

95TH CONGRESS }
2d Session }

HOUSE OF REPRESENTATIVES

{ REPORT
No. 95-1740

IN THE MATTER OF
REPRESENTATIVE EDWARD J. PATTEN

REPORT
BY THE
COMMITTEE ON STANDARDS
OF
OFFICIAL CONDUCT



OCTOBER 6, 1978.—Referred to the House Calendar and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

34-243 O

WASHINGTON : 1978

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

JOHN J. FLYNT, Jr., Georgia, *Chairman*

OLIN E. TEAGUE, Texas	FLOYD D. SPENCE, South Carolina
CHARLES E. BENNETT, Florida	JAMES H. QUILLEN, Tennessee
LEE H. HAMILTON, Indiana	ALBERT H. QUIE, Minnesota
RICHARDSON PREYER, North Carolina	THAD COCHRAN, Mississippi
WALTER FLOWERS, Alabama	MILLICENT FENWICK, New Jersey
	BRUCE F. CAPUTO, New York

JOHN M. SWANNER, *Staff Director*

SPECIAL STAFF

JOHN W. NIELDS, Jr., <i>Chief Council</i>	JOHN H. DESMOND, <i>Investigator</i>
DAVID H. BELKIN, <i>Deputy Chief Counsel</i>	HAROLD GOSSETT, <i>Investigator</i>
JEFFREY HARRIS, <i>Deputy Chief Counsel</i>	MARVIN M. LEVY, <i>Investigator</i>
THOMAS M. FORTUIN, <i>Counsel</i>	RICHARD J. POWERS, <i>Investigator</i>
MARTHA TALLEY, <i>Counsel</i>	WILLIAM SCHECK, <i>Investigator</i>
HONG-KYOON AN, <i>Information Analyst</i>	
ROBERT A. BIRMINGHAM, <i>Chief Investigator</i>	
ROBERT B. BUCKNAM, <i>Investigator</i>	

ADMINISTRATIVE SUPPORT

KARREN A. BAILEY	STEPHANIE R. PAVELIC
THOMAS M. EWING	GAIL C. JOHNSON
ELENA J. GOVE	SAUNDRA J. WHITE
	JANE MACKAY

STANDING COMMITTEE STAFF

WILLIAM F. ARBOGAST, <i>Assistant Staff Director</i>	PEGGY MURPHY, <i>Secretary</i>
NANCY O. GREGORY, <i>Secretary</i>	CHRISTOPHER L. VAIL, <i>Professional Staff</i>
JAMES N. HALTIWANGER, <i>Professional Staff</i>	STEVEN R. WISEBRAM, <i>Professional Staff</i>
JAY M. JAFFE, <i>Assistant to Staff Director</i>	
PATRICIA ANN LONG, <i>Secretary</i>	
JAN LOUGHRY, <i>Secretary</i>	

CONTENTS

Report.

Appendices :

- Appendix A. Proposed findings of fact submitted by the staff.
- Appendix B. Respondent's proposed findings of fact.
- Appendix C. Motions and answers of respondent Edward J. Patten.
- Appendix D. Response of special staff to motion to dismiss statement of alleged violation.
- Appendix E. Transcript of hearings.
- Appendix F. Transcript of arguments.
- Appendix G. Transcript of decision.
- Appendix H. Exhibits.

IN THE MATTER OF
REPRESENTATIVE EDWARD J. PATTEN

OCTOBER 6, 1978.—Referred to the House Calendar and ordered to be printed

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

R E P O R T

INTRODUCTION TO REPORT

After hearing testimony from Tongsun Park in executive and public session and after an inquiry conducted on the initiative of the Committee on Standards of Official Conduct (the "Committee") and pursuant to H. Res. 252, the Committee on July 12, 1978 filed a Statement of Alleged Violation charging Representative Edward J. Patten with two violations of the Code of Official Conduct of the House of Representatives. The charges grew out of the receipt by Representative Patten's administrative assistant of \$500 cash in both 1975 and 1976 from an employee of Tongsun Park for the purchase of dinner tickets to the Middlesex County (N.J.) Democratic Organization fundraising dinner, and the subsequent substitution of Representative Patten's personal check for Mr. Park's cash. A hearing was held at which Representative Patten was represented by counsel and, after the submission of evidence and written and oral arguments by the attorneys for Representative Patten and by the Committee's staff, the Committee on October 4, 1978, by a vote of 8 to 0, found that Counts I and II of the charges had not been sustained by clear and convincing evidence. It therefore dismissed the charges.

This report summarizes the findings made by the Committee and the procedures followed with respect to the said Statement of Alleged Violation. The record of the hearing with respect to the Statement of Alleged Violation is set forth in full as an appendix.

DISCUSSION

On February 9, 1977, the House unanimously adopted House Resolution 252. That resolution directed the Committee 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."

In pursuing the investigation mandated by House Resolution 252, the Committee from February 28 through March 9, 1978, heard testimony from Tongsun Park in executive session. Thereafter, Tongsun Park testified publicly before the Committee on April 3-4, 1978.¹

As a result of its inquiry, on July 12, 1978, the Committee filed and served a Statement of Alleged Violation against Representative Patten,² which provided in its entirety as follows:

STATEMENT OF ALLEGED VIOLATION

In the matter of—

EDWARD J. PATTEN, A MEMBER OF THE HOUSE OF REPRESENTATIVES

Count 1

On or about August 6, 1975, Edward J. Patten, the respondent, who at all times relevant to this statement of alleged violation was a Member of the House of Representatives, did conduct himself in a manner which did not reflect creditably on the House of Representatives (in violation of rule I of the Code of Conduct of the House of Representatives) in that he did violate the laws of the State of New Jersey, to wit, New Jersey Revised Statutes 19:44A-20, by knowingly contributing and purporting to contribute to a party committee funds not actually belonging to him and which had been given and furnished to him by another person for the purpose of making a contribution, to wit, a \$500 contribution to the Middlesex County Democratic Organization from Tongsun Park which Edward J. Patten contributed as his own. (Rule XLIII (1), Rules of the House of Representatives; N. J. Rev. Stat. 19:44A-20 and 19:44A-21)

Count 2

On or about August 24, 1976, Edward J. Patten, the respondent, who at all times relevant to this statement of alleged violation was a Member of the House of Representatives, did conduct himself in a manner which did not reflect creditably on the House of Representatives (in violation of rule I of the Code of Conduct of the House of Representatives) in that he did violate the laws of the State of New Jersey, to wit, New Jersey Revised Statutes

¹ That testimony is reported in House Committee on Standards of Official Conduct, 95th Congress, 2d sess., Korean Influence Investigation, part 2 (Committee Print 1978).

² Prior to the filing of the Statement of Alleged Violation the Committee, among other things, twice took the sworn testimony of Representative Patten at depositions in executive session before a Member of the Committee. The Committee is specifically empowered to take depositions by H. Res. 252, sec. 49(a)(1)(A).

198:44A-20, by knowingly contributing and purporting to contribute to a party committee funds not actually belonging to him and which had been given and furnished to him by another person for the purpose of making a contribution, to wit, a \$500 contribution to the Middlesex County Democratic Organization from Tongsun Park which Edward J. Patten contributed as his own. (Rule XLIII (1), Rules of the House of Representatives; N. J. Rev. Stat. 19:44A-20 and 19:44A-21)

After the filing of the Statement of Alleged Violation, Representative Patten, then acting pro se, filed a motion seeking the dismissal of the Statement of Alleged Violation and filed an Answer sworn to by the Congressman, all as provided for in the Committee's Rules of Procedure. The Committee's staff filed a response. The Committee denied Representative Patten's motion. Representative Patten and his attorney were supplied with copies of documents obtained by and depositions and interviews conducted by the staff in its investigation of Representative Patten's contacts with Tongsun Park. Subsequently, Representative Patten was heard in executive session.

The Committee voted, however, to proceed with an investigative hearing in public session.³ An investigative hearing was held on September 26, 1978.

Prior to the hearing, Representative Patten was given the opportunity to request the issuance of subpoenas compelling the attendance of witnesses or the production of documents necessary for his defense. At the hearing, Representative Patten's attorney was given an opportunity to cross-examine witnesses called by the Committee's staff and to call his own witnesses and offer evidence. The Congressman testified in his own behalf at the hearing.

The full record of the testimony and exhibits received in evidence at the hearing, the Statement of Alleged Violation, Representative Patten's Answer, the staff's Response, opening statements of counsel for Representative Patten and for the staff are attached hereto as appendices.

After the conclusion of the hearing, Representative Patten's attorney and Committee staff counsel submitted written papers and, on October 4, 1978, made oral arguments to the Committee. The papers submitted and a transcript of the oral arguments are also set forth in full in the report of the hearing.

At the conclusion of the arguments on October 4, 1978, the Committee immediately began deliberations in executive session and, later that evening, announced in public session its findings and the votes thereon. The Committee found, 8 to 0, that count I had not been sustained by clear and convincing evidence. The Committee found, 8 to 0, that count II had not been sustained by clear and convincing evidence.

³ In determining to proceed with an investigation the Committee, pursuant to its own Rules of Procedure, must determine that "there is credible evidence of [the respondent's] violation of the Code of Official Conduct. . . ." Rule 8(b)(1).

At the same time, the Committee announced that it had decided to dismiss both charges against Representative Patten.

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 October 6, 1978 by a vote of 7 yeas to 9 nays.

APPENDIX A

PROPOSED FINDINGS OF FACT
SUBMITTED BY THE STAFF

APPENDIX A

COMMITTEE ON
STANDARDS OF OFFICIAL CONDUCT

In the Matter of
EDWARD J. PATTEN

PROPOSED FINDINGS OF FACT SUBMITTED BY
THE SPECIAL STAFF TO THE COMMITTEE

The Special Staff proposes that the Committee adopt the following findings as a result of the hearing held on September 26, 1978, with respect to Congressman Edward J. Patten.

PROPOSED FINDINGS OF FACT

COUNT ONE

I. On or about August 6, 1975, Edward J. Patten caused his personal check for \$500 to be issued and transmitted to the Middlesex County Democratic Organization ("MCDO").

II. The check mentioned in "I" above was for a contribution to the MCDO.

III. On or about August 6, 1975, Edward J. Patten knew that he was not the donor of said \$500.

IV. On or about August 6, 1975, Edward J. Patten passed himself off as the true donor of said \$500.00.

COUNT TWO

I. On or about August 24, 1976, Edward J. Patten caused his personal check for \$500 to be issued and transmitted to the MCDO.

II. The check mentioned in "I" above was for a contribution to the MCDO.

III. On or about August 24, 1976, Edward J. Patten knew that he was not the donor of said \$500.

IV. On or about August 24, 1976, Edward J. Patten passed himself off as the true donor of said \$500.00.

DISCUSSION

Proposed Findings I, II and III With Regard to Each Count.

Proposed findings Nos. I, II and III for each count have clearly been established and are not in dispute.

Findings I and II are established for each count simply by the introduction into evidence of Mr. Patten's personal check to the MCDO in 1975 and 1976. (Ex. P-4 and P-5, Tr. p. 172.)^{*/} Each

^{*/} "Ex" refers to exhibit and "Tr." refers to the hearing transcript.

check is made payable to the MCDO and signed by Mr. Patten. Further, each check is listed on the MCDO report to the State of New Jersey listing contributions deposited into their bank account. (Ex. P-9 and P-10, Tr. p. 160.)

Therefore, there can be and is no dispute that Mr. Patten caused his personal check for \$500 to be issued and transmitted to the MCDO in 1975 and 1976. (Finding #1 for each count,) Likewise, there is no dispute that these checks covered contributions to the MCDO in each year. (Finding #2 for each count.)

Proposed finding #3 for each year, that Mr. Patten knew he was not the donor of said funds, is not disputed. By Mr. Patten's own admission he has never claimed to be the true donor of the \$500 represented by his 1975 and 1976 checks. (Tr. p. 217, lines 4087 and 4088; Tr. p. 222, lines 4175-4176.)

Proposed Finding IV

This case turns on this finding. If you find that Mr. Patten knowingly attempted to pass off the \$500 checks as his own contribution to the MCDO then you must find Counts I and II of the Statement of Alleged Violation sustained.

COUNT ONE (1975)

The evidence presented clearly establishes that Mr. Patten attempted to pass off the 1975 check as representing a contribution made by him.

Mr. Patten mailed a cover letter along with his contribution which read in part:

"You sure know how to put the bite on a fellow in this hot weather!"

"Enclosed is my check for \$500 which I hope will help your affair." (Ex. P-7, Tr. p. 160)

A fair reading of this statement leaves no doubt that the reader of such letter would be left with the clear impression that Mr. Patten was making a \$500 contribution to the MCDO. Mr. Patten, during his own sworn testimony admitted this. He said,

"Well, I think as Nick Venezia said, it would appear I was making a contribution." (Tr. p. 246, lines 4630-4631.)

And, in fact, the MCDO did report Mr. Patten as the contributor of \$500 in 1975 based upon receipt of Patten's check (not Callas' report). (Venezia, Tr. pp. 156-158.)

Mr. Patten rebuts this compelling evidence by suggesting that the handwritten notation on the bottom of the letter was intended to correct the misimpression he admits is left by the typed body of the letter. This notation, relied upon reads,

"Steve will mail you a report today and this will be included." (Ex. P-7, Tr. p. 160, emphasis not added.)

Even assuming arguendo the facts established at the hearing are as Mr. Patten contends, this explanation fails.

First, according to Mr. Patten, he (Patten) did not know the source of the \$500 cash that Callas had. (Patten, Tr. p. 222-223,

224-225.) The only thing Mr. Patten knew about the cash Callas was getting in 1975 was that Callas was getting cash in amounts not greater than \$100 and such contributions (not greater than \$100) did not have to be reported. Mr. Patten so testified before he knew of the existence of the 1975 cover letter. His testimony on December 9, 1977 and included in the hearing record was as follows:

"Mr. Harris. Congressman, Exhibit 1 appears to be a check dated August 6, 1975, written on your Sergeant-at-Arms account. Have you ever seen that before?

"Mr. Patten. Yes. That's my check.

"Mr. Harris. Can you tell us the circumstances surrounding your issuing of that check to the Middlesex County Democratic Organization for \$500?

"Mr. Patten. Yes. We were in the home office, Perth Amboy. Steve called up and he says, 'Will you give me a check for \$500?' I think he spoke with my wife. To be honest with you, I remember signing the check and I remember the incident. I don't remember a single word with Steve, if you want to know the truth, just to get the record straight; but I remember saying, 'Ann, this is funny.' She says, 'Well, listen, let's accommodate him. He has always been honest with us.' And I sent it back to him.

"If you want to know what went through my mind, I thought it was a matter of security. See, I have the safe. I am the only one that has the bank account here. I am always telling them, don't be like one girl; take five checks and go up here to Second Street, come back with the cash, pay for three or four. 'Don't do that,' I said, 'you'll get bumped.' I have

always been afraid of Steve on security. His mother got her head split open. His mother was robbed in the apartment. He is scared.

"Now that you mention it, before we left he said to me, 'You know, it is different this year. I am getting more cash on account, new law, anything over \$100 must be declared,' see.

"He says, 'More people buy one or two tickets and give you the cash. They don't want their name on the list.' (emphasis added) (Tr. p. 243, lines 4585-4586; Tr. pp. 244-245.)"

Hence, Mr. Patten could not have believed that Callas' report would correct the misimpression created by the body of the cover letter since Mr. Patten had been told that the cash being collected that year was in amounts not greater than \$100 from people not wanting their names on the list.

Furthermore, if it had been Mr. Patten's intention to correct the clear impression in the body of the letter he would have done so. He could have simply said the contribution wasn't his and he was accommodating Callas as Callas would not have to send cash through the mail. The note at the bottom simply does not correct the letter. It can and should be concluded that Mr. Patten, by his own testimony, passed himself off as the true donor of the \$500.

This case can be decided, as analyzed above, without the Committee having to resolve the questions of whether Mr. Patten knew the money was from Tongsun Park and whether Patten drafted and signed the 1975 cover letter or merely signed it after reading it.

However, you can resolve the question of Mr. Patten's knowledge as Callas testified, namely that he told Patten that the cash he had was from Tongsun Park. (Callas, Tr. pp. 31-32.) It should be clear from Callas' demeanor that he would not do anything to hurt Mr. Patten. His unequivocal testimony establishes that Mr. Patten knew the cash Callas had was from Tongsun Park, a foreign national, and that in 1975 it was illegal for a foreign national to contribute to an election for federal office. Against this background, Mr. Patten sent a cover letter leading the reader to think that Patten was making a contribution. And, as a result, the MCDO incorrectly reported the name of the donor to the State of New Jersey when a true report was required by New Jersey law.

Finally, we come to the question of who drafted the 1975 cover letter. This is an important question because the simple fact is that if Mr. Patten drafted it then he deliberately misled the MCDO regardless of the handwritten post script.

Mr. Patten recognized that unless he could show the letter was dictated by another he was in trouble despite the post script. So when first confronted, Mr. Patten said Lowenkopf dictated the letter. When Lowenkopf was interviewed by Richard Powers, apparently before he realized that it was important to Mr. Patten's defense that he say he dictated the letter, he told the staff clearly and unequivocally that he had not dictated the letter.

Therefore, when it came to the hearing the respondent chose not to call Lowenkopf, not to call the typist Grace Scala, but rather a summer intern with third hand information who was determined to divert the Committee's attention to how he viewed the staff's conduct. Paone's demeanor on the stand was flip, and argumentative with staff counsel. You must judge the credibility of his bizarre reason for remembering a three year old cover letter.

Finally, you must decide if a staff member would take it on himself to write a cover letter indicating the enclosed contribution was the result of "putting the bite on." Or is it more likely that an aide would answer in a more neutral tone. The Committee should also take into account their personal knowledge of Mr. Patten's mannerisms in deciding who drafted the 1975 letter.

Based on the evidence presented, you should find that Mr. Patten drafted the letter in question. This point was important to respondent. The only witness he called at the hearing other than himself spoke to this question. Why then a third hand account? The 1975 letter was designed by Mr. Patten and succeeded in misleading the MCDO in violation of New Jersey law.

COUNT TWO

We suggest that the Committee resolve Count One first. If it fails then we concede that Count Two must fail. Likewise, if Count One is sustained as it clearly must be based upon the

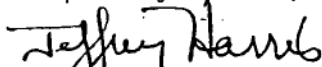
facts as claimed by the respondent, then what happened in 1976 was simply more of the same. Namely, the then "new law" did not require purchases of up to two tickets to be reported. Mr. Patten contends that the 1976 transaction (issuing his own check) occurred with virtually no conversation. (Tr. pp. 223-223) Therefore, he must have known absent anything else that his checks would be dispositive of who was the donor.

The point is simply that the finding with regard to 1976 is dependent on the finding with regard to 1975.

CONCLUSION

No matter which version of the disputed facts you find credible, it has been established by clear and convincing evidence that Mr. Patten purported to have the MCDO think that the checks he mailed them in 1975 and 1976 represented his own contribution. The State of New Jersey has determined that it is required that the public know the true donor of political contributions. Mr. Patten's actions contributed to the failure of that proper reporting. Such action by a United States Representative does not reflect creditably upon the House of Representatives. The charges in Counts One and Two should be sustained.

Respectfully submitted,



Jeffrey Hartis
Deputy Chief Counsel

APPENDIX B

RESPONDENT'S PROPOSED
FINDINGS OF FACT

APPENDIX B

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

In the Matter of)
)
EDWARD J. PATTEN)
)

PROPOSED FINDINGS OF FACT

INTRODUCTION

The case of Congressman Edward J. Patten is now before this Committee for its determination of the single most important event in Congressman Patten's 15 years of service with the House of Representatives. As we proceed to discuss the evidence which was presented in support of and in defense of the charge in the Statement of Alleged Violation, together with our specific Proposed Findings of Fact, we invite the Committee's attention to the dramatic difference between this case and the three which have gone before. There has been no allegation that Congressman Patten

- (1) received any money or gifts from Tongsun Park;
- (2) received even a single campaign contribution from Tongsun Park;
- (3) converted a campaign contribution to his own personal use.

Rather, the only issue to be decided here is whether the staff has shown by clear and convincing evidence that Congressman Patten violated the law of his home State of New Jersey in 1975 and 1976 by knowingly contributing \$500 given to his administrative aide by Tongsun Park to the Middlesex County Democratic Organization ("MCDO") as his own contribution.

The evidence presented to this Committee not only fails to meet the clear and convincing standard necessary to support

the staff's allegations, but it clearly establishes that neither New Jersey law nor House Rule XLIII has been violated. The evidence shows that in both 1975 and 1976 Congressman Patten, as an accommodation to his administrative aide, wrote checks to cover cash contributions received by his aide, in order to obviate the necessity of sending cash through the mail. There is no evidence that Congressman Patten represented, or intended to represent, the checks as being his own contributions. There is no evidence that Congressman Patten was motivated by a concern that contributions from Park to the MCDO were illegal; indeed, the evidence is far from clear and convincing that Congressman Patten even knew that the cash contributions were from Park. Congressman Patten has testified consistently under oath that he was not aware in 1975 or 1976 that Park bought tickets to this local New Jersey fundraising dinner (the proceeds of which were used in local elections and never contributed to any campaign of Congressman Patten).

In short, there is no evidence before this Committee which clearly and convincingly establishes that Congressman Patten knowingly contributed or purported to contribute any funds to the MCDO, and consequently the Statement of Alleged Violation should be dismissed.

CHARGE CONTAINED IN THE STATEMENT OF ALLEGED VIOLATION

Congressman Edward Patten is charged in the Statement of Alleged Violation with violating Rule I of the Code of Conduct of the House of Representatives by "knowingly" contributing someone else's money to the Middlesex County Democratic Organization as his own contribution, in violation of the laws of the State of New Jersey.

The laws of the State of New Jersey which the Statement of Alleged Violation alleges were violated provide in pertinent part as follows:

No person shall contribute, or purport to contribute to any political candidate, party committee, political committee or political information organization funds or property not actually belonging to him and in his full custody and control, or which has been given or furnished to him by any other person or groups for the purpose of making a contribution thereof, except in the case of group contributions by persons who are members of the contributing group. N. J. Revised Statutes, 19:44A-20.

* * *

Any person who willfully and knowingly and with intent to conceal or misrepresent contributions given or received or expenditures made or incurred to aid or promote the nomination, election or defeat of any candidate for public office or party position, or to aid or promote the passage or defeat of a public question in any election, or to aid the dissemination of political information in connection with any election makes or accepts any contribution or makes or incurs any expenditure in violation of sections 7, 11, 14 or 20 of this act is guilty of a misdemeanor. N. J. Revised Statutes, 19:44A-21.

Thus, to prove a violation of these statutes, the evidence must establish that Congressman Patten "contribute[d] . . . funds . . . not actually belonging to him" and did so "willfully and knowingly and with intent to conceal or misrepresent"

In order to sustain these charges, the evidence must be clear and convincing that Congressman Patten understood and intended when he signed the checks to the MCDO that the money would be perceived as his own, and that he did so for the purpose of concealing the true contributor. It is not enough to show only that Congressman Patten knew that the funds underlying the check were furnished by someone else, for that alone would not establish that he was representing the contribution as his own. Had the subsequent letters sent by Steve Callas, Congressman Patten's Administrative Aide, correctly reported that the money came from Park, there would be no claim now that Congressman Patten, merely by writing the checks, purported to contribute the underlying funds. It is therefore not the checks alone, but the letters by Callas, that give rise to the question regarding the true contributor. There is no evidence that Patten had any knowledge of those reports, nor does New Jersey law impose on him any responsibility for their preparation or accuracy. In fact, the evidence shows that Congressman Patten expected the reports to identify the true contributor, and therefore he cannot be said to have represented the checks to be his own contribution. The evidence presented by the staff does not remotely approach that necessary to warrant a finding by this Committee that the New Jersey law has been violated.

PROPOSED FINDINGS OF FACT ON COUNT ONE

1. The Committee finds, by clear and convincing evidence, that on or about August 6, 1975 Edward J. Patten wrote a \$500 check to the Middlesex County Democratic Organization for the purpose of transferring the cash in a safe manner, and not for the purpose of contributing or purporting to contribute the funds as his own.

2. The Committee finds that it has not been established by clear and convincing evidence that on or about August 6, 1975 Edward J. Patten knowingly contributed \$500 to the Middlesex County Democratic Organization, which had been given to him by another person for the purpose of making a contribution, as his own contribution.

DISCUSSION - FINDING NOS. 1 AND 2 (COUNT ONE)

The staff must show, by clear and convincing evidence, that Congressman Patten knowingly and with intent to conceal or misrepresent claimed the \$500 contribution from Park for the 10 dinner tickets in 1975 was in fact his (Patten's) contribution.

Upon what evidence does the staff rely to meet their heavy burden? In short, they rely on three events: (1) a telephone conversation between Steve Callas and Patten in August of 1975; (2) the subsequent mailing of a cover letter with Patten's check for \$500 to the MCDO; and (3) the subsequent filing of a report with the MCDO (by Callas) listing Patten as one of the purchasers of dinner tickets.

None of these three events, considered separately or together, even approaches the evidence necessary for this Committee to find that Congressman Patten knowingly claimed this contribution as his own. We will discuss each event separately, in the order in which they occurred. Before we do, however, we invite the Committee's attention to the history of these MCDO ticket purchases by Tongsun Park.

1. The Origin Of The Park Purchases Of Tickets To The Middlesex County Democratic Organization Dinner

Because the staff has tried to suggest that Congressman Patten was concerned with the propriety of accepting contributions from Park, it is important to look at the evidence presented

as to how Tongsun Park happened to purchase tickets to the Middlesex County Democratic Organization dinner. The evidence shows that neither Congressman Patten nor anyone on his behalf originally solicited these ticket purchases by Park. (Hearing Tr. 27-28, 29-30, 69, 90-91).^{1/}

How then did these ticket sales to Park originate and for whose benefit? The evidence is clear and undisputed. Park was approached in 1970, not by Congressman Patten but by a Mr. Mulligan who was at that time both a Vice President of Johnson & Johnson (a company with worldwide business interests -- including the Far East) and the Chairman of the Middlesex County Democratic Organization.

Tongsun Park testified as follows:

Mr. Madigan. Now do I understand correctly that prior to your being asked by someone about purchasing some tickets for the Middlesex County Democratic Organization dinner up in New Jersey, you never heard of that organization?

Mr. Park. No.

Mr. Madigan. It is not one that is prevalent in the Washington newspapers or in Washington society, is it?

Mr. Park. No.

* * *

Mr. Madigan. Now, with respect to your initial request to purchase some tickets for the Middlesex County dinner, am I correct that that occurred back in 1970?

Mr. Park. Mr. Milligan (sic) who is now deceased, is the one who approached me.

Mr. Madigan. And asked you to buy tickets?

Mr. Park. Yes, from Johnson----

Mr. Madigan. He worked for Johnson and Johnson?

^{1/} All references to the transcript of the Hearing on Congressman Patten's Statement of Alleged Violation will be cited as "Hearing Tr.".

Mr. Park. Johnson and Johnson, yes.

Mr. Madigan. And was he also to your knowledge the chairman of the Middlesex County Democratic Organization?

Mr. Park. I was told, yes. (Hearing Tr. 88-91).

Park also testified that once he bought tickets in one year (1970) he just continued to do so:

Mr. Madigan. Now, am I correct that your subsequent purchases of these tickets were in effect because you got your name on the list having purchased some for the first time in 1970?

Mr. Park. I assumed that it was something that we started, and without attaching any great significance, it was just repeated. That is the way I took it. After all, \$500 isn't something that would make me or break me. (Hearing Tr. 91).

Stephen G. Callas, Congressman Patten's former Administrative Assistant, also testified to the same understanding. Callas replied in the affirmative to a question by Mr. Madigan, Counsel for Congressman Patten, about whether Callas had become aware that Park had first purchased tickets to the dinner in 1970 after a request on behalf of Mulligan. (Hearing Tr. 68).

Callas testified further that, after learning that Park bought tickets in 1971, he (Callas) added Park's name to the list of those he solicited to buy tickets to the MCDO. Therefore, in 1972, Callas sent Park a letter requesting that Park purchase the ten tickets Callas had enclosed. Park purchased the tickets. Callas repeated this method of solicitation for the years 1972 through 1976. (Hearing Tr. 29-31).

The evidence thus establishes that Congressman Patten was completely uninvolved with the initial solicitation of Tongsun Park. The evidence further establishes that Callas independently decided to add Park's name to his list of potential ticket purchasers and to solicit Park to purchase tickets. Thus, the

evidence is uncontradicted that Congressman Patten had absolutely nothing to do with the solicitation of ticket purchases from Tongsun Park in any year from 1970 through 1976.^{2/}

2. The Telephone Call Preceding The Sending Of The \$500 Patten Check

In early August 1975, Callas telephoned Congressman Patten regarding a legislative matter. (Hearing Tr. 71). Callas was in Washington and Patten was at his district office in Perth Amboy. It is undisputed that the main topic of conversation in this telephone call was a legislative matter, not these dinner tickets. During the conversation, however, Callas mentioned the ticket sales for the MCDO. Callas told Patten that he (Callas) was worried about sending cash he had collected from ticket sales in the mail to the MCDO. (Hearing Tr. 76, 219). Patten agreed that to avoid any problems arising from sending cash through the mail, he would issue a check from his Perth Amboy office and Callas would leave the corresponding amount of cash in the office safe in Washington. (Hearing Tr. 219). Patten testified that he was, in effect, merely cashing a check for Callas by substituting his check for the cash Callas had in Washington. This, the testimony established, was a practice the Congressman's office used for all sorts of tickets to various events, i.e., the person buying the tickets would issue a check or give cash to the office and the office would in turn issue Patten's check for the tickets.

Thus, Patten's only reason for writing the check was to accommodate Callas. Both Patten and Callas were concerned about Callas having to mail in the cash. Hence, Patten's check, not the cash, was subsequently mailed to the MCDO.

^{2/} We have attached the exhibits which will be discussed herein as Tab A to these Proposed Findings of Fact.

And, by mailing in his check he (Patten) was certainly not claiming the amount of the check (\$500) and was his (Patten's) "contribution."

The only conflict in the evidence with respect to this telephone call is that on one of the three times Callas was asked about it prior to his testimony at the September 26 hearing, he answered that he recalled telling Patten in this conversation that the money for which Patten was writing his check came from Park. Congressman Patten has testified consistently that Callas' recollection is "wrong". Callas' conflicting stories about these matters and the significance thereof are discussed infra, pp. 28-31. What is important, however, about this event is that notwithstanding whatever Callas told Patten about where the money came from, Callas did not thereafter discuss or advise Patten that he (Patten) would be listed on Callas' report to the MCDO as the person who made the contribution instead of Park. Therefore, it is not possible that Patten could have known he would be so listed, let alone that he knowingly attempted to claim the contribution as his own.

3. The Cover Letter From Patten to Venezia

Both Patten and Callas testified that the MCDO dinner date was approaching rapidly and there was a need to get the report on the ticket sales into the MCDO. Since time was short, after the above discussed telephone conversation with Callas, Patten had his check sent directly to the MCDO, instead of sending the check back to Washington to Callas to allow Callas to send it in with his report and the other checks. The testimony at the hearing from both Patten and Callas describes this situation:

(Congressman Patten's Testimony)

Congressman Patten: In 1975, as best I can remember, in early August I received a telephone call from Steve. He was in Washington. I was in my district office. Now normally, you understand, Steve handled the whole ticket deal from start to finish. I had nothing to do with it, normally knew nothing about it. But it is my recollection when Steve called me he said he was worried about sending cash through the mail that he collected for ticket sales. He and I agreed to avoid the problems created by sending the cash through the mail to New Jersey. I would give him a check, the cash would be left in my safe in Washington.

* * *

Because the time was short, he said they are calling -- you notice the affair was held on the 16th, they were screaming to get their figures. I decided I would send a check directly to Woodbridge.... (Hearing Tr. 219-20).

(Mr. Callas' testimony)

Mr. Madigan: When we left this morning we were discussing the fact that in your telephone conversation in 1975 with the Congressman you had indicated a concern about sending money through the mail and, therefore, it was decided a check would be sent directly from Perth Amboy to the county organization.

Did I understand you correctly?

Mr. Callas: That is correct, yes.

Mr. Madigan: And it was decided to do that in lieu of sending the check down to you, and then you having to send it back up to the county organization?

Mr. Callas: Well, I would assume that the reason why the Congressman suggested that it be sent to the organization is to preclude or obviate the need of sending it to me, and then having me send it to the organization. To facilitate the mailing, yes.

Mr. Madigan: Was there some urgency at the time of getting everything in?

Mr. Callas: Well, traditionally the fund-raiser is held in the middle of August, and I think it was getting close to the deadline. (Hearing Tr. 95-97).

Therefore, Patten sent his check directly to the MCDO with a cover letter to MCDO Chairman Venezia prepared, not by Congressman

Patten, but by his Perth Amboy office aide Leo Lowenkopf. (Hearing Tr. 96, 220). The body of the letter to Venezia stated:

Dear Nick:

You sure know how to put the bite on a fellow in this hot weather.

Enclosed is my check for \$500 which I hope will help your affair.

Kind regards. (Staff Exhibit No. P-7).

Congressman Patten testified that he asked Leo to mail the check into the MCDO. Patten, did not, however, instruct Leo as to what to say in the cover letter which would accompany the check.

Rather, Patten testified that:

Congressman Patten: . . . I think it was about a quarter to one, I was going out. I threw the check on his (Leo Lowenkopf's) desk, I said, mail this to Venezia. I went out. I was in the office all morning. I didn't come back until -- some, they leave early. I don't know, I think it was probably 5:00 o'clock, I saw this letter, it was not a thing on my mind -- I don't see a thing in there about Tongsun Park, I don't see anything there about screwing up some returns, not putting the names right.

I just put down: Steve will account for this. And I expected him to account for it honestly as he always had in the 15 years he was with me.

That letter means nothing as far as Ed Patten is concerned. I resent your taking any insinuations from it. I do clearly recall when I did see the letter I thought it was poorly phrased. Therefore I wrote the note you see in the bottom of that letter to clarify the check was not a contribution from me.... (Hearing Tr. 220-21).

The letter was typed by Leo's secretary and left on Patten's desk. He first saw it when he returned to the office after 5 P.M. Patten clearly recalled his initial reaction that the letter was poorly phrased. (Hearing Tr. 221). Patten then wrote a note, on the bottom of the letter to clarify that the check was not his contribution, but was money for which Callas would account in his

report on the ticket purchases. (Hearing Tr. 222). The note stated, "Steve will mail you a report today and this will be included." (Staff Exhibit No. P-7). (emphasis added).

Congressman Patten emphasized the fact that if he had intended to claim that the contribution was his, he would not have written any note on the letter. (Hearing Tr. 222). An explanatory note was necessary for the very reason that the Congressman was not claiming he had made any contribution to the MCDO. Equally apparent is the fact that if Patten was claiming the contribution to be his, no note would be necessary at all, particularly not a note which referred the reader to Callas' report on who made the contributions.

Let's turn now to the undisputed evidence which describes how this letter was written -- which evidence accounts for the less than artful language and demonstrates further the total infirmity of the staff's claim that, by this letter, Congressman Patten was claiming this contribution to be his.

It is not without significance that the staff rested its case without introducing any evidence or any testimony as to how this letter was drafted or indeed who drafted it and under what circumstances. Why did they do this? Because all of the evidence as to how this letter was written undermines the allegation in the Statement of Alleged Violation. Thus, it was left to Congressman Patten to present to the Committee the testimony as to how the letter was written.

Congressman Patten presented the testimony of John Paone, then an employee in the Perth Amboy office. John testified that he was now a full-time employee in Patten's Washington office while, at the same time, enrolled as a law student at American University School of Law. (Hearing Tr. 178).

In the summer of 1975, however, Paone was working in the Perth Amboy office as a summer aide. Paone then testified that he was able to remember this letter due to the odd phrase "put the bite on a fellow." (Hearing Tr. 183). Paone testified that in August of 1975 he heard dictation taking place in Lowenkopf's office between Grace Scala, a secretary in the Perth Amboy office, and Lowenkopf. Paone could not hear "the specifics" of what was being dictated, but he could hear Lowenkopf dictating something to Scala. (Hearing Tr. 181-182). Scala then came out of Lowenkopf's office, walked through Patten's office where Paone was sitting, went to her desk and began typing. Paone looked over Scala's shoulder as she was typing and started joking with her about the "put the bite on a fellow" phrase. (Hearing Tr. 182-83). Although he had not actually heard precisely what Leo dictated to Grace, Paone concluded from his knowledge of the Perth Amboy office procedures that the letter Scala was typing had just been dictated by Lowenkopf. (Hearing Tr. 193-95, 208-09). Moreover, and of great importance, Paone was positive that Congressman Patten was not in the office during this time since Paone was sitting at Patten's desk. (Hearing Tr. 181). Moreover, Grace later told Paone that Leo had, in fact, dictated that letter to her. (Hearing Tr. 203, 211).

The staff could not disprove Congressman Patten's sworn testimony that he did not write the letter. Nor could it disprove the sworn testimony of Paone that Patten wasn't even in the office at the time the letter was being typed.

What then did the staff do? They relied, in cross examination of Paone, on an unsworn report of an investigator to the effect that Leo did not recall ever seeing the letter when the

investigator showed it to him.^{3/} This, despite the fact that Leo's sworn deposition testimony about his recollection was as follows:^{4/}

Mr. Harris: Do you recall drafting this letter?

Mr. Lowenkopf: My answer is I don't recall, but I don't deny. (Hearing Tr. 207).

Moreover, Grace Scala herself told the staff that Leo dictated it to her and so did John Paone. And, Paone testified as follows about Leo's age and condition, accounting for why he might not have recalled this single letter:

Mr. Madigan. How old is Mr. Lowenkopf?

Mr. Paone. He is in his eighties.

Mr. Madigan. Is he allowed to drive a car, do you know?

Mr. Paone. Not at this stage he isn't.

Mr. Madigan. Has he had a cataract operation recently, do you know?

Mr. Paone. I can't say for sure, but I do know his eyesight -- he has a problem with his eyesight because for a while there I had to put certain types of prescriptive drops in his eyes, and Grace was doing it for a while.

Mr. Madigan. In your dealings with Mr. Lowenkopf, does he have a problem of remembering things from time to time?

Mr. Paone. Yes, he does. (Hearing Tr. 203-04).

Finally, Nick Venezia testified that he had simply "no idea" who wrote the 1975 letter. (Hearing Tr. 167).

^{3/} This same investigator, according to the testimony, in his zeal to find evidence threatened both Scala and Paone, telling Scala "there are secretaries going to jail for lying for their boss" and telling Paone that he (the investigator) "would commit perjury anytime for my brother. I wouldn't even think twice about it." (Hearing Tr. 188).

^{4/} The fact that the letter, on its face, appeared to be claiming the \$500 contribution as Patten's is well understood when the Committee considers that all Leo knew was the Congressman put a check to the MCDO on his desk and told him to send it in. The letter therefore reflects only Leo's thoughts, not Patten's.

Faced with all of this overwhelming sworn testimony that Leo Lowenkopf, not Congressman Patten, wrote this letter the staff still persists in urging that the letter is "evidence" that Patten was claiming the \$500 contribution as his own. Such a claim borders on being preposterous!

4. The August 6, 1975 Report From Callas To Venezia

Two of the three events relied upon by the staff to show that Congressman Patten knowingly claimed this contribution as his own have now been addressed. The third is the report which Callas sent in to the MCDO in 1975 covering all the ticket sales, which report listed Patten's name as the purchaser of 10 tickets.

There is no dispute as to whether Congressman Patten was ever shown this report by Callas or was ever even told about it. Callas' testimony was that Patten was not told about or shown this report! (Hearing Tr. 40, 51-52, 104, 142).

