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HOUSE OF REPRESENTATIVES

IN THE MATTER OF
REPRESENTATIVE DONALD E. LUKENS

A STAFF REPORT
OF THE
COMMITTEE ON
STANDARDS OF OFFICIAL CONDUCT
U.S. HOUSE OF REPRESENTATIVES
ONE HUNDRED FIRST CONGRESS



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STAFF REPORT

IN THE MATTER OF REPRESENTATIVE DONALD E. LUKENS

I. INTRODUCTION

On July 21, 1989, the Committee received a sworn complaint against Representative Donald E. Lukens which was precipitated by his conviction in an Ohio state court for contributing to the unruliness of a minor.

After determining that the complaint met the requirements set out in House Rule X, clause 4(e)(2)(B), and Committee Rule 9, the Committee staff obtained and reviewed the transcript of the trial at which Representative Lukens was convicted.

The Committee voted on August 3, 1989, to undertake a Preliminary Inquiry pursuant to Committee Rule 10(b), which states that:

* * * the Committee shall determine whether the violation alleged in the complaint is within the jurisdiction of the Committee and, if so, whether the allegations in the complaint merit further inquiry. * * *

The Committee also determined that further inquiry was warranted under Committee Rule 13, which states that:

* * * if the Committee determines that the evidence presented by the staff of an alleged violation merits further inquiry the Committee shall * * * conduct a preliminary inquiry * * *.

Subsequent to initiation of the August 3, 1989, Preliminary Inquiry, it was brought to the Committee's attention that on October 17, 1990, Representative Lukens may have made improper sexual advances to a female House employee. By Resolution of October 22, 1990, the Committee amended the August 3, 1989, Preliminary Inquiry to include the new assertion of alleged improper conduct.

II. SUMMARY OF THE ALLEGATIONS

On February 23, 1989, Representative Donald E. Lukens was indicted by a grand jury in Franklin County, Ohio, on charges of contributing to the delinquency and unruliness of a child. On May 26, 1989, Representative Lukens was found guilty of contributing to the unruliness of a child.

The verdict centered on a visit by a sixteen year old girl to Mr. Lukens' apartment on November 6, 1988. The indictment charged Representative Lukens with having engaged in intercourse with the girl; it was based upon this conduct that Mr. Lukens was subsequently convicted.

In addition to the above, the Committee obtained sworn evidence indicating that on October 17, 1990, Representative Lukens en-

gaged in improper sexual advances involving another female who is a congressional employee. Specifically, the Committee received sworn evidence that on October 17, 1990, Representative Lukens made improper sexual advances and unwanted and unsolicited physical contacts with a female employee of the Architect of the Capitol. In this connection, the Committee received testimony that on that date Representative Lukens, on his own initiative and without the invitation of the female employee, not only embraced and touched portions of the employee's body on at least two separate occasions but also gave to this individual his congressional business card on which he had written his private home and congressional telephone numbers and asked for her to contact him.

III. SCOPE OF THE COMMITTEE REVIEW

The Committee began its original Preliminary Inquiry by examining the transcript of the trial proceedings; the key exhibits in the trial (including audio and audio/visual tapes of conversations between Representative Lukens and another individual); and other relevant materials. The Committee also independently interviewed, under oath, witnesses who testified at the trial.

In addition, Representative Lukens met with and answered questions during meetings with the Committee, and submitted written and signed correspondence to the Committee. The Committee also received from Representative Lukens, through his lawyer, several documents which were relevant to the Committee's inquiry.

Before it completed action on the matters raised during the August 3, 1989, Preliminary Inquiry, the Committee received additional testimony indicating other sexually oriented improper conduct by Representative Lukens.

On October 19, 1990, the Committee received sworn statements by a female employee of the Architect of the Capitol and another male employee of the House indicating that, on October 17, 1990, Representative Lukens made unsolicited, unwanted, and offensive sexual advances to the female employee. In particular, the female employee testified under oath that, on two occasions on that date, Representative Lukens approached her in an elevator in the U.S. Capitol Building and made physical contacts—embracing her shoulders, and patting and rubbing her lower back and buttocks. In addition, Representative Lukens gave the female employee his business card on which he had written his private office and home telephone numbers and asked her to contact him.

Immediately after the second improper advance occurred, the female House employee was upset and reported the incidents.

On October 22, 1990, the Committee expanded the scope of the original August 3, 1989, Preliminary Inquiry to include the new allegations of improper sexual advances to a congressional employee.

During its October 22, 1990, meeting, the Committee resolved to direct Representative Lukens' appearance the following day to receive any statement or explanation he might have on any matters under Committee review. On October 23, 1990, the Committee received from Representative Lukens a request for a continuance of his appearance until October 24, 1990, based on the availability of his legal counsel. The Committee granted this request.

On October 24, 1990, a Committee meeting was scheduled to hear from Representative Lukens and to proceed with consideration of all matters investigated since August 3, 1989. However, prior to the meeting, Representative Lukens resigned his seat in the House of Representatives. His resignation from Congress terminated the Committee's jurisdiction over Representative Lukens and, as a consequence, the Committee's actions to consider all matters relevant to him were closed.

Release of this staff report was authorized by the Committee on Standards of Official Conduct pursuant to Committee Rule 6(b) on October 24, 1990.

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