogers in order to influence legislation.

Well, you've heard it from your witness, Rogers, and you've heard it from your witness Gould, and you've heard it from a neutral witness I called, who is the General Counsel of your Postal Committee, and who has had relationships with him for 18 years, and there's nobody who says he's corrupt.

On the contrary, they have sworn before Almighty God that this

Congressman works for the general good and for the general interest of the people of the United States when it comes down to matters of postal legislation. No wonder the people of California, in his district, for 18 years have sent him back here.

These charges have not been proved; I want you to find him not guilty on each and every count, and to the extent that you can still do it, I want you to restore to him his good name.

The CHAIRMAN. Counsel to the committee?

Mr. WISEBRAM. Thank you, Mr. Chairman.

Members of the committee, I'm afraid I have no selective readings from the record for you today. I emphasize the word "selective"; the record is before you, you've had it for several days now. You've had a chance to read it, an opportunity to examine it and study it.

I'd just briefly like to address a few points.

Mr. Guidoboni places a great deal of emphasis on the document marked "Committee Exhibit 7-C." He points out the fact that this document has written on it "commercial loan," and somehow this proved that the loan which is represented by this document was not for personal expenses.

I ask you to read that line, right after where it says "commercial loan;" it states simply and plainly: "For the purpose of personal expenses."

And at the bottom of that document is a signature, gentlemen. The next signature is "Charles H. Wilson." That's committee exhibit 7-C.

Second, Mr. Bonner seems to emphasize the fact that Mr. Rogers gave Mr. Wilson advice on bulk mail matters and somehow thinks this is indicative of Mr. Rogers' public-spirited service.

He did not read to you a question I asked Mr. Rogers on redirect. That question was:

"Were you a direct mailer?"

And Mr. Rogers testified:

"Yes, indeed."

He himself is a bulk mailer—excuse me; not a direct mailer, but a bulk mailer himself.

Gentlemen, in closing, I ask that you not be misled or confused by legal theatrics, stage emotionalism or hollow threats, but base your decision simply on the facts. And gentlemen, I submit to you that the facts are there, and that each and every count has been proven clearly and convincingly.

Thank you, Mr. Chairman.

The CHAIRMAN. Pursuant to the committee rule on procedure No. 17, the committee will now consider each count of the Statement of Alleged Violations, and vote whether or not each count has been proved by a clear and convincing standard of proof.

I will now entertain a motion to go into executive session for these purposes.

Mr. SPENCE. Mr. Chairman, pursuant to Rule XI(2)(k)(5) and 2(g)(2)(B), I move that we go into executive session for today and 1 subsequent day.

The CHAIRMAN. Counsel will please remain. I'll tell you when to leave.

Mr. BONNER. I'm not going to leave, Mr. Chairman. I just am ignorant of the procedure at this point. May I make an inquiry?

That is, when you go into executive session, which I daresay you now will, are you traditionally in such a matter joined by the staff, who has acted as prosecutors, or will you go into session alone? I would ask respectfully that the staff be excluded from your deliberations.

The CHAIRMAN. Well, traditionally, in the course of the proceedings which we like to follow, at this point no one will be here except the members of the committee, and the staff personnel—not the counsel to the committee.

It is without impropriety that we could call either you or the other attorney in if we wanted to do so, but I'll notify you if we do.

Mr. BONNER. May I make one more request?

If you decide for some reason to call in staff counsel, then I most respectfully urge you to call Mr. Guidoboni and myself as well.

The CHAIRMAN. I'll exert my own discretion at that point, if you don't mind.

Mr. BONNER. Of course. Thank you, Mr. Chairman.

The CHAIRMAN. John, will you call the roll?

Mr. SWANNER. Mr. Bennett?

The CHAIRMAN. Aye.

Mr. SWANNER. Mr. Spence?

Mr. SPENCE. Aye.

Mr. SWANNER. Mr. Hamilton?

Mr. HAMILTON. Aye.

Mr. SWANNER. Mr. Hollenbeck?

Mr. HOLLENBECK. Aye.

Mr. SWANNER. Mr. Preyer?

Mr. PREYER. Aye.

Mr. SWANNER. Mr. Livingston.

Mr. LIVINGSTON. Aye.

Mr. SWANNER. Mr. Fowler.

[No response.]

Mr. SWANNER. Mr. Thomas?

Mr. THOMAS. Aye.

Mr. SWANNER. Mr. Stokes.

Mr. STOKES. Aye.

Mr. SWANNER. Mr. Sensenbrenner?

Mr. SENSENBRENNER. Aye.

Mr. SWANNER. Mr. Rahall.

Mr. RAHALL. Aye.

Mr. SWANNER. Mr. Cheney.

Mr. CHENEY. Aye.

Mr. SWANNER. Mr. Chairman, 11 members voted "aye"; 1 member absent, not voting.

The CHAIRMAN. Before we actually clear the room, I did want to say, as I did before when the question arose, that I will notify you of any attorney we decide to call in from either side.

I would think it might be a good idea to set a tentative hour for coming back, if it's agreeable with the committee, at 2 o'clock this afternoon. In the meantime, that will allow the counsel and anybody else to go to wherever they want to go, and so as far as the executive session is concerned, we hope we'll be able to conclude by that time, and we will come back in at 2 o'clock.

So everybody now leave the room, except for Mr. Swanner.

[Whereupon, at 11:10 a.m. the committee went into executive session.]

APPENDIX L—RESPONDENT'S SUBMISSION ON RECOMMENDED SANCTION AND RECOMMENDATION OF COMMITTEE COUNSEL

UNITED STATES HOUSE OF REPRESENTATIVES
Committee On Standards Of Official Conduct

In The Matter Of :
CHARLES H. WILSON :

RESPONDENT'S SUBMISSION ON RECOMMENDED SANCTION

Introduction

On April 16, 1980, following the receipt of evidence, review of the record and oral argument of counsel, the Committee on Standards of Official Conduct voted to dismiss seven counts of a Statement of Alleged Violations against Mr. Wilson, while sustaining five additional counts and portions of three other counts.^{1/} At that time, counsel for Mr. Wilson were granted leave to address in writing what sanction, if any, the Committee should recommend to the House of Representatives with respect to those counts of the Statement of Alleged Violations which the Committee found to have been "proved." See Committee Rule of Procedure 16(f).

House of Representatives Rule X, clause 4(e)(1) and Committee Rule of Procedure 17 authorize the Committee to recommend to the House such action as the Committee may deem appropriate under the circumstances. Possible recommendations for sanction are specified in Committee Rule of Procedure 17(b)(1). The Committee may also recommend the imposition of no sanction. In the Matter of Representative Robert L. F. Sikes, H.R. Rep. No. 1364, 94th Cong. 2d Sess. at 4-5 (1976). Counsel submit that the latter recommendation is the only appropriate choice under the facts and circumstances of the instant case.

^{1/} The Committee rejected as not proved, allegations in Counts One, Two and Three, which stated that Mr. Wilson received payments "under circumstances which might be construed by reasonable persons as influencing the performance of his official duties."

The Nature and Age of the Violations

In considering the appropriateness of a sanction against Mr. Wilson, it is of primary importance to recognize exactly what substantive misconduct he has been found to have committed and of what charges he has been exonerated. Counts One through Three state that on three occasions in 1971 and 1972, Mr. Wilson accepted "gifts" from Lee Rogers, a person having "a direct interest in legislation" in violation of Clause 4 of the Code of Official Conduct. Counts Seven through Eleven state that on five occasions, all in 1971, Mr. Wilson "converted" campaign funds to his personal use and failed to keep campaign funds separate from personal funds in violation of Clause 6 of the Code of Official Conduct. On the other hand, the Committee overwhelmingly rejected allegations that Mr. Wilson was corruptly influenced in the performance of his official duty,^{2/} that he "kicked back" money to Lee Rogers by paying him at a rate not commensurate with his duties,^{3/} and that he perjured himself in a deposition before a Member of this Committee.^{4/} The Committee also rejected all campaign fund conversion counts which were reported to state or federal authorities.^{5/} Thus, not only were the most serious allegations dismissed, but not one count remains alleging facts more recent than December 11, 1972, a full seven years before the Statement of Alleged Violations was voted.

2/ Portions of Counts One, Two, Three. Count Four which contained similar allegations was rejected in its entirety.

3/ Counts Five and Six.

4/ Count Fifteen.

5/ Counts Twelve, Thirteen and Fourteen.

The pattern of these Committee findings is extremely relevant to the fairness of imposing any sanction, for two reasons. First, those allegations which were rejected were far more serious than those sustained. If proved, they would have called for a sanction. See Committee Rule of Procedure 17(c)(3). Second, the age of those allegations deemed "proved" is profoundly material to the Committee's decision to impose some sanction or no sanction.

Even prior to the return of the Statement of Alleged Violations, counsel for Mr. Wilson sought, and this Committee refused, to dismiss the oldest charges against Mr. Wilson. Yet these are the only charges which were sustained against him. What has perhaps been lost in the arguments over the applicability of the statute of limitations, laches and fundamental fairness under the Constitution is the basic difficulty of defending against such overly stale claims. Limitations of actions, whether criminal, civil, legal or equitable, are not mere technicalities. They are intended to "promote justice by preventing surprises through the revival of claims that have been allowed to slumber until evidence has been lost, memories have faded and witnesses have disappeared." Order of Railroad Telegraphers v. REA, 321 U.S. 342, 348-349 (1944).

The above-quoted passage is a nearly perfect description of Mr. Wilson's case. Perhaps the best illustration of his inability to properly defend can be seen in Counts Seven through Fourteen, the so-called conversions. Prior to April 5, 1972, there were virtually no reporting requirements for the expenditure of campaign funds. Subsequently, these matters were required to

and to illustrate why it would be inappropriate to recommend any sanction on the basis of these Counts.

Similar examples can be found throughout the testimony presented at the hearing. One illustration is provided by the absence of Mr. Robert Fordiani. He has been seriously ill since October, 1978. Yet it was Mr. Fordiani who negotiated the transactions which were the subject of Counts Seven through Eleven. Another example is found in Mr. Rogers' inability to recall any details about the payments which were the subject of Counts One, Two and Three (all seven years of age or older). Thus, it is fundamentally unfair to penalize Mr. Wilson under such circumstances, when the very witnesses who could have supported him were unable to do so because of the serious time gap between the events making up these counts and the time of the Disciplinary Hearing.

The nature and age of the counts sustained against Mr. Wilson supports a recommendation of no sanction for another reason. Mr. Wilson was found to have transgressed two substantive provisions of the Code of Official Conduct Clause 6, in 1971 and Clause 4, in 1971 and 1972. Yet, neither of these provisions was authoritatively and specifically construed until the issuance of the Advisory Opinions of the Select Committee on Ethics in 1977.

For instance, in 1971 and 1972, Clause 4 of the Code of Official Conduct prohibited the acceptance of "gifts of substantial value from a person with a direct interest in legislation." See Comm. Ex. No. 5. However, until the issuance of Advisory Opinion No. 7 in 1977, it was not clear that the term "gift" would include a loan which bore no interest. The only evidence at the disciplinary hearing was that the payments set forth in Counts One and Two were loans, albeit bearing no interest.

It is simply unfair to punish Mr. Wilson in 1980 for his failure to predict in 1971 and 1972 that loans which failed to specify interest would later be considered "gifts." It should be recognized that as a matter of California law: "Whenever a loan of money is made, it is presumed to be made upon interest, unless it is otherwise expressly stipulated at the time in writing." CAL. CIVIL CODE §1914 (Deering 1972). The text of this statute has been in effect since 1874.^{6/}

A similar problem arises with regard to the definition of the terms "substantial value" and "direct interest in legislation" used in Clause 4. The Select Committee in 1977 stated as follows:

However, the term "direct interest in legislation" was neither defined nor discussed in the legislative history surrounding Rule XLIII, and Clause 4, itself was essentially unenforceable because of the totally subjective nature of the term "substantial value." Advisory Opinion No. 10, 95th Cong. (May 11, 1977).