Instead, the evidence presented was as follows: Callas testified that he used his "own judgment" in listing Congressman Patten as the purchaser of ten tickets in the August 6, 1975 report to Venezia. (Hearing Tr. 37). Callas stated that he listed Patten's name "on my own, without the Congressman's knowledge." (Hearing Tr. 39). Callas denied vehemently that he ever intended to mislead the MCDO, let alone do so at the urging of or in conjunction with Patten. Indeed, Callas said that he would have listed Park's name if he had mailed the cash to New Jersey. Since Patten's check was sent in instead of the cash, Callas said, he listed Patten on the report. (Hearing Tr. 39-40). Indeed, on its face, this report references the separate mailing of the Patten check to cover ten of the tickets. Thus, it is obvious that there was no intent to conceal or cover up. Moreover, Callas was never told by Patten to put Patten's instead of Park's name on the report. (Hearing Tr. 124).

The testimony establishes clearly that Callas never discussed with Patten that he was going to list Patten's name as the purchaser of the tickets. Callas testified as follows:

Mr. Harris. Did you tell Mr. Patten in 1975 when he was up in Perth Amboy and you were in Washington, that you intended to report this in his name?

Mr. Callas. No, I did not.

Mr. Harris. Are you sure about that?

Mr. Callas. I am sure that I told him, that I did not tell him I would report it in his name. It was my function to list the names as I saw fit. There was absolutely no conversation between Congressman Patten and myself as to whose name was going to appear on those lists.

(Hearing Tr. 40) (emphasis added).

In an effort to make his case, staff attorney Harris repeatedly asked Callas whether he had ever discussed with Patten how the contributors would be reported. Callas continually said he never had such a discussion. Then, Harris asked Callas, in a leading fashion designed to suggest the answer Harris wanted Callas to give, perhaps the most important question of the hearing:

Mr. Harris. Mr. Callas, isn't it a fact that there was some discussion between yourself and Mr. Patten with regard to how you would report these contributions?

Mr. Callas. No, there was not, Mr. Harris. I never discussed with Congressman Patten how these would be reported. The only thing I could tell you is that I told him that I had \$500 in cash covering the tickets and there was no discussion as to whose name would be listed. I did that completely on my own.

(Hearing Tr. 51-52) (emphasis added).

Shattered by the answer, the staff ended its questioning of Callas without having proven its case. In addition to it being

undisputed that Patten never discussed with Callas or anyone else who would be reported to the MCDO as having made the contributions for these ticket sales, there is no evidence that Patten ever even saw the 1975 report before December 1977. Patten testified that he never saw either this 1975 report or the 1976 report (discussed infra) before the staff of this Committee showed it to him.

Faced with this testimony the staff then reached for the thinnest of reeds upon which to grab hold -- was a carbon copy of this report sent to Patten's office? Callas testified, however, that the notation "cc: Congressman Patten" in the lower left corner of the 1975 report meant that Callas mailed a copy to Patten's Perth Amboy office -- an office which Patten occupies only on Saturday's and at times during Congressional recesses. (Hearing Tr. 34, 104). Callas could not, and did not testify, that Patten's office, let alone the Congressman ever received the report:

Mr. Madigan. Now, I take it you have no knowledge one way or another about whether a copy was ever received up there (Perth Amboy) or whether the Congressman ever saw it.

Mr. Callas. I have no evidence or proof that he did, Mr. Madigan. I can only tell you that I mailed it, but what happened after that, I could not say.

Mr. Madigan. I am correct, am I not, that you have no recollection of ever having discussed it with him, having testified to that this morning?

Mr. Callas. That is absolutely correct.

(Hearing Tr. 104).

With regard to whether one of Patten's offices would have been sent a copy of this report it is not without significance to note that the report shows Callas' home address. Callas testified that he did most of the work concerning the ticket sales in his home. (Hearing Tr. 36, 63, 101-02). Callas testified that

Patten had a policy, and had strongly emphasized, that work on the tickets should be conducted outside of the office. (Hearing Tr. 63-64). In response to a question from staff attorney Harris, Callas stated that even when he typed a ticket sales report at the office, he would not have left a copy for Patten in the office. Rather, if Callas made a copy for Patten, he testified that he would have sent the copy through the mail. (Hearing Tr. 136-37).

Finally, while Venezia testified that the names of contributors listed in the reports sent by the MCDO to the State of New Jersey were taken directly from the checks, not from the accompanying lists provided by Callas (Hearing Tr. 156-57), no evidence was introduced (because none exists) that Congressman Patten had any idea about the procedures employed by the MCDO in reporting to the State who made contributions to the MCDO dinner.

Moreover, while Venezia testified he instructed his secretary to take the names from the checks and not from the lists provided by Callas and others it is unclear whether the MCDO employee did so -- it being easier to simply take all the names from the lists rather than going through individual checks which,

of course, must be deposited in the bank rather quickly. Venezia testified that he did not know what his secretary looked at in making up the reports or even whether Callas' letter had arrived when his secretary typed up the list. (Hearing Tr. 162). The letter from Callas, however, was dated August 6 and the MCDO report was dated August 8. See Staff Exhibits No. P-6 and No. P-9. As to these events Venezia testified as follows:

Mr. Madigan. I understood from your response to Mr. Harris' question with respect to Exhibit No. 9 (1975 MCDO Report) that you didn't personally make out that form, although you signed it. Is that correct?

Mr. Venezia. It was typed by my secretary and signed by me.

Mr. Madigan. And that lists certain contributors, one of which is in cash, is that right?

Mr. Venezia. That is correct.

Mr. Madigan. Now, the Callas letter for 1975 would be Exhibit No. 6. That is dated August 6. The date of Exhibit No. 9 is August 8.

Mr. Venezia. That is correct.

Mr. Madigan. I take it that you don't have any idea whether your secretary had received that prior to making up the list, or whether she had not received it?

Mr. Venezia. No, I have no knowledge at this time of whether she received the letter first and made the report afterwards. (Hearing Tr. 161-62).

Thus, from all the evidence and testimony it is patently clear that the staff has failed to prove, by clear and convincing evidence or by any other standard, that Congressman Patten knowingly intended to claim that the \$500 check he sent in to the MCDO was his contribution in violation of New Jersey law. He obviously knew that his check was being sent in but added an explanatory sentence to the letter which forwarded the check so that it would not be construed as his contribution. And, there can be no colorable claim that Congressman Patten knew or was

ever later informed that the report filed by Callas listed him as a contributor.

5. The Legality Of The Purchase Of Tickets By Park

Mr. Harris remarked in his opening statement that the evidence would show that Congressman Patten thought it was illegal for Park to contribute to the MCDO in the years 1975 and 1976. Mr. Harris contended that Patten's motive for having his name listed as the contributor was a mistaken belief that Park, as a foreign national, could not make his own contribution. (Hearing Tr. 9-10). The evidence completely fails to establish that Patten had any such motive.

First of all, in order to show such a motive, the evidence must establish that Congressman Patten knew the \$500 was from Park. The evidence of such knowledge is far from clear and convincing. Congressman Patten has repeatedly and consistently denied that Callas said anything to him about the cash being from Park. (Hearing Tr. 222-25, 229). Although Callas' most recent statement is that he mentioned to Patten that the money was from Park, this is inconsistent with his earlier testimony and must be weighed accordingly. Callas' testimony, in contrast to Patten's consistent position, cannot be said to constitute clear and convincing evidence on the disputed issue of Patten's knowledge.

Second, when Mr. Harris asked Patten whether he thought it was illegal for Park to contribute to the MCDO in 1975, Patten said he never believed that a contribution from Park to the MCDO was illegal under New Jersey law. (Hearing Tr. 233). Patten explained that when he testified on December 9, 1977

that "it violates the election law," he was referring to Callas' failure to list the name of the true contributor on his report to Venezia, and not to the fact that Park had contributed. (Hearing Tr. 234).

Mr. Harris also asked Patten about Patten's recollection that Callas had told him more people were contributing cash for one or two tickets because of the new law. Mr. Harris kept insisting that Callas had made this statement to Patten during their telephone conversation on August 6, 1975. (Hearing Tr. 241-44). Mr. Harris apparently misread the December 9, 1977 transcript. Congressman Patten clearly remembered, and told Harris, that Callas made this statement before Patten left for Perth Amboy. The December 9, 1977 transcript does in fact refer to such a conversation "before we [Congressman and Mrs. Patten] left. . . ." (Hearing Tr. 243-44). Mr. Harris apparently was trying to show that Patten and Callas had discussed the listing of contributors during their telephone conversation. The evidence, however, is uncontradicted that no such discussion took place.

Mr. Harris then tried to insinuate that Patten believed the cash would not be reported at all, since Callas had stated that people had given him cash for one or two tickets to avoid the reporting requirement for contributions over \$100. Again Mr. Harris' conclusion was unsubstantiated. Mr. Patten stated that the thought never occurred to him. (Hearing Tr. 239-40). As his handwritten note on the bottom of the August 6, 1975 letter to Mr. Venezia reflects, Patten clearly thought that Callas would list the name of the true contributor in his report.

Thus, there is simply no clear and convincing evidence that Patten either knew that the \$500 contributions were from Park, or that he thought a contribution from Park to the MCDO was in any respect illegal. It is extremely significant, moreover, that the evidence not only does not support the staff's theory, it virtually contradicts it. Patten, in the August 6, 1975 letter to Venezia, specifically referred to a report to be mailed by Callas that would include his check. Yet there is no evidence whatsoever that Patten discussed the 1975 report, or the 1976 report the next year, with Callas, or gave him any instructions not to report the contribution under Park's name. In fact, Callas unequivocally stated that the decision to list the contribution under Patten's name was entirely his own. The lack of any evidence whatsoever that Patten had anything to do with the letters from Callas to Venezia at the very least undercuts, and in fact contradicts, the staff's claim that Patten was motivated by a desire to conceal Park's name.

PROPOSED FINDINGS OF FACT ON COUNT TWO

1. The Committee finds, by clear and convincing evidence, that on or about August 24, 1976 Edward J. Patten wrote a \$500 check to the Middlesex County Democratic Organization for the purpose of transferring the cash in a safe manner, and not for the purpose of contributing or purporting to contribute the funds as his own.

2. The Committee finds that it has not been established by clear and convincing evidence that on or about August 24, 1976 Edward J. Patten knowingly contributed \$500 to the Middlesex County Democratic Organization, which had been given to him by another person for the purpose of making a contribution, as his own contribution.

DISCUSSION - FINDING NOS. 3 AND 4 (COUNT TWO)

The staff's evidence introduced in support of Count Two is almost embarrassing by its absence. How did Congressman Patten supposedly, knowingly and with intent to conceal, claim the \$500 contribution in 1976 as his? Let's look at the evidence.

The critical issue here is the same as that in Count One, i.e., how did the State of New Jersey learn who purchased dinner tickets with contributions to the MCDO. Unlike the 1975 ticket sales, however, in 1976 all of the checks were sent in with Callas' report, that is, there is in 1976 no separate letter from Patten to Venezia transmitting a check.

The report for 1976, like the one for 1975, was in the form of a letter from Callas to Venezia. Again, the letter listed Patten's name as the purchaser of 10 dinner tickets for \$500. And, the Callas letter enclosed a check from Patten along with the other checks in lieu of Park's \$500 cash. This time, however, the report doesn't even list Patten as having received a carbon copy of the report.

Did Callas intend to misrepresent Patten as the purchaser of these tickets? His testimony was he did not. (Hearing Tr. 123-24). Did Patten ever tell him to conceal the fact that Park bought the tickets -- Callas' testimony was emphatically NO! (Hearing Tr. 123-24). Did Callas ever discuss the report with Patten or show it to him? Again, Callas' testimony is NO! What evidence is there then that Patten knowingly intended to claim to the State of New Jersey that this contribution from Park was his (Patten's) -- there is NONE! The evidence introduced was as follows:

1. The Conversation In the Washington Office
Preceding The Signing Of The Check

In August 1976, Callas brought a check into Patten's office for Patten to sign. This time both Callas and Patten were in Washington. The check was for tickets to the MCDO dinner, since Callas again did not want to send cash in the mail. Patten testified that he has "absolutely no memory" of Callas mentioning to him in that conversation that Park had purchased any tickets. (Hearing Tr. 229). As far as Patten was concerned, he was simply cashing a check for Callas, as he had often done over the years. (Hearing Tr. 227). The policy and system in Congressman Patten's office for cashing checks and buying tickets for constituents over the years often involved the Congressman signing one of his checks in return for cash or another check from someone else. (Hearing Tr. 108-110, 223-24).

While Callas testified that he recalls mentioning that some of the money for the tickets came from Park, there is no evidence that, in this brief conversation two years ago, Callas told Patten anything about not reporting Park's name as the purchaser of these tickets. Indeed, Callas testified affirmatively that he did not tell Patten anything like that and rather "took full responsibility" for the filing of the 1976 report. The sole purpose of this August 1976 conversation was, like the conversation in 1975, to substitute Patten's check for the cash to obviate the necessity of sending cash through the mail. Both Patten and Callas have so testified and there is no evidence to the contrary.

The only difference at all between the recollections of Callas and Patten as to their brief conversation in August of 1976 is that, prior to his testimony at the hearing on September 26, on one of the three occasions Callas was asked about

these events (see discussion of conflicts in Callas' testimony, infra, pp. 28-31) he said he recalls mentioning to Patten that the cash for the 10 tickets was from Park. As noted above Patten recalls no such thing.

This difference in testimony, however, far from being significant is almost a non sequitur. It matters little what was said then about Park because the violation alleged is that Patten knowingly claimed that the contribution was his. He could, however, only have done so if he told Callas either explicitly or implicitly to so claim in Callas' report filed with the MCDO in August of 1976. Callas' testimony is unequivocal that Congressman Patten did not do so.

2. The August 25, 1976 Report From Callas To Venezia

After the August conversation with Patten, Callas then sent the check he received from Patten for the \$500 cash into the MCDO with his report to Venezia. Callas repeatedly testified that he decided on his own, without Congressman Patten's knowledge, to list Patten as the purchaser of the tickets in the August 25, 1976 report to Nick Venezia, chairman of the MCDO. (Hearing Tr. 37, 39). Callas said that he listed Patten's name because Patten wrote the check which Callas sent in in lieu of the cash he (Callas) received from Park. Callas claimed that if he had actually sent the cash, he would have listed Park as the purchaser. (Hearing Tr. 39-40). Callas testified as follows:

Mr. Madigan. It is my understanding that you did not think that there was anything improper about making that solicitation or receiving that money for tickets in 1975 or 1976, is that right?

Mr. Callas. No, I did not.

* * *

Mr. Madigan. Were you familiar with the New Jersey statutes at that time with respect to whether it was permissible under New Jersey law to have a contribution from a foreign national?

* * *

Mr. Callas. I frankly did not know that New Jersey law covered a foreign national situation but I was completely ignorant of the law that I found out later on, that stated that you cannot list one person when another person was a true donor, but this is the first I have heard.

Forgive my lack of knowledge on it. I didn't know that New Jersey had a law on the books that prohibited the solicitation of a foreign national, but I knew there was a federal regulation.

Mr. Madigan. And you became familiar with the statute, the New Jersey statute which is referenced in the Statement of Alleged Violation only after it was filed?

Mr. Callas. After it happened because, Mr. Madigan, I never would have listed Congressman Patten's name if I knew that law was on the books. I came here in '63 and left in '77. Someone told me, or I read it somewhere, that that law was passed in 1973. When you are on the Hill, even the most brilliant legislative aide or AA -- and my intelligence is only normal -- has a heck of a time keeping abreast of federal legislation, let alone state legislation. So I was stunned to read or hear later on that there was that law on the books in New Jersey. I just didn't know about it because I would not have listed the Congressman's name because it would have been a violation. I found out when it was too late.

Mr. Madigan. So when you sent that report in to Mr. Venezia in 1975, the report or letter that is labeled "Committee Hearing Exhibit P-6," when you sent that in to him, you were not attempting to conceal the identity of any contributions, were you?

Mr. Callas. Mr. Madigan, I did not do that knowingly with intent to conceal because it would have been wrong and it would have been very dangerous. I just did not do that. It was an accidental situation. It was not done deliberately.

Mr. Madigan. It also would have been dumb for ten dinner tickets, wouldn't it?

Mr. Callas. Yes, it would have.

Mr. Madigan. I am also correct in my understanding, am I not, that Congressman Patten certainly never told you to conceal the nature of any contribution, did he?

Mr. Callas. That is absolutely correct. He never did. (Hearing Tr. 121-24).

Now, did Patten ever see this 1976 report which listed his name instead of Park's or was he ever told about the fact that the Callas report would list him (Patten) as the purchaser of these tickets? The testimony provides a clear answer -- NO! Callas so testified:

Mr. Harris. Did Congressman Patten ever see the '76 letter or a copy thereof?

Mr. Callas. Mr. Harris, as I understand your question, when I prepared the 1975 and 1976 lists, I prepared them myself and I was the only one who knew the names and addresses that were typed on there. So, consequently, I used my own judgment as to why Congressman Patten's name should be placed on---

* * *

Mr. Callas. . . . It was my function to list the names as I saw fit. There was absolutely no conversation between Congressman Patten and myself as to whose name was going to appear on those lists. (Hearing Tr. 37, 40). Unlike the 1975 report, the August 25, 1976 report doesn't even have a notation such as "cc:" to indicate that a copy was ever sent to Patten's office; nor could Callas testify that the report was ever received by the office or seen by Congressman Patten. (Hearing Tr. 38, 103).

Although the 1976 report was typed on congressional letterhead, Callas testified that the use of the letterhead did not mean that the report was typed at the office. (Hearing Tr. 63, 101-02). In response to repeated questioning by staff attorney Harris as to whether Callas could have shown the report to Patten in 1976, Callas replied that even if he had typed the report in the office he would not have shown the report to Patten but would have mailed a copy to the office. (Hearing Tr. 133-36). Callas testified as follows:

Mr. Harris. To transmit a document from your office in Washington to his office in Washington you would put it in the mail?

Mr. Callas. That is correct. That may sound strange, but it was just because a ticket situation did not have anything to do with the legislative process and I wanted to send it through the mail so he would get it.

As I indicated earlier, Mr. Harris, I could not swear I sent him a copy of the '76 list, but that doesn't preclude the possibility that I didn't, and I would say the chances are I did send him a copy. It may sound strange. He is next door. Why would I send it by mail? It is just because I wanted to get it out of the way. It was not germane to anything legislative. That was a political sheet of paper. (Hearing Tr. 136-37) (emphasis added).

We have discussed previously, supra p. 17, Venezia's instructions to his secretary to prepare the MCDO reports of contributors from the checks themselves instead of from the lists of names accompanying the checks (although he could not testify she did so in 1975 or 1976). Such testimony is of no probative value, for it is the intent of Patten and Callas which is important not the intent of the MCDO office which received the checks and reports. (Hearing Tr. 156-57). No evidence was presented that Congressman Patten (or Steve Callas) had even the faintest idea about the MCDO's procedures for compiling the state reports. Indeed, how could they?

The New Jersey statutes require that a person act "willfully and knowingly and with intent to conceal or misrepresent" in representing himself to be a contributor instead of the true contributor. As we discussed earlier, despite the staff's attempt to get him to testify to the contrary, Callas testified that he never discussed with Congressman Patten how the purchase of tickets by Park would be reported.

* * *

Mr. Harris. Mr. Callas, isn't it a fact that there was some discussion between yourself and Mr. Patten with regard to how you would report these contributions?

Mr. Callas. No, there was not, Mr. Harris. I never discussed with Congressman Patten how these would be reported. The only thing I could tell you is that I told him that I had \$500 in cash covering the tickets and there was no discussion as to whose name would be listed. I did that completely on my own.

* * *

Hearing Tr. 51-52 (emphasis added).

There has been no testimony that Congressman Patten ever saw the 1976 report that listed him as the purchaser of the tickets. There has been no testimony that Patten was aware that the MCDO listed contributors by the name appearing on the check. Therefore, there is no evidence upon which the Committee can sustain the charge in Count Two of the Statement of Alleged Violation. The Committee should dismiss Count Two and enter the proposed findings on Count Two described herein.

The Change in Callas' Testimony

While the Committee need not reach a determination as to whether Callas did or didn't mention to Congressman Patten in 1975 or 1976 that Park had purchased some of the dinner tickets to the MCDO dinner, the evidence that Callas did mention it is far from clear and convincing. Therefore, we invite the Committee's attention to the history of what Steve Callas has had to say about these MCDO ticket sales to Tongsun Park.

Callas originally testified, under oath at a deposition before Congressman Spence, that he did not tell Patten that the money was from Park in either of the brief conversations he had with Patten at the time the 1975 and 1976 checks were issued. (Hearing Tr. 44). Callas later returned to the Committee, and

testified that he did tell Patten that the \$500 came from Park. Callas repeated this second version during his most recent testimony on September 26, 1978. (Hearing Tr. 32, 35).

Patten has testified repeatedly, and consistently, that Callas never mentioned to him that the money was from ticket purchases by Park either during the telephone conversation in August 1975 or during the conversation with Callas in Patten's office in August 1976.

Recollections of such minor and unremarkable events could certainly differ. The accuracy of Mr. Callas' memory, however, is, at best, questionable. It is quite significant, we submit, that the very first time Callas was asked about this, by the FBI and Department of Justice on July 14, 1977, Callas not only denied that he told Patten the money in 1975 and 1976 came from Park, but denied he ever sold tickets to Park in '75 or '76. See Congressman Patten Exhibit No. 6.

Indeed, the official FBI report of the interview with Callas reads as follows:

The following three years 1972, 1973, and 1974, CALLAS mailed ten \$50.00 tickets to the MCDO fund raiser to PARK and each time in return received a \$500.00 TONG SUN PARK check payable to MCDO. CALLAS also mailed a like number of tickets along with the usual solicitation letter in 1975 and 1976. These letters went unanswered; neither a check was forthcoming nor were the tickets returned. CALLAS stated that the arrangement with the MCDO was that the proceeds of all sold tickets were sent to the MCDO. There was no accountability for unsold or unused tickets. Therefore CALLAS and PATTEN suffered no loss as a result of PARK's failure to purchase or return the tickets. (emphasis added).

Callas later testified before this Committee that in both 1975 and 1976, B. Y. Lee, an assistant to Park, had delivered

-30-

\$500 in cash to Callas to pay for the tickets. (Hearing Tr. 31, 35).

Callas then compounded his failure to tell the FBI that he (Callas) sold tickets to Park in 1975 and 1976 by being less than candid with this Committee about that FBI interview at the September 26 hearing. Callas testified at the hearing as follows:

Mr. Madigan. Now, Mr. Callas, in his questioning -- he asked you about your having been interviewed by the Department of Justice?

Mr. Callas. Yes.

Mr. Madigan. And in fact that was an interview that was conducted by the FBI back in July of 1977 wasn't it, prior to this committee's investigation?

Mr. Callas. I don't recall the date, but the investigation, yes, it would have been prior because I first talked to Mr. Harris in November, I think November of '77.

Mr. Madigan. So if this was in July of '77, it would have been months before you ever talked to anybody on the committee?

Mr. Callas. Yes.

Mr. Madigan. And do you have a recollection of that discussion with the FBI agent?

Mr. Callas. The FBI agent, if that is what his title was -- I don't know whether he was an employee of the Justice Department or whether he was an FBI agent -- asked me about the modus operandi in selling the tickets. He asked me a variety of questions, but did not ask me specifically whether Tongsun Park had purchased tickets in '75 and '76., (sic)

Later on, when Mr. Epstein, my attorney and myself, went to the Justice Department on an unrelated matter which had to do with the Hanna trial because I was scheduled to be a witness, I voluntarily told them about the '75 and '76 purchase of tickets by Tongsun Park through his aide and that they were in the form of cash. They took cognizance of that.

-31-

Mr. Madigan. Did the FBI agent ask you whether Mr. Park had purchased tickets in '72, '73 and '74?

Mr. Callas. Yes.

Mr. Madigan. When you met in July?

Mr. Callas. Yes.

Mr. Madigan. But not whether he purchased in '75 and '76?

Mr. Callas. He did not per se ask me that specific question, but later on I voluntarily told them. (Hearing Tr. 124-26) (emphasis added).

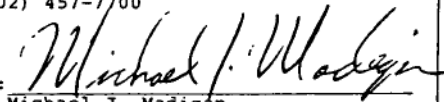
Thus, when questioned by Mr. Madigan, Callas replied that he was not asked about whether he had sold Park any tickets in the years 1975 and 1976, when it is obvious from the FBI report that he was asked and denied it.

The change in Callas' testimony appears to have had less to do with his self-styled "loyalty" to Congressman Patten, than to an attempt to extricate himself when he began to be queried as to whether he, not Patten, accepted cash from a representative of Tongsun Park for these 10 dinner tickets in 1975 and 1976 and thereafter filed reports with the MCDO leaving off Park's name and putting on Patten's. Callas has testified at the September 26 hearing that he did not knowingly violate the New Jersey law by not placing Park's name on his report as the contributor. While we cast no aspersions on Callas' representation to that effect, his conflicting statements stand in stark contrast to Congressman Patten's repeated and consistent denials that Park's name ever was mentioned as the contributor of the cash. Therefore, Callas' testimony must be weighed accordingly.

Respectfully submitted,

AKIN, GUMP, HAUER & FELD
1100 Madison Office Building
1155 15th Street, N.W.
Washington, D.C. 20005
(202) 457-7700

By:



Michael J. Madigan
Charles A. Warren
Leslie K. Dellon

Counsel for Congressman
Edward J. Patten

APPENDIX C

MOTIONS AND ANSWERS OF RESPONDENT
EDWARD J. PATTEN

APPENDIX C

Congress of the United States
House of Representatives
Washington, D.C. 20515
August 15, 1978

The Honorable John J. Flynt, Jr.
Chairman, Committee on Standards of Official Conduct
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I am enclosing a notarized response to the Statement of alleged violation served on me on July 12, 1978.

I am also enclosing certain confidential excerpts from the deposition Stephen G. Callas, taken in executive session on November 17, 1977, in the presence of his attorney, David Epstein.

The Callas excerpts are:

Page 31, lines 11 through 14
Page 32, lines 10 through 24
Page 33, lines 5 through 22
Page 34, lines 3 through 11
Page 35, lines 7 through 10
Page 48, lines 17 through 24

The last excerpt is particularly important to my case.

I am also enclosing one confidential excerpt from the deposition of Tongsun S. Park, taken in executive session on March 9, 1978.

The Park excerpt is:

Page 989, lines 17 through 25.

The Callas and Park excerpts remain confidential, along with all other executive session testimony relative to me.

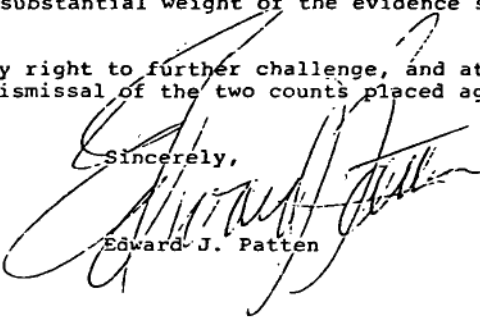
There is no testimony which says I had any knowledge that an improper report would be filed by Mr. Callas. I must be given some credit for my reputation and integrity.

Honorable John Flynt
August 15, 1978
Page 2

The Statement of Alleged Violation is totally without foundation; the substantial weight of the evidence supports my position.

I reserve my right to further challenge, and at this time, move for dismissal of the two counts placed against me.

Sincerely,



Edward J. Patten

pm

STATE OF NEW JERSEY:
 SS.
 COUNTY OF MIDDLESEX:

EDWARD J. PATTEN residing at 270 Market Street, in the City of Perth Amboy, County of Middlesex and State of New Jersey, of full age, being duly sworn according to law, deposes and says:

RESPONSE TO COUNT ONE

I deny any wrong doing as stated in Count One, served on me by the Committee of Standards of Official Conduct of the House of Representatives, on July 12, 1978.

I never had any responsibility for filing a report of ticket sales with the Middlesex County Democratic Organization in 1975. That report was prepared, signed and filed by Mr. Stephen Callas. I never had any conversation or agreement with Mr. Callas that his report to the Middlesex County Democratic Organization would not properly reflect his ticket sales. It was my understanding that Mr. Callas had properly identified and reported the purchasers

of all tickets he sold.

I realize that newspaper stories cannot serve as sworn testimony. However, Mr. Callas has publicly acknowledged and has taken full responsibility for the erroneous reporting of his sale of tickets.

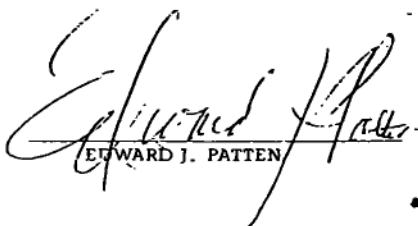
Exhibit A is part of a story which appeared in The News Tribune, Woodbridge, N.J. on April 6th, 1978. Mr. Callas clearly takes the responsibility for the erroneous reporting of his sale of tickets.

Exhibit B is part of a story which appeared in the Newark Star Ledger, Newark, N.J. on July 13th in which Mr. Callas clearly takes the responsibility for the erroneous reporting of his sale of tickets.

RESPONSE TO COUNT TWO

I deny any wrong doing as stated in Count Two. My statement responding to Count One also responds to the accusation of Count Two.

Sworn and Subscribed to
before me this 24th day of
July, 1978 at Perth Amboy, N.J.



EDWARD J. PATTEN

Grace E. Scala
Notary Public of New Jersey

n Park campaign donations

The congressman's former aide acknowledged, though, that Patten never knew that the contribution had come from Park.

Regarding the 1976 contribution, Patten said that he was in his Capitol Hill office when Callas handed him one of his own checks for \$500 made out to the county organization and asked him to sign it.

Patten said he assumed on both occasions that the actual donor of the \$500 contributions "would be properly listed." The congressman said that he was not aware of the 1975 and 1976 Park contributions until "the latter part of 1977."

Callas confirmed Patten's version of the story.

"I take full responsibility for the erroneous listing of the contributions in those two years," said Callas. "I should have at

least stated that the source of the money was Toogans Park and not the congressman."

Patten staff w
that w
the w

A letter dated by Patten was sent to

News Tribune, Woodbridge, N.J. — Thursday, April 6, 1978

Patten added that he never participated in the sale of tickets to anyone involved in the matter, particularly to Tongson Park.

"I never made up any reports on the sale of any tickets, either," he said.

Callas confirmed last night that he took full responsibility for the erroneous listing of Patten's name as the source for the two \$500 contributions being questioned by the Ethics Committee.

"I should have stated that the source of the funds was Tongson Park and not the congressman," he said.

Callas said he had received \$500 in cash from Park in 1975 which he put in Patten's Capitol Hill office safe.

The former aide said he called Patten, who was in his Perth Amboy office, to ask what he should do with the money which was scheduled to be sent to the Middlesex Democratic committee.

Callas said he told Patten he was afraid to send the money by mail. He said that Patten told him to keep the money in the safe and that he would send his own personal check to the county committee to cover the contribution.

Callas said a similar situation took place again in 1976 when Patten sent another personal check to cover the Park contribution.

He said that in listing the contributors to the dinner for the state records, he forgot to note that Park was the source of those funds in 1975 and 1976.

Exhibit B

Star-Ledger

July 13, 1978

EXECUTIVE SESSION

ORIGINAL #6

HOUSE OF REPRESENTATIVES

HEARINGS

BEFORE THE COMMITTEE

on

STANDARDS OF OFFICIAL CONDUCT

KOREAN INVESTIGATION

EXECUTIVE SESSION

Deposition of Steven G. Callas

EXECUTIVE SESSION

Washington, D. C.

Thursday, November 17, 1977

Official Reporters to Committees

GPO 16-75107-4

EXECUTIVE SESSION

1 inclusive, well. Let's take '72 through '74, the years in
2 which Park responded by some form of negotiable instrument,
3 did Congressman Patten ever ask or to your knowledge did he
4 ever learn that Tongsun Park was purchasing 10 tickets to this
5 dinner?

6 Mr. Callas. No, he did not.

7 Mr. Harris. To your knowledge, in 1975 did Congressman
8 Patten --

9 Mr. Epstein. Would you read that back?

10 (The question was read by the reporter.)

11 Mr. Harris. To your knowledge, in 1975 did Congressman
12 Patten ever learn that Park had purchased 10 tickets to the
13 Middlesex dinner?

14 Mr. Callas. No, he did not.

15 Mr. Harris. Did he ever make inquiry about who bought
16 10 tickets and paid cash?

17 Mr. Callas. No, he did not.

18 Mr. Harris. With regard to 1976, did Congressman Patten
19 to your knowledge ever learn that Park had purchased 10
20 tickets by cash?

21 Mr. Callas. No, he did not.

22 Mr. Harris. Did he ever make inquiry in that year as to
23 who had purchased \$500 worth of tickets by cash?

24 Mr. Callas. No. I assume that he may have thought that
25 maybe 15 couples bought 2 tickets each or something like that.

1 Mr. Epstein. Mr. Harris, the questions that you have
2 posed with respect to did he learn or did he know, you are
3 not talking about any recent knowledge that the Congressman
4 may have gotten, but you are talking about knowledge during
5 the years involved?

6 Mr. Harris. That is correct.

7 Mr. Epstein. You asked about ever. I want to make
8 certain that there is no --

9 Mr. Callas. Did your question extend through 1976?

10 Mr. Harris. Maybe we should go through it again with
11 more precision so the record is clear.

12 To your knowledge, did Congressman Patten ever learn
13 during the year 1975 that the 10 tickets which Park purchased
14 in 1975 had in fact been purchased by Park?

15 Mr. Callas. No.

16 Mr. Harris. During the year 1975 did Congressman Patten
17 to your knowledge ever learn that Park was the person who
18 purchased these tickets by cash?

19 Mr. Callas. No.

20 Mr. Harris. With regard to 1976, during the year 1976,
21 did Congressman Patten ever learn to your knowledge that
22 Tongsun Park had purchased with currency 10 tickets to the
23 Middlesex dinner?

24 Mr. Callas. No.

25 Mr. Harris. During the year 1977, to your knowledge, has

1 Congressman Patten ever learned that the cash purchases for
2 \$500 in 1975 and 1976 were attributable to Tongsun Park?

3 Mr. Callas. No.

4 Could you repeat the last question.

5 Mr. Harris. Let me strike the question and ask it again.

6 To your knowledge, does Congressman Patten today know
7 who in fact was the purchaser for currency of 10 tickets in
8 the years 1975 and 1976 for the Middlesex County dinner?

9 Mr. Callas. The answer to that question is yes.

10 Mr. Harris. If you know, when did Congressman Patten
11 learn of Park's '75 and '76 cash purchases?

12 Mr. Callas. This was following the meeting of the 8th
13 of November when we met

14 Mr. Epstein. That was the meeting when he was interviewed
15 by you, Mr. Harris, at your office.

16 Mr. Harris. Following our interview, Mr. Callas, yourself
17 and representatives of the special staff and your lawyer,
18 Mr. Epstein, what, if anything, occurred with regard to
19 Congressman Patten's present knowledge about these '75 and '76
20 cash contributions?

21 Mr. Callas. Well, when I informed him, he was very
22 disturbed.

23 Mr. Harris. How did it come about that you informed him?

24 Mr. Callas. Well, I called him following it. I felt
25 that it was natural for an aide to call his boss to let him

1 know what transpired at the meeting. For the first time I
2 had told him about the cash situation and he was very disturbed.

3 Mr. Harris. Going back to the time in which you actually
4 received the cash, namely, August or thereabouts of 1975 and
5 August or thereabouts of 1976, since Mr. Park was clearly the
6 largest supporter of this dinner, did you ever volunteer to
7 Congressman Patten that he had a very generous subscriber in
8 Mr. Park or tell him in any way that Mr. Park was supporting
9 these dinners?

10 Mr. Callas. No, I did not.

11 Mr. Harris. Did you write thank you notes to Mr. Park?

12 Mr. Callas. No.

13 Mr. Harris. Did the Congressman, to your knowledge,
14 write thank you notes to Mr. Park?

15 Mr. Callas. Not to my knowledge.

16 Mr. Harris. Did Middlesex County write thank you notes
17 to Mr. Park?

18 Mr. Callas. Not to my knowledge.

19 Mr. Harris. This calls for some speculation, but I will
20 ask you to do your best to explain to me your response
21 because I think it is relevant.

22 Would it not have been embarrassing had the Congressman
23 run into Mr. Park for the Congressman not to have thanked him
24 or at least have known that Mr. Park was a supporter of these
25 dinners so he could not be discourteous to him by not thanking

1 him?

2 Mr. Callas. Of course, I don't know how much frequent
3 contact he had with him. Therefore, I don't know whether that
4 situation would have developed, but I suppose it would be
5 natural to thank a person for -- if you knew that they had
6 purchased tickets.

7 Mr. Harris. Did you ever tell or cause to be shown to
8 Congressman Patten the names or identities of any of the
9 subscribers to the Middlesex County dinners?

10 Mr. Callas. I personally did not show him any such list.

11 Mr. Harris. Did you ever tell him the names of any
12 person who you were successful in selling tickets to?

13 Mr. Callas. Not offhand. In August of 1973 a letter was
14 sent to the leader of the party indicating the names of the
15 people who had purchased tickets. Congressman Patten received
16 a copy of that particular letter. Mr. Park's name was listed
17 in that letter.

18 Mr. Harris. To your knowledge was such a letter sent
19 to the Middlesex County on any other year?

20 Mr. Callas. I can only say that whenever I send in
21 the proceeds, I would send in a letter

22 Mr. Harris. Did this letter list the names of the
23 purchasers of tickets?

24 Mr. Callas. Yes, it did.

25 Mr. Harris. For the years 1975 and 1976, did this letter

1 Mr. Harris. Finally, as to Congressman Patten's personal
2 finances, you say he has a Sergeant of Arms account?

3 Mr. Callas. Yes.

4 Mr. Harris. Are you aware of any other bank accounts he
5 has?

6 Mr. Callas. I personally am not, Mr. Harris. But that
7 doesn't mean he doesn't. That is a personal situation.

8 Mr. Harris. Other than his wife, is there anyone who
9 deals with his personal finances on his congressional staff?

10 Mr. Callas. I believe that Mrs. Patten is the only one
11 who writes out checks.

12 Mr. Harris. Is she on his staff?

13 Mr. Callas. Yes, she is.

14 Mr. Harris. What is her position?

15 Mr. Callas. She is a secretary on the staff. She came
16 down with him in '63.

17 Mr. Harris. Lastly, with regard to the '75 and '76 letters
18 that you wrote to the Middlesex County people informing them
19 of who subscribed, did you ever discuss with Congressman Patten
20 how you were going to list the \$500 cash contribution that
21 Bong Lee gave you? Did you tell him that you were going to
22 put it down next to his name?

23 Mr. Callas. I did that on my own, Mr. Harris. I did not
24 discuss it with him. When it came to these dinners, he is a
25 busy fellow. This man almost has an aversion to fiscal matters.

1 Mr. Nields. Was the cash given to Mr. Callas in Mr.
2 Patten's office, or did Mr. Callas come pick it up at your
3 office, or what?

4 Mr. Park. I think it was delivered to him.

5 Mr. Nields. Delivered to him in Mr. Patten's office?

6 Mr. Park. Yes. I am not certain. Since they were the
7 ones who needed the funds, it could be that he came over, but
8 I don't remember Mr. Callas coming to my office.

9 Mr. Nields. You are not certain whether you gave the
10 cash to Mr. Callas in your office or his , but are you certain
11 you did not give the cash to Mr. Patten himself?

12 Mr. Park. I don't recall, no. To the best of my recollection
13 I don't think I ever gave anything to Mr. Patten directly.

14 Mr. Nields. Was there a reason why you would not have
15 given anything to Mr. Patten directly?

16 Mr. Park. No, there is no reason at all.

17 Mr. Nields. It just so happens that you remember giving
18 things to Mr. Callas and don't remember giving any to Mr.
19 Patten?

20 Mr. Park. That is correct, and this whole Middlesex thing
21 was Mr. Callas' baby, if you could call it that.

22 Mr. Nields. What makes you think it was Mr. Callas' baby?

23 Mr. Park. Mr. Patten never entered into the picture. It
24 was always Mr. Callas either reminding us or asking us to buy
25 the tickets.