Considerations of this nature led the House to enact a limitation of this Committee's investigative power, in the nature of an ex post facto clause. Thus, H.R. Rule X, Clause 4(e)(2)(C) provides in pertinent part:

No investigation shall be undertaken by the committee of any alleged violation of a law, rule, regulation, or standard of conduct not in effect at the time of the alleged violation. H.R. Rule X, Cl. 4(e)(2)(C).

This Rule is similar to the Constitutional prohibition against ex post facto laws, U.S. Const., art. I, § 9, cl. 3, and both are based upon the same fundamental principle--"the notion that persons have a right to fair warning of that conduct which will

^{6/} It is not simply unfair to punish Mr. Wilson under Counts One, Two and Three. It is unjust to find the Counts "proved" when there is no evidence to support a finding that the monies constituted "gifts." The evidence and applicable law only support a finding that the monies were what Congressman Wilson claimed them to be: loans.

give rise to . . . penalties." Marks v. United States, 430 U.S. 188, 192 (1977). (Emphasis supplied.) "Fair warning" does not consist of the bringing of charges against Mr. Wilson after a lapse of at least seven years. While both the House Rule and the Constitutional prohibition speak only to the enactment of legislation, the Courts have held that the same principle (of "fair warning") prohibits punishment under a law whose scope is enlarged by subsequent interpretation, Rabe v. Washington, 405 U.S. 313 (1972). This Committee should reach a similar conclusion and recommend no sanction against Mr. Wilson since Clause 2 of the Code of Official Conduct enjoins Members of House to adhere to both the "spirit and the letter" of H.R. Rule X, Clause 4(e)(2)(C).

The Individual

Charles H. Wilson was born in Utah in 1917, and has lived in Southwest Los Angeles since 1922. Mr. Wilson served in the United States Army from June, 1942, to December, 1945, rising to the rank of Battalion Sergeant Major. On completion of his service he received an Honorable Discharge. He is the father of four sons and, having been once widowed, remarried in 1975.

Mr. Wilson was elected to the California State Assembly, first taking office in January, 1955. In 1962 he was initially elected to the United States House of Representatives and has been re-elected eight times since. Mr. Wilson has served well on his Committees including the Armed Services Committee and the Post Office and Civil Service Committee.

In 1978, this Committee recommended that Mr. Wilson be reprimanded for his failure to report a wedding present from Tongsun Park. H.R. Rep. No. 95-1745, 95th Cong., 2d Sess. (1978). Mr. Wilson accepted that sanction from the full House,

in the hope that he, and the other members of this body, could benefit from it. 124 Cong. Rec. H12,821-23 (daily ed. October 13, 1978). His conduct since that time is not in issue, nor is his conduct at any time since 1972. Despite the length of this investigation, which had its roots in the prior one, despite the time and money expended by the Committee and despite the leaks to press and reams of adverse publicity, Mr. Wilson has continued to serve his constituents and his country honorably.^{1/} He should not be further humiliated by the imposition of a sanction for conduct as ancient as that described in the counts which the Committee has deemed "proved."

For the foregoing reasons, the Committee on Standards of Official Conduct should recommend to the House of Representatives that no sanction be imposed against Mr. Wilson.

Respectfully submitted,



Walter J. Bonner



Thomas A. Guidoboni

BONNER, THOMPSON, O'CONNELL,
GAYNES & MIDDLEKAUFF
900 17th Street, NW.
Washington, D.C. 20006
(202) 452-1300

Counsel for Charles H. Wilson

^{1/} When asked during the Disciplinary Hearing if he had ever known Mr. Wilson to try to influence legislation for any "private interests" or for "a particular group or a particular person" Mr. Eli Davidson Minton, Chief of Staff of the House Post Office and Civil Service Committee, who has known Mr. Wilson professionally for 18 years, answered, "No, I have not." Mr. Minton then said, "And I would add, if I may, that he has impressed me as having a better understanding of postal legislation than some other members of Congress and has advocated positions which strongly represent the public interest generally." Tr. 242. (Emphasis applied.)

Congress of the United States
House of Representatives

OFFICIAL BUSINESS

Chas Wilson
M. C.

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President Eisenhower
Republican Club
From the Convention
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PERSONAL

Mr. George Graziadio

*George will you please
Call me after you have looked this over.
Bob Fordham*

Congress of the United States
House of Representatives
Washington, D.C. 20515

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M. C.

AIR MAIL

Mr. O. Robert Fordham
Office of Hon. Chas H. Wilson
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Inglewood, California 90301

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UNITED STATES HOUSE OF REPRESENTATIVES
Committee on Standards of Official Conduct

In The Matter Of :
:
CHARLES H. WILSON :

RECOMMENDATION OF COMMITTEE
COUNSEL PURSUANT TO COMMITTEE
RULE OF PROCEDURE 16 (f)

Introduction

On April 16, 1980, the Committee on Standards of Official Conduct (the Committee), adjudged Representative Charles H. Wilson of California guilty on eight counts of a fifteen count Statement of Alleged Violations.

Included in these counts were three violations of House Rule XLIII, clauses 1 and 4, and five violations of House Rule XLIII, clause 6.

The Committee found that the evidence introduced at the disciplinary hearing proved by at least a clear and convincing standard that Representative Wilson had improperly accepted a total of \$10,500 from a person with a direct interest in legislation, and, in doing so, reflected discredit on the House of Representatives.

Additionally, the Committee found that the evidence, by at least a clear and convincing standard, proved Representative Wilson improperly commingled campaign funds with personal funds and converted \$24,961.11 in campaign funds to personal use.

Committee Rule of Procedure 16(f) provides that phase two of a disciplinary hearing shall consist of oral and/or written submission by counsel for the Committee and counsel for respondent as to the sanction the Committee should recommend to the House respecting any count of a Statement of Alleged Violations found to have been proved.

Committee counsel submits the following in accordance with the provisions of Committee Rule 16(f) and with the understanding that there will be no oral arguments on this matter pursuant to the wishes of counsel for the respondent.

The Sanctioning Function

The primary purpose of the Committee, the one which renders its existence essential, is the protection of the institution, the United States House of Representatives.

Punishment of a Member for misconduct, in and of itself, is a secondary purpose and a means by which the primary purpose is achieved.

Therefore, with this primary purpose as its goal, the House of Representatives has mandated this Committee to consider the conduct of fellow Members in cases of alleged misconduct and recommend appropriate sanctions in order to protect the institution.

Past Sanctions

No discussion of an appropriate sanction can be complete without a brief review of past practices by the House in sanctioning its Members.

During its existence the House has censured 18 Members and one Delegate. All but two of the instances of censure occurred during the 19th century, 13 Members being censured between 1864 and 1875.

Seven cases of censure involved use of unparliamentary language; two involved conspiracy to assault and assault upon another Member; two involved utterance of treasonable language; two involved insults to the House by the introduction of offensive resolutions; and six involved corrupt acts. ^{1/}

Four reprimands have been voted by the House ^{2/} and three Members have been expelled. ^{3/}

^{1/} House of Representatives Exclusion, Censure and Expulsion Cases, 93rd Cong., 1st Sess., (1973), and; In The Matter of Representative Charles C. Diggs, Jr., H.Rept. No. 96-351, 96th Cong., 1st Sess. (1979).

^{2/} In The Matter of a Complaint Against Representative Robert L. F. Sikes, H. Rept. No. 94-1364, 94th Cong., 2d. Sess. (1976).

In The Matter of Representative Edward R. Roybal, H. Rept. No. 95-1743, 95th Cong., 2d. Sess. (1978).

In The Matter of Representative John J. McFall, H. Rept. No. 95-1742, 95th Cong., 2d. Sess. (1978).

In The Matter of Representative Charles H. Wilson, H. Rept. No. 95-1741, 95th Cong., 2d. Sess. (1978).

^{3/} House of Representatives Exclusion, Censure and Expulsion Cases, supra.

The first reprimand was voted on a recommendation by this Committee in the Sikes case. Representative Sikes was found to have failed to report certain holdings pursuant to House Financial Disclosure Rules.

Representative Edward Roybal was reprimanded by the House, contrary to a censure recommendation by this Committee, in 1978, for making a false statement to the Committee. Representative Charles H. Wilson of California was also reprimanded in 1978 for making a false statement to this Committee.

Finally, Representative John McFall was reprimanded in 1978 for failure to properly report a campaign contribution.

Expulsion resolutions have passed the House by the constitutionally required 2/3 vote in only three instances. All three cases, occurring in 1861, involved Members joining the Confederacy.

However, careful review of House Precedents, reveals no support for the position that expulsion is proper only in cases of treason.

As discussed above, the sanction of censure has been voted to cover a wide variety of offenses. It should be noted, however, that in two instances involving corrupt actions, resolutions of expulsion would have been considered had the Members not already resigned from the House.

The Diggs censure, this Committee's most recent case involving a sanction recommendation, bears careful comparison with the matter at hand.

Representative Diggs was censured for misuse of clerk-hire funds, an offense more readily comparable to the conversion of campaign funds to personal use, but far less serious than acceptance of money from a person with a direct interest in legislation.

Neither the misuse of clerk-hire funds, nor the conversion of campaign funds directly places a Member in a position of actual or potential compromise of his duty to act in the public interest, as does the acceptance of money from a person with a direct interest in legislation.

It should also be noted that Representative Diggs was censured only after he admitted the violations, agreed to repay the amounts by which he had benefitted, and offered a written apology to the House.

None of these factors are present in the case at hand.

Recommendation

Each of the eight counts sustained by the Committee represents a serious violation of the applicable House Rules.

Indeed, each standing alone, as a separate offense, warrants at the very least a censure and fine to recapture the monetary benefits realized through these improper activities.

However, there is no logical way to view each count as a separate offense in terms of recommending a sanction. The sanction must be appropriate to cover the totality of the circumstances.

Moreover, the argument that the age of the violations should be a mitigating factor in any recommendation of a sanction is absolutely without merit.

The Committee has continually ruled that no statute of limitations is applicable to House Rules and it has been shown that no similar limitations exist on comparable proceedings such as bar disciplinary proceedings.

Finally, there is simply no way to avoid the unpleasant fact that Representative Wilson has been proven to have committed these most serious violations.

Thus, in light of the most serious nature of these multiple offenses committed by Representative Wilson, particularly when viewed in relation to the violations and circumstances of Mr. Diggs' case, and the Committee's recommendation in that matter, it is clear that at the very least, the matter at hand demands a censure, and fine to offset the amounts by which Representative Wilson was personally enriched.

96TH CONGRESS }
2d Session }

HOUSE OF REPRESENTATIVES

{ REPT. 96-930
Part 2

IN THE MATTER OF
REPRESENTATIVE CHARLES H. WILSON

SUPPLEMENTAL REPORT

together with

DISSENTING VIEWS

(TO ACCOMPANY H. RES. 660)



JUNE 6, 1980.—Referred to the House Calendar and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

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WASHINGTON : 1980

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96TH CONGRESS } HOUSE OF REPRESENTATIVES { REPT. 96-930
2d Session } { Part 2

IN THE MATTER OF REPRESENTATIVE
CHARLES H. WILSON

JUNE 6, 1980.—Referred to the House Calendar and ordered to be printed

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

SUPPLEMENTAL REPORT

together with

DISSENTING VIEWS

[To accompany H. Res. 660]

INTRODUCTION

On May 29, 1980 on the House floor, the chairman of the House Committee on Standards of Official Conduct called up a privileged resolution (H. Res. 660) in the matter of Representative Charles H. Wilson and asked for its immediate consideration.

A motion to postpone further consideration of House Resolution 660 until June 10, 1980, was offered by Mr. Rousselot. The motion to postpone was rejected, whereupon the House proceeded to consider the resolution.

During debate, Representative William Thomas made reference to 1970 campaign reports filed by Representative Charles H. Wilson pursuant to California State law, that were not introduced in evidence during the disciplinary hearing in the Wilson case. The argument was made that bringing into the debate, material that had not been raised in the hearing, put Representative Wilson at a disadvantage, whereupon a motion to reconsider the Rousselot motion to postpone to a day certain was agreed to. Upon reconsideration the motion to postpone to a day certain (June 10, 1980) was agreed to.

The chairman of the Committee on Standards of Official Conduct called a committee meeting for 9:30 a.m., June 5, 1980 for the purpose of considering the material referred to by Representative Thomas in the May 29 debate.

In a May 30, 1980, letter to Representative Wilson and his counsel, the chairman notified them of the June 5 meeting, and offered to receive from them "any objection, comments, or additional proof on the new evidence submitted by Representative William M. Thomas on the House floor May 29th."

The transcript of that portion of the June 5, meeting of the House Committee on Standards of Official Conduct relevant to the Wilson matter follows.

THURSDAY, JUNE 5, 1980

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

The committee met, pursuant to notice, at 9:50 a.m., in room B-318, Rayburn House Office Building, Hon. Charles E. Bennett (chairman) presiding.

Present: Representatives Bennett, Stokes, Rahall, Spence, Hollenbeck, Livingston, Thomas, and Cheney.

Also present: Walter J. Bonner and Thomas A. Guidoboni, counsel for Mr. Wilson. John M. Swanner, Staff Director.

The CHAIRMAN. The committee will come to order.

As we all know, the House voted last Thursday, May 29, to postpone further consideration of House Resolution 660 until June 10, 1980.

The argument was made that remarks delivered by Representative Thomas referring to California State campaign reports had not been offered in evidence during the disciplinary hearings and thus put Representative Wilson at a disadvantage in defending himself on the House floor that day. Therefore, the Rousselot motion to postpone until June 10 was agreed to.

I called today's meeting for the purpose of allowing Representative Thomas to bring to the committee's attention the documents he referred to on the House floor last week. We are interested in learning: (1) precisely what these documents are and what they contain, (2) how they relate to the matter before us and, of course, what the respondent may wish to say in this matter.

I recognize Mr. Thomas.

Mr. THOMAS. Mr. Chairman, subsequent to the publishing of the committee report in the matter of Representative Charles H. Wilson, I obtained copies of the candidate's campaign statements required to be filed by Mr. Wilson pursuant to California law in effect during 1970-71. Copies of these reports were in the committee evidence files, but were not introduced by committee counsel at the disciplinary hearing.

I understand that Mr. Wilson's counsel chose not to make copies of these documents at the time they were given access to the committee evidence files pursuant to discovery.

Further, I understand that on May 29, 1980, on the floor of the House, Representative Livingston personally furnished copies of the statements to Mr. Wilson and that on May 30, 1980, Mr. Wilson's counsel received copies from the committee. I have here copies of these documents for both the primary and the general election held during 1970. Affixed to each is a certificate from March Fong Eu, Secretary of State of California, certifying that these are full, true and correct copies.

Mr. Chairman, I request these documents be received by the committee and made a part of the record of these proceedings.

The CHAIRMAN. Is there any objection?

Mr. THOMAS. If I may continue, Mr. Chairman, I believe that these documents have substantial probative value.

Mr. SWANNER. Does counsel have an objection?

Mr. GUIDOBONI. Yes, I would like to voice an objection, sir, if I might.

The CHAIRMAN. Unless you want to talk further before the objection. Is there something else you want to say?

All right.

Mr. GUIDOBONI. The objection is based on the following. The committee held a full hearing. We were present with Mr. Wilson. The hearing was concluded on the first of April. There were closing arguments. The committee issued a report. The matter was presented to the floor. This evidence was available. I believe Mr. Wisebram had the option of offering this or not. We had the option of defending or not. It was not offered. We did not defend. At some point there has got to be finality in this matter, and as I read the rules of the committee, this committee, the conclusions of this committee and the recommendations as to Mr. Wilson had to be based on evidence offered at the hearing, and I would commend to the committee's attention Rule 16 in particular, which reads:

At a disciplinary hearing the burden of proof rests on the staff with respect to each count to establish the facts alleged therein clearly and convincingly by the evidence that it introduces.

And, gentlemen, this evidence was not introduced at that time, and we would object to its introduction now at this time before this committee, because we believe that the hearings and the proceedings are closed, and it is especially telling that it was available, that counsel for the committee and the committee did have staff counsel, made a tactical decision, for whatever reason.

Mr. Wisebram is not here today so I can't question his reasons, but he did have it available. He made a decision not to use it. It was not used. Now I think that is sufficient to state the grounds of the objection.

If the committee has questions or anything, I will try to respond to them.

The CHAIRMAN. I think this goes to the inherent procedural matter which is before us. Basically, the authority of Congress to discipline Members rests upon the Constitution. A procedure has been set up for this committee to operate to bring evidence before the Congress, but as I read the Constitution, and as I read what has been done by statute, I believe that a new matter can be brought to the floor. I believe it could have been disposed of on the floor the other day, and we could have gone to final action. I don't believe any of the statutes justify the position that new evidence can't be brought to the floor. It could be that the House would do as it did, come to the conclusion that the matter should be postponed to allow response to the new material done on the floor. But as I understand the constitutional situation we have before us, and the statutory provisions which I doubt could make those constitutional provisions, it is perfectly proper to admit into the record at this time this particular material.

Now, from a practical standpoint, the material was already offered on the floor of the House, and I suggested on the floor of the House

that the matter be stricken, and that we not consider it. The House apparently felt that that was impossible for them to do, and that a more proper thing to do would be to have the committee allow an opportunity for objections and counter information, if necessary.

In view of that, it seems to me if we are going to have a termination of a case of this type, that the proper procedure to follow is to do what I notified counsel would be allowed, which was to offer this information in evidence. In my opinion, it is already in evidence because it has been before the floor of the House, and allow the respondent any way he wants to, so unless there is some objection from some member of the committee, I would intend to allow Mr. Thomas to put this material in the record.

I see no way of wiping it out, when you consider the action that the House has taken. Now, if you were, strictly speaking, in a court procedure or a jury procedure, it could have been wiped out, but the House apparently turned its back on that procedure, and I think the House has a right to do what it wants to do on this matter under the Constitution. I think there is no statute that prohibits or prescribes a different procedure. So unless there is some objection by some member of the committee to the introduction of this evidence, it will be allowed in at this time.

Mr. STOKES. Mr. Chairman, prior to any vote being taken in this matter, I would like to hear from counsel for the respondent. I am quite familiar with newly discovered evidence being the grounds or the basis for a new trial for someone who has been found guilty. I have never, nor do I know of any procedures under law, where those in the category of being prosecutorial have some newly discovered evidence that gives them the right to have a new hearing.

The rules clearly provide for the production of evidence at hearings, et cetera. There is nothing in the rules that provides for additional evidence to be submitted after the verdict. Here you have had a hearing. You have had the jury meet here and decided, made findings, then recommended punishment to the House. It went to the House, and then after all the procedures provided for under the rules of the House, up comes newly discovered evidence by those who had every opportunity to present their evidence during the disciplinary hearing, and I would really like to hear from counsel for the respondent.

Mr. LIVINGSTON. Will the gentleman yield to me before counsel responds?

Mr. STOKES. Yes, I would.

Mr. LIVINGSTON. It seems to me that it is the function of this body to make recommendations to the House on Members who have been charged with violating the integrity of the House. Now, that is a pretty loose proposition, but if you want to play by the rules, and it seems to me that no rules should exclude new evidence which shows categorically that one of the charges that we brought against the particular member may be verified or proved, but Rule 20 of the rules of the committee provides:

“Any evidence that is relevant and probative shall be admissible in any hearing of the Committee” and I submit this is a hearing of the committee, “unless the evidence is privileged or unless the Constitution otherwise requires its exclusion.”

Now, this documentary evidence is not privileged. The Constitution in no way compels its exclusion, and it seems to me that the chairman is absolutely right in admitting it at this time.

Mr. STOKES. Well, Rule 20 to which you refer, which says, "Any evidence that is relevant and probative shall be admissible in any hearing of the Committee"—we were not in any hearing of the committee when this evidence was introduced on the floor of the House.

Mr. LIVINGSTON. We are in a committee now.

Mr. STOKES. The committee had had its hearing. Let's refer back to Rule 16(a) which says this:

A disciplinary hearing respecting a violation charged in a Statement of Alleged Violation shall be held to receive evidence upon which to base findings of fact and recommendations, if any, to the House respecting such violation. A disciplinary hearing shall consist of two phases. The first phase shall be for the purpose of determining whether or not the counts in the Statement have been proved. The second phase shall be for the purpose of determining what action to recommend to the House with respect to any count found to have been proved.

Now, I don't find anything in here that provides for a third phase. If you have got some third phase here to refer to, I would be happy to have that evidence.

Mr. LIVINGSTON. The point is that I see no reason for its exclusion. This is probative evidence. This is evidence bearing on the degree of proof or the guilt or innocence, if you will, of the Member before this committee, and barring any showing that any hearing of the committee excludes this hearing, I think that there is no reason why this matter should not go in the record.

I regret that it didn't go in the record in the first place, but in my opinion it is directly bearing on the substance of some of the counts before the committee. We have had no final ruling. We will have no final ruling until the House voices its judgment when we go before the House on June 10, I think the date is.

Mr. STOKES. Would the gentleman tell me what is to prevent us when we go back to the floor, someone else coming up with some new evidence, and what do we do? Come back here and have another hearing then?

Mr. LIVINGSTON. Quite frankly, if the gentleman from California, Mr. Wilson, came forward with some evidence to show that he was innocent, I would be delighted to admit it on the floor.

Mr. STOKES. If that is the basis upon which the gentleman is proceeding, then that defies everything that I know about due process of law, and that is precisely what counsel said when this case began. You are talking about a situation where you have just said the respondent is to come here and prove he is innocent rather than for you as a committee member and the staff to prove his guilt.

It defies everything that this procedure is all about.

Mr. LIVINGSTON. We have had a full hearing. Mr. Wilson has been entitled to introduce evidence in his behalf to show that the charges are unwarranted. He has not come forward with any such evidence.

He has had an opportunity in the hearing that we have already had in the full House. He would have an opportunity today. He would have an opportunity again in the full House on June 10.

Now, if he is innocent, I am the first one to want to see him go free, but these documents in my opinion categorically show that he has got problems, and I think they are probative and I think the full House should have the benefit of those documents.

Mr. STOKES. Mr. Chairman, I renew my request to hear from counsel for respondent.

Mr. BONNER. May I, Mr. Chairman?

Of course, I agree with the position as put forth by Mr. Stokes. It is really unheard of to reopen prosecutions and to come forward with what has been described by the chairman and the other gentleman as newly discovered evidence, but the reality here is that it is totally inappropriate and totally unfair to do so.

There really does come a point at which the committee should call enough to this.

Putting that aside, the reality is that this is not newly discovered evidence. The evidence was before you through your staff and through your counsel, and you didn't use it. You didn't admit it. Under any stretch of the imagination, under any stretch of any rules of evidence, it is too late. There is nothing "newly discovered" about it. You all knew about it. You had a full hearing here, presented your evidence, made your findings of guilt and innocence and assessed recommendations as to penalty. Now today, we hear this described as "newly discovered evidence." "Newly discovered evidence" is certainly not evidence that lies in the hands of the committee during the entire time that the hearing on phase I took place, never mind the hearing on phase II. So with all due respect, Mr. Chairman, to you and the committee, I vigorously object to the admission of this so-called newly discovered evidence at this time for the reasons that it is, first of all, not "newly discovered evidence," and second, it is completely inappropriate, and I think completely unfair to reopen these proceedings. You have assessed guilt and you have assessed innocence and you have assessed what the penalty should be. Now you have asked us to try to come forward at this late date and to meet this old evidence which the committee, in what I must take is its wisdom, along with its staff and counsel, chose not to make use of during the time of the phase I and phase II proceeding.

Thank you, Mr. Chairman.