APPENDIX D

RESPONSE OF SPECIAL STAFF
TO MOTION TO DISMISS STATEMENT
OF ALLEGED VIOLATION

APPENDIX D

COMMITTEE ON
STANDARDS OF OFFICIAL CONDUCT

In the Matter of
EDWARD J. PATTEN

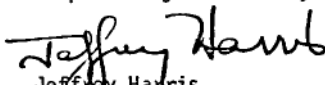
RESPONSE OF SPECIAL STAFF TO MOTION
TO DISMISS STATEMENT OF ALLEGED VIOLATION

1. By letter accompanying his sworn answer to the Statement of Alleged Violation, Edward J. Patten, herein "the respondent," moves for dismissal of the charges. Patten claims that the substantial weight of the evidence supports his contention that he is not guilty. This motion is without merit and should be denied.

2. The respondent's papers ignore all the evidence except that which the respondent views as supportive of his position. The issues of fact cannot be determined on the papers submitted and are properly determined by the Committee after a hearing.

WHEREFORE, the respondent's motion to dismiss the Statement of Alleged Violation should be denied.

Respectfully submitted,


Jeffrey Harris
Deputy Chief Counsel

APPENDIX E

TRANSCRIPT OF HEARINGS

TUESDAY, SEPTEMBER 26, 1978

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

The committee met, pursuant to notice, at 10:42 a.m., in room 2226, Rayburn House Office Building, Hon. John J. Flynt, Jr., (chairman of the committee) presiding.

Present: Representatives Flynt, Bennett, Hamilton, Preyer, Spence, Quillen, and Fenwick.

Staff present: John M. Swanner, staff director; Jeffrey Harris, professional staff member; and Thomas M. Fortuin, professional staff member.

Also present: Michael J. Madigan, Esq., Akin, Gump, Hauer & Feld, attorney for Congressman Edward J. Patten, and David Epstein, Esq., Berry, Epstein, Sandstrom & Blatchford, attorney for Mr. Stephen G. Callas.

The CHAIRMAN. The committee will come to order.

This investigative hearing is held pursuant to House Rule X 4.(1)(b) which provides that the Committee on Standards of Official Conduct shall:

Investigate, subject to subparagraph (2) of this paragraph, any alleged violation, by a member, officer or employee of the House, or 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 by resolution or otherwise, such action as the committee may deem appropriate in the circumstances;

Additionally, House Resolution 252, 95th Congress, 1st session, mandates in section 3 that this 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.

The scope and purpose of this hearing is to resolve the allegations contained in the statement of alleged violation with regard to Edward J. Patten.

The object of this hearing shall be to ascertain the truth.

Mr. Harris, are you ready?

Mr. HARRIS. Yes, Mr. Chairman.

The CHAIRMAN. Mr. Madigan?

Mr. MADIGAN. We are ready, Mr. Chairman.

The CHAIRMAN. You are Michael J. Madigan, counsel for Representative Patten?

Mr. MADIGAN. I am, Mr. Chairman.

The CHAIRMAN. Pursuant to the supplemental rules of procedure, the staff will make, if the staff desires, an opening statement in this case.

Mr. Harris.

Mr. HARRIS. Thank you, Mr. Chairman.

Mr. Chairman, Mr. Madigan, members of the committee, Mr. Patten is charged in a statement of alleged violation in two counts.

The CHAIRMAN. Excuse me.

Mr. Madigan, do you wish the statement of alleged violations to be read, or do you waive the reading?

It will be incorporated in the record at this point.

Do both of you waive the reading of the response so that it may be incorporated in this record?

Mr. MADIGAN. We do, Mr. Chairman.

Mr. HARRIS. Yes, Mr. Chairman.

The statement of alleged violation in this case is in two counts.

One count relates to 1975 and the second count relates to 1976. As to each year the counts, the substance of the count, is identical. Namely, it charges that Congressman Patten purported to make a contribution to the Middlesex County Democratic Organization in his own name, which he knew was not his contribution, in that it came from another person.

This statement of alleged violation does not require that the committee find that Congressman Patten knew that the money was received from any particular individual.

It only requires that you find that Mr. Patten knew that it was not his own money.

Now, with that background, the staff will present evidence to show that in 1971 Mr. Patten was given a check by Tongsun Park to the Middlesex County Democratic Organization and was asked by Mr. Park if he would please forward the check to the Middlesex organization.

Mr. Patten brought the check to his office and gave it to his administrative assistant, Stephen Callas, at which time Mr. Callas forwarded the check to the Middlesex organization and took note of Mr. Park's name and address for future solicitation, and in fact the evidence will show that in 1972, 1973, and 1974, Mr. Callas solicited Mr. Park to buy tickets to the Middlesex County fundraiser. Mr. Park did.

Mr. Park responded by check and the money was duly reported in the name of the true giver, namely, in 2 of the 3 years, Mr. Park, and in the third year, an assistant of Mr. Park, named Mr. Ryu.

Now, in 1975 the evidence will show that again Mr. Callas solicited Mr. Park and there was some discussion between Mr. Park and his assistant, Mr. Lee, concerning the fact that it had become illegal for a foreign national to contribute money to a campaign supporting a Federal office seeker.

After that discussion, Mr. Lee delivered to Mr. Callas in Mr. Patten's office \$500 in cash to purchase the tickets. Thereafter, Mr. Callas called Mr. Patten, who was in his district office in New Jersey, informed him that he had the cash and was prepared to send it in to the Middlesex County organization and said that he was a little reluctant to send cash through the mail. After a discussion, Mr. Patten agreed to substitute his own check and told Callas to hold the cash in Washington, that he would use his check and receive the cash when he returned.

Mr. Patten did send in his own check to Middlesex County and sent it in along with a letter to the Middlesex County chairman which, fairly read, passes off the contribution by Mr. Patten as his own contribution and not merely substituting his check as a way to avoid sending cash through the mail.

Mr. Callas made a report to the Middlesex county organization and reported the contribution in the name of Mr. Patten, not the true giver. A copy of that report by Mr. Callas to Middlesex County will be entered in evidence and it will show that a copy of that report was sent to Mr. Patten.

In 1976 a similar set of circumstances exist. The solicitation is made. The cash is delivered to Mr. Callas, however this time Mr. Patten was in his Washington office. There was a face to face discussion with Mr. Callas and Mr. Patten, after which a check was substituted for the cash and again a report was sent in by Mr. Callas, listing the contributor as Edward J. Patten.

This time the report was sent in on Mr. Patten's congressional stationery from his congressional office.

Now, one last matter and I will be done.

What is the significance of Tongsun Park in this if, as I have told you, that the staff urges that all Mr. Patten had to know is that was not his money; that it was someone else's. The staff will present evidence which will establish Mr. Patten's motive in doing this. What did Mr. Patten have to gain?

The evidence will show he had to gain the following:

Mr. Patten believed that it was illegal for Tongsun Park to make a campaign contribution to the Middlesex County Democratic Organization. In truth and in fact it was not because Middlesex County decided not to support any Federal office seeker that year. But Mr. Patten, the evidence will show, thought that it was illegal.

Mr. Park thought that it was illegal. The staff evidence will establish that the reporting in 1972, 1973, and 1974 was on a regular basis; namely, it reported the true name of the contributor, Tongsun Park or his assistant, all transactions were by check.

In 1975 and 1976, after learning that Tongsun Park was the donor of the cash, this subterfuge was devised to cover up what Mr. Park and Mr. Patten thought was an illegal contribution.

Finally, I would just say that after our presentation of the evidence, we believe that we can demonstrate to the committee that our evidence supports the Statement of Alleged Violation and meets the clear and convincing standard. Thank you very much.

The CHAIRMAN. Mr. Madigan, do you wish to make an opening statement at this time or reserve?

Mr. MADIGAN. I wish to make an opening statement at this time, Mr. Chairman.

The CHAIRMAN. You are recognized for that purpose.

Mr. MADIGAN. Mr. Chairman and members of this committee, it has been 5 years now since the Watergate investigation conducted by the U. S. Senate and having served as counsel on that committee myself, I follow with interest the reforms that have been passed by Congress in the years since that time.

Congressman Ed Patten, who sits before you this morning, has been in the forefront of enacting those reforms. There have been many good things that have occurred in these 5 years, but I believe

there has been some bad things as well. It seems to me that in some cases we have attempted to paint with too broad a brush. We have attempted to sweep together individuals who should not be considered together. Mr. Chairman and members of the committee, that is why this case is here before you this morning.

While Congressman Patten, who will testify in this matter, will tell you that he is not pleased to be here this morning, he is happy and indeed demanded that this hearing be held in public.

The evidence will show that we will present, Mr. Chairman, that this case stands in stark contrast to the cases that you have already heard with respect to this investigation. Unlike the three other cases which have preceded this one, there is no eventual allegation that Congressman Patten received a nickel from Tong-sun Park. While I do not and will not comment on the quality of the evidence or the lack of quality of the evidence in these other cases, this case stands out in that there is no such allegation.

There is no allegation that he received any campaign contributions, nor is there even an allegation that he converted a campaign contribution to his personal use or that he failed to report a campaign contribution.

At the outset, Mr. Chairman and members of this committee, I think it is important to recall the announcement of this committee on July 13, that this statement of alleged violation about which we meet this morning is not a finding and was not a finding of this committee, that Congressman Patten had done anything wrong.

That is the purpose of today's hearing and when we present our evidence and, indeed, when you heard the evidence of the staff, you will conclude that he has not done anything wrong.

The statement of alleged violation, as Mr. Harris described, Mr. Chairman and members of this committee, addresses a very narrow area. It involves not a misappropriation of a campaign contribution, but the sale of ten \$50 dinner tickets to an annual dinner held by the Middlesex Democratic County Organization, not for the benefit of Congressman Patten, but for the benefit of the local political process in the State of New Jersey.

We will introduce the brochure from that dinner in 1975 and brochure in 1976. In 1975 you will see the picture on the brochure is that of Governor Bern. The evidence will show that none of this money from that dinner went to Congressman Patten. We will present evidence that shows and you will hear evidence from the staff that shows how the tickets for this dinner were handled by Congressman Patten's office.

They will show that they were handled basically by his administrative assistant, as I am sure all of you can understand, that a Member of Congress does not devote his entire time and attention or any significant portion of his time and attention to the handling of tickets to a local county dinner held in his State.

You have heard from your staff counsel about this letter that Mr. Patten sent in with his check to the Middlesex County Democratic Organization. With all due respect to Mr. Harris, that letter says no such thing.

There is a handwritten note on that letter and we will show you evidence to show you how that letter came into existence. How that note was written on that letter and the fact that that letter

and that note together would not lead anyone to believe, nor was it intended by Congressman Patten to lead anyone to believe that he was submitting his contribution.

The evidence will show that all he was doing was cashing a check; he was facilitating the sending in of the money for those tickets. That is all he was doing. That is all the evidence shows he was doing.

Now, once the money for the tickets is in, the evidence will show that a report has to be filed with the State of New Jersey, filed by Mr. Venezia, one of the witnesses who will be called by the staff, indicating whose contribution it was.

There is no dispute in the evidence that the Congressman had nothing whatsoever to do with filing that report and did not prepare the report. Indeed, a carbon copy, perhaps, was sent not to him but to his Perth Amboy office in one of the 2 years. In one of the 2 years the letter doesn't even show a carbon copy to Congressman Patten.

When we introduce our evidence with respect to that letter, Mr. Chairman and members of this committee, I invite your attention to the aspects of that testimony that deal with how your staff investigator conducted himself with respect to the questions about that letter. I ask you to listen to the testimony with respect to that.

Now, the evidence will show that Congressman Patten had little to do with these tickets. The evidence will show that he never claimed the contribution was his. The charge is that he violated a New Jersey statute.

The evidence from the staff will not even come close, let alone establish by the preponderance of the evidence, it wouldn't even come close to establishing that Congressman Patten knowingly, and as the statute provides with the intent to conceal and misrepresent, claimed this \$500 for 10 dinner tickets as a contribution to an organization who was holding a dinner that was not even for his benefit.

As I understand the rulings of this committee, we will have an opportunity to present a closing argument at the conclusion of all the evidence.

At that time, Mr. Chairman and members of the committee, we will ask you to remove this cloud that has been hanging over Congressman Patten's head these months and we will ask you for a finding in Congressman Patten's favor during those closing arguments.

Such a finding will demonstrate that our political process is fair and just; that this hearing process that the Congress has set up and in which Congressman Patten played a role in the forefront is indeed a good process and indeed does work. Thank you.

The CHAIRMAN. Mr. Harris, are you ready to call your first witness?

Mr. HARRIS. Mr. Chairman, prior to calling my first witness and pursuant to rule X(a) of the committee, I would like to offer a portion of the public record of the Korean influence investigation, part 2, into the record at this point.

The CHAIRMAN. Have you seen it, Mr. Madigan?

Mr. MADIGAN. I have not.

Mr. HARRIS. Yes, you have, Mr. Madigan.

Mr. MADIGAN. Why don't you tell me what it is?

Mr. HARRIS. Page 99 through 101 of the public record. I provided you with a copy of it last week.

Mr. MADIGAN. Mr. Lee's testimony?

Mr. HARRIS. No, Mr. Park's.

Mr. MADIGAN. Mr. Chairman, we would have no objection to portions of the record being introduced into evidence, but, as you know, we requested that if staff counsel has evidence that he is going to present in this matter, that he call the witness here so that we have a chance and opportunity to ask that witness, Mr. Park, for example, to demonstrate that he never contributed to the campaign of Congressman Patten.

So I urge that counsel call the witness so that the members of the public and the press who are here will have an opportunity to hear first hand what he has to say.

Mr. HARRIS. Mr. Chairman, I think that the rules clearly provide, as you ruled in the McFall case, for the introduction of portions of the public record. However, if Mr. Madigan's objection is, or his purpose is, that he would like a stipulation in which I will agree to exactly what he said, that there is absolutely no evidence that Mr. Park ever contributed to Congressman Patten's campaign.

If that is his purpose, I am willing to stipulate it because I have no contention with that fact.

Mr. MADIGAN. I have no intention to call Mr. Park. Mr. Park has not contributed to the Congressman's campaign, given him gifts or contributions. He indicated this was evidence he was going to present and if he is going to present evidence, have him call the witness so the witness may testify to the committee and I may have the opportunity to question the witness.

The CHAIRMAN. I think the witness is available and I think it would be well to call him.

Mr. HARRIS. Mr. Chairman, I would still ask for a rule from the Chair and pursuant to X(a) I would ask that pages 99 through 101 be included in the record.

The CHAIRMAN. If the witness is not available, we would allow you to do it. We are informed that the witness is available and if the witness is available he should be called and subjected to questioning.

Mr. HARRIS. The witness is before Judge Ritchie in district court at 10 o'clock and said he would make himself available as soon as he was released by Judge Ritchie.

The CHAIRMAN. Do you want to proceed or wait?

Mr. HARRIS. As you know, Mr. Chairman, order of proof is an important element, yourself being a lawyer. However, in the interest of expedition, I will proceed.

The CHAIRMAN. All right.

Mr. HARRIS. Mr. Chairman, I would now offer another portion of the record that I think will go in without objection. It is a portion of Mr. B. Y. Lee's testimony from the public hearings in April.

For your information, it appears at pages 150 and 151 of the hearings. It starts with a formal offer, to start at page 150 with the entry:

Mr. Harris, turning to another subject, while you were employed by Mr. Park, did you ever have occasion to visit the office of Congressman Edward Patten of New Jersey?

And concluding on the next page with the response of Mr. Lee:

One time I think I brought one check and another time—I don't know which year, 1974 or 1975—one time I think, cash.

I would offer that portion of pages 150 and 151 into the record at this point.

The CHAIRMAN. Is there any objection?

Mr. MADIGAN. No, Mr. Chairman. We have discussd this. We have an exhibit that reflects that, Mr. Chairman, if you would wish that introduced into the record or the public testimony; it makes no difference. It is the same.

The CHAIRMAN. Without objection, the public testimony will be entered into the record at this point.

Mr. HARRIS. Mr. Chairman, I would ask the Chair's indulgence and it is only one page or two and I would ask permission to read it into the record.

The CHAIRMAN. You may do so.

Mr. HARRIS [reading]:

Mr. HARRIS. Turning to another subject, while you were employed by Mr. Park did you ever have occasion to visit the offices of Congressman Edward Patten of New Jersey?

Mr. LEE. Yes.

Mr. HARRIS. Did you ever visit Congressman Patten's office in connection with the purchase of dinner tickets to the local Democratic county organization dinner?

Mr. LEE. Yes.

Mr. HARRIS. Now, calling your attention to 1975, do you recall receiving a letter from Congressman Patten's office requesting Mr. Park to buy dinner tickets?

Mr. LEE. Yes.

Mr. HARRIS. And what did you do when you received the letter?

Mr. LEE. No; actually, that letter was not addressed to me; to Mr. Tongsun Park and, unfortunately, at the time Mr. Park was out of town, out of the Washington district, so Mr. Callas called me. He actually called Mr. Park, but he could not get Mr. Park and by chance that the information came to my office and on phone, and Mr. Callas told me that, "When Mr. Park supposed to be back? I sent a letter to him requesting buying ticket," I said, "OK, after he come back I will remind of that payment."

Mr. HARRIS. So you received a call from Mr. Callas, who was Mr. Patten's administrative assistant, and when Mr. Park got back did you, in fact, ask him whether he would buy tickets?

Mr. LEE. Yes.

Mr. HARRIS. And what did Mr. Park say?

Mr. LEE. I think one time he gave me the check, the payment to Democratic so-and-so party, dinner party.

Mr. HARRIS. So I take it he agreed to buy the tickets?

Mr. LEE. Yes.

Mr. HARRIS. And what did you do with the payment for the tickets?

Mr. LEE. I took them to Mr. Callas in his office.

Mr. HARRIS. And whom did you give them to in Mr. Patten's office? Whom did you give the payments to?

Mr. LEE. To Mr. Callas.

Mr. HARRIS. In 1976 did you receive a similar request for tickets from Mr. Patten's office?

Mr. LEE. I'm not sure of that. You are talking about the letter from the Congressman Patten's office?

Mr. HARRIS. Any kind of request, by letter or by phone.

Mr. LEE. I cannot recollect some things, but one thing I am sure, that I took something to buy. I went to Mr. Callas' office to take the 10 tickets.

Mr. HARRIS. So in 1976 you don't recall receiving the request but you do recall being sent to Congressman Patten's office to buy tickets?

Mr. LEE. Yes, and bring the ten tickets.

Mr. HARRIS. Now, in 1976 whom did you give payment to for the tickets?

Mr. LEE [conferring with counsel]. I think Callas, Mr. Callas.

Mr. HARRIS. You gave Mr. Callas the payment. Do you recall ever taking cash to Mr. Patten's office with which to purchase these tickets?

Mr. LEE. One time I think I brought one check and the other time—I don't know which year, 1974 or 1975—one time I think, cash.

Thank you, Mr. Chairman.

The staff calls Stephen Callas.

The CHAIRMAN. Mr. Callas, would you raise your right hand?

Do you solemnly swear that the testimony you will give in this committee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CALLAS. Yes, I do, Mr. Chairman.

The CHAIRMAN. Are you Stephen G. Callas?

Mr. CALLAS. Yes.

The CHAIRMAN. Are you accompanied by counsel?

Mr. CALLAS. Yes, by David Epstein on my left.

The CHAIRMAN. Will you identify yourself?

Mr. EPSTEIN. I am David Epstein, attorney, Washington, D.C.

The CHAIRMAN. Mr. Harris, you may proceed.

Mr. HARRIS. Mr. Callas, were you formerly employed in the office of Congressman Edward Patten?

Mr. CALLAS. Yes, I was, Mr. Harris.

Mr. HARRIS. What position did you hold in the office?

Mr. CALLAS. I was his administrative assistant.

Mr. HARRIS. How long were you so employed, Mr. Callas?

Mr. CALLAS. For 15 years, from 1963 through 1977.

Mr. HARRIS. Mr. Callas, directing your attention to the year 1971, did there come a time when you were handed a check—signed by Tongsun Park—by Mr. Patten?

Mr. CALLAS. Yes, I received that check for Mr. Patten from Mr. Park; yes.

Mr. HARRIS. Would you tell us the circumstances surrounding your receipt of that check and any conversation that you had with the Congressman at that time?

Mr. CALLAS. The Congressman came into my office with the check and he said he received this check from Tongsun Park and he told me that he wanted to help some of his friends, meaning Tongsun Park's friends, in Middlesex County, but he didn't know where to send it, "So I would like you to send it in to the Democratic organization in Middlesex County."

Mr. HARRIS. What did you do in response to that conversation? If anything?

Mr. CALLAS. Well, that was the first time I had come in contact with the check from Tongsun Park. I forwarded the check to Middlesex County, but before I mailed it, Mr. Harris, I did make a note of Mr. Park's name and address because I thought if Congressman Patten thought it was O.K. to receive a check from Tongsun Park even perhaps for mailing purposes that it would be appropriate for me to consider him for being placed on the mailing list for future solicitations.

Mr. HARRIS. With regard to ticket solicitations, did you have any responsibility with regard to attempting to sell tickets to the annual Middlesex County fundraiser?

Mr. CALLAS. Yes, I think it was obvious, Mr. Harris, because Congressman Patten would receive 50 \$50 tickets from the organization year after year in his Perth Amboy law office. I don't know whether they were mailed or delivered to him.

He would bring them down and place them on my desk. Obviously placed on my desk for the purpose of selling them. So it was my function to try to sell those tickets.

Mr. HARRIS. Subsequent to the year 1971, did you ever make use of the notation of Park's name and address with regard to ticket solicitations?

Mr. CALLAS. Yes, I made a notation of his name and address. I started in 1972 on my own, that was the first time I became directly involved in the selling of tickets. The 1971 situation was indirect. I mailed him 10 tickets with an appropriate note asking him to consider buying those 10 \$50 tickets to the Middlesex County Democratic Organization dinner and if he would buy them to issue a check made out to the Middlesex County Democratic Organization.

Mr. HARRIS. And in response to your solicitation in the year 1972, 1973, 1974, was there any response?

Mr. CALLAS. Yes, there was a positive response on the part of Mr. Park. I was successful in selling him tickets in those years.

Mr. HARRIS. And did you receive checks from Mr. Park or his organization in those years?

Mr. CALLAS. Yes, I did.

Mr. HARRIS. Did you take it upon yourself to send a report to Middlesex county in the years 1972, 1973, and 1974, telling them who you had sold tickets to?

Mr. CALLAS. Yes. As I sold the tickets, I would convey the proceeds to the organization and accompanying the proceeds would be a letter to the Middlesex County Democratic Organization Chairman listing the people who purchased the tickets and the respective number of tickets they bought.

Mr. HARRIS. In the years 1972, 1973, and 1974, were the tickets listed in the true name of the purchaser?

Mr. CALLAS. They were, Mr. Harris, yes.

Mr. HARRIS. Now, calling your attention to the year 1975, did you again solicit Mr. Park to buy tickets?

Mr. CALLAS. Yes, I did.

Mr. HARRIS. Would you tell us what response you received in 1975?

Mr. CALLAS. In 1975 I sent the customary 10 tickets with a note to Mr. Park requesting him to buy the tickets because, and I think it would be appropriate, Mr. Harris, if you think it, to indicate that I believed that Tongsun Park was a naturalized American citizen. That is why I sent him the 10 tickets in 1975 and 1976, because I had read over the years that he was a graduate of Georgetown University; that he was even president of his class; he had been in this country for 15 or 20 years; he owned a few homes and mixed socially on an extensive scale, so I thought the man was a naturalized American citizen.

But in 1975 I did send him a note, the customary annual note with the 10 tickets, and there was a response, yes.

Mr. HARRIS. Will you tell us what response you did receive, Mr. Callas?

Mr. CALLAS. One of Tongsun Park's aides delivered \$500 in cash to me covering the sale of 10 \$50 tickets.

Mr. HARRIS. What, if anything, did you do with the proceeds from the sale to Mr. Park from Mr. Lee?

Mr. CALLAS. The proceeds temporarily were placed in a drawer where they would be safe for the time being because what I did was keep them in a drawer where I would keep the proceeds of others who purchased tickets.

Mr. HARRIS. Would you tell us, did you subsequently have occasion to have a conversation with Mr. Patten in which the subject of these tickets arose?

Mr. CALLAS. Yes; in August of 1975, the House was not in session and I happened to call Congressman Patten on a legislative matter and, after the legislative matter was disposed of, I happened to say, "Incidentally, Ed, I am about to send the proceeds of the dinner tickets to the organization," and he said, "Oh, how did you do?" I said, "Pretty good," and he said, "Good."

"But I have a problem," I said.

He asked "What is the problem?"

I said, "Well, I have \$500 in cash. It is from Tongsun Park."

He said, "Oh."

Then I continued, "But I am afraid to send the cash because it could conceivably be lost in the mail."

The Congressman sympathized with that concern and then he paused and he said, "I will tell you what. I will make out my check, mail it to the organization and then when I return to Washington you can give me the money."

That is what was done.

Mr. HARRIS. Now, Mr. Callas, did you have occasion to send a report to Middlesex County concerning this \$500 you have just been describing along with other tickets proceeds you received?

Mr. CALLAS. Yes, I did.

Mr. HARRIS. I am going to show you what has been premarked as exhibit P-6 and ask you if you can identify it, Mr. Callas.

I think members of the committee have it in their folders. I believe you have it, Mr. Madigan.

Mr. CALLAS. Yes; I recognize this.

Mr. HARRIS. Would you tell us what it is, please?

Mr. CALLAS. Well, this is a copy of a letter I have here, but the original was sent to the Middlesex County Democratic Chairman, G. Nicholas Venezia, because traditionally I would send the proceeds to Mr. Venezia.

The purpose of this was to show Mr. Venezia that enclosed are x amount of checks and these are the people who purchased the tickets.

Mr. HARRIS. Now, on the bottom of the exhibit, Mr. Callas, you will note that there is a notation which says, "cc" and then it has Congressman Patten's name. Can you tell us what that means?

Mr. CALLAS. That indicates that I sent a copy of this by mail to Congressman Patten to his Perth Amboy law office.

Mr. HARRIS. Mr. Chairman, I would move the admission of exhibit P-6 at this time.

The CHAIRMAN. Is there any objection?

Mr. MADIGAN. No objection.

The CHAIRMAN. Without objection, it is entered in the record. [The document referred to as exhibit P-6 was received in evidence.]

Mr. HARRIS. Now, calling your attention to the following year 1976, did you again solicit a contribution in the nature of a purchase of dinner tickets from Tongsun Park?

Mr. CALLAS. Yes, I did.

Mr. HARRIS. Could you tell us what response, if any, you received in 1976?

Mr. CALLAS. Mr. Park's aide delivered an additional \$500 in cash in 1976. I took the cash and I brought it into the Congressman's office because at that particular time the Congress was in session and the Congressman was in his office. I brought the cash into his office and I said, "Here is another \$500. It is from Park covering the 10 tickets."

The Congressman said, "OK. Have a check made out and send it."

I went to one of the secretaries in the office and told her that the Congressman would like to have a check issued to the Middlesex County Democratic Organization for \$500. The Congressman kept the money which, of course, made it a neutralized transaction.

Mr. HARRIS. Did you in 1976 have occasion to send a report to Middlesex County?

Mr. CALLAS. Yes, I did.

Mr. HARRIS. Let me show you what has been premarked as P-8 and ask if you can identify it, please?

Mr. CALLAS. Yes, I recognize that. I wrote and typed that letter.

Mr. HARRIS. What is it?

Mr. CALLAS. Well, similar to the 1975 letter, it is a letter addressed to Mr. Venezia, the County Chairman, indicating that I have enclosed checks of x amount of dollars and listing the names and addresses of the persons who purchased the tickets.

Mr. HARRIS. Now, can you explain to us why the previous exhibit covering 1975 is typed with your own address on plain bond and the 1976 one appears on the Congressman's stationery?

Mr. CALLAS. Well, I did most of my work in disposing of these tickets, Mr. Harris, from my Wisconsin Avenue apartment because I tried to do as much as possible involving the tickets in my apartment. That is why I have 2730 Wisconsin Avenue, which is my apartment address. I did most of the clerical work involving these tickets from my apartment.

Mr. HARRIS. Do you have a recollection as to whether Congressman Patten ever saw the 1976 letter which was marked P-8?

Mr. CALLAS. At the precise time, I am not sure I understand your question.

Mr. HARRIS. Let me rephrase it because I want to be sure you understand it.

Mr. CALLAS. Are you talking about the 1976 letter?

Mr. HARRIS. Did Congressman Patten ever see the 1976 letter or a copy thereof?

Mr. CALLAS. Mr. Harris, as I understand your question, when I prepared the 1975 and 1976 lists, I prepared them myself and I was

the only one who knew the names and addresses that were typed on there. So, consequently, I used my own judgment as to why Congressman Patten's name should be placed on—

Mr. HARRIS. No, Mr. Callas, my question is a simpler one than that. It was simply, did Congressman Patten, to your knowledge, ever see Exhibit P-8 or any copy thereof?

Mr. CALLAS. I could not say that he did because I probably sent him a copy, even though there is no note in the lower left-hand corner, because it had reached the point over the years where it was almost automatic to have me send him a copy. Sometimes I would show the "cc" in the lower left-hand corner and sometimes I would not. But I could not say that the Congressman absolutely saw that list.

Mr. HARRIS. No, I think you anticipated my next question. Can you explain to us why on exhibit—well, before we do that, Mr. Chairman, I would move the admission of P-8 into the record.

The CHAIRMAN. Any objection?

Mr. MADIGAN. No objection.

The CHAIRMAN. Without objection, it is received.

[The document referred to as Exhibit P-8 was received in evidence.]

Mr. HARRIS. With regard to the 1975 and 1976 report, can you explain to us how it is that the name of Edward J. Patten appears next to a contribution for \$500 in each of those years?

Mr. CALLAS. Yes, Mr. Harris, because the Congressman volunteered to issue his checks in both of those years, I thought it would be appropriate to list his name and I did it on my own without the Congressman's knowledge, because in the first instance in 1975 he mailed the check to the Middlesex County Democratic Organization and in 1976, after his secretary made out the second check for \$500 and had the Congressman sign it and then it was sent in by me, I felt this way, that since the checks were going to be sent to the Middlesex County Democratic Organization in Congressman Patten's name, it would be natural for me to list Congressman Patten's name down there even though he was not the true donor or purchaser of the tickets.

I did not put his name down there with malice or forethought, if that is the proper term, with intent to conceal, because I thought that by placing Congressman Patten's name down there it reflected the checks that the Middlesex County Democratic Organization would receive.

Now, if the Congressman didn't volunteer to issue those checks and I ended up sending the cash, I would have listed Tongsun Park's name down, but since he volunteered to make out the checks, send the one in 1975 and have me send the one in 1976, I listed Edward J. Patten down there and these two letters simply because he issued the two checks that eventually would be received by Mr. Venezia in Woodbridge.

Mr. HARRIS. Did you tell Mr. Patten in 1975 when he was up in Perth Amboy and you were in Washington, that you intended to report this in his name?

Mr. CALLAS. No, I did not.

Mr. HARRIS. Are you sure about that?

Mr. CALLAS. I am sure that I told him, that I did not tell him I would report it in his name. It was my function to list the names as I saw fit. There was absolutely no conversation between Congressman Patten and myself as to whose name was going to appear on those lists.

Mr. HARRIS. There was some conversation between yourself and Congressman Patten, was there not?

I call your attention on exhibit P-6 to the portion in which you state that he is going to mail his check today and that reference in the top part. Do you see that, Mr. Callas?

Mr. CALLAS. Yes. I see what you mean. You are talking about my reference to Mr. Venezia that Congressman Patten is mailing a check to him today. What this meant was that when I talked to Congressman Patten on August 6 he told me that he was going to issue the check and mail it to the organization. That is why I make reference to it in the letter.

Mr. HARRIS. Did you tell him when he said he was going to mail a check to the organization anything to the effect that you were going to report to the organization, send your report in also?

Mr. CALLAS. I don't recall specifically saying that—well, my recollection is that I told him that I was about to send the proceeds in to the organization and I don't know whether I necessarily mentioned the letter per se but, of course, the proceeds would have to inevitably be accompanied by a letter, so I may have mentioned the letter per se and I may not have.

I am not sure of that, but I did say that I am about to send the proceeds in to the organization and, of course, every time I did send the proceeds in to the organization, the proceeds were accompanied by a letter.

Mr. HARRIS. Did you tell him that this \$500 for which he was issuing a check would be included in the proceeds? Did you tell Mr. Patten that when you spoke to him on the 6th of August?

Mr. CALLAS. I don't recall telling him. Are you talking about in his name or the check?

Mr. HARRIS. The proceeds.

Mr. CALLAS. The proceeds, yes.

Mr. HARRIS. I would like to turn to another subject.

Mr. Callas, do you recall being interviewed by the Department of Justice concerning this matter?

Mr. CALLAS. Yes, I do.

Mr. HARRIS. Do you recall telling the Department of Justice that in 1976 and 1975 you were not successful in selling any tickets to Mr. Park?

Mr. CALLAS. The question by the Justice Department was that they asked me about 1975 and 1976 and I told them, the way the question was worded, he was not specific in his question as to whether I sold tickets to Mr. Park in 1975 and 1976.

Mr. HARRIS. But as a result of the interview, the Justice Department did not learn in fact that Park had bought tickets by cash in those days, did they?

Mr. CALLAS. Yes, they did.

Mr. HARRIS. As a result of that interview?

Mr. CALLAS. No, it was a subsequent interview.

Mr. HARRIS. Did you testify on depositions before this committee on two occasions?

Mr. CALLAS. Yes, I did.

Mr. HARRIS. On the first of those occasions, Mr. Callas, were you asked in substance whether you had told Mr. Patten that the cash was from Mr. Park?

Mr. CALLAS. Yes, I do recall that.

Mr. HARRIS. And you answered in the negative, did you not?

Mr. CALLAS. I did, yes.

Mr. HARRIS. Did you subsequently ask the committee for the opportunity to come back in and testify as to what you considered to be the accurate facts?

Mr. CALLAS. Yes, I did.

Mr. HARRIS. Did you in fact come back and change your testimony in that regard?

Mr. CALLAS. Yes, I did, Mr. Harris.

Mr. HARRIS. Can you explain to us, Mr. Callas, first, what motivated you in the first instance and also what caused you to come back and change the record?

Mr. CALLAS. Mr. Harris, when I first appeared before you, I was questioned and responded to your questions, but there was a human factor present and that is my loyalty to Congressman Patten, the loyalty in government and politics is a very important factor and, of course, it is a human factor too. So, consequently, because of my loyalty to the Congressman, let me just say one of the reasons, several of the reasons I felt so strongly in my loyalty to the Congress, I was the Congressman's administrative assistant for 15 years. Before that, when he was the New Jersey Secretary of State, the Congressman was there for 8 years and I was the Public Relations Director of the State Treasury Department for 3 years.

Our offices were about 30 feet apart. We often conferred.

Then in 1962, when Congressman Patten ran for Congress the first time, I was one of his campaign aides. I did his legislative research. I coordinated his campaign. I handled his press relations. It was a bitterly fought primary.

What I am trying to say is, for over a 20-year period we were very close politically and personally. So, consequently, in responding to your questions, the first time I visited you, Mr. Harris, the loyalty factor was a very strong factor because, in addition to the 20-year period that I was familiar with Congressman Patten politically and personally, I grew fond of him as just about everyone who knows him grows.

He is a very warm person. He is outgoing. He is kind. He was generous to me and the rest of his staff. He is a very sweet person. So, consequently, that is why my loyalty to him, I was trying to help him to protect him. I didn't want to hurt him.

I must say in all candor that this was voluntary on my part. No one had to exhort me to be loyal. It was almost an instinctive thing.

Then I went home and in the comparative serenity of my apartment, gave careful thought of what transpired that day. After I gave it very careful thought, I found myself troubled. I was troubled because I thought in retrospect that I placed loyalty on too high a scale; that in appearing before you, Mr. Harris, I was not in

some cases completely candid, in some cases completely frank, and indeed in some cases I was not completely truthful.

After spending a restless night, as I was troubled, I visited Mr. Epstein's office the following morning. I told him how troubled I was. I told him that I had placed loyalty on too high a scale. I didn't think I did the right thing, that I was troubled by it; that I would appreciate it if he would contact you and try to have me reappear so I could amplify and elaborate and straighten out the record to tell the truth.

Mr. Epstein called you and I believe I asked Mr. Epstein to try to schedule me for the same day; in other words, the day after I appeared the first time, but he could not do it because, as I understand it, there was not sufficient advance notice, and I believe a Member of Congress was out of town who would be required to be present to give the oath.

So I think I appeared roughly several days later, the following week. When I did appear, I did straighten out the record. I responded fully and truthfully to your questions. Mr. Harris, that is what happened.

Mr. HARRIS. Mr. Callas, can you tell us how it came to pass that you are no longer employed by Congressman Patten?

Mr. CALLAS. Very frankly, on March 4 of 1977, I had written a letter which is in the files of the Finance Office, and no one in the office knew that I wrote that letter. It was a confidential letter from me to a Mr. Warren Klein, I believe his name is; his last name is Klein, asking him what would my pension be if I retired eventually at x age if I resigned in January of 1978.

Now, this was 8 months before the House Ethics Committee asked me to appear and before the Justice Department spoke with me. I wrote that letter because there were several reasons.

First of all, in 1976 Congressman Patten showed at least to me some reluctance as to whether he was going to run for reelection. I remember distinctly that he finally gave me the green light to issue a press release indicating he is going to run for reelection only after I was—I kind of kept after him, "Are you going to run?"

He said, "I am not sure. It is too early yet. I am not sure. Just wait. Don't be impatient."

With about 2 to 3 weeks to go before the filing deadline, he finally said to me, "You can issue the release."

I was not sure that he was going to run for reelection in 1978.

Another reason was that, as I recall, in November 1977, I closed both doors that led to the office because obviously, whether a Congressman is going to run for reelection is a confidential matter, and usually between he and his family and not all the time between he and his administrative assistant, but I said to him, "Congressman, I would like to ask you a very important question."

He said, "What is the question?"

I said, "Are you going to run for reelection in 1978?"

He looked at me and he said, and these are his exact words: "I am 99 percent sure I am not going to run."

Well, of course, 99 percent is a pretty high figure. I reached a conclusion because of his reluctance to run in 1976 and because in 1977 he indicated to me strongly that he would not run and because he would be 73 years of age in 1978, even though he was and

is in vigorous health, I reached the conclusion he was not going to run.

In 1962, to be a little retrospective.

Mr. HARRIS. Well—

Mr. CALLAS. I just want to point out, I didn't want to stay through 1978 because he gave me the impression he would not run and I did not want to take part in a bitter, bloody primary because I went through that in 1962 and I didn't want to go through another primary because I know a lot of the people who would want to run for his seat.

I am sorry if I digressed, Mr. Harris, and members of the committee.

Mr. HARRIS. Now, the next question, Mr. Callas, you have told us what was on your mind, but as to your actual departure, did you resign or were you fired by Mr. Patten?

Mr. CALLAS. The God's truth is that I resigned. It was completely voluntary. I told the Congressman that I wanted to resign to open a public relations consulting firm working out of the apartment. He said, "Well, I am sorry, but if that is your decision, that is up to you."

But, Mr. Harris, Congressman Patten did not fire me. I have never been fired in my life, and it was completely voluntary and that is the God's truth.

Mr. HARRIS. Mr. Callas, you were aware, were you not, that the law required the reporting of all contributions over \$100 by the name of contributor, were you not?

Mr. CALLAS. Yes, I believe I was vaguely aware of that.

Mr. HARRIS. Yet in these exhibits you have before you, P-6 and 8 relating to 1975 and 1976, with that awareness you still listed Edward Patten as the contributor?

Mr. CALLAS. Yes.

Mr. HARRIS. Mr. Callas, isn't it a fact that there was some discussion between yourself and Mr. Patten with regard to how you would report these contributions?

Mr. CALLAS. No, there was not, Mr. Harris. I never discussed with Congressman Patten how these would be reported. The only thing I could tell you is that I told him that I had \$500 in cash covering the tickets and there was no discussion as to whose name would be listed. I did that completely on my own.

Mr. HARRIS. Mr. Bennett, I have no further questions at this time.