The CHAIRMAN. Well, the counsel has quoted me as saying that I thought it was newly discovered evidence. If I used that phrase, it certainly wasn't done with a thoughtful choice of words, and I don't think I used it. It is instead newly offered evidence. I don't think people who have argued for or against the introduction of this evidence really listened very carefully to what I said.

We have a Constitution. The Constitution says that the House can discipline its Members. It can discipline its Members in any way it wants to under that constitutional provision, and in accordance with it. It has seen fit to create a committee to bring forth these matters to the House in a procedural process which is as near as possible to what we can accomplish to be absolutely fair in all instances, but it has not

precluded the House doing this on the floor without ever going to this committee. As a matter of fact, it was only the motion to table which prevented Mr. Diggs' matter from being handled immediately on the floor earlier this year or last year, whenever it was, on the floor of the House.

The Parliamentarian ruled that this information couldn't be stricken, as I understand it, when it came to the floor of the House. That is exactly as I conceive it.

In other words, someone could bring, if you can get recognized, a matter to the floor of the House and entirely bypass this committee under the Constitution, and you couldn't pass a constitutional law in my opinion that would prohibit it, so it is basically there and we are with the situation where new evidence could be offered on the floor of the House.

It was already offered. I made the suggestion that it ought to be stricken and we forget about it, but the House didn't want to do that, and it wanted us to have this hearing, to give a chance to the respondent to answer.

We ought not to be caught up in a lot of technicalities which prevent this Congress from moving ahead, particularly when the Constitution has spoken. The Constitution has spoken. It says that we, that the House, has a responsibility to pass ultimately on these matters, and it would not allow this committee to find a Member of the House guilty of anything.

All we do is recommend to the House and the House acts, and that is the basis upon which this reads and stands.

I don't think it is even necessary for Mr. Thomas to offer this information because it is already there, and other information could come to the floor of the House the same way. It could be a very complicated procedure if we had new evidence offered on the floor and either side wanted to object and go back to hearing, but there is no way to evade it.

It is in the Constitution. We can't change it by statute, so that is what the legal situation is.

Now, objection has been heard by counsel. Objection has been heard by members of the committee, and unless there is further discussion, I think we should vote on it.

Mr. STOKES. Mr. Chairman.

The CHAIRMAN. Yes.

Mr. STOKES. First, it would seem to me that the evidence would be better categorized as left out evidence rather than newly discovered or discovered.

The CHAIRMAN. I never used that phrase.

Mr. STOKES. Well, the term has been used.

The CHAIRMAN. I said newly offered.

Mr. STOKES. I would say that is just my term; it would be better characterized as being left out evidence.

The CHAIRMAN. If you want to use that, I think that is the same thing as newly offered.

Mr. STOKES. May I, Mr. Chairman, pose a question to Mr. Thomas with reference to his offered evidence?

Before I vote on it, I would like to have some clear and intelligent reason for the admission of the evidence.

In light of the fact that the committee has met and deliberated very carefully on this matter and we arrived at a verdict, and made recommendations to the House, and included recommendations relative to punishment, I would like to know the precise reason for his now offering this evidence.

Is it for us to recommend a more harsh form of punishment? Is it to buttress what he feels was a very weak verdict arrived at by the committee?

I would really like to know his rationale for it.

Mr. THOMAS. Will the gentleman yield?

Mr. STOKES. Certainly I yield to the gentleman.

Mr. THOMAS. Thank you.

My rationale is simply this: I felt that there was clear and convincing evidence to support the counts that I voted in favor of and that this committee agreed to.

In discussing the matter with members on the floor, many of them lawyers, they were indicating that although it was clear and convincing that there were perhaps some gaps which made it less clear and convincing even though it still tipped the scales toward clear and convincing, in additional discussions with some members I found that they were not going to agree with the committee based upon the arguments that were made about the gaps.

One of the gaps dealt with counts seven and eight.

In trying to understand my colleague's arguments, and I think it is valuable to try to put yourself in the other person's shoes, having sat through these hearings, I felt there wasn't any gap, but in listening to their arguments, trying to get around on their side of it, I understood their argument.

I didn't agree with it, but I understood it, and in an attempt then to try to meet their argument, I began examining the documents. I had no knowledge that the committee had these documents in their possession. I went through the Federal documents and they didn't extend to that period that was in question, 1970, in the manner that I thought was appropriate, given the language of the statement that had to be filed.

I discovered that the California documents did, and with respect to the California documents, I did not know that the committee already had them in their possession. They were never presented to the committee, and I thought it was information that was not already available.

Subsequently I have found out that in fact the committee staff had that information, and decided not to present it, for whatever reason I do not know, but in examining these documents I believe that they had substantial probative value.

I thought they corroborated the earlier findings of the committee on counts 7 and 8 of the Statement of Alleged Violations.

On both documents Mr. Wilson states that he has listed all moneys paid, loaned, contributed or otherwise furnished to him directly or indirectly in aid of his election. He lists no loans on these documents.

On both documents Mr. Wilson states that the amount contributed by himself toward his campaign expenses, and he lists the amount as none.

The committee will recall that the loans repaid from campaign funds were made on July 31, 1970; that was count No. 7, and August 16, 1970, count No. 8.

Yet these loans were not reported on the California filing, nor is there a campaign contribution by Mr. Wilson that might have been funded by these loans, and when you examine these statements, I think it is worth noting that the statement for the primary election shows receipts of \$13,140 and expenditures of \$12,218.22, for net surplus of \$921.78.

The statement for the general election shows receipts of \$15,565 and expenditures of \$16,337.12. That is a deficit of \$772.12 for the general campaign but when you combine the primary and the general campaign in terms of funding, there is a surplus of \$149.66, so on its face campaign expenses were adequately covered by reported income on the California forms, and the \$15,000 that was borrowed and subsequently paid back by campaign moneys, there is no need for that money and there was no evidence on that report that the money was either loaned or contributed for expenses to cover that money. That was a gap that they were complaining about.

I found something to plug that gap under the California reports that had not been presented to the committee, and once I found out that information, I didn't know exactly what to do with it. I found it out the night before, the day that the matter of Charles H. Wilson was before the House, and I could not ignore that information, and so I presented it on the floor.

I subsequently found out that the committee staff had it, that it was available to the counsel for the defense, and that it was not all that new and novel.

However, I still feel that, based upon what is in these two documents, it is substantial. It is probative and it corroborates counts seven and eight to the extent that a colleague from California, Mr. McCloskey, who had earlier planned on taking the floor to argue against the committee's position on counts seven and eight, subsequently reversed himself after looking at this evidence and indicated that he was now supporting the committee position on seven and eight.

The CHAIRMAN. Any further discussion?

Mr. SPENCE. Mr. Chairman.

The CHAIRMAN. Mr. Spence.

Mr. SPENCE. If I might just submit one bit of reasoning, I would be content to let the House decide the matter based entirely on the record with no debate on either side, but I don't believe that is what is envisioned by the procedure that we go through with.

The House, the way I look at it, decides on the matter based on the record that we submit, and argument pro and con from anyone on the floor who wants to submit it.

I don't see how, for instance, if someone on the committee had information in furtherance of the allegations or in defense of them, I don't see how anyone could object to those members offering that

information. Otherwise we have no reason to even go through all this 2 hours of debate and what-have-you, and with the possibility of new ideas being raised that weren't presented in the record or new evidence or already discovered evidence, whatever you want to call it, I think that the House considers our record and recommendations as just one of the things that they rely on as a basis for the final decision, and I don't know whether that is new information or not I might offer, but at least it is different.

The CHAIRMAN. Do you want to be recognized now or do you want to wait until we come back from the rolcall?

Mr. STOKES. It is up to the Chairman.

The CHAIRMAN. It might be better and less tense if we go now and come back when we can. As soon as there is a quorum present, we will come back into session.

[Recess taken.]

The CHAIRMAN. The committee will come back into session.

Mr. Stokes was asking to be recognized.

Mr. STOKES. Thank you very much, Mr. Chairman.

Mr. Chairman, firstly, I want to express my appreciation to the gentleman from California, Mr. Thomas, for his candidness in response to the question that I had posed to him, and I appreciate his reasons for the action that he did take, but, Mr. Chairman, I am concerned about what I think amounts to fundamental due process and fairness.

We are confronted, it seems to me, with this situation. A committee properly designated by this Congress to hear matters related to ethical conduct or nonethical conduct with members sat in judgment of that Member, heard all the evidence produced by its own staff in a disciplinary hearing, then earnestly and conscientiously sat as jurors together, and all of us know that we sat here and deliberated on this entire matter, and after full and open disclosure and discussion among us, we then voted upon that evidence.

We excluded some counts. We found the respondent guilty of other charges, but it was done in a very serious vein, and it was done conscientiously, I believe.

After that, we sat in the same room, and we then discussed over a long period of time the punishment that ought to be meted out to one of our colleagues. Then we met again and we went over the report, and all of the matters relating to the report that was going to be submitted to the full House.

We had discussion and changes with reference to that. Then we even had additional views submitted and dissenting views, et cetera., so we went through the entire process that is provided for under our rules of procedure.

Then we find a very unusual situation coming about that defies everything that I know about the judicial process. We find a member of the committee who voted for a verdict of guilty on these charges going to the floor, and in discussion and dialogue with his colleagues himself feeling then that there are gaps in the evidence, and that there is a need to buttress the evidence that was submitted to the House, and submitted to this committee, in order to try and convince others that the evidence proved before this committee was clear and convincing evidence.

Now, this is sort of like a juror, feeling that in discussion with his fellow jurors, having some jurors express doubt as to whether the evidence has been proved by clear and convincing evidence, then going out on his own, securing evidence to bring back to the jury room and submit, in order to try and prove his point; only this even defies that situation because we are past the jury stage. We are past the stage at which the judge would be meting out some type of a sentence.

It seems to me as one who voted against count seven, one who did not feel that the evidence was clear and convincing, that that evidence was not even presented to me to convince me. It was presented to others in the House who had expressed the same kind of doubt and concern I did when I voted against this count having been proved by clear and convincing evidence.

It seems to me that if we have a good case it ought to stand on its merits. We ought not have to run about as individual members of this committee, trying to find some evidence to convince others. You should be able to convince others based upon what convinced you, and if you can't, then it ought to fail on its merits.

That is the judicial process, but it seems to me that we ought not be in the process of saying the evidence we brought to the floor is less than clear and convincing, and therefore I must go around and get some more evidence, and that is all you can make of this, because by your own admission you were trying to clear up the gaps for members who had to vote on this matter, and it seems to me that is wrong fundamentally, basically.

If this case couldn't stand on everything that was presented to us, and everything we spent all those hours working on, then it ought to fail. I think it is wrong, and I am not going to vote to admit this evidence into the record.

Mr. THOMAS. Will the gentleman yield?

Mr. STOKES. Certainly I will be delighted to yield.

Mr. THOMAS. Perhaps in his stress on eloquence, he did not speak my position. I did not say I thought there were gaps in the evidence. I did not say I didn't think there was clear and convincing evidence that was in the report.

I think if every Member of the House sat through the committee hearings that I sat through a vast majority of the Members of the House would vote that it was clear and convincing evidence, that the vote on this committee was a pretty good reflection I think on what will happen in the House.

Two Members thought it was not clear and convincing evidence. A vast majority of the Members did.

I said that I thought it was clear and convincing evidence, but there are many members who simply do not have the time nor the inclination to thumb through a document as vast as this, examine each piece of evidence, relate it to the other pieces of evidence which then presents the picture clearly and convincingly that Mr. Wilson was guilty of counts seven and eight. In attempting to put together what I knew from the evidence, it was apparent that it was difficult for many Members to do that, hence the apparent gap.

When I found out about this information, contained in a single document that wraps up many different points that were made in this

testimony, it seemed to me appropriate to present it to them, to show beyond any shadow of a doubt that you don't have to thumb through this document; you don't have to read it; you don't have to read five, six, or seven different pieces of evidence.

On one sheet of paper Mr. Wilson said there were no loans, that it was above and beyond anything else that is in this document, and that is why I said fellow, here is something that is easy to understand. You don't have to read all of it.

I never said that I didn't think it was clear and convincing. I never said I thought there was a gap in the evidence. It was simply a cleaner way to present it to many busy members on the floor who did not have the time to read the entire document.

Mr. SPENCE. Would the gentleman yield?

Mr. STOKES. If I have the time, I will be delighted to yield to the gentleman.

Mr. SPENCE. I was just wondering. Would this present problems to the gentleman from Ohio since he objected previously, saying that the evidence was not clear and convincing, based on the record, would this additional information cause you to change your mind and say that it was now convincing, clear and convincing evidence, and are you worried about that?

Mr. STOKES. Well, I haven't considered it from that viewpoint. I don't get to the document because of the basic unfairness of the manner in which the document was presented.

The CHAIRMAN. We do have a vote coming up on the floor and I think perhaps we are in a position now to vote. I am not sure that the Chair couldn't rule contrary to the vote, and I reserve that possibility because it really gets down to whether or not you admit it before the committee or whether it is before the House already, and the Parliamentarian has already ruled it is before the House because he didn't make a point of order against it being put in.

I believe my memory serves me correctly, such a point of order was raised, but all those in favor of admitting this in evidence answer yea and contrary if you are opposed to it.

The Clerk will call the roll.

Mr. SWANNER. Mr. Bennett.

Mr. BENNETT. Aye.

Mr. SWANNER. Mr. Spence.

Mr. SPENCE. Aye.

Mr. SWANNER. Mr. Hamilton.

[No response.]

Mr. SWANNER. Mr. Hollenbeck.

[No response.]

Mr. SWANNER. Mr. Preyer.

[No response.]

Mr. SWANNER. Mr. Livingston.

Mr. LIVINGSTON. Aye.

Mr. SWANNER. Mr. Fowler.

[No response.]

Mr. SWANNER. Mr. Thomas.

Mr. THOMAS. Aye.

Mr. SWANNER. Mr. Stokes.

Mr. STOKES. No.

Mr. SWANNER. Mr. Sensenbrenner.

[No response.]

Mr. SWANNER. Mr. Rahall.

Mr. RAHALL. No.

Mr. SWANNER. Mr. Cheney.

Mr. CHENEY. Aye.

Mr. SWANNER. Mr. Chairman, five members answer aye, two members vote no, five members absent not voting.

The CHAIRMAN. For purposes of making the record crystal clear at this point, as chairman of the committee I rule it is in evidence before the committee on my own, as chairman of the committee. That is supported by the vote that was taken, but it is not necessarily relying upon that, the truth being that it is already before the House anyway.

Whether it is before the committee or not is really not of that great significance, but this committee now does have a responsibility, which is a very serious one, of listening to any observations, counter ideas or whatever you might want to have on the part of the respondent and I suggest we go vote. That will give them a little time to collect their views on the matter and we will be back here as soon as we have voted, which ought to be within the next 5 or 10 minutes.

[The information follows:]



State of California

OFFICE OF THE SECRETARY OF STATE

I, *MARCH FONG EU*, Secretary of State of the State of California, hereby certify:

That the annexed transcript has been compared with the record on file in this office, of which it purports to be a copy, and that same is full, true and correct.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this



March Fong Eu

Secretary of State

CANDIDATE'S CAMPAIGN STATEMENT
(For Primary Elections)

3124
FILE 0966
In the Office of the Secretary of State
of the State of California

JUN 18 1970
11-27

I, Charles H. Wilson (Candidate), hereby state that at the PRIMARY election held on the 2nd day of June, 1970, I was a candidate for _____ election to the office of:

U.S. House of Representatives
(Title of office)

31st C.D.
(Dist. number, if any)

That all moneys paid, loaned, contributed, or otherwise furnished to me, directly or indirectly, in aid of my election and the names of all persons or organizations having paid, loaned, contributed or otherwise furnished such moneys and the specific purposes (if any) for which such moneys were contributed or loaned were, to the best of my knowledge and belief, as follows:

Receipts

FROM WHOM OR WHAT SOURCE RECEIVED	AMOUNT	PURPOSE (Specific or General)
Elisabeth C. Condon	\$ 25.00	General
Morton E. Olshan	300.00	"
Mr. and Mrs. Maceo Tolbert	15.00	"
Rughes Active Citizenship Comm.	500.00	"
Robert J. Clark	50.00	"
Anthony V. Martuarno	250.00	"
Chaplin E. Collins	500.00	"
Mr. & Mrs. C.E. Ryker	100.00	"
James S. Pasman, Jr.	50.00	"
David J. Ruggles	100.00	"
Fred Edwards	500.00	"
F. Robert Kostoch	50.00	"
Donald L. Feitke	50.00	"
E.L. Gaustin	50.00	"
C.A. Cordial	500.00	"
Martin E. Pollard	100.00	"
Leo H. Harvey	500.00	"
Maurice A. Sulkin	50.00	"
Archie Ginn	50.00	"
W.J. Friedman	50.00	"
Transportation Political Ed. Fund	500.00	"
H.J. Karth	100.00	"
Maceo Braxton	500.00	"
Joseph Fenner	100.00	"
John L. Massey	50.00	"
Clifford E. Ferrell	100.00	"
Richard F. Walker	75.00	"
Amount Received	\$ 13,140.00	
Amount Contributed by Candidate	None	
Total Amount Received	\$ 13,140.00	

All moneys contributed or expended, directly or indirectly, by myself or through any other person, in aid of my election, and the names of all persons or organizations to whom such moneys were contributed or paid, and the purpose and specific nature of each item, were to the best of my knowledge and belief, as follows:

R E C E I P T S

3968

FROM WHOM OR WHAT SOURCE RECEIVED	AMOUNT	PURPOSE (Specific or General)
Edward A. Shay	\$ 500.00	General
H.C. Cotton	25.00	"
Northrop Good Citizenship Committee	500.00	"
Edgar Richards	200.00	"
Bugh M. Brand	500.00	"
William L. Clark	100.00	"
Robert M. Powell	500.00	"
H. Lee Higley	500.00	"
Jerry D. Ward	50.00	"
Arthur J. Montgomery	25.00	"
Savings Association Political Education Committee	500.00	"
Raydell R. Moore	500.00	"
Dwight R. Zook	25.00	"
Thomas A. Pappas	1,000.00	"
Albert Y. Woodward	500.00	"
James V. Joyce	500.00	"
James R. Harvey	500.00	"
John F. Grinner	500.00	"
William A. Metz	1,000.00	"

3967

Expenditures

PURPOSE AND SPECIFIC NATURE OF EACH ITEM OF EXPENDITURE	AMOUNT EXPENDED	NAME OF PERSON OR ORGANIZATION TO WHOM PAID OR DISBURSED
(a) For the preparing, printing, circulating, and verifying of nomination papers and for the candidate's official filing fee.	\$ 425.00	Registrar of Voters
(b) For the candidate's and campaign personnel's personal traveling expenses.		
(c) For rent, furnishing, and maintaining headquarters, and halls and rooms for public meetings, including light, heat, and telephone.		
(d) For payment of personnel:		
1. Campaign manager or managers.		
2. Advertising agency or agencies and publicity agent or agents.	25.00	Gary Lee Stonum
3. Stenographers and clerks.	66.81	Clarence Jones
4. Precinct workers.	240.00	Robert Mower
5. Speakers.		
6. Entertainers.	424.63	Stoney Turner
(e) For the preparing, printing, and posting of billboards, signs and posters.	1,070.00	Foster & Kleiser
	554.00	Pacific Outdoor
	93.64	Myer Show Print
(f) For the preparing, printing, and distribution of literature by direct mail, including postage, throwaways, and handbills.	1,389.05	Advertisers Mailing Service
	157.50	Aldine Printing
	1,030.00	C & H Printing
	5,769.28	Postmaster
(g) For newspaper advertising	217.60	News Advertiser Group
	57.60	Hawthorne Press
	240.00	Wave Publications
	160.00	L.A. Sentinel
	157.40	Englewood Daily News
	94.08	Gardens Valley News

Expenditures (Continued)

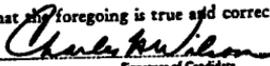
3969

PURPOSE AND SPECIFIC NATURE OF EACH ITEM OF EXPENDITURE	AMOUNT EXPENDED	NAME OF PERSON OR ORGANIZATION TO WHOM PAID OR DISBURSED
(h) For radio and television advertising and speech time.	\$ _____	_____
(i) For office supplies, precinct lists, postage other than that provided for in subdivision (f), expressage, and telegraphing relative to candidacy.	26.29	Hertz Corp.
	13.36	D-Baul Co.
(j) For making canvasses of voters, and public opinion surveys.	_____	_____
(k) For conveying voters to and from the polls.	_____	_____
(l) For supervising the registration of voters.	_____	_____
(m) For watching the polling and counting of votes cast.	_____	_____
(n) For photographs, mats, cuts, art work, and displays.	7.00	Bedford Ross White Photography
(o) For petty cash items relative to candidacy.	_____	_____
Total amount expended ...	\$ 12,218.22	_____

I have used all reasonable diligence in the preparation of this statement and it is true and is as full and explicit as I am able to make it.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated June 5, 1970



 Signature of Candidate

Los Angeles, California

(Place of execution)



State of California

OFFICE OF THE SECRETARY OF STATE

I, *MARCH FONG EU*, Secretary of State of the State of California, hereby certify:

That the annexed transcript has been compared with the record on file in this office, of which it purports to be a copy, and that same is full, true and correct.

IN WITNESS WHEREOF, I execute
this certificate and affix the Great
Seal of the State of California this

MAY 29 1966



March Fong Eu

Secretary of State

RECEIPTS

FROM WHOM OR WHAT SOURCE RECEIVED	PURPOSE (Specific or General)
Committee on Political Education, AFL-CIO	General
Mr. Jess Larson	"
Mr. Edward Cooper	"
United Steelworkers of America Pol. Action Fund	"
Dr. Alvin Shrader	"
Jay C. Miller	"
Douglas Aircraft Co.- Good Citizens Program	"
Democratic Congressional Campaign Committee	"
Santo J. Turano	"
F. Rigdon Currie	"
Robert E. Powell	"
David Weisz	"
Robert C. Jackson	"
Frank G. Jameson	"
John Jazina	"
H.J. Korth	"
Charles E. Hunter	"
Jack Gilbert	"
Martin R. Kinsler	"
Harlan A. McCarty	"
William A. Martin	"
Stuart Snyder	"
Francis A. Zylus	"
Robert E. Olsen	"
John M. Schramek	"
David J. Ruggles	"
Kerme D. Anderson	"
Richard R. Johnson	"
C.R. Kazebee	"
F.M. Ralston	"
R. Deane Aylesworth	"
John M. Richardson	"
Francis J. Morin	"
E. Richard Cohen	"
Minot B. Dodson	"
Melvin J. Sargeant	"
Sidney L. Hasin	"
Robert F. Nease	"

RECEIPTS

FROM WHOM OR WHAT SOURCE RECEIVED	AMOUNT	PURPOSE (Specific or General)
John Gottlieb		General
California Labor COPE		"
George D. Smith		"
Otis Lamont Frost, Jr.		"
Eugene Bullock		"
Allen J. Garretson		"
Patrick S. Portway		"
F.W. Frick		"
Laborers' Political League of California		"
R.C. Chase		"
Morton E. Olshan		"
Mrs. Elisabeth Condon		"
Leo M. Harvey		"
Wells Fargo Good Government Committee		"
Robert W. Berry		"
North Inglewood Democratic Club		"
Frank H. Afton		"
Dist. 7 MEBA Vol. Pol. Activity Donation		"
Seafarers Pol. Activity Donation		"
R. Roy Hedberg		"
Robert H. Denniger		"
Raymond A. Haile		"
H.T. Warren		"
Ronald G. Hohnsbeen		"
Lee J. Gillett		"
L.A. County Council on Pol. Ed.		"
U.A.W. Committee on Pol. Ed.		"
Frank D. Rubin		"
Don F. Clark		"
Mr. Ronald H. Bloom		"
Mr. Elias Miller		"
Mr. Paul Miller		"
Mr. A.L. Gindling		"
R.D. Baskerville		"
Fireman & Oilers Political League		"
Pacific Lighting System, Good Govt. Club		"
Hughes Active Citizenship Committee		"
T R W Good Government Program		"
Northrop Good Citizenship Committee		"
Dr. and Mrs. Maceo Braxton		"
Mr. John Factor		"
Mr. Willie Hardy		"
Gentel Good Government Club		"
Hedger Evers Democratic Club		"
Mrs. Dorothea Rankin		"
Richard Dessaultis		"
Dr. Ivan Getting		"
Mr. Glenn L. Arbogast, Jr.		"