Mr. BENNETT. Counsel for Mr. Patten?

Mr. HARRIS. Mr. Bennett, before we proceed, could Mr. Madigan and I approach the Chair for a moment?

[Discussion off the record.]

Mr. BENNETT. Under the rules of the holding of this hearing, it was not to be electronically recorded. It is to be recorded by the reporter and the reporters that are here and an accidental bringing here of a recording device is contrary to the rules of this particular hearing; therefore, the device will be held by the staff. I am sure it was accidental.

Now, will counsel for the defense proceed?

Mr. MADIGAN. Thank you, Mr. Chairman.

Mr. Callas, how long have you known Congressman Patten?

Mr. CALLAS. I would say roughly for 20 years.

Mr. MADIGAN. What is your opinion of him?

Mr. CALLAS. I think and know that Ed Patten is a great Congressman, a good Congressman and a great human being.

Mr. MADIGAN. Was that the opinion of him when you worked for him?

Mr. CALLAS. Yes, at all times.

Mr. MADIGAN. Does that remain your opinion today?

Mr. CALLAS. It certainly does.

Mr. MADIGAN. Prior to your coming to the staff of Congressman Patten, would you tell the committee where you worked?

Mr. CALLAS. Yes. I worked for the State Treasury Department for a 3-year period before I came to Washington with the Congressman.

Mr. MADIGAN. Prior to that, where were you employed?

Mr. CALLAS. I was employed at the Ford Motor Co. for about 10 years.

Mr. MADIGAN. In New Jersey?

Mr. CALLAS. Yes.

Mr. MADIGAN. Now, I take it that you are familiar with the Middlesex County Democratic Organization in the State of New Jersey, is that correct?

Mr. CALLAS. Yes, I am.

Mr. MADIGAN. Do I understand correctly that you worked with that organization for many years?

Mr. CALLAS. Yes, I did for several years on a part-time basis, on a periodic basis, yes.

Mr. MADIGAN. When did you begin doing some work for the Middlesex County Democratic Organization?

Mr. CALLAS. My recollection is that it started about 1960, in the 1960 campaign.

Mr. MADIGAN. Thereafter did you work with the organization in terms of the local elections that were run?

Mr. CALLAS. In my work for the organization, well you say local elections—this would range from a county clerk to legislative contests and, of course, there were times when there would be national contests like for Congress and for the U.S. Senate.

In 1960, of course, it was for the Presidency. So I started in 1960 and continued for several years.

Mr. MADIGAN. Did you ever occupy a paid position for the Middlesex County Democratic Organization?

Mr. CALLAS. No, I did not. I was not paid by the organization.

Mr. MADIGAN. You did it on a voluntary basis?

Mr. CALLAS. Yes, yes, I did.

A lot of people thought that I was paid, but let me recollect because this goes back to 1960. I believe in possibly a few of those years I was paid by the organization, I want to clarify the record. In a few of those years I was paid by the organization.

Mr. MADIGAN. Didn't you have the position of executive director of the organization for some period of time?

Mr. CALLAS. No, Mr. Madigan. The executive director position started in 1970 with Mr. Burke and he was succeeded by Mr. Hisner.

I was the coordinator and some people called me the manager of Middlesex County Democratic Headquarters, but I was never the executive director. That position started in 1970 and my last year was 1969.

Mr. MADIGAN. Whatever the title was, did you have occasion to know a fellow by the name of Dick Mulligan when he was the chairman of the Middlesex County Democratic Organization?

Mr. CALLAS. If you are asking me whether I knew Dick Mulligan on a nonpolitical basis, the answer is yes, but I did not know Mr. Mulligan politically because Mr. Mulligan started his chairmanship in 1970, the year after I terminated my relationship with the Middlesex County Democratic Organization. 1969 was my last year.

Mr. MADIGAN. Who was the chairman prior to Mr. Mulligan?

Mr. CALLAS. My recollection is that it was Herman Hoffman. Mr. MADIGAN. Did you work with him in that period 1960 through 1970?

Mr. CALLAS. There were a variety of chairmen. I can remember Joseph Sommers; I can remember Mr. Hoffman and possibly Mr. Thomas Lee.

Mr. MADIGAN. Did you have occasion to be involved with the sales of these dinner tickets prior to your employment with Congressman Patten?

Mr. CALLAS. I started with Congressman Patten in 1963. In 1962 the party leadership asked me to try to help coordinate the first, what they called Governors' Day. We had Democratic Governors in those days and we called them Governors' Days but I do not recall selling any tickets per se in 1962 which I believe was the first year we started, the organization started the so-called Governors' Day.

Later it was the gala and now it is called the dinner, but in 1962 I did help organize and coordinate the first effort to put together the Middlesex County Governors' Day, but I truthfully did not recall selling any tickets.

My function was clerical, to put out releases, to get the names together, and ask people if they would do their best.

But I do not recall trying to sell them per se. I allocated, but I don't think it would be truthful and accurate to say that I sold them although there may be a technical point.

Mr. MADIGAN. What do you mean by allocate them?

Mr. CALLAS. It seems to me I was requested by the leadership to get lists together of officials and people who might be interested in—

Mr. MADIGAN. Buying tickets?

Mr. CALLAS [continuing]. Buying the tickets. I would send them letters and ask them if they would attend meetings where they would be addressed by various people to try to help sell the tickets. There may be a technicality there. I certainly did do everything possible to make it successful, but I am trying to be as accurate as I can without being evasive.

Mr. MADIGAN. Right. Perhaps I did not make my question clear.

Mr. CALLAS. But it was primarily clerical and public relations, Mr. Madigan.

Mr. MADIGAN. You are distinguishing between going out and asking someone to buy tickets on the one hand and coordinating

lists of people who might buy tickets on the other, and you did the latter, but not the former.

Mr. CALLAS. Yes.

Mr. MADIGAN. And that was prior to your employment with the Congressman?

Mr. CALLAS. That 1 year in 1962.

Mr. MADIGAN. 1962 was the first day of the Governors Day dinner and that was the dinner you were speaking about earlier when Mr. Harris was asking you about the tickets in 1975 and 1976, is that right?

Mr. CALLAS. That is correct. The genesis of my stay was in 1962.

Mr. MADIGAN. Now, do I understand correctly that you had what you referred to as the unhappy responsibility to sell these tickets or at least sell some of the tickets that they sent each year to the Congressman's office, is that right?

Mr. CALLAS. Yes, it was very unhappy for me because my nature, Mr. Madigan, is, I am not a salesman and, secondly, I am always reluctant to try to sell tickets that cost \$50 or even a dollar, because, as you may size me up, I am introspective in personality. That is why it was unhappy on my part. I tried to even have somebody else sell them and it didn't succeed. I was not successful. That is why I say it was my unhappy duty, yes.

Mr. MADIGAN. Mr. Patten didn't like selling tickets either, did he?

Mr. CALLAS. No, Mr. Patten did not. Mr. Patten has had an aversion to the fiscal end of financing when it comes to campaigns throughout his life. His preeminent interest is people and not finance. Traditionally he raises the lowest amount of money whenever he runs among the 15-member delegation from New Jersey.

Mr. MADIGAN. And as a matter of fact that was true in 1976, isn't that right, that he raised the lowest amount of money of any of the 15 congressional candidates?

Mr. CALLAS. I believe it is accurate to say that. I am 99 percent sure that is true, and I would be surprised if it were not true throughout his entire career in the New Jersey delegation, but I believe that is accurate. He raised a very low minimum.

Mr. MADIGAN. He disliked tickets so much that in a number of years he just threw them in the wastebasket during the time you worked for him?

Mr. CALLAS. I don't remember ever seeing Mr. Patten throw tickets in the wastebasket.

Mr. MADIGAN. You don't remember ever seeing them?

Mr. CALLAS. When he put them on my desk, he gave me 50 and it was up to me to sell the 50. You are saying he threw away 50 tickets?

Mr. MADIGAN. I am not talking about the tickets in 1975 and 1976. I am talking about his general aversion to ticket-selling you just testified about. I am asking you if you recall on any occasions seeing him throw them in the wastebasket, not necessarily these particular tickets, but any tickets?

Mr. CALLAS. Are you talking about tickets other than the \$50 tickets?

Mr. MADIGAN. Let me ask you a different question. Have you ever seen the Congressman, because of his aversion to ticket sell-

ing, take tickets and you know from your service in Congress that congressional offices get inundated with tickets to sell for various functions, and throw them in the wastebasket?

Mr. CALLAS. Now that you put it that way, I thought you were referring to the tickets that I had the assignment to sell and the answer is no. All right, I understand. Yes, I do.

In other words, tickets that were not associated with the Middlesex County Governors Day or dinner tickets, not those, but I did see him throw others away, yes.

Mr. MADIGAN. Now, I understood that you made it a practice of handling these tickets for the Middlesex County Democratic Organization out of your own house at all times if possible, is that right?

Mr. CALLAS. Yes, that is right, most of the times, Mr. Madigan, most of the times as much as I could. I would say predominantly from my apartment.

Mr. MADIGAN. And you typed these letters and things yourself?

Mr. CALLAS. Yes, I have a typewriter at home.

Mr. MADIGAN. On your own time?

Mr. CALLAS. Yes. Sometimes I would perhaps use the letterhead in my apartment. The reason I said that is because sometimes something would appear on the letterhead that would theoretically reflect that I typed it in the office, but I may have typed it in my apartment because I did work on weekends on special correlation to legislation and I have my own typewriter in my apartment.

Mr. MADIGAN. That was a policy in the office, was it not, that the ticket business should be conducted outside of the office?

Mr. CALLAS. Mr. Patten strongly emphasized that. This is why, the main reason why I confined it to my apartment, in addition to that instinctively I realized that it would be wrong, morally as well as legally, to do work on the premises. But let me say this, Mr. Madigan, and I am not digressing, that I was not a 9 to 5 man. In the last few years I would often be in the office at 6:30 in the morning. Whatever work I did in connection with the tickets would be before the traditional 9 to 5 work period. Sometimes I would do it during my lunch period and sometimes after 5 o'clock.

Mr. MADIGAN. You were carrying out his policy that this be done outside the office, is that correct?

Mr. CALLAS. That is right.

Mr. MADIGAN. With respect to the tickets for the Middlesex County Democratic Organization dinner, I am correct, am I not, that the proceeds for that dinner are used for the local campaigns in New Jersey and they are not in any way contributed to Congressman Patten's campaign?

Mr. CALLAS. Mr. Madigan, I can only tell you this: Whatever proceeds I forwarded to the organization, it was always my understanding that they would be almost exclusively confined to local and county contests.

Mr. MADIGAN. With respect to these tickets in 1970, that was the first year that Mr. Park purchased tickets for the Middlesex County Democratic Organization dinner, wasn't it?

Mr. CALLAS. Well now, Mr. Madigan, I can only say this: The first check that I recall physically coming in contact with was the

one that Congressman Patten gave me in 1971 to forward to the organization. I truthfully cannot recollect a 1970 one.

Mr. MADIGAN. Go ahead. Will you finish?

Mr. CALLAS. That 1971 check is the first check that I recall coming in physical contact with although I believe somewhere in the hearing, I believe in response to Mrs. Fenwick's question on April 3, I believe, to Mr. Park, he did point out that the first check was requested by the gentleman who is now deceased and I don't want to name him. He was an honorable man and a good man and did nothing wrong. I do not recall having anything to do with the 1970 check. 1971 was the first time I physically came in contact with Tongsun Park's check.

Mr. MADIGAN. No one is suggesting that there was anything wrong with that. It certainly was not illegal for Mr. Park to purchase these tickets in 1970, was it?

Mr. CALLAS. That is correct. This is why I say he did nothing wrong as far as I know.

Mr. HARRIS. Mr. Chairman, I don't think this witness is legally qualified to ask him what the law is. I don't think that is productive. If we are going to establish what was in this witness' mind, I don't object, but if we are asking him his opinion of the law, I think that he is eminently unqualified to answer that.

We probably should save that for Mr. Madigan and myself.

The CHAIRMAN. Can you rephrase the question?

Mr. MADIGAN. Counsel, in his opening statement, spoke about who thought it was illegal and who thought it was not. I think it is a proper question.

Mr. HARRIS. I have no objection if it is what Mr. Callas believed.

The CHAIRMAN. You can proceed along that line of questioning.

Mr. MADIGAN. You indicated you didn't want to name the fellow. What I was pointing out is that there was certainly in your opinion no violation in doing that kind of thing, in purchasing these tickets, right?

Mr. CALLAS. That is correct.

Mr. MADIGAN. The person is Mr. Mulligan, isn't that correct? The person you don't want to name?

Mr. CALLAS. I don't want to mention any person who is deceased. I hope you understand my reluctance. He has left behind a fine family and I don't want to be in position of naming names.

I think the record on page 99 or 100 or 101 names the person but I don't want to be put in a position to name him personally.

I think in response to Mrs. Fenwick's question Mr. Park answered the question. I would rather not mention the person's name. I have too much regard for him. I am sorry.

Mr. MADIGAN. By your answer you are making it seem like more of a problem than it is.

Mr. CALLAS. It is only because the man is deceased, Mr. Madigan.

Mr. EPSTEIN. Will you repeat the question?

Mr. MADIGAN. My question is, haven't you become aware that the first time that these tickets were purchased by Mr. Park was in 1970 and that was because of a request to him on behalf of Mr. Mulligan who was at that time the chairman of the Democratic Middlesex County Organization?

Mr. CALLAS. Yes.

Mr. MADIGAN. Thank you.

Now, subsequently I understood that in effect because he had purchased them once and got his name on a list in effect, that he was, therefore, asked in subsequent years to buy, am I correct about that?

Mr. CALLAS. Yes. When I got the 1971 check before I mailed it I made a note of his name and address because I thought if Congressman Patten thought it was OK to forward that 1971 check it was OK for me to try to sell Park tickets in the future.

Mr. MADIGAN. It certainly was your view that it was OK, right?

Mr. CALLAS. Well, I didn't know any reason why it would be improper at that point.

Mr. MADIGAN. That is right because there is none.

Now, that is in effect the way these ticket lists work, isn't it, for selling tickets to things, like once you buy it is like getting your name in the computer; you can never get it out?

Mr. CALLAS. It is like a so-called mailing list. You try to sell tickets year after year to people who bought them in previous years. Sometimes you win and sometimes you lose and you have to go sell them to other people.

They change from year to year, but basically they remain the same.

Mr. MADIGAN. In any event, in these previous years, Mr. Park bought tickets to the dinner and indeed did so in 1975, is that right?

Mr. CALLAS. Yes, he bought tickets in 1975, yes.

Mr. MADIGAN. Now, with respect to his purchase of the tickets in 1975, I am correct, am I not, that in August of 1975 the Congressman was up in his office in Perth Amboy and you were down in Washington, is that right?

Mr. CALLAS. That is correct.

Mr. MADIGAN. Do you have a recollection of how long the Congressman was in Perth Amboy during August of 1975?

Mr. CALLAS. I do not. He was in when I called. I could not tell you how long he was in his office during that August period. I could not.

Mr. MADIGAN. Was Congress in session or out of session?

Mr. CALLAS. It was my understanding they were out of session during that period when I called him; I believe they were out of session.

Mr. MADIGAN. When Congress is out of session, Congressman Patten frequently goes up to New Jersey and spends time with his constituents.

Mr. CALLAS. Almost invariably.

Mr. MADIGAN. When he does that, he is in and out of his office frequently?

Mr. CALLAS. He is in and out quite frequently because he makes the rounds of different places, yes.

Mr. MADIGAN. I believe you testified that it is now your recollection that you had a telephone call with him as you were getting the proceeds ready to send in to the 1975 dinner, is that right?

Mr. CALLAS. That is correct.

Mr. MADIGAN. I understood from your testimony that the reason you called him on that day to your recollection is not about the tickets, but about a legislative matter?

Mr. CALLAS. Yes.

Mr. MADIGAN. Do you remember what that matter was?

Mr. CALLAS. I truthfully don't, Mr. Madigan. It could have been anything because we get a lot of mail in the office and I might have been asking him about a bill. I truthfully don't recall the nature of the legislative matter.

Mr. MADIGAN. When he is in Perth Amboy and you are in Washington, you call him frequently, do you not?

Mr. CALLAS. Well, I would say not that frequently, not that frequently. I would say from time to time, but not that frequently.

Mr. MADIGAN. Several times a week?

Mr. CALLAS. Not myself, maybe other members of the staff who work on case work might call, but I would not have, under normal conditions, the need to call him several times because most of the times I would just use my judgment as the AA.

Mr. MADIGAN. There would be a number of legislative matters that you would need to talk to him about, I take it, would there not?

Mr. CALLAS. When you say "number," I don't know what you mean by that, but from time to time I would be in doubt as to how he feels about a bill. Maybe somebody had written in a letter and I wanted to ask him, "How do you feel about such and such a bill," or "Would you be interested in my getting out, would it be OK to get out a news release on this particular legislative matter?"

It could have been almost anything.

Mr. MADIGAN. Do I understand correctly that your recollection of that telephone conversation—and that took place about 3 years ago, didn't it?

Mr. CALLAS. Yes; it would be roughly 3 years ago, yes.

Mr. MADIGAN. Now, with respect to your recollection of that conversation over the telephone, do I understand that you recall that you had a concern of sending cash through the mail?

Mr. CALLAS. Yes, that is correct.

Mr. MADIGAN. I take it that a number of people had given you cash for dinner tickets, is that right?

Mr. CALLAS. Over the years very few people would provide cash.

As a rule it was by check. There were times when some people gave cash, but I don't recall anybody coming close to \$500. The amount was a major factor because there were times, from time to time, when cash was sent, but maybe in \$100 or \$200 or maybe \$300 amounts. But \$500 kind of concerned me. The amount concerned me.

Mr. MADIGAN. I am not sure you understood my question.

It was that you had cash that you didn't want to send through the mail. I am not talking about whether it was \$500 or whether some people gave you \$50 for one ticket, you did have cash.

Mr. CALLAS. I had cash, but \$500 is a lot of money and I had never gotten that amount in cash before.

Mr. MADIGAN. Well, you are still not understanding my question. What I am searching for is whether you have a recollection and, if you don't have any after this number of years, just indicate to me

that you don't, as to whether you had additional cash from someone buying one ticket for \$50 or two tickets for \$100 in addition to the \$500 that we spoke of?

Mr. CALLAS. I believe that from time to time—

Mr. EPSTEIN. May I ask for clarification? Are you asking if he had more cash in this particular year from someone other than Park or are you asking about other years?

I think he is responding about other years and you are focusing on 1975.

Mr. MADIGAN. I think he understood the question.

Mr. EPSTEIN. Well, I did not understand the question.

Mr. MADIGAN. Let me restate the question for you, counsel.

The question was, Mr. Callas, whether you have a recollection—and again, if you don't have a recollection, just tell me that you do not—as to whether in 1975 you had additional cash, say \$50 for one ticket or \$100 for two tickets, in addition to the \$500 that you had that you were concerned about sending through the mail.

Mr. CALLAS. I do not recall sending any cash in 1975. I am not certain but I do not believe that I did.

Mr. MADIGAN. The question was not whether you had sent it, but whether you had had it in your office in Washington.

Mr. CALLAS. I don't think I did. That is my recollection.

Mr. MADIGAN. And your earlier answer that you were trying to indicate then that while you can't remember what year, in some of the years you did receive cash from people to buy tickets?

Mr. CALLAS. Yes. There was, from time to time, and it is vague in my memory, but the amounts were relatively small like maybe \$100, something like that.

Mr. MADIGAN. In any event, getting back to your telephone call, the concern was the safety of sending cash through the mail?

Mr. CALLAS. That is right.

The CHAIRMAN. I think the committee will recess at this time and return at 2 o'clock.

Mr. HARRIS. Mr. Chairman, before we recess, I have been informed by the U.S. district court, Judge Ritchie presiding, that he is going to need Mr. Park all day, but would make him available to us at 2 o'clock and would request that, if possible, we take him out of order so that he can continue his court hearings.

The CHAIRMAN. Mr. Madigan, do you have any objection to that?

Mr. MADIGAN. No, that will be fine.

The CHAIRMAN. All right, the committee will stand in recess until 2 p.m.

[Whereupon, at 12:15 p.m., the committee was recessed, to reconvene at 2 p.m., the same day.]

AFTERNOON SESSION

Mr. FLYNT. The committee will please come to order.

When the committee recessed at approximately noon, the counsel for Representative Patten had agreed that the next witness could be called out of order and that he would resume his cross examination of Mr. Callas after hearing from the next witness.

Is that agreeable?

Mr. MADIGAN. That is correct, Mr. Chairman.

Mr. FLYNT. Mr. Harris, call Mr. Park.

Mr. HARRIS. Tongsun Park.

Mr. FLYNT. Mr. Park, before taking your seat, would you remain standing and raise your right hand, please.

Do you solemnly swear that the testimony you will give before this committee in the matter now under consideration will be the truth, the whole truth and nothing but the truth, so help you God.

Mr. PARK. Yes, sir.

Mr. FLYNT. You may have a seat.

You are Mr. Park, Tongsun?

Mr. PARK. Yes.

Mr. FLYNT. You are accompanied by your counsel, Mr. William G. Hundley?

Mr. PARK. That is correct, Mr. Chairman.

Mr. FLYNT. A member of the Washington, D.C. bar?

Mr. PARK. Yes.

Mr. FLYNT. Mr. Harris, you may proceed.

TESTIMONY OF TONGSUN PARK

Mr. HARRIS. Mr. Park, you know a person named Edward Patten?

Mr. PARK. Yes, Congressman Patten.

Mr. HARRIS. Mr. Park, with regard to the year 1971, did you have occasion during 1971 to give Mr. Patten a \$500 check payable to the order of the Middlesex County Democratic Organization?

Mr. PARK. I don't think I gave a check directly to Mr. Patten. Someone in the office, I believe.

Mr. HARRIS. Do you recall in 1971 asking Mr. Patten to cause a check to be forwarded to the county organization because you were not sure where the address was—what the address of the county organization was?

Mr. PARK. To the best of my recollection, I thought that I had the dealings with Mr. Callas, who was then his administrative assistant.

Mr. HARRIS. So what you are saying is that you do not recall ever handing such a check to Congressman Patten?

Mr. PARK. No, I don't think so.

Mr. HARRIS. In any event, Mr. Park, during the years 1971, 1972, 1973, and 1974 did you make a contribution to the Middlesex County Democratic Organization?

Mr. PARK. That is correct.

Mr. HARRIS. And in what amount in each year?

Mr. PARK. \$500 U.S. dollars.

Mr. HARRIS. And were those contributions made by check?

Mr. PARK. I believe so.

Mr. HARRIS. Now, calling your attention to the year 1975, did there come a time when you were informed by your assistant, a Mr. B. Y. Lee, that you had received a request once again to purchase tickets to the Middlesex County Democratic Organization dinner?

Mr. PARK. I believe that was the case, yes.

Mr. HARRIS. And did you have a conversation with Mr. Lee?

Mr. PARK. I seem to recall, yes, the conversation.

Mr. HARRIS. Would you tell us briefly the substance of the conversation that you recall.

Mr. PARK. Even though I was busy carrying out my responsibility as a businessman, I was made aware that there was some discussion about introducing or creating a law whereby it makes it illegal for foreign national to make a contribution, political contribution, that is.

Mr. HARRIS. As a result of this conversation with Mr. Lee, concerning the law which made it illegal for a foreign national to make a contribution, did you in fact make a contribution to the Middlesex County Democratic Organization?

Mr. PARK. Yes. It was annual—every year. As you indicated, we made a contribution, and I had a strong desire to continue this contribution. I did make the contribution.

Mr. HARRIS. In the year 1975, what was the form of the contribution?

Mr. PARK. It was in the form of cash.

Mr. HARRIS. Now, calling your attention to a year forward, 1976, were you again solicited with regard to a cash contribution?

Mr. PARK. I think we—

Mr. HARRIS. Let me just say by you, I mean either you personally or through word received by you through your staff.

Mr. PARK. I think we were asked to make a contribution—not through me, but I think one of our staff members was approached.

Mr. HARRIS. And did you respond in 1976?

Mr. PARK. As I recall, I think we did.

Mr. HARRIS. And what was the amount of the contribution?

Mr. PARK. Same amount.

Mr. HARRIS. And what was the form of the 1976 contribution?

Mr. PARK. I am not sure, but it could be cash or a check.

Mr. HARRIS. Have you had a chance during the last several months to review your financial documents, checks, check stubs, things of that nature?

Mr. PARK. Not really because all my files are kept by either Justice or the House Ethics Committee.

Mr. HARRIS. Just one moment.

Excuse me one moment, Mr. Chairman.

Mr. FLYNT. Certainly, Mr. Harris.

Mr. HARRIS. Mr. Park, just a couple of other questions.

In 1975, after your discussion with Mr. Lee concerning the illegality of a foreign national making a contribution, isn't it a fact that you made your contribution in cash to avoid having to confront that problem?

Mr. PARK. I don't really know, but—

Mr. HARRIS. Is it possible?

Mr. PARK. It is possible, but I have established myself as a willing contributor, and also because of my enthusiasm for this notion of participating in the American political process.

It was quite confusing in my own mind whether I thought of myself as an American or as a foreign national. But in any case, if I made a cash contribution, I have no quarrel with that.

Mr. HARRIS. Mr. Park, lastly I would like to ask you, during the years 1970 through 1976, did you have occasion to see Congressman Patten from time to time?

Mr. PARK. I think I—as I testified before, I consider Congressman Patten as a social friend, and it was always a pleasure to see him. If I were on the Hill, I think I would stop by and say hello.

Mr. HARRIS. Now, during any of the contacts that you had with Congressman Patten through the end of 1976, did he ever act cold to you or abrupt or discourteous, or in any way indicate to you that he no longer wanted to talk to you, or have anything to do with you?

Mr. MADIGAN. I object, Mr. Chairman. I don't believe in my years of practice I have ever heard a more irrelevant question than that one.

Mr. FLYNT. What is the purpose of it, Mr. Harris?

Mr. HARRIS. Well, Mr. Chairman, first of all I don't believe under the committee rules that is an appropriate objection.

But the purpose is, there is some contention here, on the part of the respondent, that there came a time, namely in 1974, after which all persons on his staff were instructed to have nothing to do with Mr. Park, and that the respondent himself was "cold as ice" to Mr. Park, and that appears in prior testimony.

If that is the position of the respondent—and I can't anticipate what position he will take on his case, but that is prior testimony, and I have a right to explore that in terms of the entire context of the receipt of these—

Mr. FLYNT. I will let you ask the question.

Mr. PARK. Well, human relationship is such that I am entitled to my own opinion as to how I felt how the other person behaved, as far as expressing his friendship or feeling was concerned.

As I recall, the kind of ambience that I saw in Congressman Patten's office was always that of being a busy one, and he had many constituents and friends in and out.

I do recall that it is always difficult to get his attention because he is trying to please obviously everyone that comes through the door.

I felt that he was my social friend, but then he is a politician, and what goes in his own mind is something totally different.

So, while I can say only about my unilateral feeling, it is quite possible that Congressman had a different idea about the friendship.

Mr. HARRIS. However, is it fair to say that Congressman Patten—forget what you think he may have had in his mind—but I am asking you how he acted toward you.

Did he act toward you in a friendly or unfriendly manner.

Mr. MADIGAN. May we have when?

Mr. HARRIS. Did he ever act in an unfriendly manner toward you from the period 1970 through 1976?

Mr. PARK. Again, this is a sensitive question, so I am going to do my level best to give you the best answer possible—accurate as possible. By nature I think Congressman Patten is a very gregarious and friendly type. So, even if he tried to be unfriendly, I don't think he would have succeeded. But I certainly would not get that feeling.

Mr. HARRIS. So you certainly never perceived his conduct as unfriendly, is that what you are saying?

Mr. PARK. Well, that is one way of answering, I guess.

Mr. HARRIS. No further questions, Mr. Chairman.

Mr. FLYNT. Mr. Madigan?

Mr. MADIGAN. Thank you, Mr. Chairman.

Mr. Park, with respect to those last series of questions, do you recall when the last time was that you saw Mr. Patten?

Mr. PARK. I don't really recall.

Mr. MADIGAN. Do you recall whether you had seen him at all since 1974?

Mr. PARK. Well, I am on the record as saying that I was spending more and more time in the Middle East and out of this country. So, chances are that I have seen him much less. So, it is possible that I did not see him at all.

Mr. MADIGAN. Now, do I understand correctly that prior to your being asked by someone about purchasing some tickets for the Middlesex Democratic County Organization dinner up in New Jersey, you never heard of that organization?

Mr. PARK. No.

Mr. MADIGAN. It is not one that is prevalent in the Washington newspapers or in Washington society, is it?

Mr. PARK. No.

Mr. MADIGAN. Were you aware that the Middlesex County Democratic Organization raised funds for local elections rather than for Federal elections?

Mr. PARK. I was made aware later; yes.

Mr. MADIGAN. Were you also made aware that unlike the Federal law, under the law in New Jersey corporate contributions, for example, are permissible?

Mr. HARRIS. Would you state a time on the question, please?

Mr. MADIGAN. I asked the question, counsellor.

Mr. HARRIS. Then I object to the question.

Mr. Chairman, it is a point to establish, was he made aware, the time he was made aware. The answer would have no meaning if there is no time attached to it.

Mr. MADIGAN. May we have the question, Mr. Chairman?

Mr. FLYNT. Let the reporter read the question back.

[The reporter read from his notes.]

Mr. FLYNT. I see no objection to the question.

Do you want to be heard further?

Mr. HARRIS. No. Mr. Chairman, I will wait for redirect.

Mr. PARK. I think I was made aware later on.

Mr. MADIGAN. Were you made aware later on that the proceeds, what was left over after the dinner expenses, et cetera, for the money raised in the Middlesex County Democratic Organization was used in local elections and was never used in Congressman Patten's campaign?

Mr. PARK. Well, in all fairness I must suggest, while I was a willing contributor, I was also one who wouldn't care how the money was spent. So, my interest would not have gone to the extent where I wanted to know how the money was exactly used.

Mr. MADIGAN. Now, with respect to your initial request to purchase some tickets for the Middlesex County dinner, am I correct that that occurred back in 1970?

Mr. PARK. Mr. Milligan, who is now deceased, is the one who approached me.

Mr. MADIGAN. And asked you to buy tickets?

Mr. PARK. Yes, from Johnson—

Mr. MADIGAN. He worked for Johnson and Johnson?

Mr. PARK. Johnson and Johnson, yes.

Mr. MADIGAN. And was he also to your knowledge the chairman of the Middlesex County Democratic Organization?

Mr. PARK. I was told; yes.

Mr. MADIGAN. Now, am I correct that your subsequent purchases of these tickets were in effect because you got your name on the list having purchased some for the first time in 1970?

Mr. PARK. I assumed that it was something that we started, and without attaching any great significance, it was just repeated. That is the way I took it. After all, \$500 isn't something that would make me or break me.

Mr. MADIGAN. I was about to ask, as to whether the purchase of these dinner tickets, ten \$50 tickets, each year, whether that was a matter that was of great importance to you.

Mr. PARK. No.

Mr. MADIGAN. Was it a matter that you spent any considerable amount of thought or time on?

Mr. PARK. No, not really. I don't mean to downgrade the \$500. \$500 is \$500. But it wasn't something that I wanted to attach great significance to.

Mr. MADIGAN. Now, do I understand correctly that with respect to your purchase of these tickets, that in the last 2 years you had Mr. Lee handle that because you were busy or out of the country?

Mr. PARK. That is a fair statement.

Mr. MADIGAN. And did he deal, to your knowledge, with Mr. Callas, the Administrative Assistant?

Mr. PARK. Yes.

Mr. MADIGAN. Now, with respect to your contributions, we have understood, of course, from prior testimony that you made contributions to various political campaigns and to various Members of Congress.

Did you ever make such a campaign contribution to any of Congressman Patten's campaigns?

Mr. PARK. No, and he never solicited.

Mr. MADIGAN. Did you ever give any money to Congressman Patten to be used for something other than a political campaign?

Mr. PARK. I don't think so.

Mr. MADIGAN. And I take it that—

Mr. PARK. I would add that if he did ask me, I would have given him a contribution.

Mr. MADIGAN. He didn't ask you, did he?

Mr. PARK. I liked him, and I was a willing contributor.

Mr. MADIGAN. But he did not ask you, is that right?

Mr. PARK. No.

Mr. MADIGAN. And you have held a number of fund-raisers at the Georgetown Club and other places for Members of Congress. Am I correct that you never held any such event for Congressman Patten?

Mr. PARK. None.

Mr. MADIGAN. Am I correct that you don't recall if Congressman Patten ever attended any such events?

Mr. PARK. I don't recall.

Mr. MADIGAN. I would have no further questions of Mr. Park, Mr. Chairman.

Mr. HARRIS. Nothing further.

Mr. FLYNT. Mr. Spence?

Mr. SPENCE. No questions.

Mr. FLYNT. Judge Preyer?

Mr. PREYER. No questions.

Mr. QUILLEN. No questions.

Mrs. FENWICK. No questions.

Mr. PARK. I said goodbye last time. I hope this is a real goodbye, but I am glad I came because at least I missed seeing Congressman Quillen, and also Judge Preyer.

Mr. QUILLEN. Mr. Chairman, for the record, have you been back to Bristol?

Mr. PARK. I have been waiting for your invitation.

Mr. FLYNT. Mr. Park, thank you again for coming back to the committee. With the thanks of the committee, you are excused.

Mr. Hundley, would you please express the thanks of the committee to Judge Ritchey for suspending in order to allow you and Mr. Park to come down.

Mr. PARK. Last time I didn't have time, but I want to still say thank you to Mr. Swanner and his staff for being very kind to us.

Mr. FLYNT. Thank you, Mr. Park.

Thank you, Mr. Hundley.

Mr. HUNDLEY. Thank you.

Mr. FLYNT. Mr. Callas?

[The testimony of Mr. Callas resumed.]

Mr. FLYNT. Let the record show Mr. Callas has resumed the stand and again he is accompanied by his counsel, Mr. David Epstein.

I remind you, Mr. Callas, you are still under oath.

Mr. Madigan, you may resume cross examination.

Mr. MADIGAN. Thank you, Mr. Chairman.

Good afternoon, Mr. Callas.

Mr. CALLAS. Mr. Madigan.

Mr. MADIGAN. When we left this morning we were discussing the fact that in your telephone conversation in 1975 with the Congressman you had indicated a concern about sending money through the mail and, therefore, it was decided a check would be sent directly from Perth Amboy to the county organization.

Did I understand you correctly?

Mr. CALLAS. That is correct, yes.

Mr. MADIGAN. And it was decided to do that in lieu of sending the check down to you, and then you having to send it back up to the county organization?

Mr. CALLAS. Well, I would assume that the reason why the Congressman suggested that it be sent to the organization is to preclude or obviate the need of sending it to me, and then having me send it to the organization. To facilitate the mailing, yes.

Mr. MADIGAN. Was there some urgency at the time of getting everything in?

Mr. CALLAS. Well, traditionally the fund-raiser is held in the middle of August, and I think it was getting close to the deadline.

Mr. MADIGAN. Now, I understand correctly, do I not, that since you were in Washington, it is your recollection that you didn't even attend the 1975 dinner, is that right?

Mr. CALLAS. As a rule, Mr. Madigan, I attended them every 2 years when the Congress ran as a matter of necessity, because whenever I left in off-year elections it would mean I would have to catch up with my work when I came back.

So, in all probability I did not attend the 1975 one, to my recollection.

Mr. MADIGAN. That is your recollection?

Mr. CALLAS. That is my recollection. I could be wrong, but as a rule I only attended in the years in which the Congressman ran. But I may have attended, but I am not sure.

Mr. MADIGAN. Now, you heard Mr. Harris reference this letter that accompanied this check, which was sent over to Mr. Venezia.

Mr. CALLAS. Yes.

Mr. MADIGAN. This morning.

Mr. CALLAS. Yes.

Mr. MADIGAN. Do I understand correctly that you had nothing to do with the drafting of that letter and didn't know anything about it?

Mr. CALLAS. That is absolutely correct. I knew nothing about that letter.

Mr. MADIGAN. You don't know who wrote what on the letter or who drafted it or anything like that?

Mr. CALLAS. I do not.

Mr. MADIGAN. That was all done out of the Perth Amboy office?

Mr. CALLAS. Presumably, because I know nothing about it.

Mr. MADIGAN. OK.

Now, in your employment with Congressman Patten over the years, I am correct, am I not, that you would have drafted almost innumerable pieces of correspondence for his signature, would you not?

Mr. CALLAS. I didn't do—I didn't handle that much correspondence. But there were sometimes when I did handle correspondence, and I would prepare from time to time a letter for the Congressman's signature.

But as a rule most of the letters were drafted and typed by the rest of the staff. If I were to give you a ballpark estimate on the percentage, I would say that very few of the letters—I didn't handle that much correspondence, but from time to time I did type letters for the Congressman's signature, yes.

Mr. MADIGAN. Would you review drafts of correspondence, et cetera, that other members of the staff would prepare for the Congressman's signature?

Mr. CALLAS. Not as a rule. What I would do, Mr. Madigan, is periodically during the day I would go out—we would place the correspondence in a box, in the so-called inner office, and I would spot check the mail to find out if I thought the content was OK. I had that right as the AA.

Or, if there was a grammatical error, or a typewritten error. From time to time I would go there just to take a look, maybe two or three times a day. So, it was kind of sporadically. But I tried to do it if I were not too busy.

Mr. MADIGAN. How about preparation of statements that the Congressman would give in various places? Did you participate in that?

Mr. CALLAS. Very frequently, yes. I handled his—I was his spokesman during campaigns, which means that if his opponent would make a charge that Congressman Patten voted this way on a bill, and I knew that it wasn't so, I would just use my judgment and then call him in Washington and perhaps I would have a draft ready, and OK it for him, and then I would give it out to the press.

I was his spokesman on legislative matters during campaigns.

Mr. MADIGAN. Now, in drafting statements for the Congressman, it is common practice here on the Hill, isn't it, that you try and draft those in the style of your boss, so that he feels comfortable when he is giving a statement?

Mr. CALLAS. Well, we would try to do that as much as possible, to reflect the Congressman's style, yes.

Mr. MADIGAN. He does have a unique style, doesn't he?

Mr. CALLAS. Yes, I would say so.

Mr. MADIGAN. And members of your staff that would draft correspondence, statements, letters and things of that nature, would draft them or attempt to draft them in a way they perceived to be his style?

Mr. CALLAS. Yes. Some members of the staff, when I was there, had more of a dexterity in doing that than others. But we would try to reflect the Congressman's inimitable style.

Mr. MADIGAN. Now, with regard to the reports or letters that you would send to—excuse me.

Mr. CALLAS. Mr. Madigan, I just—

Mr. MADIGAN. Mr. Callas, with regard to the letters that you were asked about by Mr. Harris, that you sent in in 1975 and 1976 to Mr. Venezia, reporting on the ticket sales and how they went, am I correct that you prepared those yourself, and you did so at home most of the time?

Mr. CALLAS. I absolutely prepared them myself. As to whether I prepared them at home or not, I am not 100 percent sure. I probably did, but as far as preparing them and typing them, I did that, yes.

Mr. MADIGAN. With regard to those two reports, I noticed that the 1976 report, which is labeled "Committee exhibit P-8," that letter does not indicate on its face that a carbon copy was sent to anyone, is that right?

Mr. CALLAS. On the face of the letter, that would be the conclusion you would reach because there is no "cc" in the lower lefthand column, that is correct.

Mr. MADIGAN. And with respect to the 1975 letter, there is a "cc" down at the bottom of that—

Mr. CALLAS. Yes.

Mr. MADIGAN [continuing]. That says carbon copy to Mr. Capistro and Mr. Patten, is that right?

Mr. CALLAS. Yes, that is right.

Mr. MADIGAN. I take it that sometimes you would send copies and sometimes you would not, is that correct?

Mr. CALLAS. Mr. Madigan, let me say this. I almost automatically would send copies to the Congressman over the years to let him

know how I did on the ticket sales because, as I indicated earlier, they were allocated to him and I wanted him to know how many I sold.