Expenditures

PURPOSE AND SPECIFIC NATURE OF EACH ITEM OF EXPENDITURE	AMOUNT EXPENDED	NAME OF PERSON OR ORGANIZATION TO WHOM PAID OR DISBURSED
(a) For the preparing, printing, circulating, and verifying of nomination papers and for the candidate's official filing fee.	\$	
(b) For the candidate's and campaign personnel's personal traveling expenses.		
(c) For rent, furnishing, and maintaining headquarters, and halls and rooms for public meetings, including light, heat, and telephone.	75.00	Lenard Martinet
(d) For payment of personnel: 1. Campaign manager or managers. 2. Advertising agency or agencies and publicity agent or agents. 3. Stenographers and clerks. 4. Precinct workers. 5. Speakers. 6. Entertainers.	374.41	Cockatoo Restaurant
(e) For the preparing, printing, and posting of billboards, signs and posters.	1,700.00 663.60	Foster & Kleiser Myer Show Print
(f) For the preparing, printing, and distribution of literature by direct mail, including postage, throwaways, and handbills.	315.00 661.50 4,277.19 116.80 5,343.30 1,100.00 277.50 243.39	Truman Ward Printing Co., Inc. U.S. Envelope Truman Ward Printing Co., Inc. Sunset House U.S. Postmaster Democratic Group Aaron Envelope Co-Op Printing
(g) For newspaper advertising.	70.00 45.00 152.88 100.80 64.68 35.00	L.A. Sentinel Herald Dispatch Inglewood Daily News Bawthorne Press Southwest News Southwest Wave

Expenditures (Cont.)

PURPOSE AND SPECIFIC NATURE OF EACH ITEM OF EXPENDITURE	AMOUNT EXPENDED	NAME OF PERSON OR ORGANIZATION TO WHOM PAID OR DISBURSED
(b) For radio and television advertising and speech time.	\$	
(i) For office supplies, precinct lists, postage other than that provided for in subdivision (f), expressage, and telegraphing relative to candidacy.	384.78	McCartle Press
(j) For making canvasses of voters, and public opinion surveys.		
(k) For conveying voters to and from the polls.		
(l) For supervising the registration of voters.		
(m) For watching the polling and counting of votes cast.		
(n) For photographs, mats, cuts, art work, and displays.	298.84	Entenmann-Rovin Co.
	18.99	C & H Lithographers
(o) For petty cash items relative to candidacy.	18.46	Psisley Products
Total amount expended	\$ 16,337.12	

Dated

11-1-54
 (Place of election)

(Signature of Candidate)

[Recess taken.]

The CHAIRMAN. The committee will come to order.

At this time I am going to recognize the attorney for Mr. Wilson, Mr. Bonner, or Mr. Guidoboni. I wrote Mr. Wilson and Mr. Bonner on May 30:

This is to notify you that the House Committee on Standards of Official Conduct will meet at 9:30 a.m., Thursday, June 5, 1980, to allow you to present any objections, comments, or additional proof on the new evidence submitted by Representative William M. Thomas on the House Floor May 29.

Or any other material you might want to submit at this time will be in order. Mr. Bonner or Mr. Guidoboni.

Mr. GUIDOBONI. Thank you, Mr. Chairman. I have a statement to make for the record. Let's start off by saying we do have some evidence. We choose not to introduce it. We agree with Mr. Stokes. We believe it is completely inappropriate at this point. Having said that, I would like to proceed with some comments. As I read the chairman's letter, that would be appropriate. There is a phrase here, Mr. Chairman, for what has happened in this case.

The CHAIRMAN. I couldn't hear that.

Mr. GUIDOBONI. I am sorry. There is a phrase here for what has happened in this case. In my practice we call it sandbagging, sir, and let me tell you a little bit about what that means. It has got to do with the prejudice to Mr. Wilson, which was not fully discussed here. Certain members of this committee on the floor and in their dear colleague letters, some of which I have seen, and some of which have been reprinted in the Congressional Record, among other things, have taken the position that Mr. Wilson did not have a full defense, because certain documents, no evidence was put in, he only chose to call an abbreviated number of witnesses. I would state that that decision was made based on the evidence that was introduced at the time, in our view, as to what we needed to deal with, and I believe the committee will recall in its report at page 219, this is the committee's official report, and this I might say is not new evidence or newly discovered. Mr. Bonner's remark, "But in light of the evidence that has been presented by the staff, it is my view that defense should rest."

Now, Mr. Wilson acceded to that view, not willingly. That was also put in the record. At this point I believe a statement was made on the House floor we can't unring a bell. We can't unring that decision either, sir. That decision was made based on what was there then. Perhaps if this had come forward at that time, we would have had some evidence to offer. We might have made a different decision. We might have called another witness. We can't do anything about that, but the members of this committee have taken the position that that was a sign of the inability to defend, and now we have another member of this committee coming in with new evidence, newly discovered, newly proposed, whatever, and saying: You know, here is something else that proves it conclusively. It is not fair to Mr. Wilson.

Second, it has been said also, and I mentioned this before, that a bell cannot be unring. This was said on the floor, this evidence that

Mr. Thomas brought forth. Indeed, he submitted it to Mr. McCloskey, as I understand his remarks. Mr. McCloskey reached a conclusion without any opportunity to hear from Mr. Wilson's side. That is exactly the point we were complaining about, taken over, shown to Mr. McCloskey in some sort of ex parte way, I don't know, and all of a sudden, according to what Mr. Thomas tells me, he changed his mind. No ability to produce a defense, no rebuttal from our side, no nothing. This is unfair.

Now, remarks have been made today and previously in this committee that the only constitutional guarantee or governing procedure is article 1, section 5, I believe, disciplining of members. I would say to the committee that procedure is really the heart of the law, and if there is no procedure it is a lawless thing, and that is what has been going on here.

I would like to make a couple of other points very briefly, and then I think I will conclude. Mr. Thomas has submitted these documents. I do this reluctantly, I might add, because I don't know who is going to come up with some more evidence on the floor again and whether we are finally, finally done now, and every time it seems that we try to argue from the evidence that is put into the record and draw an inference, somebody comes up with a new document to rebut another inference. That is all we are talking about here.

Let me draw some inferences from what Mr. Thomas has put in. I don't see any mention of California law as it stood in 1970. I see a couple of documents. Nobody offered any evidence to that. I recall me asking Mr. Chlan in the hearing that we did have when your committee did put in one piece of California evidence, exhibit 12(g) and I asked Mr. Chlan, "What do you know about California law?" and he said, "Nothing except what is on the form."

Unfortunately, the law has been changed a number of times in California since 1970. I don't see any evidence of that. I don't know what the law required Mr. Wilson to say. I don't know the period that these declarations covered.

I also don't know whether or not they cover the unofficial office account. Now, as I recall the evidence, and we did have exhibits to that, you gentlemen do recall or should recall that the checks in this case went through the office account. I know that. Mr. Thomas' evidence doesn't change that. I don't know that that was required to be declared. Mr. Thomas' evidence doesn't change that.

We simply do not know, gentlemen, what the status was. What we have is Mr. Thomas, an admitted nonattorney, as I understand it, waving some documents around and saying to us, "This proves conclusively X, Y, and Z."

Let me suggest one other thing. I don't know, and perhaps I haven't seen any evidence of this, if Mr. Wilson took these loans, put them into an account, used the money to pay for his campaign, and then reimbursed that account with his contributions, whether he would have had to declare it. I simply don't know the answer to that. Would that be a loan? Did he use extra money or was he just as I might say "playing the float"? Did he borrow the money first in anticipation of the contributions, and then reimburse himself from that, and then pay back the loans? We don't know that either.

It was 10 years ago, it is almost 10 years ago to the day if you are looking at the primary election now. Frankly, Mr. Wilson produced a lot of records for us. We haven't been able in the time, 5 days or whatever, to go back any further into the early part of 1970. It is no fault of his. We never expected that we would be called upon to go back quite that far. I say to you this doesn't prove anything. I don't think it should be in the record. I don't think that it proves anything. It may rebut some inference.

It also in my mind raises some further questions, and I say to you this demonstrates the very problem and the reason why it shouldn't be here to begin with, and perhaps why Mr. Wisebram chose not to offer it. I don't know, he is not here, but he did make that decision. Based upon that, gentlemen, those are all the remarks that I have to make at this time. Thank you.

The CHAIRMAN. At this point we could anticipate that there is some form that we should use to report back to the House and we ought to do it promptly. Otherwise, we won't make the June 10 deadline, which we have set before us, and before each one of you is a paper starting "On May 29" and if anyone wants to move that we—

Mr. THOMAS. Mr. Chairman, before we move, could I make a short statement in reference to my colleague from California, Mr. McCloskey? He is an admitted attorney, although I am an admitted non-attorney.

The CHAIRMAN. I didn't hear that.

Mr. THOMAS. He is an admitted attorney.

The CHAIRMAN. Who is this?

Mr. THOMAS. Mr. McCloskey from California. He sent a letter to Mr. Wilson as a dear colleague, and indicated in the letter to Mr. Wilson that unless Mr. Wilson could refute the evidence, he would then change his mind about the position. He did not change his mind based upon the evidence presented to him. He waited and he is still waiting, and the letter that was sent to Mr. Wilson was an attempt to clarify Mr. Wilson's position based upon this information.

Thank you.

The CHAIRMAN. I might read this paper. Something like this would be necessary for us to wind up these proceedings so we would report to the House.

On May 29, 1980, on the House floor, the chairman of the House Committee on Standards of Official Conduct called up a privileged resolution (H. Res. 660) in the matter of Representative Charles H. Wilson and asked for its immediate consideration.

A motion to postpone further consideration of House Resolution 660 until June 10, 1980 was offered by Mr. Rousselot. The motion to postpone was rejected, whereupon the House proceeded to consider the resolution.

During debate, Representative William Thomas made reference to 1970 campaign reports filed by Representative Charles H. Wilson pursuant to California State law that were not introduced in evidence during the disciplinary hearing the *Wilson* case. The argument was made that bringing into the debate material that had not been raised in the hear-

ing put Representative Wilson at a disadvantage, whereupon a motion to reconsider the Rousselot motion to postpone to a day certain was agreed to. Upon reconsideration the motion to postpone to a day certain—June 10, 1980—was agreed to.

The chairman of the Committee on Standards of Official Conduct called a committee meeting for 9:30 a.m., June 5, 1980 for the purpose of considering the material referred to by Representative Thomas in the May 29 debate.

In a May 30, 1980 letter to Representative Wilson and his counsel, the chairman notified them of the June 5 meeting, and offered to receive from them "any objection, comments, or additional proof on the new evidence submitted by Representative William M. Thomas on the House floor May 29.

The transcript of that portion of the June 5, 1980 meeting of the House Committee on Standards of Official Conduct relevant to the Wilson matter follows.

Now, without objection, that will be the language, unless somebody wants to change the language for that. That is just report language in the sense that we are giving this information to the House.

Then a statement should be at the conclusion on which we will take a vote, and that would be a statement pursuant to rule XI, clause 2(1) (3) (A).

The committee makes no special oversight findings in this report.

This supplemental report was approved by the Committee on Standards of Official Conduct on June 5, 1980, by a vote of—and then we take a vote. This has just been handed to me, and I am questioning now what is the need for that statement that the committee makes no special oversight findings in this report; is that something technically required under the rule?

Mr. SWANNER. Yes, sir.

The CHAIRMAN. What rule requires the committee to say no?

Mr. SWANNER. Rule XI, clause 2(1) (3) (A).

The CHAIRMAN. What does it say?

Mr. SWANNER. It says you have to put an oversight finding with respect to all committee reports.

The CHAIRMAN. If it says you must, how can we say we are not doing it? Why aren't these oversight—

Mr. SWANNER. It has to do with costs, Mr. Chairman, expenses that are involved in the report.

The CHAIRMAN. I don't remember this clause in any other report.

Mr. SWANNER. It is in every report.

The CHAIRMAN. Is it?

Mr. SWANNER. Yes, sir.

The CHAIRMAN. It ought to be a little more self-explanatory than this because we are obviously having oversight findings, so it must be oversight findings of a very technical nature, and it is the technical nature I would like to have appear in the report at this point. We have certainly had oversight, in the broad definition of that word.

Maybe if counsel could explain to me what this deals with, because the language, the simple language stated there is provocative of a question.

Mr. SWANNER. "The report of any committee on a measure which has been approved by the committee (a) shall include the oversight

findings and recommendations pursuant to clause (2) (b) (1), separately set out and clearly identified."

Rule X2, (b) (1) —

The CHAIRMAN. The rule you read me says they are required. This rule says (2) (b) (1) "each standing committee other than the Appropriations Committee or Budget shall review and study on a continuing basis the application of the effectiveness of those laws or parts of laws."

Couldn't it be more intelligently written than to say the committee makes no special oversight findings in this report? An average Member of Congress reading that is going to wonder what it means.

Isn't there some other way to comply with that language? Is that the language that is used in all other reports?

Mr. SWANNER. Yes, sir, it is copied from one report to the next. It is boilerplate language.

The CHAIRMAN. I won't object, but the next time we have language of this type I think the language should be explanatory to the person who is reading it. This is not that explanatory. Apparently it is a way to comply with a rule, but the language doesn't really advise anybody of anything he is likely to be able to know out of his own knowledge.

All right, then there is no objection to the language we have. It is not necessary to vote on the language, but I think we should take a vote. I move that this supplemental report be approved by the Committee on Standards of Official Conduct on June 5, 1980, and the staff will call the roll.

Mr. SWANNER. Mr. Bennett.

Mr. BENNETT. Aye.

Mr. SWANNER. Mr. Spence.

Mr. SPENCE. Aye.

Mr. SWANNER. Mr. Hamilton.

[No response.]

Mr. SWANNER. Mr. Hollenbeck.

[No response.]

Mr. SWANNER. Mr. Preyer.

[No response.]

Mr. SWANNER. Mr. Livingston.

Mr. LIVINGSTON. Aye.

Mr. SWANNER. Mr. Fowler.

[No response.]

Mr. SWANNER. Mr. Thomas.

Mr. THOMAS. Aye.

Mr. SWANNER. Mr. Stokes.

Mr. STOKES. No.

Mr. SWANNER. Mr. Sensenbrenner.

[No response.]

Mr. SWANNER. Mr. Rahall.

Mr. RAHALL. No.

Mr. SWANNER. Mr. Cheney.

Mr. CHENEY. Aye.

Mr. SWANNER. Mr. Chairman, five members vote aye, two members vote no, five members absent not voting.

Mr. STOKES. Mr. Chairman.

The CHAIRMAN. Mr. Stokes.

Mr. STOKES. Mr. Chairman, may I reserve the right to file dissenting views with the supplemental report?

The CHAIRMAN. Well, I really would hope you wouldn't because all that would do would be to make it impossible to comply with the June 10 matter, unless, you are willing to do it—in other words, to comply with the June 10 rule of the House, we have got to report back to them; you would have 3 days to give your report in.

If you can file it instantly or promptly, it wouldn't delay anything, but we have been told to bring it back. We have got to bring something back on June 10, but it does discommode the matters as to what would be brought back on the floor if we did it, if you want to have a supplemental view.

You could put an extension of remarks in the record which would have the same practical effect without the procedural difficulties.

Mr. STOKES. May I inquire as to when you intend to file this supplemental report?

The CHAIRMAN. Today, in order to make the June—

Mr. STOKES. My dissenting views can be ready today.

The CHAIRMAN. That is fine. The staff advised me that usually we have had a quorum of the whole committee to vote affirmatively on reporting out something. Of course, that doesn't mean we couldn't make the report of what transpired here, which might be sufficient, but it might mean that we couldn't have a technical report in the ordinary sense.

Does anyone want to comment on that at this point?

Mr. THOMAS. Could we hold the roll open until we contact the members who are here, at other committees, so we can afford them an opportunity to vote as well?

The CHAIRMAN. That would be a good way to wind it up if we could. Is there any objection by anybody to that procedure, let them have until 3 o'clock this afternoon, or make it shorter than that.

All right, 3 o'clock. Without objection they will be allowed to vote until 3 o'clock.

Mr. STOKES. Mr. Chairman, one other request.

Can I have daily copy from the record here, which I will need for the purpose of preparing my dissent? May I? Thank you.

Mr. BONNER. Mr. Chairman, might I just for the record, as you begin to close, object to this procedure of the five missing members having an opportunity to vote on this. They were not present, have not heard the evidence, have not heard the remarks of the various members, and I find myself in the same posture I found myself in during the actual hearing some time ago when consideration was being given to the taking of the vote when a good number of the members of this committee had not been present during the presentation of the evidence.

It seems to me, and I realize it is the Chair's prerogative, but if you are going to leave it open for the other members to vote, due process would seem to require that at the very least they have a copy of the transcript of this proceeding so they can at least read it and then make up their minds intelligently which way they want to vote.

The CHAIRMAN. I am not sure how fast the transcript—we will do our best to get the transcript in the hands of all these members.

MR. RAHALL. Mr. Chairman, may I reserve the right to file comments?

The CHAIRMAN. Yes, with the same time limit.

MR. GUIDOBONI. I am not a Member of the House, but I read 4(e), rule X, 4(e) of the House and I believe it is 2(a), "No resolution, report, recommendation, or advisory opinion relating to the official conduct of a member, officer, or employee of the House shall be made by the Committee on Standards of Official Conduct, and no investigation of such conduct shall be undertaken by such Committee unless approved by the affirmative vote of a majority of the members of the committee."

Now, as I understand the situation here today, you all, this committee is making a report, and as I understand it, there has been an affirmative vote of 5 members, and there are 12 members on this committee, so I would object, if I have any standing at all, and I would at least like to put on the record if this committee does issue such a report, they are in violation of their own rule or the rule of the House that sets this committee up.

The CHAIRMAN. We appreciate what you said. The committee has already ruled, and it rules again that this procedure that we are following will take place and that the foundation for it is that the provisions of the Constitution really essentially provide for a trial de novo. All this committee does is to report to the House on what it has had in its procedures, and we are doing that. We are complying, as I see it, with the rules of the House, and under the direction of the House, and there is no advantage to delaying.

There is no basic reason why the matter shouldn't proceed in this way, and therefore the committee has taken its action and we do have another matter before the committee which does not relate to Mr. Wilson. Unless there is some further discussion by anybody about the *Wilson* case.

Well, we might be able to handle this other matter very promptly. It will be in open session. It is the contempt of Congress matter. Fordiani. Then the portion of this meeting ceases with regard to the *Wilson* matter.

[Whereupon, at 11:25 a.m., the committee proceeded to further business.]

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

The committee makes no special oversight findings in this report.

This supplemental report was approved by the Committee on Standards of Official Conduct on June 5, 1980, by a vote of 8 yeas; 3 nays.

DISSENTING VIEWS OF REPRESENTATIVES LOUIS STOKES AND NICK JOE RAHALL II

Today, after a 1½-hour hearing conducted by the Ethics Committee, five members voting aye, two members voting no, five members being absent and not voting, the Committee admitted into evidence two documents offered by Representative Thomas of California. Subsequently, a Motion to approve this Supplemental Report was also approved by five members voting aye, two members voting no, and five members being absent and not voting. On a motion by Mr. Thomas, the Committee agreed to hold the roll open until 3:00 o'clock in order to record the vote of the absent Committee members.

The purpose of this Committee meeting was stated by the Chairman :

I called today's meeting for the purpose of allowing Representative Thomas to bring to the committee's attention the documents he referred to on the House floor last week. We are interested in learning: (1) precisely what these documents are and what they contain, (2) how they relate to the matter before us and, of course, what the respondent may wish to say in this matter.

I recognize Mr. Thomas.

Upon being recognized, Mr. Thomas stated that he had obtained copies of the candidate's campaign statements which were required to be filed pursuant to California law during 1970-1971. He stated further that copies of these reports were in the Committee evidence files but were not introduced into evidence by the Committee's counsel at Representative Wilson's disciplinary hearing. Mr. Thomas stated that he believed that these documents have substantial probative value and requested that the documents be made a part of the record of these proceedings. Counsel for Representative Wilson objected to the admission of these documents. The objections were substantially as follows. That the Committee had held a full hearing which had been concluded. That closing arguments had been held, the Committee had issued its report, and the matter had been presented to the floor. Counsel for Respondent Wilson called the Committee's attention to the fact that Counsel for the Committee had the option of offering this evidence and for reasons unknown to anyone, chose not to do so. Counsel for Representative Wilson, after citing Rule 16 of the Committee's Rules of Procedure, which reads:

At a disciplinary hearing the burden of proof rests on the staff with respect to each count and to establish the facts alleged therein clearly and convincingly by the evidence that it introduces,

stated:

... this evidence was not introduced at that time, and we would object to its introduction now at this time before this

committee, because we believe that the hearings and the proceedings are closed, and it is especially telling that it was available, that counsel for the committee and the committee did have staff counsel, made a tactical decision, for whatever reason.

Mr. Wisebram is not here today so I can't question his reasons, but he did have it available. He made a decision not to use it. It was not used . . .

Under the Committee's Rules of Procedure Rule 19, entitled "Exculpatory Information," the rule reads as follows:

If the Committee at any time receives any exculpatory information respecting a Statement of Alleged Violation against a Member, officer, or employee of the House of the Code of Official Conduct or any law, rule, regulation, or other standard of conduct, it shall make such information available to such Member, officer, or employee.

Since the evidence offered at this new hearing was not exculpatory in nature, Mr. Stokes of Ohio then made a request of the chair at which time the following colloquy took place:

Mr. STOKES. Mr. Chairman, prior to any vote being taken in this matter, I would like to hear from counsel for the respondent. I am quite familiar with newly discovered evidence being the grounds or the basis for a new trial for someone who has been found guilty. I have never, nor do I know of any procedures under law, where those in the category of being prosecutorial have some newly discovered evidence that gives them the right to have a new hearing.

The rules clearly provide for the production of evidence at hearings, et cetera. There is nothing in the rules that provides for additional evidence to be submitted after the verdict. Here you have had a hearing. You have had the jury meet here and decided, made findings, then recommended punishment to the House. It went to the House, and then after all the procedures provided for under the rules of the House, up comes newly discovered evidence by those who had every opportunity to present their evidence during the disciplinary hearing, and I would really like to hear from counsel for the respondent.

Mr. LIVINGSTON. Will the gentleman yield to me before counsel responds?

Mr. STOKES. Yes, I would.

Mr. LIVINGSTON. It seems to me that it is the function of this body to make recommendations to the House on Members who have been charged with violating the integrity of the House. Now, that is a pretty loose proposition, but if you want to play by the rules, and it seems to me that no rules should exclude new evidence which shows categorically that one of the charges that we brought against the particular member may be verified or proved, but Rule 20 of the rules of the committee provides:

"Any evidence that is relevant and probative shall be admissible in any hearing of the Committee" and I submit this

is a hearing of the committee, "unless the evidence is privileged or unless the Constitution otherwise requires its exclusion."