So, consequently, it was almost automatic. So, therefore because the 1976 letter does not show a "cc" it doesn't necessarily mean that I did not mail him one. Sometimes I would run one off on the Xerox machine and just put on it "Ed's copy," and then a slash mark "/Steve" and stick it in an envelope. But they were sent, they were sent almost invariably every year. Certainly at least frequently.

Mr. MADIGAN. With regard to any one specific year, if there is no carbon copy indicated on the letter you can't testify as to whether it was sent or wasn't sent?

Mr. CALLAS. Not with 100 percent certainty. But I am reasonably sure that practically every year I sent him one. I could not state categorically and unequivocally.

Mr. MADIGAN. All right, fine. The 1975 letter, I take it you sent it, if a copy was sent it would be sent to the Perth Amboy office.

Mr. CALLAS. His law office, yes.

Mr. MADIGAN. OK.

Now, I take it you have no knowledge one way or another about whether a copy was ever received up there or whether the Congressman ever saw it.

Mr. CALLAS. I have no evidence or proof that he did, Mr. Madigan. I can only tell you that I mailed it, but what happened after that, I could not say.

Mr. MADIGAN. I am correct, am I not, that you have no recollection of ever having discussed it with him, having testified to that this morning?

Mr. CALLAS. That is absolutely correct.

Mr. MADIGAN. I believe you testified at some point that this was something that you took full responsibility for?

Mr. CALLAS. Absolutely.

Mr. MADIGAN. Now, aside from these tickets that are in question this morning, the Middlesex County Democratic Organization tickets, the Congressman's office during the years that you worked for him frequently assisted constituents and other persons with respect to buying all kinds of tickets, didn't they?

Mr. CALLAS. From time to time there would be organizations who would send in tickets. Most of the times they would send complimentaries, but sometimes they would expect the Congressman to buy them.

Mr. MADIGAN. Well, I am speaking more of the assistance that the Congressman's office would lend to constituents and others with respect to purchasing different types of tickets for them, such as football game tickets, baseball game tickets, things of that nature.

Mr. CALLAS. Yes, that is correct.

Mr. MADIGAN. I am right, am I not, that Congressman Patten's office was of great service to his constituents in that regard?

Mr. CALLAS. Yes, very much so.

Mr. MADIGAN. And he often would purchase for the constituents various tickets to Boy Scout breakfasts, football games, things of that nature?

Mr. CALLAS. That is correct.

Mr. MADIGAN. Now, am I correct that you would be involved in that, or at least you would assist him or assist the office with respect to those types of sales?

Mr. CALLAS. No. I don't recall getting involved in tickets like that. I can recall one situation that I was involved in, but I am trying to think if I went beyond one particular project, as it were.

Mr. MADIGAN. Let me give you an example. Don't you recall that when Joe Theismann, who had such a great day for the Redskins recently, was a quarterback for a New Jersey high school, when he was with Notre Dame, Notre Dame was playing Army—

Mr. CALLAS. Yes.

Mr. MADIGAN [continuing]. And various people in the district in New Jersey, the Congressman's district, wanted to go to the game and that the office assisted with respect to getting tickets for them to go to that game?

Mr. HARRIS. Mr. Chairman, I am going to object at this point as to the relevance of football and baseball tickets to the issue at hand. Maybe we are going somewhere, but it escapes me.

Mr. MADIGAN. I will demonstrate the relevance, Mr. Chairman.

Mr. FLYNT. He is on cross-examination. I will let him ask the question.

Mr. CALLAS. I don't recall that particular project. I do know that, if I am not mistaken—I think that a busload of people from South River went. But I truly don't recall having anything to do with that, Mr. Madigan, that particular project.

Mr. MADIGAN. Now, with respect to purchasing tickets for people, there was a system that was used in the office regarding that, wasn't there?

Mr. CALLAS. To purchase tickets for people?

Mr. MADIGAN. Yes, constituents and other people.

Mr. CALLAS. Well, if you are talking about Army-Navy tickets—

Mr. MADIGAN. No, I am talking about tickets in general.

Mr. CALLAS. Tickets in general? A specific system?

Mr. MADIGAN. Let me ask you—

Mr. CALLAS. If you could be more specific, I would appreciate it.

Mr. MADIGAN. OK, I will try and be a little more specific.

With regard to purchasing tickets, say, to Jets games or Giants games, things of that nature, the system would be, if I may call it that, that whoever wanted the tickets would send a check or would give cash to the office and that would be put in the safe that is in the office and then the Congressman's check would be issued to pay for the tickets. Isn't that right?

Mr. CALLAS. I don't know about any cash. I am familiar with one particular project, where a check was issued, and only one project I can think of. I am trying to think—I didn't have—I wasn't involved in that particular situation, other than the office handled Army-Navy tickets and things like that.

The only thing I would do, once in a while somebody would call up and say, "Steve, can you see if you can order—can you get six Army-Navy tickets?" Then I would pass it on to the appropriate person. I very seldom got involved, but I do remember one project on a ticket situation that I was involved in.

Mr. MADIGAN. What project was that?

Mr. CALLAS. That was my brother, George Callas, wanted tickets to the Superbowl and also to the New York Giants football games, and I asked Congressman Patten if he would try to get tickets for my brother.

He said, "I will do my best," and he did succeed and my brother would send in a check to the office and the Congressman would send his check in.

Mr. MADIGAN. So, your brother would send a check in, his own check, to the office and that would be what, put in the safe, deposited in an account, whatever?

Mr. CALLAS. I am trying to think of what would happen. It would go to a person in the office——

Mr. MADIGAN. Well, I am not interested in the details. Let me proceed, if I may.

Whatever happened to it, that check would come in and a separate check issued by the Congressman would be sent to the Superbowl?

Mr. CALLAS. Yes, that is correct.

Mr. MADIGAN. So, it would appear to the Superbowl officials that Congressman Patten was buying the tickets as opposed to your brother?

Mr. CALLAS. That is true.

Mr. HARRIS. Mr. Chairman, I am going to renew my objection.

Mr. MADIGAN. I am sure he doesn't like the testimony, Mr. Chairman, but it is relevant.

Mr. HARRIS. Mr. Chairman, that is uncalled for. This is a legal proceeding, and I have a right to make an objection without a snide comment.

Mr. Chairman, my only objection is I think buying tickets to sporting events has very little relation to what this hearing is about. First of all, there are no laws similar to the ones being tried here or contested here having to do with the purchase of sporting tickets.

I am entitled to make an objection without remarks from counsel like that.

Mr. FLYNT. I think he has connected it up. I am going to let the question be answered.

Mr. MADIGAN. The purpose of this whole line of questioning—and I won't engage in an argument with counsel—is to demonstrate that Congressman Patten's check, the same is true——

Mr. HARRIS. Mr. Chairman, you have ruled on the objection. Can we not have speeches. Can we have questions of the witness?

Mr. MADIGAN. You just finished your speech, counsel. Can I finish my comment?

Mr. HARRIS. Mr. Chairman, can we get a ruling on the objection?

Mr. FLYNT. I have overruled the objection and permit the question to be asked.

Mr. MADIGAN. Thank you, Mr. Chairman.

Mr. Chairman, may I mark this as an exhibit and have it shown to the witness?

Mr. FLYNT. Mark it and designate what it will be, and show it to staff counsel. I am not ruling on the admissibility of it now. Just show it to counsel and then show it to the witness.

[Exhibit P-4 was marked for identification.]

Mr. MADIGAN. I have shown it to counsel.

Mr. FLYNT. All right.

Mr. MADIGAN. May I show it to the witness?

Mr. FLYNT. Yes.

Go ahead, Mr. Madigan.

Mr. MADIGAN. Mr. Callas, I have shown you what has been marked as Congressman Patten exhibit No. 4. Is that the letter that you were referring to earlier when you talked about—

Mr. CALLAS. Yes, it is.

Mr. MADIGAN. The incident of your brother getting tickets and sending his check and then the Congressman's check would be substituted for that?

Mr. CALLAS. Yes, the New York football Giants tickets, yes.

Mr. MADIGAN. And I take it there was a similar situation with respect to Superbowl tickets handled the same way?

Mr. CALLAS. Yes.

Mr. MADIGAN. Would you have any information about tickets to other events which were handled in that same way or not?

Mr. CALLAS. I truthfully cannot recall any others offhand, Mr. Madigan. These are the two that I can think of because I am trying to be realistic and candid in telling you that I had very little to do with tickets.

This for practical reasons was an exception because it was my brother. He called me and said I can't get tickets to the football Giants, can you help me, would you talk to the Congressman.

So, I talked to him and with typical generosity he said, sure, I will try to help him get the tickets. But besides the New York football Giants tickets, and the Superbowl, I don't recall offhand any other tickets.

Now, this doesn't preclude the possibility that there were others, but I truthfully do not recollect any right now.

Mr. MADIGAN. How about Boy Scout breakfasts, which would be run by the Congressman's office for people back in New Jersey?

Mr. CALLAS. I remember a Boy Scout breakfast, now that you mention it, that was held, I think, in B-338 years ago, maybe 3 or 4 years ago, and they asked for our cooperation.

For instance, I got them some loudspeaking equipment. I don't recall doing any soliciting when it comes to—or have anything to do with the ticket situation on the Scouts. This goes back several years, and I think I had to do with the public relations aspect regarding that. I don't recall any ticket situations or checks.

You know, if someone can refresh my memory, I am available now.

Mr. MADIGAN. My question is not whether you had anything to do with it, but whether you recall the same sort of the money for the breakfast being given by the various participants, and then a check being issued to pay for the breakfast by the Congressman's office.

Mr. CALLAS. Oh. I think that that could very well be because I think that is the system on the Hill, that they contact the member to kind of rent out the room—I think it was B-338 in the Rayburn Building—and the Congressman, I think, makes out the check and

then he is reimbursed by the Boy Scouts. That is off the top of my head as a recollection.

Mr. MADIGAN. OK.

Now, with regard to signing checks in the office, the Congressman, I am sure, as are all members of the committee, is extremely busy throughout the day. Is there someone in the office that brings in checks for him to sign for various things?

Mr. CALLAS. I would say that there is not necessarily one person. I think that one person probably is more involved in the check situation than any other person. I really didn't have that much to do with it, but my conviction would be that one person probably had more to do with it than anyone else.

Mr. MADIGAN. Would various members of the staff from time to time over the years be going into his office and asking him to sign checks and things of that nature?

Mr. CALLAS. Asking him to sign checks, if that is your question, I would say that, yes, probably from time to time. But the signature, of course would come from the Congressman himself.

But if you are talking about bringing him blank checks or checks typed out, Congressman will you sign this, I would say I can recall some situations where that happened.

Mr. MADIGAN. I didn't mean my question to be that precise. What I am talking about is various members of the staff, as occurs in many congressional offices, bringing in checks all made out for various things, and then the Congressman signing them on his desk.

Mr. CALLAS. Yes, that would be done from time to time.

Mr. MADIGAN. Now, with regard to this 1976 dinner—that is the one that the letter does not have any carbon copy notation on it—am I correct that your testimony with respect to that check was that your memory is both of you were in Washington at the time as opposed to the situation we had in 1975, where one—

Mr. CALLAS. That is correct. In other words, in 1975 he was in Amboy, I was in Washington. 1976 we were both in Washington when I brought the cash in.

Mr. MADIGAN. OK. Do you recall—this has been a couple of years ago—what types of things you were involved in that day, what the general business of the office was?

Mr. CALLAS. I can't be that retrospective, Mr. Madigan, because if you were to ask me what I did on a particular day, unless it involved a day, God forbid, of tragedy, if somebody, you know, passed away or if something truly unique happened, I could not tell you what happened on that particular day.

Mr. MADIGAN. Is it fair to say that your days in 1976 were very busy, that you were involved in a great number of things during the day?

Mr. CALLAS. Well, Mr. Madigan, anybody who is an administrative assistant on the Hill, or for that matter any member of the staff, most of their days are pretty hectic.

Mr. MADIGAN. That is true for the Congressman, and in fact probably more so.

Mr. CALLAS. More so because he has more pressure on him, of course, because of the nature of his duties.

Mr. MADIGAN. People are going in and out of his office all the time talking to him about various things.

Mr. CALLAS. Well, when you say all of the time, certainly from time to time.

Mr. MADIGAN. I am talking about any one given day.

Mr. CALLAS. Well, in any one given day I would say that several members of the staff would go in, because Mr. Patten ran a very open office, and unlike some offices I understand reportedly on the Hill where very few members of the staff can have access to the member, except the AA, and maybe the executive secretary, anyone could come into the Congressman's office. He is a very democratic Democrat.

Mr. MADIGAN. And we discussed a little earlier the unique personality of Mr. Patten. One of the things that makes him unique is that he talks about three and four things at the same time.

Mr. CALLAS. Well, I never took count of how many things he talks about at the same time. He has got a remarkable mind. He is a highly intelligent man, and a man deeply interested in events and people. He has a lot of knowledge in that head of his.

Mr. MADIGAN. And in your conversations with him on legislative matters, he would cover four, five and maybe six topics in a single conversation, going from one to the other like that, wouldn't he?

Mr. CALLAS. That is possible. I wouldn't say it is probable that he dove from one through six, because I don't think that there was that much stress, on that much legislation quantitatively.

But it is conceivable, but not probable. As a rule we would discuss legislation with him, maybe one bill at a time, but it is conceivable that this could happen.

Mr. MADIGAN. And while you were discussing one particular bill, he might tell you a story about his sister, or something of that nature?

Mr. CALLAS. Well, he does digress from time to time, yes.

Mr. MADIGAN. Now, am I correct from your testimony that in 1975, and indeed in 1976, you thought that Tongsun Park was an American because of his affiliation with Georgetown, et cetera?

Mr. CALLAS. Well, a naturalized American citizen because of the factors that I mentioned, ranging from graduating from Georgetown to having a business here, a couple of homes, and getting around socially, and being here 15 or 20 years.

I was convinced without looking into it—in retrospect I regret that I didn't, but I was under the impression the man was a naturalized American citizen because he was so active, and who had been here for 15 or 20 years.

I was incredulous to find out later that he was not. Because I wouldn't have made the solicitation in 1975 and 1976, because I don't believe in committing vocational suicide.

Mr. MADIGAN. It is my understanding that you did not think that there was anything improper about making that solicitation or receiving that money for the tickets in 1975 or 1976, is that right?

Mr. CALLAS. No, I did not.

Mr. MADIGAN. I am correct, am I not, that the proceeds of the dinner, the proceeds of the tickets, some of which were purchased by Mr. Park, don't go to Federal elections but rather are spent on the local elections up in New Jersey?

Mr. CALLAS. That is correct.

Mr. MADIGAN. Were you familiar with the New Jersey statutes at that time with respect to whether it was permissible under New Jersey law to have a contribution from a foreign national?

Mr. CALLAS. A foreign national under New Jersey law?

Mr. MADIGAN. Right.

Mr. CALLAS. I frankly did not know that New Jersey law covered a foreign national situation but I was completely ignorant of the law that I found out later on, that stated that you cannot list one person when another person was a true donor, but this is the first I have heard.

Forgive my lack of knowledge on it. I didn't know that New Jersey had a law on the books that prohibited the solicitation of a foreign national, but I knew there was a Federal regulation.

Mr. MADIGAN. And you became familiar with the statute, the New Jersey statute which is referenced in the Statement of Alleged Violation only after it was filed?

Mr. CALLAS. After it happened because, Mr. Madigan, I never would have listed Congressman Patten's name if I knew that law was on the books. I came here in 1963 and left in 1977. Someone told me, or I read it somewhere, that that law was passed in 1973. When you are on the Hill, even the most brilliant legislative aide or administrative assistant—and my intelligence is only normal—has a heck of a time keeping abreast of Federal legislation, let alone State legislation. So I was stunned to read or hear later on that there was that law on the books in New Jersey. I just didn't know about it because I would not have listed the Congressman's name because it would have been a violation. I found out when it was too late.

Mr. MADIGAN. So when you sent that report in to Mr. Venezia in 1975, the report or letter that is labeled "Committee Hearing Exhibit P-6," when you sent that in to him, you were not attempting to conceal the identity of any contributions, were you?

Mr. CALLAS. Mr. Madigan, I did not do that knowingly with intent to conceal because it would have been wrong and it would have been very dangerous. I just did not do that. It was an accidental situation. It was not done deliberately.

Mr. MADIGAN. It also would have been dumb for 10 dinner tickets, wouldn't it?

Mr. CALLAS. Yes, it would have.

Mr. MADIGAN. I am also correct in my understanding, am I not, that Congressman Patten certainly never told you to conceal the nature of any contribution, did he?

Mr. CALLAS. That is absolutely correct. He never did.

Mr. MADIGAN. Now, Mr. Callas, in his questioning to you—that is, Mr. Harris' questioning—he asked you about your having been interviewed by the Department of Justice?

Mr. CALLAS. Yes.

Mr. MADIGAN. And in fact that was an interview that was conducted by the FBI back in July of 1977, wasn't it, prior to this committee's investigation?

Mr. CALLAS. I don't recall the date, but the investigation, yes, it would have been prior because I first talked to Mr. Harris in November, I think November of 1977.

Mr. MADIGAN. So if this was in July of 1977, it would have been months before you ever talked to anybody on the committee?

Mr. CALLAS. Yes.

Mr. MADIGAN. And do you have a recollection of that discussion with the FBI agent?

Mr. CALLAS. The FBI agent, if that is what his title was—I don't know whether he was an employee of the Justice Department or whether he was an FBI agent—asked me about the modus operandi in selling the tickets. He asked me a variety of questions, but did not ask me specifically whether Tongsun Park had purchased tickets in 1975 and 1976.

Later on, when Mr. Epstein, my attorney and myself, went to the Justice Department on an unrelated matter which had to do with the Hanna trial because I was scheduled to be a witness, I voluntarily told them about the 1975 and 1976 purchases of tickets by Tongsun Park through his aide and that they were in the form of cash. They took cognizance of that.

Mr. MADIGAN. Did the FBI agent ask you whether Mr. Park had purchased tickets in 1972, 1973, and 1974?

Mr. CALLAS. Yes.

Mr. MADIGAN. When you met in July?

Mr. CALLAS. Yes.

Mr. MADIGAN. But not whether he purchased in 1975 and 1976?

Mr. CALLAS. He did not per se ask me that specific question, but later on I voluntarily told them.

Mr. MADIGAN. Right. Now, with respect to your testimony before this committee, Mr. Harris asked you about coming back the second time and testifying differently than you did the first time.

Mr. CALLAS. Yes.

Mr. MADIGAN. I take it that after you had testified differently, you still remained on the staff of Congressman Patten, is that right?

Mr. CALLAS. Yes, that is true.

Mr. MADIGAN. And that would have been in November of 1977?

Mr. CALLAS. That is correct.

Mr. MADIGAN. And you were aware that your recollection of these events was different than his and that you so advised the committee in November, is that right?

Mr. CALLAS. Yes.

Mr. MADIGAN. Now, after you did so, did you make a request to the Congressman to remain on the staff until February of 1978 until you finally left, February 1?

Mr. CALLAS. I had requested the Congressman, I didn't take any vacation, I had some vacation time coming and I asked him whether it was OK if I would remain on the payroll through January 31, but before I did that I checked with the appropriate committee, I believe House Administration, and I asked would it be proper if I planned to resign at the end of January of 1978, would it be proper for me to ask my congressman if I could have one month's vacation because I have been there 15 years.

He checked and said it would be absolutely OK. I did ask the Congressman and because of his typical generosity, he said yes, that is OK, fine.

Mr. MADIGAN. An additional aspect of your request was that as of February 1 you would have completed 15 years of service and would have the pension benefits for 15 years?

Mr. CALLAS. That is correct. That is why I inquired earlier, as I inquired earlier in response to Mr. Harris' question, when I wrote this letter to Mr. Klein asking what my pension benefits would be. So, as of the end of January, I would have completed 15 years.

Mr. MADIGAN. That would make a difference in terms of pension benefits, whether you completed 15 or whether you completed less than 15, wouldn't it?

Mr. CALLAS. To some degree, not to a pronounced degree, but to some degree, yes.

Mr. MADIGAN. I would like to mark an exhibit and show it to counsel, Your Honor.

The CHAIRMAN. You may do so.

Mr. HARRIS. Mr. Chairman, may I inquire, Does the committee have the respondent's exhibits before them?

The CHAIRMAN. We do not.

Mr. MADIGAN. I have not moved them into evidence yet, counsel.

Mr. HARRIS. I was just checking.

Mr. MADIGAN. I will show the exhibit to counsel, Mr. Chairman. I would like to move it into evidence.

The CHAIRMAN. Is there objection?

Mr. HARRIS. None. What number is that?

Mr. MADIGAN. It is No. 5. May I distribute copies of that to the members, Your Honor?

The CHAIRMAN. Please do.

[The document referred to as exhibit P-5 was received in evidence.]

Mr. HARRIS. Mr. Madigan, can we request a copy of that?

Mr. MADIGAN. Mr. Callas, have you had an opportunity to read what has been admitted into evidence as Congressman Patten exhibit 5?

Mr. CALLAS. I have not read it word for word, but I certainly recognize it.

Mr. MADIGAN. Is that a letter that you sent to him that discussed your being allowed to finish this 15 year term and have the month of January off, et cetera, that you just described to us?

Mr. CALLAS. Yes. I showed this to the Congressman at the desk. That is what made the resignation notice official. I first discussed it with him verbally and he said, "Well, I am sorry to hear you say that, but if you want to leave, that is your decision." This made it official just for the record.

Mr. MADIGAN. Am I correct that this letter reads in the third paragraph that:

On January 31, 1978, I will have completed 15 years of service with you. Since I have not taken any vacation time during 1977, I would deeply appreciate it if you and Ann would enable me to take the entire month of January for my vacation time at my usual salary rate and then terminate me on February 1, 1978.

If you would do this, it would give me 15 years of federal pension credit, which would mean a great deal to me in the uncertain future for me.

Did I read that right?

Mr. CALLAS. Yes.

Mr. MADIGAN. Prior to that paragraph you put in a paragraph which I think it would be fair to say sums up your feelings about Congressman Patten.

Mr. CALLAS. As I indicated earlier, he will always be to me a good Congressman and a great human being.

Mr. MADIGAN. That paragraph reads:

I will always be grateful for having the chance of working for you since January 1963. There is only one person like you in the world. You make brotherhood a reality instead of just a dream. You are a great human being.

Mr. CALLAS. Those are my words and I typed the letter.

Mr. MADIGAN. Do you stand by that today?

Mr. CALLAS. I stand by it today and for the rest of my life.

Mr. MADIGAN. Thank you, Mr. Callas.

I have no questions of this witness.

Mr. HARRIS. Just a few questions, Mr. Callas.

Calling your attention to the period after you were first interviewed by representatives of the Justice Department and of the Federal Bureau of Investigation, did you ever have a conversation with Congressman Patten in which you indicated to him in words or in substance that you were not going to tell the truth and were stonewalling it?

Mr. CALLAS. No, absolutely not.

Mr. HARRIS. Now, I ask you, I limited my question in terms of the beginning of the FBI's interrogation of you, did you ever have a conversation with Mr. Patten to that effect?

Mr. CALLAS. Not to that effect. We had general discussions about the South Korean situation, that we thought that the press was overreacting on such a relatively minor matter, but nothing like that was ever discussed, no.

Mr. HARRIS. Mr. Callas, now calling your attention to the 1976 report that you sent to Middlesex County marked exhibit P-8, Mr. Madigan asked you some questions as to whether you provided a copy of that to Mr. Patten. Considering the fact that you have testified that both you and Mr. Patten were in Washington at the time, would it be your practice in such a situation to send him a copy of something you wanted him to see via the mail?

Mr. CALLAS. Yes, it would be an automatic response on my part. I would just stick it in an envelope. I can't swear with 100 percent certainty that he got it. I mailed him a copy of that 1976 report.

Mr. HARRIS. I think you missed my question. Just to clarify, 1975 is the year that the report shows a cc to Mr. Patten.

Mr. CALLAS. Yes.

Mr. HARRIS. I am referring to the report which does not show a cc. My question to you is, Considering you were both in the Washington office, would you transmit a copy to him, if you were going to, by mail, or would it be handed to him or dropped in a box? What was your practice?

Mr. CALLAS. It would be almost automatic on my part to send it through the mail.

It was just my policy.

Mr. EPSTEIN. I think you will have to rephrase the question, Mr. Harris.

Mr. HARRIS. Mr. Callas, when you and Congressman Patten were both in the Washington office—

Mr. CALLAS. Are you talking about 1976?

Mr. HARRIS. At any time, as a general practice, how far was your office from Mr. Patten?

Mr. CALLAS. Well, my so-called door, well, it was not my door, but a door from my office led to his.

Mr. HARRIS. So they were adjoining?

Mr. CALLAS. Yes.

Mr. HARRIS. If you had a letter you drafted or typed or a document which you wanted to bring to the Congressman's attention when you both were in Washington, did you have a practice or a method by which you would do so?

Mr. CALLAS. Sometimes I would leave it in the box with the rest of the letters. Other times I would bring it directly in to him, depending on the importance of the letter.

Mr. MADIGAN. Are you talking about the letter about the tickets, or letters in general?

Mr. HARRIS. I am asking about the usual practice. Now, with regard to exhibit P-8, which was the report to Middlesex County, what method would you use if you were to want to show that to Congressman Patten when you were both in Washington?

Mr. CALLAS. Well, when you asked about the method, I can only tell you that on one occasion I did show him the list. I showed him a copy just to let him know that I thought he may want to see who is buying tickets. I remember doing that once.

Mr. HARRIS. Would it have been your practice to mail it to him by the mail?

Mr. CALLAS. Almost invariably.

Mr. HARRIS. To transmit a document from your office in Washington to his office in Washington, you would put it in the mail?

Mr. CALLAS. That is correct. That may sound strange, but it was just because a ticket situation did not have anything to do with the legislative process and I wanted to send it through the mail so he would get it.

As I indicated earlier, Mr. Harris, I could not swear I sent him a copy of the 1976 list, but that doesn't preclude the possibility that I didn't, and I would say the chances are I did send him a copy. It may sound strange. He is next door. Why would I send it by mail? It is just because I wanted to get it out of the way. It was not germane to anything legislative. That was a political sheet of paper.

Mr. MADIGAN. Mr. Chairman, I am going to object. That is the third time he asked that question and he got the same answer three times.

If he asks it again, I am going to object.

Mr. HARRIS. I think I will ask my question and see if there is an objection.

Mr. Callas, during your answer you indicated that you, on one occasion, had shown Mr. Patten the list. Do you recall what list that was and what year?

Mr. CALLAS. I don't recall the particular year. I would say anywhere from 1972, 1973, and 1974. I brought it into his office and I said, "I thought you would like to see who is buying the tickets."

We went down the list and he normally didn't show that much interest, but in this case he did. I pointed out the various people who were buying tickets.

Mr. HARRIS. Do you recall whether Tongsun Park appeared on the list that you showed him?

Mr. CALLAS. Tongsun Park's name did appear on the list.

Mr. HARRIS. Now, Mr. Callas, you said that you put Mr. Patten's name on the 1975 and 1976 reports. You were aware that there were legal requirements which required you to report on that Middlesex report the true name of the donor, were you not?

Mr. CALLAS. I was not, not at that time. Isn't that covered by New Jersey law?

Mr. HARRIS. Aren't—

Mr. CALLAS. If I understand your question.

Mr. HARRIS. Let me ask you another question.

Do you recall in 1974 writing a letter to Mr. Venezia, a similar report to the 1975 and 1976, in which you said because of legal requirements the names and addresses of the purchasers will be included?

Mr. CALLAS. Well—

Mr. HARRIS. Do you recall writing that?

Mr. CALLAS. I vaguely recall it, but it could have been just a phrase that was appropriate for the occasion without having any special significance to the point where I knew that there was a law on the New Jersey books which I didn't know about until it was too late.

Mr. HARRIS. You did know there was a Federal law though?

Mr. CALLAS. About listing the true donor?

Mr. HARRIS. That is right.

Did you know there was a Federal law?

Mr. CALLAS. Yes.

Mr. HARRIS. Let me mark for the record for identification exhibit P-11.

[The document referred to was marked exhibit No. P-11 for identification.]

Mr. HARRIS. Let me ask you to read that and see if this refreshes your recollection.

Mr. MADIGAN. May I see it?

Mr. HARRIS. I am using it to refresh the witness' recollection. I am not offering it.

The CHAIRMAN. I think you ought to show it to him.

Mr. HARRIS. Certainly. Let me let the witness read it and then I will be glad to give it to him and I will ask Mr. Callas not to answer my question until counsel gets a chance to look at it.

Mr. MADIGAN. This is a 1974 letter relative to the 1975 and 1976 charge and notice of violation? I don't know.

Mr. HARRIS. Mr. Callas, does that refresh your recollection as to whether you knew it was a legal requirement to report the true names and addresses of donors?

Mr. CALLAS. Mr. Harris, I see the words "legal requirement" but that doesn't mean that I was aware of the law. It was just a term that I used without any real significance.

Mr. HARRIS. Mr. Chairman, I have one last question and perhaps we can finish with this witness.

Mr. Callas, you summed up in Respondent's Exhibit 5 your feelings that Congressman Patten, namely, that you thought he was a great human being. I assume you still feel that way, do you not, sir?

Mr. CALLAS. Yes, I do, very much so.

Mr. HARRIS. Would you do anything injurious to Congressman Patten that the law did not require you to do such as tell the truth?

Mr. MADIGAN. Now that is a ridiculous question, Mr. Chairman. I object to it.

Mr. HARRIS. Mr. Chairman, we are trying to establish—

Mr. MADIGAN. The time for closing arguments is at the end of this proceeding, not in the middle of questioning a witness.

Mr. HARRIS. I think it is a proper question in the bringing out of what Mr. Callas' feelings were for the man.

The CHAIRMAN. I will allow the question, but I think it already has been answered.

Mr. CALLAS. I would always have a high regard for him.

Mr. HARRIS. Would you do anything to hurt him?

Mr. CALLAS. I would not do anything to hurt him.

Let me say this: When I came back and amplified and elaborated and straightened out the record to be completely candid, factual, and accurate and to tell the truth and nothing but the truth, I did not come back in the spirit of animosity because I certainly would never do anything to hurt the Congressman. But in all fairness, I had to be true to my conscience. That is why I came back.

Mr. HARRIS. No further questions.

Mr. MADIGAN. May I ask one or two questions?

The CHAIRMAN. I don't know whether we will have time.

Mr. MADIGAN. It will just take 30 seconds and I will be through.

The CHAIRMAN. All right.

Mr. MADIGAN. Mr. Harris asked you about the showing of the list. I am correct, am I not, that that all occurred well prior to 1975, didn't it?

Mr. CALLAS. Yes, it did. I theorized that it would be 1972, 1973, or 1974.

Mr. MADIGAN. Certainly prior to 1975 or 1976, which is the time that is charged in this notice.

Mr. CALLAS. Yes, definitely before those years.

Mr. MADIGAN. No further questions.

The CHAIRMAN. The Chair has been advised that at least three votes are expected and there may be as many as five. These votes are now in progress. I am sure that most Members desire to cast their votes.

The committee will stand in recess until 5 minutes after the final vote on suspensions.

Mr. EPSTEIN. Is the witness excused now?

The CHAIRMAN. I think the committee members have some questions.

[Recess taken.]

Mr. FLYNT. The committee will come to order.

Mr. Callas, if you will resume the stand.

Mr. Bennett?

Mr. BENNETT. No questions.

Mr. FLYNT. Mr. Spence?

Mr. SPENCE. No questions.

Mr. FLYNT. Mr. Quillen?

Mr. QUILLEN. No questions.

Mr. FLYNT. Mrs. Fenwick?

Mrs. FENWICK. I did have a question, thank you, Mr. Chairman. Looking at the list, Mr. Callas, I could see that there was only one person who did not live in New Jersey, one person who lived in Washington. But also all those names and addresses, they were all headed with the remark "a check." So they were all checks.

Mr. CALLAS. Yes.

Mrs. FENWICK. And all these sums, in other words, were given to you by check?

Mr. CALLAS. Yes.

Mrs. FENWICK. Were you not surprised, Mr. Callas, if all this money came in by check and having received previously some \$2,500 or \$2,000 you did not receive in 1970—some \$2,000 in checks, suddenly to receive \$500 in cash in an envelope?

Mr. CALLAS. I was surprised, Mrs. Fenwick. But I didn't give it that much thought because I thought that since it was not a campaign contribution to Congressman Patten, it was all right to accept it.

In addition to that, the money, the proceeds went to the Middlesex County Democratic Organization.

Mrs. FENWICK. That is not the question I am asking.

Mr. CALLAS. Yes, I was surprised.

Mrs. FENWICK. You were surprised?

Mr. CALLAS. Oh, yes. I was surprised to get cash.

Mrs. FENWICK. It was not, in other words, the purpose to which it was to be put or the donor's intention in giving it that I was questioning. I was questioning your feeling in having known that all these checks year after year had come by check—all these identical contributions.

Mr. CALLAS. Yes.

Mrs. FENWICK. Suddenly to get one in cash, didn't that strike you—

Mr. CALLAS. Yes, it did, but I didn't think there was anything wrong. But I was surprised, Mrs. Fenwick.

Mrs. FENWICK. I see. Yes, I would have been, too, I must say. Then I wanted to ask you—you spoke of having made corrections in your testimony.

Mr. CALLAS. Yes.

Mrs. FENWICK. Because of your desire to be absolutely accurate and truthful.

Mr. CALLAS. Yes.

Mrs. FENWICK. Overcoming your feeling of loyalty which had moved you to be more reticent.

Mr. CALLAS. Yes.

Mrs. FENWICK. What corrections did you make?

Mr. CALLAS. Well, my recollection is that, first of all, I first said that Congressman Patten was not aware of the source of the cash.

Also, in response to Mr. Harris' original question as to whether I showed Congressman Patten a list at any time.

Another correction, another change was whether Congressman Patten knew that Tongsun Park was buying tickets over the years.

Those are the three areas I can think of offhand, Mrs. Fenwick.

Mrs. FENWICK. I see, Mr. Callas. And in all cases your first answer was no, and your accurate answer was yes?

Mr. CALLAS. Yes.

Mrs. FENWICK. Thank you, Mr. Callas.

No further questions, Mr. Chairman.

Mr. FLYNT. You may step down.

Mr. CALLAS. Thank you, Mr. Chairman. Thank you very much.

Mr. FLYNT. Call your next witness, Mr. Harris.

Mr. HARRIS. G. Nicholas Venezia, Mr. Chairman.

Mr. FLYNT. Mr. Venezia, before taking your seat, would you remain standing and please raise your right hand.

Do you solemnly swear that the testimony you will give before this committee in the matter now under consideration will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. VENEZIA. I do.

Mr. FLYNT. You are Mr. G. Nicholas Venezia?

Mr. VENEZIA. That is correct.

Mr. FLYNT. Will you for the record state your address.

Mr. VENEZIA. 306 Main Street, Woodbridge, N.J. 07095.

Mr. FLYNT. Mr. Harris?

TESTIMONY OF G. NICHOLAS VENEZIA

Mr. HARRIS. Mr. Venezia, what profession are you engaged in, sir?

Mr. VENEZIA. I am an attorney.

Mr. HARRIS. Do you have any present involvement with the Middlesex County Democratic Organization?

Mr. VENEZIA. Yes, I am the chairman.

Mr. HARRIS. And how long have you been chairman?

Mr. VENEZIA. Since April of 1973.

Mr. HARRIS. Now, Mr. Venezia, calling your attention to the period that you were chairman prior to 1975, did the Middlesex County Democratic Organization support any candidates for Federal office?

Mr. VENEZIA. In 1974 I think we had a fundraiser for Ed Patten and filed the necessary forms.

Mr. HARRIS. Now, starting with the year 1975, and since 1975, has the Middlesex County Democratic Organization financially supported candidates for Federal office?

Mr. VENEZIA. No.

Mr. HARRIS. And can you briefly explain why?

Mr. VENEZIA. We have found that the Federal contribution laws were somewhat different from the State contribution laws, and in order not to run afoul of the regulations we decided not to support Federal candidates.

Mr. HARRIS. Now, Mr. Venezia, as an attorney and as chairman of the Middlesex County Democratic Organization, are you familiar with the New Jersey State election laws?

Mr. VENEZIA. Yes.

Mr. HARRIS. And in the years 1975 and 1976 would you tell us as chairman of the Middlesex County Democratic Organization your

understanding of what contributions had to be reported to the State of New Jersey?

Mr. VENEZIA. All contributions had to be reported.

Mr. HARRIS. In any amount?

Mr. VENEZIA. Well, you have to keep a record of any contribution up to \$100. Over \$100 you must report on the necessary forms. We have made it a practice in Middlesex County, since I took office, and since the New Jersey statutes were passed, to report every contributor, whether he gave a dollar or \$1,000. So, every contribution is reported.

Mr. HARRIS. Now, when you say report, what were you required to report? The name?

Mr. VENEZIA. The name and address of the individual and the amount.

Mr. HARRIS. Now, during your tenure as chairman, since 1973, did you play a role in causing tickets to be forwarded to certain persons for sale in support of your annual fund-raising dinners?

Mr. VENEZIA. Yes.

Mr. HARRIS. And were any tickets in the years 1973 and the years thereafter sent to the office of Mr. Patten?

Mr. VENEZIA. I would assume they were sent to his office, or to Steve Callas.

Mr. HARRIS. Now, let me ask you this. Were the tickets sent to Mr. Patten's office or were they sent to Mr. Callas?

Mr. VENEZIA. At times they were addressed to Steve Callas. We had gotten instructions I think from Steve in 1974 or 1973, I forget which.

He asked us to send the tickets to Washington instead of Perth Amboy, and whether they were addressed directly to Steve or to the office, I don't recall. But we would send them to Washington.

Mr. HARRIS. Now, had Mr. Callas not been present in the office, had he not been working there, would the 50 tickets have been sent to Mr. Callas at home or would you have continued to send them to Mr. Callas' successor in the office?

Mr. VENEZIA. I would send them to his successor. We sent them to all public officials.

Mr. HARRIS. So they were not sent to Callas personally, but they were sent to him in his capacity as an employee of Congressman Patten.

Mr. VENEZIA. Well, yes, we were sending them to the public official, addressed to Steve Callas.

Mr. HARRIS. Now, have you ever had any discussions about the sale of the tickets to your annual fund-raiser with Mr. Patten that you recall?

Mr. VENEZIA. I don't recall of any direct discussions with Ed Patten on the sale of tickets, no.

Mr. HARRIS. In 1973, when you became the chairman, did you at that time know Mr. Callas?

Mr. VENEZIA. I don't believe I knew Steve at the time I became chairman, no. I might have heard of him, but I didn't know Steve.

Mr. HARRIS. Was he an official or associated with the Middlesex County Democratic Organization in a policymaking position, for example?

Mr. VENEZIA. I don't really know that, Mr. Harris, because in 1973 I was a neophyte in county politics. I didn't know anything about the organization before that and didn't participate in it.

Mr. HARRIS. Not before that. I am talking about during the period you have been chairman.

Mr. VENEZIA. Oh. No, he was never connected with the Middlesex County Organization.

Mr. HARRIS. Now, I am about to show you, Mr. Venezia, what has been premarked as P-6 in evidence, P-7, P-8 in evidence, P-9 and P-10.

Mr. Madigan, I think, you have them and the committee members, you should have them in your folder.

Would you look at exhibits P-6 and P-8, please?

Mr. VENEZIA. Yes.

Mr. HARRIS. And can you identify those?

Mr. VENEZIA. P-6 is a letter received addressed to me, and received—signed by Steve, reporting certain sales of tickets for our event in 1975.

Mr. HARRIS. And was that received by the Middlesex County Democratic Organization?

Mr. VENEZIA. Yes.

Mr. HARRIS. As a matter of fact, did you not provide that to the committee pursuant to the committee's subpoena?

Mr. VENEZIA. Right.

Mr. HARRIS. And would you tell us what P-8 is, please?

Mr. VENEZIA. P-8 is a letter also addressed to me at my office and signed by Steve Callas.

Mr. HARRIS. Now, would you look at P-7 for identification.