Now, this documentary evidence is not privileged. The Constitution in no way compels its exclusion, and it seems to me that the chairman is absolutely right in admitting it at this time.

Mr. STOKES. Well, Rule 20 to which you refer, which says, "Any evidence that is relevant and probative shall be admissible in any hearing of the Committee"—we were not in any hearing of the committee when their evidence was introduced on the floor of the House.

Mr. LIVINGSTON. We are in a committee now.

Mr. STOKES. The committee had had its hearing. Let's refer back to Rule 16(a) which says this:

"A disciplinary hearing respecting a violation charged in a Statement of Alleged Violation shall be held to receive evidence upon which to base findings of fact and recommendations, if any, to the House respecting such violation. A disciplinary hearing shall consist of two phases. The first phase shall be for the purpose of determining whether or not the counts in the Statement have been proved. The second phase shall be for the purpose of determining what action to recommend to the House with respect to any count found to have been proved."

Now, I don't find anything in here that provides for a third phase. If you have got some third phase here to refer to, I would be happy to have that evidence.

Mr. LIVINGSTON. The point is that I see no reason for its exclusion. This is probative evidence. This is evidence bearing on the degree of proof or the guilt or innocence, if you will, of the Member before this committee, and barring any showing that any hearing of the committee excludes this hearing, I think that there is no reason why this matter should not go in the record.

I regret that it didn't go in the record in the first place, but in my opinion it is directly bearing on the substance of some of the counts before the committee. We have had no final ruling. We will have no final ruling until the House voices its judgment when we go before the House on June 10, I think the date is.

Mr. STOKES. Would the gentleman tell me what is to prevent us when we go back to the floor, someone else coming up with some new evidence, and what do we do? Come back here and have another hearing then?

Mr. LIVINGSTON. *Quite frankly, if the gentleman from California, Mr. Wilson, came forward with some evidence to show that he was innocent, I would be delighted to admit it on the floor.*

Mr. STOKES. If that is the basis upon which the gentleman is proceeding, then that defies everything that I know about due process of law, and that is precisely what counsel said when this case began. *You are talking about a situa-*

tion where you have just said the respondent is to come here and prove he is innocent rather than for you as a committee member and the staff to prove his guilt.

It defies everything that this procedure is all about.

Mr. LIVINGSTON. We have had a full hearing. Mr. Wilson has been entitled to introduce evidence in his behalf to show that the charges are unwarranted. He has not come forward with any such evidence. He has had an opportunity in the hearing that we have already had in the full House. He would have an opportunity today. He would have an opportunity again in the full House on June 10.

Now, if he is innocent, I am the first one to want to see him go free, but these documents in my opinion categorically show that he has got problems, and I think they are probative and I think the full House should have the benefit of these documents.

Mr. STOKES. Mr. Chairman, I renew my request to hear from counsel for respondent.

Counsel for Representative Wilson then stated :

Mr. BONNER. May I, Mr. Chairman?

Of course, I agree with the position as put forth by Mr. Stokes. It is really unheard of to reopen prosecutions and to come forward with what has been described by the chairman and the other gentleman as newly discovered evidence, but the reality here is that it is totally inappropriate and totally unfair to do so.

There really does come a point at which the committee should call enough to this.

Putting that aside, the reality is that this is not newly discovered evidence. The evidence was before you through your staff and through your counsel, and you didn't use it. You didn't admit it. Under any stretch of the imagination, under any stretch of any rules of evidence, it is too late. There is nothing "newly discovered" about it. You all knew about it. You had a full hearing here, presented your evidence, made your findings of guilt and innocence and assessed recommendations as to penalty. Now today, we hear this described as "newly discovered evidence." "Newly discovered evidence" is certainly not evidence that lies in the hands of the committee during the entire time that the hearing on phase I took place, never mind the hearing on phase II. So with all due respect, Mr. Chairman, to you and the committee, I vigorously object to the admission of this so-called newly discovered evidence at this time for the reasons that it is, first of all, not "newly discovered evidence," and second, it is completely inappropriate, and I think completely unfair to reopen these proceedings. You have assessed guilt and you have assessed innocence and you have assessed what the penalty should be. Now you have asked us to try to come forward at this late date and to meet this old evidence which the committee, in what

I must take is its wisdom, along with its staff and counsel, chose not to make use of during the time of the phase I and phase II proceeding.

Thank you, Mr. Chairman.

In an effort to ascertain the precise relationship of these documents to the matter before us, the following colloquy then occurs between Mr. Stokes, the Chair and Mr. Thomas:

Mr. STOKES. First, it would seem to me that the evidence would be better categorized as left out evidence rather than newly discovered or discovered.

The CHAIRMAN. I never used that phrase.

Mr. STOKES. Well, the term has been used.

The CHAIRMAN. I said newly offered.

Mr. STOKES. I would say that is just my term; it would be better characterized as being left out evidence.

The CHAIRMAN. If you want to use that, I think that is the same thing as newly offered.

Mr. STOKES. May I, Mr. Chairman, pose a question to Mr. Thomas with reference to his offered evidence?

Before I vote on it, I would like to have some clear and intelligent reason for the admission of the evidence.

In light of the fact that the committee has met and deliberated very carefully on this matter and we arrived at a verdict, and made recommendations to the House, and included recommendations relative to punishment, I would like to know the precise reason for his now offering this evidence.

Is it for us to recommend a more harsh form of punishment? Is it to buttress what he feels was a very weak verdict arrived at by the committee?

I would really like to know his rationale for it.

Mr. THOMAS. Will the gentleman yield?

Mr. STOKES. Certainly I yield to the gentleman.

Mr. THOMAS. Thank you.

My rationale is simply this: I felt that there was clear and convincing evidence to support the counts that I voted in favor of and that this committee agreed to.

In discussing the matter with members on the floor, many of them lawyers, they were indicating that although it was clear and convincing that there were perhaps some gaps which made it less clear and convincing even though it still tipped the scales toward clear and convincing, in additional discussions with some members I found that they were not going to agree with the committee based upon the arguments that were made about the gaps.

One of the gaps dealt with counts seven and eight.

In trying to understand my colleague's arguments, and I think it is valuable to try to put yourself in the other person's shoes, having sat through these hearings, I felt there wasn't any gap, but in listening to their arguments, trying to get around on their side of it, I understood their argument.

I didn't agree with it, but I understood it, and in an attempt then to try to meet their argument, I began examining the

documents. I had no knowledge that the committee had these documents in their possession. I went through the Federal documents and they didn't extend to that period that was in question, 1970, in the manner that I thought was appropriate, given the language of the statement that had to be filed.

I discovered that the California documents did, and with respect to the California documents, I did not know that the committee already had them in their possession. They were never presented to the committee, and I thought it was information that was not already available.

Subsequently I have found out that in fact the committee staff had that information, and decided not to present it, for whatever reason I do not know, but in examining these documents I believe that they had substantial probative value.

I thought they corroborated earlier findings of the committee on counts 7 and 8 of the Statement of Alleged Violations.

On both documents Mr. Wilson states that he has listed all moneys paid, loaned, contributed or otherwise furnished to him directly or indirectly in aid of his election. He lists no loans on these documents.

On both documents Mr. Wilson states that the amount contributed by himself toward his campaign expenses, and he lists the amount as none.

The committee will recall that the loans repaid from campaign funds were made on July 31, 1970; that was count No. 7, and August 16, 1970, count No. 8.

Yet these loans were not reported on the California filing, nor is there a campaign contribution by Mr. Wilson that might have been funded by these loans, and when you examine these statements, I think it is worth noting that the statement for the primary election shows receipts of \$13,140 and expenditures of \$12,218.22, for net surplus of \$921.78.

The statement for the general election shows receipts of \$15,565 and expenditures of \$16,337.12. That is a deficit of \$772.12 for the general campaign but when you combine the primary and the general campaign in terms of funding, there is a surplus of \$149.66, so on its face campaign expenses were adequately covered by reported income on the California forms, and the \$15,000 that was borrowed and subsequently paid back by campaign moneys, there is no need for that money and there was no evidence on that report that the money was either loaned or contributed for expenses to cover that money. That was a gap that they were complaining about.

I found something to plug that gap under the California reports that had not been presented to the committee, and once I found out that information, I didn't know exactly what to do with it. I found it out the night before, the day that the matter of Charles H. Wilson was before the House, and I could not ignore that information, and so I presented it on the floor.

I subsequently found out that the committee staff had it, that it was available to the counsel for the defense, and that it was not all that new and novel.

However, I still feel that, based upon what is in these two documents, it is substantial. It is probative and it corroborates counts seven and eight to the extent that a colleague from California, Mr. McCloskey, who had earlier planned on taking the floor to argue against the committee's position on counts seven and eight, subsequently reversed himself after looking at this evidence and indicated that he was now supporting the committee position on seven and eight.

In voting against the admission of this "left out evidence" we do so for the reasons set forth in the following statement of Mr. Stokes which appears at page 19 of the transcript:

Mr. STOKES. Thank you very much, Mr. Chairman.

Mr. Chairman, first, I want to express my appreciation to the gentleman from California, Mr. Thomas, for his candidness in response to the question that I had posed to him, and I appreciate his reasons for the action that he did take, but, Mr. Chairman, I am concerned about what I think amounts to fundamental due process and fairness.

We are confronted, it seems to me, with this situation. A committee properly designated by this Congress to hear matters related to ethical conduct or nonethical conduct with members sat in judgment of that Member, heard all the evidence produced by its own staff in a disciplinary hearing, then earnestly and conscientiously sat as jurors together, and all of us know that we sat here and deliberated on this entire matter, and after full and open disclosure and discussion among us, we then voted upon that evidence.

We excluded some counts. We found the respondent guilty of other charges, but it was done in a very serious vein, and it was done conscientiously, I believe.

After that, we sat in the same room, and we then discussed over a long period of time the punishment that ought to be meted out to one of our colleagues. Then we met again and we went over the report, and all of the matters relating to the report that was going to be submitted to the full House.

We had discussion and changes with reference to that. Then we even had additional views submitted and dissenting views, et cetera., so we went through the entire process that is provided for under our rules of procedure.

Then we find a very unusual situation coming about that defies everything that I know about the judicial process. We find a member of the committee who voted for a verdict of guilty on these charges going to the floor, and in discussion and dialogue with his colleagues himself feeling then that there are gaps in the evidence, and that there is a need to buttress the evidence that was submitted to the House, and submitted to this committee, in order to try and convince others that the evidence proved before this committee was clear and convincing evidence.

Now, this is sort of like a juror, feeling that in discussion with his fellow jurors, having some jurors express doubt as to whether the evidence has been proved by clear and convincing evidence, then going out on his own, securing evidence to bring back to the jury room and submit, in order to try and prove his point, only this even defies that situation because we are past the jury stage. We are past the stage at which the judge would be meting out some type of a sentence.

It seems to me as one who voted against count seven, one who did not feel that the evidence was clear and convincing, that that evidence was not even presented to me to convince me. It was presented to others in the House who had expressed the same kind of doubt and concern I did when I voted against this count having been proved by clear and convincing evidence.

It seems to me that if we have a good case it ought to stand on its merits. We ought not have to run about as individual members of this committee, trying to find some evidence to convince others. You should be able to convince others based upon what convinced you, and if you can't, then it ought to fail on its merits.

That is the judicial process, but it seems to me that we ought not be in the process of saying the evidence we brought to the floor is less than clear and convincing, and therefore I must go around and get some more evidence, and that is all you can make of this, because by your own admission you were trying to clear up the gaps for members who had to vote on this matter, and it seems to me that is wrong fundamentally, basically.

If this case couldn't stand on everything that was presented to us, and everything we spent all those hours working on, then it ought to fail. I think it is wrong, and I am not going to vote for it to admit this evidence into the record. (Emphasis added.)

LOUIS STOKES.
NICK JOE RAHALL II.