Mr. VENEZIA. Right.

Mr. HARRIS. Mr. Venezia, can you tell us what P-7 is?

Mr. VENEZIA. P-7 is a letter addressed to me, and it is signed by Ed Patten.

Mr. HARRIS. And did you in fact receive this letter at the Middlesex Democratic Organization?

Mr. VENEZIA. Yes.

Mr. HARRIS. And at the time—did P-7 accompany anything?

Mr. VENEZIA. I couldn't answer that. I don't know if there was an enclosure. It does say enclosure here. But my secretary opens my mail and immediately starts to file the checks, so I don't know whether a check or anything else was included here.

But it says enclosed is a check, so I assume there was.

Mr. HARRIS. Now, Mr. Venezia, please look at P-9 and P-10 and tell us what they are, if you would.

Mr. VENEZIA. These are copies of our filing requirements form B-2 to the State election commission which reports every contribution that we get.

What we do is put the name of the contributor, the address, the amount and we file one of three copies with the bank, we file one with the State commission and one we keep on file in our office.

Mr. HARRIS. Now, can you tell us with regard to P-9 and P-10 how the person who is preparing them knows what information to put on the report?

Mr. VENEZIA. In the case of cash, the first one on P-9 says cash, so if we get a cash contribution, we make certain along with the

cash is a name and address, and the first contribution here, which was from John Fay, his address, and it says "cash."

The other contributions are checks and we take the full name on the check and the address, and whatever is on the check we place it on the form.

Mr. HARRIS. Now, in the case of—I call your attention back to P-6 and P-8 which are Mr. Callas' reports to you. Were they relied upon in making up your campaign report to the State of New Jersey, or were the actual checks relied upon?

Mr. VENEZIA. No, we rely on the checks.

Mr. HARRIS. If you would look at P-6, and please look at the corresponding—that is Mr. Callas' report to you—and please look at P-8, if you would, which is your report to the State of New Jersey, can you explain why on P-9 the names do not appear in the same order that they do on the Callas report?

Mr. VENEZIA. Well, the names on this report, P-6, when my secretary takes the checks she will check them off to make sure those checks are included, and as she types them up she types them from the check.

Now, in most cases she will take them exactly as they are listed on the letter that is the supporting document. In this case, of course, this check from Congressman Patten of \$500, which was mailed earlier, didn't come in with this batch, and it is on a different form.

Mr. HARRIS. So, in fact the report with the State of New Jersey which lists Congressman Patten's name in 1975, that report was made prior to your even receiving Callas' report, is that correct?

Mr. VENEZIA. If the dates—let's see. This date, P-9 is dated August 8, right, and August 6 is the Callas report. It is possible that it could be made around that date, 2 days later. We don't type up the checks the same day. We wait a couple of days, accumulate some checks, and then type them up.

Mr. HARRIS. But in any event, I take it it is your testimony that you prepare these reports from the actual check rather than any report accompanying them.

Mr. VENEZIA. Yes, definitely.

Mr. HARRIS. And would that be true in 1976, also?

Mr. VENEZIA. Yes, that would be true in 1976.

Mr. HARRIS. Now, Mr. Venezia, since interest in the Middlesex County Democratic Organization arose, have you had an opportunity to check the 1975 and 1976 reports made to the State of New Jersey in their entirety?

Mr. VENEZIA. Yes.

Mr. HARRIS. And does Tongsun Park's name appear as a contributor in either of those years?

Mr. VENEZIA. No.

Mr. HARRIS. Just one moment, Mr. Chairman.

No further questions, Mr. Chairman.

Mr. FLYNT. Mr. Madigan?

Mr. MADIGAN. Thank you, Mr. Chairman.

Mr. Venezia, I understood your testimony to be that none of this money that was raised in either 1975 or 1976 by this Middlesex Democratic Organization dinner went to Congressman Patten's campaign, is that right?

Mr. VENEZIA. That is right.

Mr. MADIGAN. I would like to have these next two exhibits marked, if I might, Mr. Chairman. I will show them to counsel.

Mr. HARRIS. Mr. Chairman, while Mr. Madigan is on the way over, I had intended to offer P-7, 9 and 10. I had not previously done so. Perhaps just for orderliness we ought to do this at this time.

Mr. MADIGAN. We have no objection to any of these.

Mr. FLYNT. Without objection, they will be received.

[Exhibits P-7, P-9 and P-10 were received in evidence.]

Mr. FLYNT. What are the numbers of those, Mr. Madigan?

Mr. MADIGAN. Nos. 2 and 3.

Now, Mr. Venezia, I have marked as exhibits Nos. 2 and 3 two documents, brochures actually, that are in front of you. Can you tell us what they are?

Mr. VENEZIA. Exhibit 2 is a program of the annual dinner of Wednesday, August 18, 1976 which the Middlesex County Democratic Organization gave at the Pines Manor in Edison, N. J.

It shows on the second page the dais, all the people invited to sit on the dais. It shows the program on the third page. On the fourth page there is a little reminder to our guests to elect the full Democratic team, vote Democratic on November 2, continue good government, reelect two freeholders.

Mr. MADIGAN. Now, is that the brochure that covers the dinner in 1976?

Mr. VENEZIA. That is correct.

Mr. MADIGAN. How about exhibit No. 3, I believe?

Mr. VENEZIA. No. 3 is a similar program. That was for the dinner of August 25, 1975 when we honored Gov. Brendan Byrne at our dinner, same place. Again, on the second page is the dais. Third page is the program. On the fourth page it says reelect our assemblymen, and the district—because that was a State election that year—assemblymen, and vote Democratic on November 4 and reelect county freeholders Kelly and Power.

Mr. MADIGAN. Do those two programs for 1975 and 1976 represent the dinners for which these tickets that we have heard about today were sold?

Mr. VENEZIA. Yes, that is correct.

Mr. MADIGAN. I understood from your response to Mr. Harris' question with respect to exhibit No. 9 that you didn't personally make out that form, although you signed it. Is that correct?

Mr. VENEZIA. It was typed by my secretary and signed by me.

Mr. MADIGAN. And that lists certain contributors, one of which is in cash, is that right?

Mr. VENEZIA. That is correct.

Mr. MADIGAN. Now, the Callas letter for 1975 would be exhibit No. 6. That is dated August 6. The date of exhibit No. 9 is August 8.

Mr. VENEZIA. That is correct.

Mr. MADIGAN. I take it that you don't have any idea whether your secretary had received that prior to making up the list, or whether she had not received it?

Mr. VENEZIA. No, I have no knowledge at this time of whether she received the letter first and made the report afterwards.

Mr. MADIGAN Now, when you sent these tickets out to elected officials, did the elected officials themselves handle the mechanics of taking care of the sales of the tickets or did one of their staff handle those types of things?

Mr. VENEZIA. In most cases some—well, in most cases—in some cases the official would, depending if he has staff enough. Some of our State Senators and assemblymen don't have that kind of staff or don't get involved themselves.

They may buy some tickets themselves and sell them themselves. In some cases the aide does it or the representative of the public official.

Mr. MADIGAN. And with regard to the tickets to Congressman Patten's office, am I correct that those were handled by Mr. Callas?

Mr. VENEZIA. Yes. We were instructed by Mr. Callas to send them to him directly.

Mr. MADIGAN. Did you ever send them to the Perth Amboy office?

Mr. VENEZIA. We might have. I am sure we did because I think in the file there was a letter in 1973 where Steve Callas asked us to send them to Washington and not to Perth Amboy. So I assume in 1973 they might have gone to Perth Amboy.

Mr. MADIGAN. Mr. Callas requested specifically in 1973 that the tickets be sent to him rather than to the Perth Amboy office.

Mr. VENEZIA. Right.

Mr. MADIGAN. And have you had any conversations with Mr. Callas wherein he would indicate to you to call him at home with regard to these things?

Mr. VENEZIA. Oh, yes. At times—we would normally call a couple of weeks before the event to find out how many tickets were sold so we could order the proper number of dinners and so forth. I could reach him at his home or he would reach me at my home, at the office, after hours.

Mr. MADIGAN. May I show the witness the next exhibit, Mr. Chairman?

Mr. FLYNT. You may.

Mr. MADIGAN. I will give counsel a copy.

Mr. FLYNT. What is the number of that one, Mr. Madigan?

Mr. MADIGAN. That is exhibit No. 1. Have you seen that copy?

Mr. HARRIS. Yes, I have, Mr. Madigan.

Mr. MADIGAN. At this point I would like to move all three of those exhibits into evidence.

Mr. HARRIS. No objection.

Mr. FLYNT. Without objection, they are received.

[The exhibits were received into evidence.]

Mr. MADIGAN. Exhibit No. 1, which is the Callas letter that I am about to ask the witness about—may that be given to the members of the committee, Mr. Chairman.

Now, Mr. Venezia, is this the letter you were referring to earlier, wherein Mr. Callas asked you to send the tickets not to Mr. Lowenkopf but to him here in Washington?

Mr. VENEZIA. That is correct; yes.

Mr. MADIGAN. Do you know why that was, why he made that request?

Mr. VENEZIA. I really don't. That was my first year as chairman, and Tom Kisner, our executive director, was handling the event that year. I just know from that point on we sent tickets to Steve Callas in Washington.

Mr. MADIGAN. Were you aware that on occasion if tickets came into the Perth Amboy office, that Congressman Patten is known to have thrown them in the waste basket?

Mr. VENEZIA. I wasn't aware of it, but I would assume Ed might do something like that.

Mr. MADIGAN. Now, Mr. Harris asked you, Mr. Venezia, about exhibit No. 7, I believe. Is that in front of you?

Mr. VENEZIA. Exhibit No. 7; yes.

Mr. MADIGAN. Now, with respect to exhibit No. 7, which appears to be a letter from Congressman Patten to yourself, do you have any recollection of having seen that in 1975?

Mr. VENEZIA. Oh, I am sure I saw it because my secretary puts anything addressed to me in front of me. I am certain that I have seen it.

Mr. MADIGAN. I take it, however, that you were not in Congressman Patten's office and you have no idea as to who wrote that letter?

Mr. VENEZIA. No idea; no.

Mr. MADIGAN. When you were interviewed by the staff of this committee, did you ever indicate to them that you knew who wrote that letter?

Mr. VENEZIA. No. The staff and the committee asked me if this sounded like Ed. My answer to that was yes, it could sound like Ed. It also could sound like Steve because knowing Steve was an aide of Ed's for so long, and a good aide, I would think an aide knows how to write like his boss.

Mr. MADIGAN. How about Leo Lowenkopf? Did you know him?

Mr. VENEZIA. I didn't know Leo too well. I had one or two conversations with Leo over the phone. I might have met him. But I didn't know Leo that well.

Mr. MADIGAN. I notice that what we have labeled—my copy doesn't have a number on it—the Callas letter, exhibit No. 1, am I right about that?

Mr. VENEZIA. Yes.

Mr. MADIGAN. That we have labeled exhibit No. 1, that in his letter Mr. Callas indicates not to send it to Mr. Lowenkopf in Perth Amboy. Did you know that Mr. Lowenkopf worked for the Congressman in the Perth Amboy office?

Mr. VENEZIA. I had heard that he worked for him; yes. Whether he was an aide or—I knew he was connected with the Congressman, but I didn't know in what capacity.

Mr. MADIGAN. You certainly didn't know anything about how he might have drafted a letter or his style or anything like that, did you?

Mr. VENEZIA. No. My dealings were more with Steve Callas than Leo.

Mr. MADIGAN. Am I correct that you never indicated to the staff that you did know his style, et cetera?

Mr. VENEZIA. No, no. Someone asked me that question before. If they said I knew Leo they must have misunderstood me because if

Leo walked into this room I might recognize him as someone else, but I wouldn't know it was Leo Lowenkopf.

Mr. MADIGAN. No further questions.

Mr. FLYNT. Mr. Harris?

Mr. HARRIS. Just one.

Mr. Venezia, Mr. Madigan asked you about throwing the tickets away. During the time that you have been chairman has Mr. Patten successfully sold the tickets that were consigned to him, to your knowledge?

I don't mean—let me rephrase that because I don't want the record to be unfair. Have the tickets that were sent to Mr. Patten's office for the gala dinner since you have been chairman, have they been sold?

Mr. VENEZIA. I think in most instances the tickets that we sent to Steve Callas or Ed Patten or both, or to that office, were sold. We received receipts for tickets sold, yes.

Mr. HARRIS. And did Mr. Patten or anyone claiming to speak for him ever tell you that they ever refused to sell tickets to your annual gala?

Mr. VENEZIA. Refused?

Mr. HARRIS. Yes.

Mr. VENEZIA. I would like to add this to the record. Ed Patten, I doubt—

Mr. HARRIS. Well, first—

Mr. VENEZIA [continuing]. Ever talked to me about tickets, so I wouldn't know if he refused or not refused to sell tickets. My contacts were directly with Steve Callas on tickets.

Mr. HARRIS. Well, my question was did either Mr. Patten or anyone claiming to act in his behalf ever tell you that they refused to sell tickets to the dinner?

Mr. VENEZIA. No.

Mr. HARRIS. No further questions

Mr. FLYNT. Mr. Madigan?

Mr. MADIGAN. No questions.

Mr. FLYNT. Mr. Bennett?

Mr. BENNETT. No questions.

Mr. FLYNT. Mr. Spence?

Mr. SPENCE. No questions, Mr. Chairman.

Mr. FLYNT. Mr. Quillen?

Mr. QUILLEN. No questions.

Mr. FLYNT. Mrs. Fenwick?

Mrs. FENWICK. I just have one question, thank you, Mr. Chairman.

In regard to this letter:

Dear Nick: You sure know how to put the bite on a fellow in this hot weather. Enclosed is my check for \$500 which I hope will help your affair. Kind regards, sincerely, Ed. Steve will mail you a report today and this will be included.

What did you think when you got that letter?

Mr. VENEZIA. Mrs. Fenwick, to tell you—when I got the letter I just put it in my file basket and my secretary, who had to handle the checks and properly report them—it didn't mean anything to me.

Mrs. FENWICK. Well, I mean, how do you interpret that letter?

Mr. VENEZIA. It says that Steve will mail you a report, which Steve always mailed the report. So, I assume it meant that his report would include this check.

Mrs. FENWICK. And that is in the P.S.?

Mr. VENEZIA. Right.

Mrs. FENWICK. What did the body of the letter convey to you?

Mr. VENEZIA. That he was sending us a check for \$500 for a contribution.

Mrs. FENWICK. Who was sending you?

Mr. VENEZIA. Ed Patten.

Mrs. FENWICK. Thank you.

Thank you, Mr. Chairman.

Mr. FLYNT. Any other questions?

Mr. Venezia, you may be excused. Thank you very much.

Mr. HARRIS. Mr. Chairman, pursuant to agreement between Mr. Madigan and myself, at this time I would like to offer exhibits P-4 and P-5, which are Mr. Patten's checks for 1975 and 1976 to the Middlesex County Democratic Organization.

Mr. FLYNT. Any objection?

Mr. MADIGAN. No objection.

Mr. FLYNT. They will be received.

Mr. HARRIS. Mr. Chairman, lastly I would request—I believe this is a pro forma request—that the committee take notice of the New Jersey election laws which are cited in the statement of alleged violation.

Mr. FLYNT. Are they recited verbatim?

Mr. HARRIS. No, they are made reference to. All I am asking the committee to do at this point is to take notice, which I think the committee or court could do, that there are such laws which are cited and that they are statutes in force.

Mr. FLYNT. What do you say, Mr. Madigan?

Mr. MADIGAN. We have no objection to the committee taking judicial notice. Indeed, we are going to discuss that at the end of this case. I take it that he is referring to the statutes listed in the statement of alleged violation, and we would have no objection to that.

Mr. FLYNT. Without reciting them.

Mr. HARRIS. Yes, sir.

Mr. FLYNT. All right. It will be done.

Mr. HARRIS. Mr. Chairman, that concluded our case. The staff rests.

Mr. FLYNT. Mr. Madigan?

Mr. MADIGAN. We call Mr. John Paone to the stand. I believe he is in the witness room.

Mr. FLYNT. Will you raise your right hand, please. Do you solemnly swear that the testimony you will give before this committee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PAONE. I do.

Mr. FLYNT. You may be seated. Would you state your name, address and occupation.

Mr. PAONE. My name is John Paul Paone, Jr. My present address is Falls Church, Va., but I suppose the address that you are

looking for, my home address, back in Jersey, is 18 Poplar Fords, N.J.

Mr. FLYNT. What is your position?

Mr. PAONE. Right now I am employed by Congressman Patten, and I am a part-time law student.

Mr. FLYNT. You may examine, Mr. Madigan.

TESTIMONY OF JOHN PAUL PAONE, JR.

Mr. MADIGAN. Thank you, Mr. Chairman. Mr. Paone, when did you first come to work for Congressman Patten?

Mr. PAONE. My association with Congressman Patten—

Mr. MADIGAN. Try and speak into that microphone. Pull it closer, so everybody can hear you.

Mr. PAONE. My association with Congressman Patten began basically in the summer of 1975. To be more specific, June of 1975.

Mr. MADIGAN. And what was your position with Congressman Patten at that time?

Mr. PAONE. I was a summer intern.

Mr. MADIGAN. In which of his offices?

Mr. PAONE. In his Perth Amboy office.

Mr. MADIGAN. And how long did you work for Congressman Patten?

Mr. PAONE. Well, at that first point I worked throughout the summer, June, July, and August.

Mr. MADIGAN. That would be the summer of—

Mr. PAONE. 1975.

Mr. MADIGAN. And then did you go back to school?

Mr. PAONE. I went back to Rutgers College.

Mr. MADIGAN. Were you an undergraduate at the time?

Mr. PAONE. That is right.

Mr. MADIGAN. Did there come a time in 1976 where you again worked for Congressman Patten.

Mr. PAONE. That is right. I wrote away again and asked to be put on for the summer as an intern. I was put on back in June of 1976.

Mr. MADIGAN. And where did you work for the summer of 1976?

Mr. PAONE. The summer of 1976 I was employed again as an intern in the district office in Perth Amboy, for Congressman Patten.

Mr. MADIGAN. And how long did that particular part of your tenure with Congressman Patten last?

Mr. PAONE. When I was an intern, I was employed officially up until August. But actually I never left my association with the Congressman after that second time. I have been with him ever since.

Mr. MADIGAN. When did you graduate from Rutgers University?

Mr. PAONE. This May, 1978.

Mr. MADIGAN. Did you continue to work for Congressman Patten from August of 1976 forward?

Mr. PAONE. That is right, from August 1976 forward. In fact, I worked—at the end of August 1976 forward I worked for him. But you could probably go back to June of 1976, and I have constantly worked for him since June of 1976.

Mr. MADIGAN. Where do you work for Congressman Patten today?

Mr. PAONE. Right now I am working full time in his Washington office.

Mr. MADIGAN. When did you begin working in the Washington office?

Mr. PAONE. I have begun to be employed in the Washington office as of September 1.

Mr. MADIGAN. September 1 of 1978?

Mr. PAONE. September 1, 1978.

Mr. MADIGAN. After your graduation from Rutgers in May of this year?

Mr. PAONE. That is correct.

Mr. MADIGAN. Did you have occasion to enter law school?

Mr. PAONE. That is right. I was accepted to American Law School's evening program.

Mr. MADIGAN. Is that where you are enrolled now?

Mr. PAONE. That is right.

Mr. MADIGAN. Let me invite your attention, if I may, Mr. Paone, back to the summer of 1975, when you first worked for Congressman Patten. What were your duties in the Perth Amboy office?

Mr. PAONE. Well, as an intern, first of all we had a summer project. That was, of course, to calculate and go over and review the results of the congressional questionnaire that Mr. Patten had sent out to his constituents.

Also being that the district office was sort of shorthanded, it was small, we also were allowed to answer the telephones and get involved with constituent calls and cases.

Mr. MADIGAN. How frequently did you see Congressman Patten in the Perth Amboy office during the summer of 1975, if you recall?

Mr. PAONE. During the summer of 1975 he was in, I would say—the only time I had ever seen the Congressman in the summer of 1975, when he was in, as far as breaks or vacations from Congress.

Mr. MADIGAN. How about on Saturdays?

Mr. PAONE. No. In the summer of 1975 I was not—I did not come in on Saturdays.

Mr. MADIGAN. You did not work on Saturdays. Were you familiar with the fact that the Congressman came in on Saturdays?

Mr. PAONE. Yes. He comes in every Saturday. He is one of the few men on the Hill who are always in his district office on Saturday.

Mr. MADIGAN. Now, let me invite your attention, if I might, to the exhibit that was marked for identification by Mr. Harris as P-7. Do you see that in front of you? If not, I will give you one.

I believe this is in the books of the members, Mr. Chairman.

I only have one copy of that.

Now, inviting your attention, Mr. Paone, to exhibit P-7, have you ever seen that before?

Mr. PAONE. Yes, I have.

Mr. MADIGAN. Would you tell the chairman and the members of the committee how you happened to recall seeing that letter before.

Mr. PAONE. The first time I saw this letter?

Mr. MADIGAN. That is right. Where did you see it for the first time?

Mr. PAONE. The first time I saw this letter was back in the summer of 1975, during the period when I served as an intern for Congressman Patten. I was in the Congressman's office at the time, sitting at his desk, in his chair, and I—that was sort of my spot there during the summer. It was the best seat in the house. Whenever the Congressman wasn't in, I would make use of it.

Mr. MADIGAN. I take it you would only make use of it when he was not there?

Mr. PAONE. That is correct.

Mr. MADIGAN. OK.

Mr. PAONE. While I was sitting in the chair, our secretary in the Perth Amboy office was inside Mr. Lowenkopf's office, which was adjacent to Congressman Patten's office. While I saw them both in there talking, I really couldn't hear exactly what was going on, but Grace left the room, who is our secretary.

Mr. MADIGAN. I was about to ask.

Mr. PAONE. Grace Scala is the secretary for Mr. Lowenkopf.

Mr. MADIGAN. And who is Mr. Lowenkopf?

Mr. PAONE. Mr. Lowenkopf was the district aide for Mr. Patten at the time. And also—

Mr. MADIGAN. In the Perth Amboy office?

Mr. PAONE. Right. And also is involved as far as his own private law practice.

Mr. MADIGAN. All right. I am sorry to interrupt you. Why don't you continue telling me and members of the committee about what you recall about having seen this letter before.

Mr. PAONE. As I saw Grace and Leo, Mr. Lowenkopf, in the office, in Leo's office, Mr. Lowenkopf's office, and I could see them going back and forth, obviously he was giving her dictation, although I could not hear the exact nature of the dictation.

Grace had to cut back through Mr. Patten's office where I was sitting to go and type her letter. When she did that, I went over and—you have to understand that Grace and I are good friends—and took the liberty of looking over her shoulder, and reading exactly what she was typing.

Well, she hadn't really typed the whole letter, she only typed a couple of lines of the letter and it was at that time when I first became exposed to the document you have in front of me.

Mr. MADIGAN. Is that exhibit P-7?

Mr. PAONE. That is right. I refer to it as the put-the-bite-on-the-fellow letter.

Mr. MADIGAN. Now, during the time you worked for Congressman Patten, there would be a great number of letters typed, I take it, during any given summer. Is that right?

Mr. PAONE. For Congressman Patten?

Mr. MADIGAN. Right.

Mr. PAONE. Certainly.

Mr. MADIGAN. How is it you are able to remember this particular letter?

Mr. PAONE. Well, the only reason why this letter stays in my mind to this day is the phraseology involved, "put the bite on a fellow." When I had looked over Grace's shoulder, and I saw that phrase, I joked about it—actually Grace and I both joked about it and basically started running around the office and imitating what

it would be like to actually put the bite on a fellow; actually put our hands in our mouth and actually bit it such as that. We had a real good joke at it. That is basically why this damn letter stays in my mind until this very day.

Mr. MADIGAN. At the time this was going on, was Congressman Patten in the office?

Mr. PAONE. No way. Definitely not.

Mr. MADIGAN. Would you have been conducting yourself that way if he was?

Mr. PAONE. No, I would never venture to take such type of jocularly in the presence of the Congressman.

Mr. MADIGAN. Are you aware of who dictated this letter, if it was not Congressman Patten?

Mr. PAONE. Mr. Leo Lowenkopf dictated the letter.

Mr. MADIGAN. Now, after seeing it in the typewriter, do you know what happened to the letter?

Mr. PAONE. No, I can't tell you specifically—I cannot tell you definitely what happened to the letter.

Mr. MADIGAN. What would be the normal practice in the Perth Amboy office for letters that were prepared for Congressman Patten's signature in his absence?

Mr. PAONE. Well, after Grace had typed the letter, what she would do then is put it on Mr. Patten's desk and wait for him to arrive and sign his name.

Mr. MADIGAN. Now, did there come a time when you were asked about this letter by the staff of this committee?

Mr. PAONE. Yes. I was interviewed by a staff member of the Ethics Committee sometime during this year. I believe it was in April or so.

Mr. MADIGAN. Where were you at the time?

Mr. PAONE. I was employed in the Congressman's district office.

Mr. MADIGAN. In Perth Amboy?

Mr. PAONE. In Perth Amboy.

Mr. MADIGAN. Did the staff member ask you if you knew or were aware of how this letter came into existence?

Mr. PAONE. Yes, he did.

Mr. MADIGAN. What did he say to you, if you recall?

Mr. PAONE. Well, he asked me how I could remember such a letter, and I basically gave him the same story that I gave you, the fact that the letter in itself would have been totally irrelevant, if not for the queer phraseology of "put the bite on a fellow."

Mr. MADIGAN. What did he say to you?

Mr. PAONE. Well, we went on and—we had a little run-in, so to speak. It didn't look like he believed me.

Mr. MADIGAN. Did he say anything to you that indicated he didn't believe you?

Mr. PAONE. Yes. The gentleman's name is Mr. Powers. He insinuated that I was lying for my boss. I had—I responded that I thought perjury was a very, very strong crime because it says something about the man.

I went on, because at this point I was totally furious, and I said, "By the way, I also want you to know that I think you are a SOB for what you did to Grace the other day."

Mr. MADIGAN. What did he do to Grace?

Mr. PAONE. Well, while I wasn't in the room——

Mr. HARRIS. I object. Calls for a hearsay response and it is irrelevant.

Mr. FLYNT. I think it has a bearing on the case. We are very lenient in the interpretation of the rules of evidence.

Mr. HARRIS. Well, Mr. Chairman, if we are going to hear something, I think it would be appropriate before the Chair rules to find out if the witness was present. I take it he is saying he was not present when this incident he was about to relate occurred.

Mr. MADIGAN. Mr. Chairman, counsel has elicited hearsay and asked leading questions throughout the entire presentation of his case. I think this is relevant to how this letter came into existence and the circumstances surrounding that.

Mr. FLYNT. I am going to let you answer the question.

Mr. PAONE. Well, first of all, for the benefit of Mr. Harris, it wasn't that I wasn't on the premises at the time when Mr. Powers first interviewed Grace Scala. I was in the main office while they went into the Congressman's office.

At the time Mr. Powers left, Grace came to me very unnerved and upset. I said, "What happened? What's wrong?" She went on to recount how Powers had in effect threatened her by saying that, you know, there are secretaries who are going to jail for lying for their boss, and also saying that we could—"We can give you a lie detector test for this, you know."

Well, Powers had basically started to do the same thing to me, and I wasn't going to take it. I wasn't going to allow myself to be baited by him. I told him exactly what I thought of him.

Well, when I did say that, he said some type of another baiting remark that, "Well, I would commit perjury anytime for my brother. I wouldn't even think twice about it." I said there is no way that I would commit perjury for anyone, including Congressman Patten.

Mr. MADIGAN. Now, when this——

Mr. QUILLEN. Mr. Chairman, may I ask, who is Mr. Powers?

Mr. PAONE. Mr. Powers is a man who is, I take it, on the staff of the Ethics Committee. He came to our office to interview all three of us.

Mr. MADIGAN. A committee investigator, I believe, Congressman.

Mr. QUILLEN. Thank you, Mr. Chairman.

Mr. MADIGAN. With regard to presenting testimony to this committee, once the hearings in this matter began, prior to the statement of alleged violation, were you asked to come down here and testify before the committee?

Mr. PAONE. Yes. Mr. Powers inferred at that time that they may need me later and, in fact, a specific phone call was transmitted to our office, which Grace took.

In any event, it was someone representing the Ethics Committee that said on such and such a date in May we would like Grace Scala, Leo Lowenkopf and John Paone to tell their story before someone on the Ethics Committee.

Mr. MADIGAN. And did you have a conflict at the time?

Mr. PAONE. Oh, yes, we had our finals that week at Rutgers. I told Grace, "Whoever it was that called, see if you could work it out where I could sort of be postponed a week or two."

I would be more than happy to testify, but there is no way that I could, you know, do that and do the finals.

Mr. MADIGAN. Now, did you thereafter, after your finals were over, call and volunteer to come down and appear before the committee?

Mr. PAONE. Well, as for my specific course of action afterwards, I don't know whether or not I called and I spoke to Mr. Powers or I spoke to someone else. But I am left with the impression at that point that whoever I talked to, or whatever happened, I wasn't needed anymore, or whatever I had to say wasn't important, because they got all the necessary information from Grace and Leo, when Grace and Leo were down here.

I believe they went before Mr. Spence. I am not sure.

Mr. MADIGAN. No further questions, Mr. Chairman.

Mr. FLYNT. Mr. Harris?

Mr. HARRIS. What day of the week was August 6, 1975?

Mr. PAONE. Excuse me?

Mr. HARRIS. What day of the week was August 6, 1975?

Mr. PAONE. I really can't—I couldn't tell you specifically. But I can narrow it down.

Mr. HARRIS. Well, you don't know. Is that the answer?

Mr. PAONE. It had to be between Monday or Friday because I was in the office.

Mr. HARRIS. The answer is you don't know, is it not?

Mr. PAONE. I don't know the specific date.

Mr. MADIGAN. Mr. Chairman, I think counsel is trying to argue with the witness now.

Mr. HARRIS. I asked a simple question, what day of the week it is, and either he knows or doesn't. We have had some serious questions here, and I think I am entitled to cross examine this witness.

Mr. FLYNT. Go ahead.

Mr. HARRIS. Now, Mr. Paone, you testified that you did not hear the dictation that Mr. Lowenkopf gave Miss Scala, is that correct?

Mr. PAONE. I heard something going back and forth. I didn't hear any specifics.

Mr. HARRIS. And you have also testified that it is your conclusion that the letter you saw her typing was the result of this back and forth noise that you heard, is that right?

Mr. PAONE. That is absolutely correct.

Mr. HARRIS. Now, of your own knowledge you are not aware of that, are you?

Mr. MADIGAN. Aware of what?

Mr. HARRIS. The conclusion you stated. You do not know of your own knowledge that that letter you saw being typed was the result of the noise between Mr. Lowenkopf and Miss Scala.

Mr. PAONE. All right. Let me give you a little background.

Mr. HARRIS. Just answer my question.

Mr. MADIGAN. May the witness answer, Mr. Chairman, without being cut off?

Mr. HARRIS. Mr. Chairman, I asked if he is aware of his own knowledge. Now, that seems to me a fairly simple question. I didn't ask for background. I asked if he is aware of his own knowledge.

Mr. PAONE. The knowledge I have of all the background—

Mr. HARRIS. Please, let me finish my argument to the chairman. I think that is a rather straightforward question, Mr. Chairman.

Mr. FLYNT. Well, if the witness can answer, then he can explain his answer.

Mr. HARRIS. I would like to get the answer first. Are you aware of your own knowledge?

Mr. PAONE. From what I know of the office, and from what I know of what went on in the district office, I wouldn't have any reason to doubt that the letter Grace was typing was the same letter that I heard being transmitted, not of course specifics, but what I heard in the office.

Mr. HARRIS. Now, let me ask the question again. Are you aware of your own knowledge that the letter that you saw being typed was the result of the dictation or the noise or the back and forth that you heard between Miss Scala and Mr. Lowenkopf?

Mr. PAONE. As far as my own knowledge is concerned, I would have to say that I drew the conclusion right there, and I draw it now, that that was the letter that was being transmitted.

Mr. HARRIS. I ask you are you aware of your own knowledge. I am not asking you what you concluded. Are you aware of your own knowledge that that was the result of what you heard between Mr. Lowenkopf and Miss Scala?

Mr. PAONE. What I heard between Mr. Lowenkopf and Miss Scala, there is nothing specific. I tell you I could not make out any words.

Mr. HARRIS. Then the answer is no, is it not?

Mr. PAONE. I didn't say that. The question that you are asking is whether or not I just out of the air said that must have been the letter.

Mr. HARRIS. No, no. Please don't recharacterize my question. It is a simple question. Are you aware of your own knowledge that the letter you saw Grace Scala typing was the result of the noise or interplay, however you describe it, between Miss Scala and Mr. Lowenkopf?

Mr. PAONE. From my own knowledge, I was aware that that was the letter. I made that decision, one, based on the interplay and, two, based on the knowledge that I had regarding the workings of that district office.

Now, if you would like me to elaborate, I would be perfectly willing to do so.

Mr. HARRIS. No, I will ask the questions. I think I can do that. Now, do you still know Mr. Lowenkopf?

Mr. PAONE. Yes, I do.

Mr. HARRIS. And how is he presently employed?

Mr. PAONE. Mr. Lowenkopf is in the same capacity as he was in 1975.

Mr. HARRIS. And is he well? He is disabled in any way? Is he presently working?

Mr. PAONE. As opposed to not working in our office?

Mr. HARRIS. Yes.

Mr. PAONE. Yes, I believe he is working.

Mr. HARRIS. Now, with regard to your description of your treatment by Mr. Powers and your secondhand relating to us of what Scala told you about her interview with Powers, I take it from your

testimony that you thought that your treatment was unfair in some way, is that correct?

Mr. PAONE. By Mr. Powers?

Mr. HARRIS. Yes.

Mr. PAONE. I thought that—I mean the questions—the questions that he asked I thought were straightforward and fine. But I didn't think he had to either badger or bait his witnesses.

Mr. HARRIS. You found him rather antagonistic, would that be fair?

Mr. PAONE. That sounds fine.

Mr. HARRIS. And is it your impression from Miss Scala that she found him antagonistic, if not frightening?

Mr. PAONE. Oh, yes, that is right.

Mr. HARRIS. And did you form an opinion as to whether that was an appropriate tactic for Mr. Powers to be engaging in?

Mr. PAONE. You know, I believe that he should not have been engaged in such tactics.

Mr. HARRIS. Would it change your opinion if you knew that Mr. Lowenkopf had told Mr. Powers that he had never seen the letter that you said Lowenkopf dictated?

Mr. MADIGAN. Now, Mr. Chairman—

Mr. HARRIS. I didn't bring this up, Mr. Chairman.

Mr. MADIGAN. Mr. Lowenkopf testified before this committee, and he did not testify to that. He testified that he did. We have heard other testimony from Grace, and I don't think we need to get into all this.

Mr. HARRIS. Neither did I, Mr. Madigan, but you brought it up.

Mr. MADIGAN. I will stand by what I brought up.

Mr. HARRIS. Mr. Chairman, in the committee's records is a report of an interview between Mr. Powers and Mr. Lowenkopf in which Lowenkopf said that he never saw the letter in question.

I want to know if this witness' opinion of his treatment would be changed if he was aware of that fact. I think under the circumstances it is a fair question. He had now gotten what he considered two diametrically opposed stories from two aides.

Mr. MADIGAN. Mr. Chairman, if he wants to call witnesses he ought to call witnesses and not characterize what some investigator wrote in a report.

Mr. BENNETT. Mr. Chairman, may I ask one question with regard to the question you asked; that is, are you saying Mr. Lowenkopf said he never dictated the letter or never saw the letter.

Mr. HARRIS. He had never laid eyes on it before.

Mr. BENNETT. I am talking about dictating the letter, because the gentleman who is now the witness didn't say Mr. Lowenkopf saw the letter. He said he dictated it. That is quite a difference. He implied—

Mr. HARRIS. He stated to Mr. Powers that he had never seen the letter. I assume if he hadn't seen it that he had not dictated it. He further stated that he did not dictate the letter to Mr. Powers.

I want to know, since we have had a characterization of Mr. Powers—and I am not sure of the relevance, but since it was gone into I think the record ought to be complete, Mr. Chairman—whether this witness would consider Mr. Powers' aggressive behavior, if in fact it was that, in a different light if he knew that

another aide had told him a diametrically opposite version of the same incident. I think that is a fair question under the circumstances.

Mr. FLYNT. I would like to ask this question. Does it state in there—I agree with you, Mr. Harris, that Mr. Madigan brought this up, and over your objection I admitted it. Therefore, you have a right to pursue it.

Now, what does the letter say about dictation? Not the letter, the statement.

Mr. HARRIS. The report states that, "Mr. Lowenkopf stated he did not dictate the letter." Then it has an exhibit number. If you look, you will see the exhibit number corresponds to the letter. So, we are talking about the same document.

Mr. MADIGAN. Mr. Chairman, I don't have any objection to his questioning. What I have objection to is his reading from the investigator's report when in the deposition transcript, which is a matter of record before this committee, the man did not deny that he dictated the letter, and that is the difference.

Mr. HARRIS. Mr. Chairman, the point is this witness has testified that Mr. Powers acted in a way he thought inappropriate. I have a right to ask him whether—to give him further facts which Mr. Powers had in his mind, and all Mr. Powers knew at that time is what Lowenkopf had told him.

What Lowenkopf later testified to has no bearing on Mr. Powers' state of mind. All I am trying to elicit from this witness is if he knew that Powers had been told a diametrically opposite story than this witness told Mr. Powers, would he have considered Mr. Powers' pressing to be as obnoxious as he found it. I think that is a fair question.

Mr. FLYNT. I will let the witness answer.

Mr. MADIGAN. Mr. Chairman, before he answers that question, I would like the members of the committee to take note of page 6 of the deposition of Mr. Lowenkopf, when he was asked this question by Mr. Harris—

Mr. HARRIS. Mr. Chairman, I object. You have had a ruling that you will allow the question.

Mr. FLYNT. I am going to let the question be answered. You will have your turn.

Mr. MADIGAN. Thank you.

Mr. HARRIS. Now, do you still remember the question?

Mr. PAONE. You might want to rephrase that, go over it again.

Mr. HARRIS. Had you known that Mr. Powers had received a story diametrically opposed to yours—namely, Mr. Lowenkopf's denial that he ever had dictated the letter—would that change your opinion about the appropriateness of Mr. Powers' conduct?

Mr. PAONE. In all honesty, I can only say no, knowing the facts of what happened. Grace just didn't come to me and say, "Hey, Powers did this"—

Mr. HARRIS. First let me break it down, as to his pressing with you, Mr. Paone.

Mr. PAONE. As far as pressing with me?

Mr. HARRIS. Yes.

Mr. PAONE. Before he even got to me, I had already been aware that there was a conflict between Grace and Leo.

Mr. HARRIS. And what was that conflict that you were aware of?

Mr. PAONE. Well, when Grace came out to me, basically, you know, unnerved—

Mr. HARRIS. What was the conflict you were aware of?

Mr. PAONE. She says—she told me that she had testified—testified—she had told Powers exactly what she had told Mr. Patten earlier in the year, upon seeing the letter, that she had typed that letter for Leo.

Mr. HARRIS. And the conflict was—

Mr. PAONE. Leo had no remembrance of it.

Mr. HARRIS. No further questions.

Mr. FLYNT. Mr. Madigan?

Mr. MADIGAN. How old is Mr. Lowenkopf?

Mr. PAONE. He is in his eighties.

Mr. MADIGAN. Is he allowed to drive a car, do you know?

Mr. PAONE. Not at this stage he isn't.

Mr. MADIGAN. Has he had a cataract operation recently, do you know?

Mr. PAONE. I can't say for sure, but I do know his eyesight—he has a problem with his eyesight because for a while there I had to put certain types of prescriptive drops in his eyes, and Grace was doing it for a while.

Mr. MADIGAN. In your dealings with Mr. Lowenkopf, does he have a problem of remembering things from time to time?

Mr. PAONE. Yes, he does.

Mr. MADIGAN. No further questions of this witness, Your Honor.

Mr. FLYNT. Mr. Harris?

Mr. HARRIS. Nothing further.

Mr. FLYNT. Mr. Bennett?

Mr. BENNETT. I would like to have that record read, what he replied.

Mr. MADIGAN. I was about to ask the permission of the committee to read into the record the deposition, sworn deposition testimony of Mr. Lowenkopf.

Mr. BENNETT. Was he asked whether he dictated it?

Mr. MADIGAN. Page 6 of this deposition.

Mr. FLYNT. Do you have any objection, Mr. Harris?

Mr. HARRIS. I have no objection if the report of the interview, which is what Mr. Powers was working with, comes in, with what this witness has confirmed occurred, that Mr. Lowenkopf did tell Mr. Powers that he had no recollection of dictating that letter.

I have no objection to both of them coming in. However—

Mr. FLYNT. Well, I think you can bring Mr. Powers in.

Mr. HARRIS. I think, Mr. Chairman, if I respectfully might say so, based on the ruling of the Chair this morning, when I attempted to introduce a piece of Mr. Park's public testimony—Mr. Lowenkopf I have established is at work and available, and I think if we are going to apply the best witness rule, if Mr. Madigan wants to introduce it, since the witness is available—

Mr. FLYNT. Well, the Chair made that ruling this morning based on the fact that Mr. Park was in the city of Washington and could be here.

The Chair is aware of the fact that Mr. Lowenkopf is 80 to 84 years old and in the interest of fairness and humanity, if you insist

on it, I will give him until tomorrow or Thursday to get Mr. Lowenkopf down here.

Mr. HARRIS. Mr. Chairman, it is not our position to cause anyone a hardship. All I am saying is to be fair about this, if Mr. Madigan chooses to introduce the deposition at this point, we request permission to introduce Powers' report of his interview. I think fairness calls for that.

Furthermore, this witness has testified consistently with what Powers wrote in his interview; namely, that it was his understanding that Lowenkopf had told Powers that he didn't know anything about the letter. That is the conflict to which this witness has made allusion.

Mr. QUILLEN. Mr. Chairman, I believe Mr. Harris read from the interview that he is talking about, and I think in fairness that we also should hear what is in the sworn testimony. I see no inconsistency.

Mr. HARRIS. Mr. Quillen, I couldn't agree with you more. All I am saying is that I think what I read—

Mr. FLYNT. If there is no objection, by agreement both of them can come in. The only purpose of this hearing is the ascertainment of the truth.

Mr. MADIGAN. That is correct.

From page 6 of Mr. Lowenkopf's deposition, he was asked, "Do you recall drafting this letter?"

Answer: "My answer is I don't recall, but I don't deny it."

Now, that is what his sworn testimony is.

Mr. HARRIS. Mr. Chairman, I request that the portion I read previously be included in the record; namely, the sentence, "Mr. Lowenkopf stated he did not dictate the letter."

After reading the letter he stated that the terminology is that of Congressman Patten, and that the handwritten and signature portion is that of Congressman Patten.

Mr. FLYNT. Do you have any further questions?

Mr. MADIGAN. No, I don't, Mr. Chairman.

Mr. FLYNT. Mr. Spence?

Mr. SPENCE. I have no questions.

Mr. FLYNT. Mr. Preyer?

Mr. PREYER. No questions.

Mr. FLYNT. Mrs. Fenwick?

Mrs. FENWICK. I have one question. Again I have one question. Maybe this is capricious, but were you aware of your own knowledge that Mr. Lowenkopf dictated that letter? Of your own knowledge?

Mr. PAONE. If we—so we do not go through the whole thing again, are you asking me if I heard the specific transaction of this letter?

Mrs. FENWICK. I am asking you specifically if you can state fully of your own knowledge Mr. Lowenkopf, because of your observation, hearing, that Mr. Lowenkopf dictated that letter?

Mr. PAONE. Because of my observation in the office, my knowledge makes it unquestionable that he dictated the letter. But now if you are saying the observation is the hearing—

Mrs. FENWICK. It is the hearing.

Mr. PAONE. The sole hearing. I did not hear this letter.

Mrs. FENWICK. Being dictated?

Mr. PAONE. I did not hear the specifics of this letter being dictated.

Mrs. FENWICK. Can you read lips?

Mr. PAONE. That would not matter.

Mrs. FENWICK. It would indeed matter because if you could read lips, even if you had not heard it, you could testify that he had dictated the letter.

Mr. PAONE. No, because Mr. Lowenkopf was located in the back.

Mrs. FENWICK. So you could not see his lips?

Mr. PAONE. I could not see his lips. I could only hear.

Mrs. FENWICK. Not seeing him and not seeing his lips, therefore you cannot testify of your own sure knowledge of your senses that he dictated that letter?

Mr. PAONE. We do not do any casework in the district office, Mrs. Fenwick, just to elaborate, because I think it is so important that I do this—

Mrs. FENWICK. Really and truly, I thought this was absurd before, I thought there was some other way of phrasing it but this is absurd, really and truly.

Did you hear that letter being dictated.

Mr. PAONE. Mrs. Fenwick—

Mrs. FENWICK. The answer is no, is it not?

Mr. PAONE. Mrs. Fenwick, you cannot say yes or no if the question is do you still beat your wife?

Mrs. FENWICK. It is not; did you hear that letter being dictated?

Mr. PAONE. I did not hear the specifics of the letter.

Mrs. FENWICK. That is all.

Mr. BENNETT. I have one.

Was Mr. Patten in town that day when this letter was dictated?

Mr. PAONE. It is my recollection that Mr. Patten was in Perth Amboy during this period. I should say in the district during this period, he most definitely could not have been in the office because of where I was sitting but he was in the district.

Mr. BENNETT. Had you been in that seated position or occupying that during that day except for going out to lunch or something like that, or is that in some way tied to your conviction that it was done by his secretary?

I am trying to arrive at why you are so positive that it was dictated? Of course you have the girl who typed it, who said that?

Mr. PAONE. Right.

Mr. BENNETT. But is there anything else that gave you that impression?

Mr. PAONE. Gave me the impression that there is no possible way that anyone else could have dictated it?

Mr. BENNETT. Well, no; more specifically than it was dictated by the old gentleman, Mr. Lowenkopf.

Mr. PAONE. The fact—yes, I think the most important thing is that I was sitting in Mr. Patten's chair and that precluded the possibility of he being in the office.

Mr. BENNETT. Thank you.

The CHAIRMAN. Any other questions?

[No response.]

The CHAIRMAN. You can step down, Mr. Paone.

Mr. Madigan.

Mr. MADIGAN. We call Congressman Patten.

The CHAIRMAN. Before I administer the oath, Mr. Madigan, we have established the ground rule that unless the respondent and his counsel waive it, that we will not begin to take the testimony of the respondent without seven members.

Do you wish to proceed and waive that rule?

Mr. MADIGAN. We really would like to have all 12 members of the committee here. It is late. Are we going to have any better chance of having more members, say, in the morning?

The CHAIRMAN. We have sent for the two members who are here and we hope that they will soon be here.

Mr. QUILLEN. I have to go.

Mr. BENNETT. I have to leave at 6:20. I have to. I have to make a presentation.

Mr. QUILLEN. I cannot come back at all this evening.

The CHAIRMAN. How do you wish to proceed, Mr. Madigan? The option is yours.

Mr. MADIGAN. I prefer not to have his testimony interrupted. Mr. Patten is waving at me, telling me he wants to go forward.

Mr. BENNETT. I can be here a half-hour but I have to leave in a half-hour. I can wait—

Mr. SPENCE. Do you want to—

Mr. BENNETT. Let him decide it.

Mr. PATTEN. I would like to proceed.

Mr. MADIGAN. All right, let's.

Mr. PATTEN. We are waiting 18 months.

The CHAIRMAN. Do you solemnly swear that the testimony you will give before this committee in the matter now under consideration will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. PATTEN. I do.

The CHAIRMAN. You are Edward J. Patten, Representative of the 15th District of New Jersey?

TESTIMONY OF HON. EDWARD J. PATTEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. PATTEN. Right.

Mr. MADIGAN. Do you have a statement you wish to make to the committee with respect to the statement of alleged violation?

Mr. PATTEN. I do.

Mr. MADIGAN. Please give it to the committee if you would.

Mr. PATTEN. I would like to read it.

My name is Edward James Patten. I am 73 years of age and have served my home town district in Congress for 15 years, since 1963. I have never in my life ever even been accused of unlawful or unethical conduct, let alone engaged in such activity. Forgive me then, if you will, if I appear to be emotional, as I was in the executive session appearance.

Let me turn now to the reason we are here today. While I am not pleased to be here, I am happy that this hearing is being conducted in public so that all the citizens of my district, and indeed across the Nation, could witness the frivolous nature of this statement of alleged violations.

As my attorney has already made clear, the statement of alleged violation was not a finding of this committee that I had done anything wrong and I am confident that the committee will completely vindicate me.

You have just heard the information about this matter presented by your staff. What does it show? It shows that I never received any contributions of any kind from Tongsun Park to any of my congressional campaigns or any other campaign of mine or personal in any regard. There is no evidence that shows I have improperly reported a campaign contribution from Park or anyone else. It shows I never failed to report a campaign contribution from Park or anyone else; it shows I never attended any parties of Park at the Georgetown Club or anywhere else.

In short, the record shows I never received a penny from Tongsun Park in my life, certainly not in 1975 or 1976. Well, then, what is all this about? This statement of alleged violation prepared by the staff alleges that in two different years, 1975 and 1976, Park purchased 10 tickets to the annual Governors' Day benefit which is held each year in New Jersey, not for my benefit but by and for the benefit of Middlesex County Democratic Organization.

The testimony you have just heard established that neither I nor my campaign received any of the money raised by the Middlesex County Democratic Organization. Indeed, none of that money was contributed to any Federal election campaign, but it was, rather, raised for their freeholders and other officers.

As you all know, I was not even running for reelection in 1975. When does the statement of alleged violation say that I am supposed to have done—what does it say I am supposed to have done regarding these 10 tickets Park purchased in 1975 and 1976? In both years the statement suggests that I violated the laws of my home State of New Jersey, which I served as secretary of state for 15 years and I ran the elections without a word of criticism even though I was sued hundreds of times and cases went to the Supreme Court.

I will stand on my record for doing things accurately the way they should be done. The statement suggests I violated the laws of my State by knowingly contributing the \$500 Park gave for these tickets to the Middlesex County Organization as if it were my own. This, as you have already heard, I did not do. No testimony has been presented or ever could be presented that I knew that \$500 which Park gave to buy these tickets was reported to the Middlesex County Democratic Organization as my contribution. I had no idea I would be listed as the purchaser of these 10 tickets, nor did I ever claim to be the purchaser of these dinner tickets?

As insignificant as these two incidents involving the purchase of the dinner tickets are, let me try and explain what I recall about how the tickets were handled in 1975 and 1976.

Remember, if you will, my colleagues, that these events occurred 2 or 3 years ago and, as you all know, the sale of tickets to the county dinner is not the most important concern to me during my 15 years of service with this Congress. In short, while these events loom large now at this hearing, I am sure you understand that they certainly did not at the time they occurred. Therefore, I will

try and reconstruct for you as best I am able the events of 1975 and 1976 as I remember them.

You have to understand that Steve Callas handled the details of these ticket sales each year, and sent reports for the Middlesex County Democratic Organization Committee every year as to how the sales went. Steve had worked for years with the county organization. I do not know about the title, but I know in 1966 one Steve Callas ran the office, and other years, at least until 1970 when there was a change of guard at the head spot.

On many occasions I simply threw tickets mailed to me in the wastebasket. In short, I had nothing to do with the sales of tickets in my office.

In 1975, as best I can remember, in early August I received a telephone call from Steve. He was in Washington, I was in my district office. Now normally, you understand, Steve handled the whole ticket deal from start to finish. I had nothing to do with it, normally knew nothing about it. But it is my recollection when Steve called me he said he was worried about sending cash through the mail that he collected for ticket sales. He and I agreed to avoid the problems created by sending the cash through the mail to New Jersey. I would give him a check, the cash would be left in my safe in Washington.

All I was doing was cashing a check, that I have done a thousand times in my office and done it this last month; I will show you my checks for Paone, who was here. He had a check for \$475 the bank wouldn't cash; I cashed it. He asked me, he only wanted \$100, I held the \$375. Two other students came in. They had, they wanted a check for \$350, some landlord they wouldn't—the landlord wouldn't take their check, they are starting school. I put up the \$350, the check will show I paid the real estate agent so they could make their lease. I do it all the time. But he and I agreed, I would issue a check; all I was doing in fact was cashing a check, just substituting my check for the cash Steve had in Washington in order to accommodate him. Because the time was short, he said they are calling—you notice the affair was held on the 16th, they were screaming to get their figures. I decided I would send a check directly to Woodbridge. That would answer your time factor, Mr. Harris, a letter from Perth Amboy to Woodbridge would arrive in Woodbridge on the 7th. On the same day he mailed his report out of Washington and it got there probably the 8th or 9th.

It happens—I get Tuesday's paper on Friday here. After I finished talking to Steve, I handed the check to Leo Lowenkopf—and I want Leo treated more respectfully. We worked together 38 years.

I think it was about a quarter to one, I was going out. I threw the check on his desk, I said, mail this to Venezia. I went out. I was in the office all morning. I didn't come back until—some, they leave early. I don't know, I think it was probably 5 o'clock, I saw this letter, it was not a thing on my mind—I don't see a thing in there about Tongsun Park, I don't see anything there about screwing up some returns, not putting the names right.

I just put down: Steve will account for this. And I expected him to account for it honestly as he always had in the 15 years he was with me.

That letter means nothing as far as Ed Patten is concerned. I resent your taking any insinuations from it. I do clearly recall when I did see the letter I thought it was poorly phrased. Therefore I wrote the note you see in the bottom of that letter to clarify the check was not a contribution from me. I would not have permitted the contribution—in my state of mind in 1975, I wouldn't buy a ticket. You don't seem to understand that; Mr. Venezia didn't seem to understand it either. If I change these ethics laws, Mr. Chairman, no man in office is allowed to buy tickets or sell tickets, that is one rule we should have unless for your own church or your own bar association, something like that. I have been hollering for that for years.

In any event that year, 1975, I wrote that note in a letter I sent in with the check. The check was mine, but the money was not mine, I was not contributing it. That is what I tried to convey by the note I pinned on the bottom of the letter. If I had intended by the letter to claim I bought tickets, why would I need the notes? I don't need any note. The letter would speak for itself.

The answer is, I wouldn't have written any note. The use of my check here was only to facilitate the money to Venezia. I understand Steve Callas said on one of these occasions he was asked about this matter that he recalls mentioning to me in a telephone call conversation in 1975 that the money for the 10 tickets had been given him by Park. I say to you loud and clear, I have testified all over, to you and Justice all, time and time again, he told me no such thing. Steve's recollection about this is simply wrong.

In fairness, I want to say publicly Steve Callas worked for me for 14 years. He served me well and I don't want to criticize him here today. I don't know why his recollection differs from mine, unless over Thanksgiving something happened that "You might make a better witness," than me as to what happened, from the time he told the truth on November 17 and what happened when you got him back again on the 23rd. I wasn't here. You know more about that than I do, Mr. Harris.

Let's turn to the 1976 dinner. In August Steve brought a check into my office for me to sign. I want you to understand I signed hundreds of checks. Our office assists many of my constituents in buying tickets to all sorts of events, football games, baseball games, dinners, Boy Scout breakfasts, receptions. I am sure it is all the same in the other offices.

We have a procedure for how this is done. It sounds like this. Steve or somebody else handles the tickets, if somebody wants tickets to something, they give Steve or someone else the cash or check and Steve has my wife issue one of my checks for the amount of the tickets for dinner or breakfast or whatever it is.

What is our situation? The bells are ringing.

The CHAIRMAN. There is a live quorum on. Do you want to go answer?

Mr. PATTEN. What is your pleasure?

The CHAIRMAN. I will leave it up to you.

Mr. MADIGAN. I think since there are very few members present perhaps we could stop at this point.

The CHAIRMAN. And hopefully return this evening?

Mr. MADIGAN. At the chairman's pleasure.

The CHAIRMAN. Yes.

Mr. PATTEN. If you return, you will have one less maybe. How about if I put this in the record and we end up with saying this: I will go to my grave telling you Steven Callas never said that; he didn't say what he said here, that he told the story of how he sold tickets in 1975, but let Lee come into my office and put 500 bucks down to pay for the tickets. I never learned that story until November 1977, and don't you have any doubt about it. Nowhere does he say so. And nowhere did he say he told me it was Park's money until after November 15. When he testified, I knew nothing about the tickets.

The CHAIRMAN. Do you have your questions?

Mr. MADIGAN. I would think that it is very important to have as many members as possible.

The CHAIRMAN. The committee will stand in recess until after the quorum is completed and after the vote on the Collins amendment to the bill now under consideration is completed.

[Whereupon, the committee recessed, to reconvene at 6:25 p.m., the same day.]

The CHAIRMAN. The committee will come to order.

I will repeat the question.

Mr. Madigan, are you ready to proceed?

Mr. MADIGAN. We were in the middle of the statement that Congressman Patten was making to the committee, and I would ask the permission of the Chair that he be permitted to continue with that statement.

The CHAIRMAN. You may proceed.

Mr. PATTEN. And I have strict orders to stick to it.

The CHAIRMAN. All right, sir.

Mr. PATTEN. Now, we have a procedure for all this action, baseball games and the like. For instance—I don't know how much you want of it—but we sponsored, I have to arrange with the cafeteria, and the check each year was over \$2,700 for the Boy Scout national breakfast that takes the entire Congress. One year I got them Vince Lombardi as the speaker; another year I got Ted Williams, you see. They were puffing over that South River trip with Theismann. He is a local celebrity. You are a Washington fan, aren't you? We took 44 busloads, 1,440—some people.

All right, let's turn to the 1976 dinner. In August Steve brought a check to the office for me to sign, he was not fumbling around, he had the check made out, put it in front of me. Three women were talking, I am on the phone. I said "Here, do the same as last year" or something. To me I was just cashing a check so he doesn't get hit over the head if he takes the money out of the building, because I am the only one who has a bank account on the Hill. I have done it so often. Talk about it, one of these years—all right. We will leave out about the world's series.

I will show you five checks from Steve Callas I made out a year ago, a year ago, five checks. He put his dough there to get world's series tickets and the American League championship and everything else, not only for him but for others.

Now we have a procedure how this is done. It goes like this: Anybody in the office, particularly my wife and in the district,

people ask for 16 tickets for the superbowl, that is \$800; big shots, like Tip O'Neill, he could not get them, so they asked me.

You know, did I tell you that Pete Rozelle the star is a trustee, my daughter the nun was administrator of the Marymount School in New York and Pete Rozelle has a daughter in there. So this guy knows that when Pete Rozelle has a daughter with my daughter Kathy, we had an "in" with some big guys bouncing around here trying to get superbowl tickets, I was getting them. He got them for his brother, see.

Well, let's stick to this. But anyway, we sell thousands of tickets for football games. I give my local high school team 44 tickets every year, for many years. I pay for them. All right, all right.

And I signed the check and my check is sent into the Army football game and I have to go after them, Mr. Flynt. I have to get these—you know you can only order eight tickets. So I have to get Mrs. Fenwick to give me hers. Joe Early asked me would I give him my tickets for the Holy Cross-Army game. I got people who want to go to the Holy Cross-Army game, I can't give him my tickets. I had to go to Idaho, Olsen, Mont., I had to go around and every time you make out a check. I don't do the details. They make out the checks. I am forever signing checks.

All right, that's how it is generally done in my office, it has been that way for years. So back in 1976, August, I recall Steve coming in with a check for me to sign for the tickets for the Middlesex County dinner. As I said, he always was putting checks in front of me to sign. Once again he had cash, Steve didn't want to send the cash through the mail. So I signed the check, which you have seen, and apparently it was sent in.

I assumed Steve would take care of the reports as to who bought the tickets as he always did. I have absolutely no memory of anyone mentioning to me that Park bought the tickets. I wouldn't hesitate to say so. He apparently now thinks he did mention it to me. Again, while I cannot understand it, I will not criticize him here today.

Finally, let me emphasize again as to the letters of August 6, 1975, and August 25, 1976, from Callas to Nick Venezia that reports the names of purchasers of these dinner tickets, I did not ever see those until the staff showed them to me last year. I never saw a copy of any return. I am the last guy in the world that would see it, don't you have any doubt about it.

Steve Callas testified he drafted and typed the letters. Did you read it, did you read it, it is funny—I like it when he waffled, he is telling you I knew, see. That is a gem we should put in gobbledegook for the Star.

Steve testified before this committee that he put my name on the list of contributions on his own. He stated that he never discussed with me that he was going to use my name on these reports. And no one has testified that I had any knowledge that my name would appear on the 1975 and 1976 contributor lists. I would like to point out, on Steve's behalf, that these letters were typed by him on his own time and at his own expense. In fact I used to mark them sometimes, nonfranked envelope. You can't trust these newspapermen; you send in a release without stamps on it, they will turn you in.

Now, Mr. Chairman and my colleagues, that is everything I can recall about the handling of these dinner tickets in 1975 and 1976. I never intended to deceive anyone, I did not knowingly contribute to the Democratic Organization as my own any money received from Mr. Park for dinner tickets. I never violated the law of my home State of New Jersey, and I sure did not do so in these instances.

Mr. Chairman, I was county clerk 15 years in charge of the elections. I was proud, I knew the law; ask me, I will tell you the law. I knew every word of it. I carried it out; 15 years, you won't find a word of criticism.

I was secretary of state, all kinds of suits, and I won every suit. We don't quibble about what the law is, we carried it out.

I am proud of my conduct—if you people are as conscious of technical violations as I am—as a result of my training.

In closing, I want to remind all of you, I have always been a supporter of a strong, Mr. Flynt, a strong U.S. defense policy. My voting records on such issues has always been consistent. I have always supported the President on foreign affairs; that goes for Herbert Hoover right down to Nixon and all of them.

We wanted to talk about 10 dinner tickets? I don't know.

My record is clear and my conscience is at ease.

As I said, I have never taken a dime from Mr. Park and I will tell you everything I know about these tickets. Nevertheless, if you have any additional questions, I will try to help the committee.

The CHAIRMAN. Mr. Madigan, do you have any questions?

Mr. MADIGAN. I have no additional questions.

The CHAIRMAN. Mr. Harris?

Mr. HARRIS. Yes.

Mr. Patten, you and I know each other, do we not?

Mr. PATTEN. Yes.

Mr. HARRIS. I am going to ask you a few questions and it is late and I am going to make it as short as possible. If you will bear with me, I will appreciate it.

Mr. Patten, I think you have previously testified and is it not correct that you were under the impression that it was illegal for Park to make a contribution to Middlesex County in 1975?

Mr. PATTEN. What time period are you talking about?

Mr. HARRIS. After January 1, 1975.

Mr. PATTEN. No. I was not under that impression because the Republicans are down here right on Federal property selling tickets every day. I didn't know our ethics went to the Democratic party. The Democrats and Republicans. It is against the member. I am not allowed.

None of my staff can take a gift, but nobody stops the Democrats and Republicans from selling tickets. I don't believe, I never believed—in fact, the point never came up until this last year from time to time—I don't believe there is any violation in his giving money to the Democratic party.

Mr. HARRIS. Let me—

Mr. PATTEN. In New Jersey, that is.

Mr. HARRIS. Let me call to your attention—perhaps we can clarify the point—during your first deposition—I am talking about pages 9 and 10.

Mr. MADIGAN. May I have a moment?

Mr. HARRIS. Surely.

This is page 9. On page 9 we were talking about the \$500 that Callas got from Lee in 1975, and in talking about it among other things you said, talking about that—it says it violates the election law too, you know.

Mr. PATTEN. That is not what you asked me. You can't put the wrong name down. That is what I was talking about. Instantly when I heard of it, I said, "Damn it, the State law is being violated. I can't put John Jones' name down." It is the purpose of the reform—and I am solid for this because I am sick and tired of people spending thousands of dollars from the gas company—all my life I am working for the people and my opponents get their money from the establishment and they run big money against me from where they can get it because of the way they vote.

I wanted them to disclose like the National Taxpayers' Association or Union, I want to know who they are. Fully expose them. I am in favor of that disclosure law. It is high in my head. As soon as I heard of this I said, "Well, we have passed a State reform law in New Jersey; you have to put down the correct donor."

I hope to put a lot of people in jail on that in my time. I never had a law like that to work with.

Mr. HARRIS. Mr. Patten, if I understand you, your understanding was that it violated the law to put the wrong name down?

Mr. PATTEN. Right.

Mr. HARRIS. Did you think it was illegal for a foreign national to contribute to the Middlesex County Democratic Organization in 1975?

Mr. PATTEN. In 1975?

Mr. HARRIS. Yes, sir.

Mr. PATTEN. You are asking me now. I don't need any law. I wouldn't like it. I have no problem with that law or no law. There would be no trouble with me on that one. I don't need any law for that one. Don't you have any doubt about it.

I never saw Tongsun Park after March 26, 1974. That is the last time I saw or heard from him. He came to the office with these fellows and were going to take the trip. So don't make me a buddy, you know.

Mr. HARRIS. Mr. Patten, let me turn to another area. When you were deposed the first time around this letter which we have been talking about, the letter that was sent in with your 1975 check had not yet surfaced. Neither you knew about it nor I, is that right? Neither one of us had it?

Mr. PATTEN. What was that?

Mr. HARRIS. The cover letter that went in with your 1975 check. The letter that has gotten so much attention here today.

Mr. PATTEN. I don't quite understand. I didn't get this letter until—I found out after Steve had testified you wanted some stuff from the county organization. If I was apprehensive, I would have been up there and pulled this out, but I had no misgivings.

That is the first I saw it, when he sent me a copy, which was about the time he sent it to the committee.

Mr. HARRIS. That was after you and I met and we had a deposition the first time, is that correct?

Mr. PATTEN. Yes, that is right. It came afterward. Right. We met December 9.

Mr. HARRIS. That is right.

Now, at the December 9 meeting, Mr. Patten, I asked you about any conversation that you remembered with Steve Callas August 6, 1975, when he called you up. If you will recall, Mr. Patten—Mr. Madigan, page 4—you told me or you told the committee, rather, that, among other things, Callas had told you, "I am getting more cash on account of the new law. Anything over \$100 must be declared."

He says, more people buy one or two tickets and give you cash; they don't want their names in the list.

Mr. PATTEN. Right.

Mr. HARRIS. Mr. Patten, I assume what you were conveying to me or to the committee when you said that was that Callas had told you he was getting a lot of one or two ticket purchases by cash which would not have to be reported because they were under \$100.

Mr. PATTEN. I think that is it, yes. It is still valid, you know. That was the switch.

Mr. HARRIS. Now, Mr. Patten, if you will turn your attention to the 1975 letter for a moment here, if you notice the handwritten notation you put on the bottom of it, sir.

Mr. PATTEN. Right.

Mr. HARRIS. You stated in your second deposition that that handwritten notation was supposed to clear up any misunderstanding that could be raised by the typewritten part of the "You put the bite on me" part because it indicated that Steve was going to report the source of this cash. Correct?

Mr. PATTEN. Well, you go through a lot of words. The only thing I know I am saying, "Steve is going to send the report in. I am only cashing a check for him. That is what that means." But you are adding a few words to it, see, that changes the meaning. You are trying to indict me for the body of the letter and I object to it.

Mr. HARRIS. I am just trying to ask you some questions.

Mr. PATTEN. I asked him to send a check in. It was only natural he thought I was going to pay for tickets. Right?

I never had the thought in my head. One thing is certain, the things we look upon now would not have happened, were they known to me.

Mr. HARRIS. Mr. Patten, isn't it a fact that since you understood that the cash that Steve had according to earlier testimony was one or two ticket sales which didn't have to be reported, that in fact that cash never was going to be reported by Steve as far as you understood it.

Mr. PATTEN. No, sir. No, sir. The thought never went through my head. Now, you kicked me around the last time about that \$1,350. My statement is still true. He didn't have checks and \$500. Do you want to clear it up?

He told me on August 1 while I was here in Washington, he says, "I have \$1,350 cash. Not checks and \$500. You butt in and you said he had checks and cash. I am telling you what he told me. The Friday I left here to go home for the August vacation, he told me he had \$1,350 cash because more people don't want to—they don't

want to be down and they give you \$50, \$100 or one or two tickets. I paid no attention. I don't remember. It doesn't impress me, but it was not checks and cash.

He told me on Friday he had \$1,350 cash. My memory is better than Steve's. You found that out, didn't you? My mathematics are better than his too. You can check my school records. I always got "A" in all of it. See?

Mr. HARRIS. Mr. Patten, the only area I am trying to explore here is the one that prior to learning about the letter you stated during a deposition that you were under the impression that the cash that Steve had was from sales of one or two tickets to a person.

Mr. PATTEN. Show me. Never.

Mr. HARRIS. It is page 4 of your first deposition, Mr. Patten.

Mr. MADIGAN. I think that was about a different subject matter, Mr. Harris.

Mr. PATTEN. I don't remember my impression where he got it. He could have gotten it from one fellow.

Mr. HARRIS. At the top of page 3 we were talking about a check you issued dated August 6, 1975, written on your Sergeant at Arms account.

As you will see—I don't have to read the whole page into the record—I asked you the circumstances surrounding your issuing of the check to the Middlesex County, and you gave an explanation, if you would like to look at it, but at the top of page 4 you say, "Now that you mention it, before we left he said to me"—meaning Mr. Callas—"You know, it is different this year. I am getting more cash on account of the new law.

"Anything over \$100 may be declared. More people buy one or two tickets and give you the cash. They don't want their names on the list."

Mr. PATTEN. Right.

Mr. HARRIS. That was in a conversation you had with Callas?

Mr. PATTEN. Right.

Mr. HARRIS. About or at the time he asked you to issue the check to cover the \$500 cash?

Mr. PATTEN. Now, just a minute. Where is there any evidence—I didn't testify he ever asked me for a \$500 check. That was the result of our conversation.

Mr. HARRIS. What I am saying is, during that conversation, during your telephone conversation on August 6, you testified that he told you the cash he had was the result of the new law and that people were buying—

Mr. PATTEN. That is not true.

Mr. HARRIS. Well, he says—

Mr. PATTEN. Now get it right. Nothing was said about \$1,350 on August 6. Nothing was said about "People are paying cash" on August 6 over the telephone. I was in the office the last day, I think it was probably August 1, a Friday, and he happened to mention—it didn't mean anything—I went on home.

In our conversation, I do not recall him saying anything about \$1,350 or saying anything about a \$500 check, and what I said to you, I hardly remember a word of the conversation.

Mr. HARRIS. Mr. Patten, what you said is exactly what you said to us in December. That you didn't remember much, the only thing you remembered was that he told you the cash was a result of more people buying one or two tickets and giving you cash; they don't want their names on the list.

Mr. PATTEN. That was 5 days before he told me that. I don't remember anything about the \$1,350. I don't know that he mentioned it. I don't know.

Mr. HARRIS. I don't want to belabor it, but let me just ask you, do you recall giving that answer during your deposition on December 9?

Mr. PATTEN. What is printed here?

Mr. HARRIS. Yes.

Mr. PATTEN. Not the way you say it. I never said that in the telephone conversation, that I remembered discussing an amount, \$1,350 or \$800 or anything else. I really didn't.

Mr. HARRIS. Mr. Chairman, at this point I think perhaps the thing to do, and I do do it, is offer in evidence at this hearing a portion of Mr. Patten's deposition, namely, page 3 of the December 9 deposition, through line 5 on page 4.

Mr. MADIGAN. Perhaps we can clear this up.

At the top of page 4, Mr. Harris, it says, "Before we left" meaning before he left Washington—and I don't see that there is any difference. Perhaps you are not reading it right.

On page 4 he says, "Before we left he said it to me."

Mr. HARRIS. Maybe the easiest way is to just put that portion in if you don't have any objection.

Mr. MADIGAN. I have no objection. I just don't think there is a dispute.

The CHAIRMAN. Without objection.

Mr. HARRIS. Finally, Mr. Patten, if you will recall during your prepared statement a little while ago, in making reference to this 1975 letter that you have before you, you indicated that you were not pleased with what you thought the insinuation was about the meaning of the letter, et cetera, and I asked you, with that in mind, to please turn to your second deposition, and the bottom of page 9 and the top of page 10.

Let me just call your attention to the portion that I would like you to refresh your memory about.

This is the January 18 deposition.

Mr. Niels asked:

The letter says the contribution is coming from you and at the bottom it says it will be included in the report which Steve will send.

Mr. PATTEN. That is right. It is his \$500.

Mr. NIELDS. The body of the letter says it is yours.

Mr. PATTEN. It is damaging, I admit. I did not dictate the letter. That is why I placed the notation trying to clear it up.

Now, could you tell us what it is about that letter that you thought was damaging?

Mr. PATTEN. Well, I think as Nick Venezia said, it would appear I was making a contribution. You know, generally. I thought it was more definitely that way until I reread it. Don't forget until you showed it to me I had never seen it, what Mr. Niels showed me January 18. I had never seen it.

Mr. HARRIS. Hadn't Mr. Venezia sent you a copy of it when he sent the committee a copy of it?

Mr. PATTEN. I don't know. In that same time period, but that doesn't mean I looked at this stuff.

I looked at some and it didn't seem to mean anything to me. It wasn't material.

Mr. HARRIS. I have no further questions, Mr. Chairman.

The CHAIRMAN. Mr. Madigan, do you have anything else?

Mr. MADIGAN. I have no further questions. I have further evidence I would like to submit.

The CHAIRMAN. Are there questions by members?

Mrs. FENWICK. I am troubled, Mr. Chairman, by something that does not seem quite to accord.

I remember your telling us how distressed and distraught you were all through the summer, wondering what Mr. Callas had done. That you had a wretched time in there; that you didn't know what was involved; that Mr. Callas told you he was going to stonewall and you thought, My God, what has happened here. When you discovered it was just tickets, how relieved you were. Do you recall that testimony?

Mr. PATTEN. Yes, and do you want to know something? When he told me he was sick, I didn't believe him.

I couldn't believe he hired a lawyer and went to all this trouble over a couple of tickets.

Mrs. FENWICK. What troubles me is, it doesn't seem to accord with the other testimony that we have heard.

Mr. PATTEN. About what?

Mrs. FENWICK. Well, Mr. Callas said, testified, out of loyalty in a discrete way that he was sorry for it and he would tell the truth; that he never told you he was stonewalling; that he never told you he was holding back all through the summer leaving you and being worried as to what was going on. See?

Mr. PATTEN. The real Steve Callas told you on November 15 the truth. When he said I didn't know anything about this, that was the truth. There was no pressure.

They don't want me to get into this.

Mrs. FENWICK. It troubles me. Didn't he tell you he was going to stonewall?

Mr. PATTEN. You see, they have the testimony—he testified—they have better testimony. You have a copy of the FBI testimony.

I don't know why I should—he is my friend. I don't like to be dragged out on this. The best testimony is your FBI. You have a copy of it. Why use me to humiliate me here in public?

Mrs. FENWICK. I am just trying to make the testimony match.

Mr. PATTEN. He has that testimony in his FBI report. That is the best testimony. That was done at that time. It was April 15. When we get into November, what happened to Steve and everything else around that Thanksgiving time—I don't like to do it; I have to live in town, you know.

Now, as far as the questions you are asking, the gentleman has the FBI report right on his desk and that is the best evidence. I thought we kind of agreed on that. What we are here for, I am here because somebody says I know something about a loused-up report that went to the State of New Jersey and I feel, how could

this be? I had never heard of a report. I never saw a report, and I am not so dumb that I wouldn't have done it correctly.

I have no part of any report. Nobody says I did. You have no evidence. You are trying to put a stinging letter there, making an insinuation out of it. Nothing. Or the fact that I acted as a bank in the office. You can't make those implications with me. They are not valid and they don't bother me one bit.

If you have me to the point where I was embarrassed, I would be in bad shape because my long suit is my integrity. Don't you think that it isn't.

Concerning the charge here, I don't think it is relevant.

Mrs. FENWICK. Never mind.

Mr. PATTEN. You don't have to rely upon me. He has them right there. What he said for Justice, what he said to the FBI.

Mrs. FENWICK. Yes, but what I am interested in is what I have heard and that was what I was trying to match together, what I have heard.

Never mind. Never mind. You tell me some other time.

Mr. PATTEN. You asked the question. The answer is yes. You see, the trouble with this committee is, you sit like loners. Mr. Spence gets up—you didn't hear that, but there is—I think you heard it.

Mrs. FENWICK. I never moved. I have been here the whole time.

Mr. PATTEN. Wait a minute. You weren't there on December 9 last year?

Mrs. FENWICK. No.

Mr. PATTEN. All right, my lawyer is telling me to quit.

I would like to say something on behalf of your patience and how long this has been, but you don't want that from me. I just want to thank you, all of you.

It has been hard on me. It is hard on all of you.

When you told me it was tickets, was I glad. I went out and got drunk. I celebrated. I thought I was going to go to jail.

Mrs. FENWICK. That is what you told us.

Mr. MADIGAN. I do have an exhibit I would like to offer into evidence. It is marked exhibit 6 and it, Mrs. Fenwick, is the FBI report of the interview with Mr. Callas and I think it is the best evidence of what he did or didn't say to the FBI.

Mr. PATTEN. Let Mrs. Fenwick read it.

The CHAIRMAN. Is there objection?

Mr. HARRIS. No objection.

Mr. PATTEN. I haven't seen it, you know.

Mr. MADIGAN. I have seen it.

We have nothing further, Mr. Chairman.

The CHAIRMAN. Do you have anything else, Mr. Harris?

Mr. HARRIS. No, Mr. Chairman.

The CHAIRMAN. This closes this investigative hearing.

I will read through two and three of the supplemental rules of procedure.

At the conclusion of taking all testimony and receiving of all the evidence with regard to each respondent, the Chairman shall fix a date certain to hear closing oral argument from the staff and the respondent and to conduct deliberations thereon. Three calendar days prior to the date set in the supplemental rule 2, the staff and respondent shall file with the committee written proposed findings of fact with support for each proposed finding.

It is the intention of the Chair and, hopefully, the counsel for Mr. Patten, and counsel for the committee, will agree to set this for Wednesday, the 4th of October, with the proposed findings of fact with support for each proposed finding to be submitted not later than the close of business on Monday the 2nd.

Is there objection to that?

Mr. HARRIS. No objection.

The CHAIRMAN. Is that all right with you, Mr. Madigan?

Mr. MADIGAN. Very fine, Mr. Chairman.

The CHAIRMAN. With those dates being set, this investigative hearing is closed.

The committee will meet again in open session at 10 a.m., tomorrow, Wednesday, the 27th of September 1978.

The Chair will also announce that at 9:30 there will be a meeting for the purpose of going into executive session to be in the committee room 2360 at 9:30 tomorrow. The 10 o'clock meeting which will be open to the public will be in this room, 2226.

With that announcement, the committee stands adjourned until 9:30 tomorrow morning in the regular committee room, room 2360.

[Whereupon, at 7 p.m., the committee was adjourned, to reconvene at 9:30 a.m., the following day, Wednesday, September 27, 1978.]

APPENDIX F

TRANSCRIPT OF ARGUMENTS

WEDNESDAY, OCTOBER 4, 1978

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

The committee proceeded into open session at 5 p.m., in room H-140, the Capitol, Hon. John J. Flynt (chairman of the committee) presiding.

Present: Representatives Flynt, Spence, Quillen, Bennett, Quie, Preyer, Fenwick, and Flowers.

Also present: John M. Swanner, staff director; John W. Nields, Jr., chief counsel; Jeffrey Harris, professional staff member; and Martha Talley, counsel.

Also present: Michael J. Madigan, counsel for Edward J. Patten.

The CHAIRMAN. The committee will come to order. The bells have sounded, announcing a series of votes on bills under suspension. The Chair is informed that there are to be six votes. That means an absolute minimum of 15 minutes for the first vote and an absolute minimum of 5 minutes for each succeeding vote, which would be a minimum of 40 minutes, and under the practices of the House, probably means nearer 50 minutes. The Chair will recess until 6 p.m. today.

[Recess to vote.]

The CHAIRMAN. The committee is in public session with seven members present. The question has been discussed informally before convening the committee, and counsel for the committee, counsel for the respondent, both feel very strongly that as many members as possible should be present.

As the committee is aware, we have had a notice quorum, followed by a live quorum, and judging from customs and practices and procedures of the House, that means that the live quorum will be followed by a recorded vote.

We will probably have additional votes because the Chair has been advised—I do not know how accurate—but the Chair has been advised there will be additional amendments offered.

Mr. Madigan, counsel for respondent, and Mr. Nields, counsel for the committee special staff, both feel that it is imperative that we not only have seven members present, which the Chair is going to insist upon, but that we have as many members as are possibly available.

With that statement, I am going to recognize the gentleman from Alabama for a motion.

Mr. FLOWERS. Mr. Chairman, I move we recess until 10 o'clock tomorrow morning.

The CHAIRMAN. You have heard the motion. As many as favor the motion of the gentleman from Alabama will indicate by a show of hands.

Mr. SWANNER. Three.

The CHAIRMAN. Those opposed will indicate by a show of hands.

Mr. SWANNER. Four.

The CHAIRMAN. On this vote by division, the yeas are three; the nays are four. The motion is not agreed to.

The Chair announces that the committee will stand in recess until after the live quorum now in progress and until after the recorded vote, if a recorded vote is ordered following the live quorum now in progress.

Mr. Bennett informs me that the vote, if demanded, will be on the Downey amendment.

The committee will convene 5 minutes after the vote on the Downey amendment is completed, or 5 minutes after the live quorum is completed, if a recorded vote is not ordered.

The committee stands in recess.

[Recess to vote.]

The CHAIRMAN. The committee will come to order. With the understanding in advance that arguments will be suspended if the committee attendance drops below seven, the committee will come to order.

We will now hear oral arguments in the matter of Edward J. Patten, of New Jersey. Under the procedures established in similar cases, counsel for each side will be allowed 30 minutes in oral argument. The side that carries the burden of proof, in this case the special staff of the committee, will open and close.

Mr. Nields, do you want to control the time, or do you want Mr. Harris to control it?

Mr. NIELDS. I am sorry, I don't understand what control the time means.

The CHAIRMAN. It means that I am going to recognize you or Mr. Harris for 30 minutes.

Mr. NIELDS. Mr. Harris.

The CHAIRMAN. All right, following which, Mr. Madigan, I will recognize you for 30 minutes.

Mr. MADIGAN. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Harris is recognized for 30 minutes.

ORAL ARGUMENT BY MR. HARRIS

Mr. HARRIS. Mr. Chairman, before we begin, might I inquire if it is the Chair's pleasure to conduct deliberations on this today?

The CHAIRMAN. It is the Chair's intention to complete deliberations on this case today.

Mr. HARRIS. If it please the Chair, Mr. Madigan, members of the committee, let me note at the outset, as the Chair correctly pointed out, it takes seven affirmative votes for a report recommending any sort of discipline. I note that there are seven members present. That means that the burden in this case is carrying every single member present.

Mr. BENNETT. Not necessarily so.

The CHAIRMAN. There may be more that will come. We have been told that there is at least one more who will probably come and one more who may come.

Mr. HARRIS. I hope so. I guess I am talking to the wrong people, because I know the Chairman has made extraordinary effort to get everyone here, and most of those present today have been present at almost every proceeding.

But Mr. Madigan, I think, joins me in this—we had hoped that we would have as many here as possible, and I hope the Chairman is right and we get more.

I will proceed to the merits of the case without anything further.

Mr. Patten is charged here in two counts, one relating to 1975 and the other relating to 1976. He is charged with passing off as his own someone else's contribution to the Middlesex County Democratic Organization.

Now there is no question, and both sides basically agree, as to the following: That Mr. Patten forwarded his personal check signed by him in the amount of \$500 in both 1975 and 1976 to the Middlesex County Democratic Organization.

Mr. Patten knew that he was not making a contribution, that it was not his money that was behind the check, that he was to be reimbursed, and furthermore, when you get right down to it, the only issue in contention here, and it is a rather narrow one, is did Mr. Patten intend to pass off his check as being his own contribution.

Now the central bit of evidence in this case is a letter in 1975 that Mr. Patten sent in with his check to the Middlesex County Democratic Organization, and that letter—I am sure you are all familiar with it—says, "You sure know how to put the bite on a fellow in this hot weather. Enclosed is my check which I hope will help your dinner."

Now, Mr. Patten concedes, he conceded at the hearing, and he has conceded on prior occasions, that the body of that letter makes it appear as if it was his own contribution that he was sending in to the Middlesex County Democratic Organization. However, he says that that impression, while he concedes that a reader of the letter would get that impression, is corrected by the postscript that he wrote on the letter, and that postscript says, "Steve will mail you a report today. This will be included."

Well, the case really turns on this letter. This is the central bit of evidence. And what I would like to do is to review some of the evidence, keeping in mind that this letter is really the crux.

First, we heard some testimony from Steven Callas in this case.

You will not hear me spend much time at all addressing Steven Callas' testimony. It is our contention that the evidence, even the evidence according to Mr. Patten, shows that his explanation; namely, that the postscript was intended to cure any misimpression created in the body of the letter, simply doesn't hold water.

What do I mean by that? I mean as follows: Mr. Patten testified before this committee in executive session prior to the time he knew that the cover letter which he sent to Middlesex County in 1975 was in existence. At that time, he told the committee that the only thing that he recalled Steve Callas saying before he left for the August recess to go to Perth Amboy was that he was getting more cash in 1975 for tickets because of the campaign law; more people were buying one and two tickets, \$100 or less, because they didn't want their name on the list.

Mr. Patten has said that this is the only conversation he had concerning the receipt of cash by Mr. Callas prior to August 6, 1975.

Now, Mr. Patten testified in that regard prior to learning about the letter. So if you take Mr. Patten's prior testimony and then you compare it to the postscript on the letter, "Steve will mail you a report today. This will be included."

Well, what will be included? Mr. Patten had testified that he knew from Callas that the cash that was being received that year was for one or two tickets, amounts which were not reportable, and people did not want their name on the list.

Now, I submit to you that in that state of mind, Mr. Patten could not have believed that the postscript on the bottom of this letter would cure the misimpression he admits is created by the body of the letter.

Second, as to this letter, the question of authorship of the letter was raised at the hearing. As a matter of fact, the only witness called by respondent other than the respondent was a witness who spoke to this very issue, authorship of the letter, and who was called. If you recall, John Paone, a then summer intern of Mr. Patten, was called to testify, and he testified basically that he had something less than firsthand knowledge; he didn't of his own knowledge hear Mr. Lowenkopf dictate a letter to Grace Scala, a typist in the office, but he was sure he could conclude from the circumstances that Mr. Lowenkopf had dictated the letter. Very often the absence of evidence is as persuasive as the presence of evidence. I suggest to you that Mr. Paone was called as a witness and not Miss Scala, who typed the letter, and not Mr. Lowenkopf, because Mr. Lowenkopf, the supposed author of the letter, had given a staff investigator, when first learning of the letter, and being shown it, a statement, "I did not dictate this letter; I have never seen it."

Later, when he was deposed and learned how important it was to Mr. Patten's case that he had authored the letter, he said, "I don't remember; I could have." First, ask yourself why didn't we hear from Mr. Lowenkopf; second, ask yourself why didn't we hear from Grace Scala. Why did we hear from some thirdhand testimony?

The reason, I suggest, Mr. Madigan is an excellent lawyer, and very ably represented Mr. Patten; I suggest to you that if there were better evidence available, you would have heard it, and you heard Mr. Paone, because that is all there is.

Now, the importance of this letter and who dictated it is as follows, and I think Mr. Patten recognizes this: If Mr. Patten dictated this letter, no matter what he wrote as a postscript, he has a problem, because this letter by his own admission clearly misrepresents the facts.

That postscript supposedly corrects the misimpression. Well, let me suggest something to you. Mr. Madigan, in his proposed findings of fact, says, "Patten then wrote a note on the bottom of the letter to clarify that the check was not his contribution."

I suggest to you that if Mr. Patten intended to correct a misimpression in the body of the letter, that is exactly what he would have done; he would have written on the bottom this is not my money; I am simply forwarding a check to cover cash receipts we have received. That would have been unequivocal, and it would have corrected the misimpression.

That was not done here. Take a look at the body of the letter; the clear misimpression there, and then take a look at the equivocal nature of the postscript. If Mr. Patten wanted to correct a misimpression, why didn't he do it? This postscript certainly does not do it.

Mr. Madigan has argued in his papers, and I assume he will argue personally when he gets up to speak, that this case is not in the league of the other three that you have considered heretofore. Let me just address that for a moment.

The CHAIRMAN. Mr. Harris, if Mr. Madigan does make such an argument, the Chair is going to say that has no bearing on the case at issue, and if you know that Mr. Madigan is going to make that argument, I will let you go ahead. If you don't know it, I am not going to let you make it any more than I would let him.

Mr. HARRIS. I don't know it, Mr. Chairman, but I am responding to an argument made in the proposed findings of fact to that effect. He states we invite the committee's attention to the dramatic difference between this case and the three which have gone before, and I would like to address that for a moment.

The CHAIRMAN. All right. I will let you do it.

Mr. HARRIS. New Jersey passed a law because they felt it was in the interest of the people in New Jersey that campaign contributions of over \$100 be reported by name and address of contributor. As a result of the actions of Mr. Patten—and Mr. Callas is not before you for disciplinary action, so we will limit ourselves to Mr. Patten—the New Jersey law was subverted. The Middlesex County Democratic Organization, the recipient of the money, never knew who the true donor was; the State of New Jersey, to whom a report was required, never learned the true identity of the donor, and the people of New Jersey, had they wanted to inspect reports on file with the secretary of state, never could, through those reports, learn who the true donor of this money was.

Hence, I suggest to you that if you find, and what we are asking you to find here, is that Mr. Patten caused his own report to Middlesex County to go on leaving the impression that he, himself, was making the contribution that he then knew was not his own; then you will have found that the New Jersey State law, which was passed in order to insure the donors are reported by name and address, was subverted, and that report was never made.

This is a rather narrow finding. We recognize, as Mr. Patten has testified, and as other witnesses have testified, that he has enjoyed an excellent reputation for his many years in the House, and we recognize that Mr. Patten is a likeable and generous man, as has been testified by almost every witness who testified in this case; but that is not the issue here. The issue here is simply did Mr. Patten intentionally pass off a contribution he knew not to be his own, as his own.

We suggest three things: One, that he authored a letter which he admits misrepresented the facts. Two, that by his own version of the facts, his postscript does not correct that misimpression, and, third, if Mr. Patten had been concerned about the misimpression he was creating, in as short a number of words as the postscript presently appears, he could have made it crystal clear that money was not his own.

The staff has proved by clear and convincing evidence that Mr. Patten intentionally passed off someone else's contribution as his own, and we ask you to so find.

The CHAIRMAN. Mr. Harris, you consumed 15 minutes and have 15 minutes remaining. I assume you reserve the balance of your time.

Mr. HARRIS. Yes, Mr. Chairman. Thank you.

The CHAIRMAN. Mr. Madigan, you are recognized for 30 minutes.

ORAL ARGUMENT BY MR. MADIGAN

Mr. MADIGAN. Thank you, Mr. Chairman. Members of the committee, Mr. Harris, I think it is fitting, Mr. Chairman, and members of this committee, that this case is to be heard last, the last of the four cases that you have deliberated on. Contrary to my friend Mr. Harris' indications about what he thinks I might argue, I am not going to discuss the other three cases that have gone before, but I am going to remind the committee that there is no allegation here in this statement of alleged violation that Mr. Patten accepted a nickel from Tongsun Park; there is no allegation that he accepted a campaign contribution; that he failed to report a campaign contribution; that he converted a campaign contribution to his personal use, or that he received any gifts, or any parties at the Georgetown Club.

Contrary to the press reports which have accompanied this case, back in July, headlines in the daily news with respect to Congressman Patten, headlines in the New Jersey paper, picturing Congressman Patten alongside Tongsun Park with headline "Park tells of gifts to Congressman," so let's look, if we will, at what it is that is charged in this statement of alleged violation. And let's not pass it off with some off-handed comments about the fact that he is charged with passing off checks that were not his own.

It is very clear what he is charged with. It is stated in two counts in the statement of alleged violation. And my friend, Mr. Harris, doesn't want to deal with that because of the fact that he is charged in the statement of alleged violation with violating, knowingly, two New Jersey statutes, statutes which read that no person shall contribute or purport to contribute a campaign contribution which has been furnished to him by another person claiming it to be his own, and must not do so willfully and knowingly and with the intent to conceal or misrepresent these contributions. That is what the statute provides. He is charged with violating, and it is that evidence which he must prove by clear and convincing evidence; he must prove a violation of those specific New Jersey statutes indicating that Congressman Patten knowingly and with the intent to conceal tried to pass off the campaign contribution as his own.

So let's look, recalling that we are dealing here with a burden of proof which is a heavy burden and is designed to be a heavy burden that must be met prior to this committee taking action which would threaten the political life of Congressman Patten, clear and convincing evidence. That is what he must show; not his speculation about what might have happened, not what he thinks might have happened, but what happened as demonstrated by clear and convincing evidence.

The CHAIRMAN. Mr. Madigan, if you will let the Chair interrupt briefly, I think we can make the interruption in your argument much briefer if we would leave right now; this is for a vote on final passage on the defense authorization bill, and I would hope that all members will return immediately rather than waiting until the vote is complete. With your permission, the committee will recess at this time in an effort to make the interruption less than it would otherwise be.

Mr. MADIGAN. Thank you, Mr. Chairman.

[Recess to vote.]

The CHAIRMAN. The committee will come to order.

Subject to verification by my timekeeper, you have 27 minutes remaining.

Mr. MADIGAN. Thank you, Mr. Chairman.

Mr. Chairman, members of the committee:

I was referencing those reports in the newspaper because the congressman has had a cloud over his head due to these charges, and when we finish discussing this evidence, we are going to ask you to remove that cloud, and to find that those two charges have not been sustained by the evidence, and certainly not by any clear and convincing evidence.

Now we filed some proposed findings of fact which my friend Mr. Harris quoted from, which are detailed in nature, and which present those portions of the testimony which we think are relevant and demonstrate the weakness of the statement of alleged violation for those of you who were not here during parts of the hearing, and we urge you to read those carefully because they state it perhaps better than I am going to be able to do at this late hour tonight.

However, at this time let's take a walk back through that evidence and look at it and picture, if you would, in your mind's eye, yourself, in the position of Congressman Patten as we talk about conversations in 1975 over the telephone, a letter written in 1975, some 3 years ago, and a conversation in 1976.

Now you heard very little about the 1976 count. Counsel said the centerpiece of his so-called evidence is a letter which has to do solely with the 1975 count, and we will get to that, that is, the 1976 count, in a minute. But before we do, we think it is important to recall the testimony with respect to how this all started in the first place.

Tongsun Park in Washington, the Middlesex County Democratic Organization dinner in New Jersey, he never heard of it. It is not famous down here in Washington. Why did he buy tickets in the first place? In 1970 he started to buy tickets, and he bought them at the urging not of Congressman Patten but of the then chairman of that organization, a Mr. Mulligan, who was at that time a vice president of Johnson & Johnson.

Why is that significant? Because Mr. Park testified that it was like being in a computer or getting out a list. Once he bought the tickets in 1970, he simply continued to buy them thereafter.

Why is it significant? Because it is a matter that he had very little to do with, as I am sure all of you can understand.

What involvement do any of you have in local dinners, the selling of tickets to local dinners in your district, keeping the records for such dinners? I suggest to you that it is not Congress-

man Patten who keeps those records. It is not Congressman Patten who collects that money, but it is done by someone else, and in this case it is done by his assistant.

The evidence here is clear as to what occurred. Let's start with 1975.

The testimony, and we have heard during that 15 minutes very little about the testimony in this case because it is all contrary to the position of Mr. Harris. In 1975 there is a telephone call. Congressman Patten is in his district office in Perth Amboy. His administrative assistant, Steve Callas, who testified here, was previously employed by the organization for selling the tickets, who was the one who put Mr. Park's name on the list in the first place, that it was his function to file the reports with the State which identified who bought the tickets.

Now he testified about a telephone call, and he testified that with respect to that telephone call, it was about a legislative matter, and he couldn't recall what the legislative matter was, but he did recall that at some point in that conversation, he mentioned the fact that time was late, and that there was a need to get the proceeds from these ticket sales up to New Jersey, that people were anxious with respect to getting the tabulations in, and it was because of that and only because of that, the evidence will show and did show, that Congressman Patten substituted his check to go directly into the organization, as opposed to sending it down to Mr. Callas, Mr. Callas putting it along with his report with the rest of the checks and sending it back up to New Jersey. And you recall that in 1976 there is no letter, and there is no separate sending of a check anywhere, and that all the checks are sent with the report, and that is the way it would have been in 1975, except for the fact that time was of the essence.

Recall with me, if you will, Congressman Patten's testimony. In 1975 he says:

As best as I can recall, in early August I received a telephone call from Steve. He was in Washington. I was in my district office. Now normally, you understand, Steve handled the whole ticket deal from start to finish. I had nothing to do with it, normally knew nothing about it. But it is my recollection that when Steve called me, he said he was worried about sending cash through the mail that he had collected for ticket sales. He and I agreed to avoid problems created by sending the cash through the mail.

That he would send a check directly into the organization, because time was short. Congressman Patten continued, he said, "They are calling," the people in the organization are calling. You notice the affair was held on the 16th. They were screaming to get their figures, "So I decided I would send a check directly to Wood-Ridge."

Mr. Callas' testimony was to the same extent, and I asked him about that. I asked him:

Was there some urgency at the time of getting everything in?

Mr. CALLAS. Well, traditionally the fund-raiser is held in the middle of August and I think they were getting close to the deadline.

Now what was done with the check and why? That is the important question. The check was sent in with the cover letter for the purpose, the sole purpose, of getting it in there.

What was the testimony of Congressman Patten with respect to that?

Let me recall it for you.

Congressman Patten testified, "I think it was about a quarter to 1. I was going out. I threw the check on his—Leo Longcloth's desk. I said 'Mail this to Venezia.'"

Venezia was the fellow who testified he was the chairman of the MCDO and the person who sent the reports into New Jersey.

I was in the office all morning. I didn't come back until some time late after 5 o'clock. I saw this letter. There wasn't a thing in my mind. I don't see anything in the letter about Tongsun Park. I don't see anything there about screwing up some returns, not putting names right. I just put it down in the letter Steve will account for this, and I expected him to account for it honestly, as he always had in his 15 years he was with me. I do clearly recall that when I saw the letter, I thought it was poorly phrased. Therefore, I wrote you the note you see in the bottom of that letter to clarify the check was not a contribution from me.

What does that letter say? The letter says:

Dear Nick, you sure know how to put a bite on a fellow in this hot weather. Enclosed is my check for \$500 which I hope will help your affair.

Kind regards.

At the bottom of that letter the significant note handwritten by Congressman Patten "Steve will mail you a report today and this will be included."

"Steve will mail you a report," indicating that the report would identify, as it always has, and as it did in 1976, who the donors were.

When the staff presented its case with respect to this matter, they rested their case without having called a single witness, a single witness that they took deposition testimony from, to tell you under oath at a hearing who wrote that letter, why was it sent? Nobody did they call. And they have the audacity to come in here in closing arguments and suggest that we didn't call a witness. If this was a criminal trial, his case would have been out at the end of his case.

Mr. HARRIS. Mr. Chairman, I hate to object.

Mr. MADIGAN. Then don't. I didn't interrupt your argument.

Mr. HARRIS. I hate to do that but reference if this would have been a criminal case, it would have been dismissed at the end.

Mr. Chairman, I don't think it is appropriate to be included in this record. I don't think it is accurate either. That is not a comment, a fair comment, on the evidence.

The CHAIRMAN. Go ahead, Mr. Madigan.

Mr. MADIGAN. The point, Mr. Chairman, is this: That there is evidence in this committee as to how that letter was written. He chose to present none of it, to rely on the body of that letter, because he knows the evidence demonstrates how that letter was written. We presented evidence from John Paone, and John told you how the letter was written. He told you what he recalled about it. He told you why he remembered that letter.

Let's go back, then, to the summer of 1975. He is a summer intern there. He is a night law student now.

He recalls that letter because of the odd phrase "put a bite on a fellow." He was there. He was sitting in Congressman Patten's chair. He knows Congressman Patten himself was not in the office, so he could not have dictated the letter. He sees Grace Callas, the secretary, taking some dictation from Leo Lowenkopf. He looks at

her typewriter and sees the letter in the typewriter. He testifies Grace told him that Leo dictated the letter. There is no question about that. And when he was attacked—I use the word “attacked” carefully—by Mr. Harris on the witness stand, he certainly was hostile. In fact I gave him a little lecture about how to conduct himself in a congressional hearing, that he doesn't come into this room and commit perjury.

He testified honestly about what he recalls, and that testimony is precisely consistent with what Grace Callas said, and the only evidence that he is able to produce, and you recall that Congressman Patten has testified under oath that he didn't write that letter, that it came back, it was already on his desk and he didn't like the phrasing of it, so he wrote the note on the letter.

If he had written the letter, dictated the letter, why in the world would he write a note on the letter? Why would he write any kind of a note? He quibbles about what the note said. If you dictate a letter, you are not going to write a note which clarifies what the letter said. That is nonsense. He didn't dictate that letter.

And upon what does he rely to show that? He relies on a report, unsworn report, an investigator, on an 83-year-old fellow who the investigator said, and he didn't call the investigator to testify, the report says that he said he had never seen the letter before.

Mr. Paone told you the man is 83 years old. He often doesn't recall things, and what weight can you give to an unsworn supposed statement to an investigator, the same investigator who threatened the girl, got her all upset, told her that secretaries go to jail for covering up for their bosses, told him that he would commit perjury for his brother, wouldn't think a second time about it.

And when we talk about investigator reports, let's look at the report of another investigator.

You heard the testimony of Mr. Venezia with respect to this matter, and I asked Mr. Venezia very carefully what he knew about the letter, and you will notice in his examination of Mr. Venezia he asked him nothing about what he knew about who wrote the letter because he doesn't know anything. He has no idea who wrote the letter. He just received it.

I said to Mr. Venezia under oath, “Am I correct, Mr. Venezia, that you never indicated to the staff that you knew Mr. Lowenkopf's style, et cetera?”

“Mr. Venezia. No, someone asked me that question before. If they said I knew Leo, they must have misunderstood me because if Leo walked into this room, I might recognize him as someone else, but I wouldn't know it was Leo Lowenkopf.”

So he never told the staff that Venezia knew that Leo didn't write the letter. Yet you look at the investigator report, the same type of evidence that he references, and in that investigative report, the investigator reports that Mr. Venezia told him “Upon examining the letter, he said he did not believe Leo Lowenkopf or Steve Callas could have written it. He said it looks like the Congressman's style.”

Mr. Venezia told you that he didn't say that, so it is in the eye of the beholder who writes the report to describe what it is that somebody told him about it.

We are not out, at least we shouldn't be out, to find evidence against someone. We should be out to determine if there is evidence, and remember, if you will, that the burden is for him to show not what he thinks could have happened but to show by clear and convincing evidence what in fact did happen.

So look at that letter and look at the testimony, the sworn testimony, from the young man who recalled it, the testimony of Congressman Patten as to what in fact happened to it, the fact that there is a note on it and there is no need for a note if he had dictated it, the fact that he testified that the secretary said that he, Leo, dictated it, and there can be no question, there is clear and convincing evidence that that is in fact what happened, that it was dictated, and Paone had a bit of a problem particularly with questions from Mrs. Fenwick because he was asked about did he know of his own knowledge, and I am not sure as to when you ask a lawyer or a law student a question like that whether he interprets that as meaning what he heard or what he knew from his composite knowledge. But in any event he testified clearly, and it is in the pleading which we filed, that he is certain that this is what occurred, but he cannot say that he heard the person dictate that letter. But recall, if you will, that the Congressman wasn't there, that they are the only people that are in there, that he is in there dictating something, and that he sees shortly thereafter a letter in the typewriter.

If you go home tonight—maybe tonight is a bad example, some other night—it is a clear day, you go to bed, you come out and it is wet all over the place, can you say that it rained that night, or did someone bring in a huge truck and dump water everywhere around your particular house?

I think there is evidence to show what happened with respect to that letter.

We introduced into evidence the sworn deposition testimony of Mr. Lowenkopf himself, and it is not all that helpful considering that he is 83 years old, cannot drive a car, and has a problem remembering.

He was asked, "Do you recall drafting this letter?"

"Answer. My answer is I don't recall, but I don't deny it."

That brings us, Mr. Chairman, and members of the committee, to the report in 1975, and that is the critical piece of evidence in this case, because it is the report which indicates who the contributors are, and it was the report that the Congressman referenced when he said "Steve will mail you a report," and he hasn't mentioned that because the testimony is unequivocal and undisputed that Steve Callas testified that he made out the reports on his own, that he never talked to the Congressman about those reports, that he didn't show them to the Congressman because it was his job to take care of tickets to this particular dinner.

The CHAIRMAN. Mr. Madigan, you have 10 minutes remaining.

Mr. MADIGAN. Thank you.

And Mr. Harris tried, he tried his best to get him to say, to get Callas to say, that he did talk to him about it, and he told him not to put Park's name on that report—and, remember, it wasn't illegal for Park to have contributed to this particular dinner at all.

He asked him "Did you tell Mr. Patten"—that is a question from Harris to Callas—"Did you tell Mr. Patten in 1975 when he was up in Perth Amboy and you were in Washington that you intended to report this in his name?"

"No, I did not."

"Are you sure about that?"

Answer from Mr. Callas: "I did not tell him I would report it in his name. It was my function to list the names as I saw fit. There was absolutely no conversation between Congressman Patten and myself as to whose name was going to appear on those lists."

Then, Mr. Chairman and members of the committee, we come to perhaps the most important question that was asked during the hearing on this matter, asked by Mr. Harris. He says "Isn't it a fact"—suggesting the answer to Mr. Callas—"Isn't it a fact that there was some discussion between yourself and Mr. Patten with regard to how you would report these contributions?"

Answer by Mr. Callas: "No, there was not, Mr. Harris. I never discussed with Congressman Patten how these would be reported. The only thing I could tell you is that I told him I had 500 in cash covering the tickets and there was no discussion as to whose name would be listed. I did it completely on my own."

Why, then, was not the name of Park put on the tickets?

Again he testified, and he answered the question, that is, Mr. Callas answered it, he said "I felt this way, that since checks were going to be sent to the Middlesex County Democratic Organization in Congressman Patten's name, it would be natural for me to list Congressman Patten's name down there even though he was not the true donor or purchaser of the tickets."

He testified that he had no malice aforethought in doing that but that that is what he did.

Faced with that evidence, faced with the fact that he said he never showed him the reports, never talked to him about the reports, he grasps on the thinness of reeds, a carbon copy he says, a carbon copy of the report was sent to Congressman Patten. The testimony was clear that a carbon copy was sent up to the Perth Amboy office that he occupies on weekends and when Congress is not in session, and I asked him, and he testified that he could never say as to whether anybody received a copy of that report or whether they didn't, and certainly not that he ever saw it. And it is significant, is it not, that he never discussed those reports with him?

Now there is a conflict in the testimony of Callas and Congressman Patten, and it is one of the few things I think we agree on is that you don't even need to reach that conflict to determine this case. The only conflict is that Callas, the first time he came in and testified before this committee under oath in front of Mr. Spence, indicated that he did not mention anything about Park during any of these conversations. The second time he came back in, he said that he did mention that the money was from Park. But he stands by his testimony that he never indicated to the Congressman that he was going to put somebody else's name on the report.

Let's look for a minute at that conflict in testimony between the two and consider, if you will, with respect to that testimony the fact that Mr. Callas testified for the first time prior to this commit-

tee's asking him anything to the FBI back in July of 1977, and what did he tell the FBI? He lied to the FBI, and the FBI is asking him whether he sold tickets in 1975 and 1976. He not only said something about the conversation but denied that he ever sold tickets. He indicated, asked him about 1972, 1973, and 1974, he said "Yes, I sent the tickets to Park. He sent me back checks." Obviously they are interested in 1975. They say to him what about 1975 and 1976? He said Callas also mailed a like number of tickets along with the usual solicitation letters in 1975 and 1976. Those letters went unanswered. Neither the check was forthcoming nor were the tickets returned.

Then I asked him at the hearing about what he told the FBI, and I asked him these questions very carefully and for a specific purpose. I said, "Mr. Callas, did the FBI agent ask you whether Mr. Park had purchased tickets in 1972, 1973, and 1974?—"

"Answer. Yes.

"When you met him in July?

"Answer. Yes.

"But not whether he purchased in 1975 and 1976?

"Callas. He did not ask me per se that specific question."

And the FBI report indicates precisely to the contrary.

The CHAIRMAN. You have 4 minutes remaining.

Mr. MADIGAN. Thank you, Mr. Chairman.

Consider that, if you will, when you look at the clear and convincing test and decide what weight you are going to give to Callas' testimony with respect to that part of it. But remember that with respect to the other part, there is no disagreement. There is no attempt to try and say, despite his question about, isn't it a fact that there was any conversation between the two about these reports, and wouldn't he have done that if he conducted this great conspiracy, to claim some contribution as his own? Wouldn't he have told Callas with respect to that "Make sure you put my name on that report. Don't put Park's name on it," wouldn't he have told him that?

He knows the reports are going to be sent in there. How does he look if he is claiming the contribution as his in his letter and Callas sends the report in with Park's name on it? I suggest to you not only does it not meet the clear and convincing standard, but it meets no standard whatsoever. There isn't even substantial evidence to indicate that this man, with no motive whatsoever, would do something like that, and now he changes stream, changes horses in midstream.

Originally, he talked about the fact that his motive in his opening statement was that he knew, the Congressman knew it was illegal to give money from Park in 1975, that is why he did it. He never mentioned that tonight nor did he in his pleadings. He changed. He said, now it is because of these contributions that are less than \$100.

Well, that makes no sense whatsoever. What difference does it make with respect to the contributions of less than \$100? This was the \$500 that was given. There simply is no rational explanation for that and certainly no evidence that meets the clear and convincing standard.

That brings us now to 1976.

I know I only have a few minutes.

In 1976 there is no evidence whatsoever. What happened in 1976? There is a conversation in the office. This time they are both in Washington, and there is a conversation in the office.

"Here, sign this check."

How many times in a congressional office does that occur? Sure, he signs the check, and it is sent in with the other checks, with the report made out by Mr. Callas, and the report, again he asked him, did Congressman Patten know about the report? Did you discuss it with him? Did you show it to him?

No, no, no, and this time there is no need for any letter because they are all sent in together by Mr. Callas. That is what would have happened in 1975 if they weren't in two different cities.

If I can have just a couple of minutes to conclude, Mr Chairman.

I would like to read to you the testimony of Mr. Callas with respect to this matter. This is the man that tries his best to show is in league with the Congressman to claim his contribution as his own.

I asked him, "Were you familiar with the New Jersey statutes?"

"Frankly, I did not know the New Jersey law covered a foreign national situation. I was completely ignorant of the law. I found out later on. I was stunned. I would never have done that" he said, to paraphrase his testimony.

So consider all that, if you will, Mr. Chairman, and members of the committee, and Judge Preyer, I know in your chambers when you were judge there are many books on the wall as there are in my law office, and under our system of justice, we hope and pray that in none of those books is there a case where a man is found guilty of something he didn't do, and that is why we have this heavy standard to meet.

There is a phrase about South, and you probably know that I am not from the South, but I spent a lot of time down there recently. There is a phrase that captures what I would like you to do in this case, and it is called, do what is right. We ask you to do that in this case.

Thank you.

The CHAIRMAN. Mr. Madigan has consumed 31 minutes. When Mr. Harris completed his opening statement, he had 15 minutes remaining. Consistent with the previous policy of the committee, you are recognized for 16 minutes, Mr. Harris.

Mr. BENNETT. Shouldn't we cast the vote first? That is the second bell.

The CHAIRMAN. You would prefer that, not being interrupted?

Mr. HARRIS. Yes, sir.

The CHAIRMAN. The committee will stand in recess until the Members have had a chance to cast their vote on final passage.
[Recess.]

The CHAIRMAN. The committee will come to order. Let the record show that at 8:08 p.m. this date that seven members of the committee are present.

Mr. Harris, you may proceed. You have 16 minutes remaining.

Mr. HARRIS. Thank you, Mr. Chairman. I hope I am not going to take up that 16 minutes and can do it in less time.

Mr. Madigan read a question that I asked Mr. Callas, and it began, "Isn't it a fact you discussed the report that you would send in to Middlesex County with Mr. Patten," and Mr. Madigan read it even a little more aggressively than I remember asking the question. I wish I had asked it as aggressively as he read it.

The reason for that question is as follows: Callas says no discussion with Patten; Mr. Patten says no discussion with Callas. I ask you, then, how did Mr. Patten arrive at the conclusion "Steve will mail you a report today and this will be included." How did he know that, if there was no discussion? No one talks about anything, but yet Mr. Patten knows that Callas is going to mail the report today.

I suggest to you that the reason that Mr. Patten knew that there was going to be a report mailed today was because he and Mr. Callas discussed it that morning on the phone. Otherwise, Mr. Patten would have to have been a clairvoyant to have known that fact because Callas said he didn't tell him; Mr. Patten says he didn't ask and was not told.

Now, what is the significance of that? The significance is this postscript is absolutely accurate. Mr. Patten knew exactly what he was writing when he wrote this postscript. He wrote, "Steve will mail you a report today and this will be included." "This," referring back to the body of the letter, and what, lo and behold, did Steve report that very day: Edward J. Patten, \$500. That is exactly what Mr. Patten wrote in the postscript, and that is exactly what happened.

Now, I want to reemphasize one thing I said earlier. Mr. Patten had been told, according to his own testimony, that Callas was receiving cash, but that the cash represented purchases of one or two tickets, representing either \$50 or \$100, and that the new law did not require the reporting by name and address of any contribution of \$100 or less. Hence, Mr. Patten had in his mind that the cash that Callas had in his possession did not have to be the subject of a report because, as Mr. Patten said, Callas told him, these people don't want their names on the list.

So with that knowledge in his mind, this postscript makes perfect sense. Steve did report "this" today, and "this" was Edward J. Patten, \$500.

I suggest to you that the only way that Patten would have had the information required to write the postscript was that he and Mr. Callas in fact discussed the fact that Callas was going to report today. There is not one inaccuracy in Mr. Patten's cover letter in terms of what Callas would do. It is exactly as he said it; Steve reported this today and it was reported.

Hence, Mr. Patten knew that the misimpression he created in the body of the letter would not be—would not be cured by anything that Callas was about to do. Now, 1976. I didn't mention 1976 in my first presentation to you, and I will tell you why. It is the staff's position that 1976 is just more of the same of 1975, and, very candidly, we will tell you, if you do not find the violation sustained as to 1975, that you shouldn't find it sustained as to 1976. However, we tell you the converse, also, and we urge it respectfully on you that if you find that Mr. Patten knowingly passed off his check in 1975, 1976 is merely more of the same. Hence, what we are urging

on you is that your determination as to the year 1975 should determine what you find as to 1976.

Now, there is one other thing. Mr. Madigan argued to you that the reason Mr. Patten substituted his check was that the time was getting short and that Middlesex wanted their money, and I suggest to you, use your commonsense. If you are sitting in the Rayburn House Building with \$500 in cash and have to mail it to somebody, and you don't want to send cash through the mail, there is a post office; there is a credit union; there are money orders; there are things that can be done; so this explanation that this was the only way to handle this, or that time required that it be done this way, just doesn't hold water. There are alternative ways that this could have been handled, and this was simply not the only way possible.

Now, one other thing that Mr. Madigan argued that I want to call to your attention. He was quoting to you a portion of Mr. Patten's testimony at the hearing, and he said that Mr. Patten said, "The check was not a contribution from me," and I suggest to you that if Mr. Patten wanted to correct any misimpression in that letter, that is all he had to write on the bottom of it, "This check does not represent a contribution from me."

I suggest to you that the reason that the note on the bottom appears ambiguous is because Mr. Patten was not trying to rectify any misimpression; he was accurately reporting what he knew, that Steve would mail a report today and, lo and behold, that report showed the contributor to be Edward Patten.

I would finally like to end with an appeal to your judgment and your commonsense and your knowledge of your colleague, Mr. Patten. Most of you know him—I think probably all of you know him well. I ask you to look at the language of that letter and rely on your knowledge of Mr. Patten in deciding who wrote this letter. Whose style is it? You heard about Mr. Lowenkopf. He was 80 years old when the letter was written. He is 83 today. He can't drive. He has trouble seeing. He is writing a letter to someone he claimed he didn't know in behalf of his boss, if you believe the version Mr. Madigan urges on you.

A staff aide in that physical condition and age with those infirmities, writing a letter to an unknown person, wouldn't he use a more neutral tone, enclosed is so-and-so; would he choose to write this kind of a letter, or is this letter exactly in the style of Mr. Patten, as you know him?

I suggest when you consider all the facts in this case that you must find that the staff has met its burden of proving to you by clear and convincing evidence that Mr. Patten knowingly and willfully passed off as his own contribution one which he knew was not his.

I thank you. The hour is late. It seems I never get to argue before dark, but I have to live with that, I guess.

The CHAIRMAN. Anything from any member of the committee? I recognize Mr. Spence.

Mr. SPENCE. Mr. Chairman, pursuant to House Rule XI 2.(g)(1), I move we go into executive session at this time.

The CHAIRMAN. You have heard the motion. This is a motion, which, under the rules of the House, must be made in open session

with a quorum present. The committee is in open session. A quorum is present. Further, under the rules of the House, this is a vote which must be taken by a recorder or rollcall vote.

As many as favor the motion will, when their names are called, vote aye. Those opposed will vote no. The staff director will call the roll.

Mr. SWANNER. Mr. Flynt.

The CHAIRMAN. Aye.

Mr. SWANNER. Mr. Spence?

Mr. SPENCE. Aye.

Mr. SWANNER. Mr. Teague. [No response.]

Mr. Quillen?

Mr. QUILLEN. Aye.

Mr. SWANNER. Mr. Bennett.

Mr. BENNETT. Aye.

Mr. SWANNER. Mr. Quie.

Mr. QUIE. Aye.

Mr. SWANNER. Mr. Hamilton. [No response.]

Mr. Cochran. [No response.]

Mr. Preyer.

Mr. PREYER. Aye.

Mr. SWANNER. Mrs. Fenwick.

Mrs. FENWICK. Aye.

Mr. SWANNER. Mr. Flowers. [No response.]

Mr. Caputo. [No response.]

Mr. SWANNER. Mr. Chairman, seven members vote aye; five members absent, not voting.

The CHAIRMAN. On this vote by rollcall, the ayes are seven; the nays are none, and the motion to go into executive session is agreed to, and the committee is in executive session.

[Whereupon, at 8:17 p.m., the committee proceeded to executive session.]

APPENDIX G

TRANSCRIPT OF DECISION

WEDNESDAY, OCTOBER 4, 1978

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

The committee met, pursuant to notice, at 8:45 p.m., in room H-140, the Capitol, Hon. John J. Flynt, Jr. (chairman of the committee) presiding.

Present: Representatives Flynt, Bennett, Preyer, Hamilton, Quie, and Fenwick.

Also present: John M. Swanner, staff director; John W. Nields, Jr., chief counsel; Jeffrey Harris, counsel; Michael J. Madigan and Leslie K. Dellon, counsel to Edward J. Patten.

The CHAIRMAN. The committee is in open session. The Chair will read rule 13 of the Rules of Procedure, Committee on Standards of Official Conduct:

"Rule 13. Findings, conclusions and recommendations: After completion of the investigative hearings"—which have been completed—"the committee by the affirmative vote of a majority of its members shall adopt an appropriate resolution, report or recommendation which shall be made public and furnished to the complainant, if any"—there is no complainant in this case—"unless a majority of the members of the committee determines that there is good cause not to do so."

The committee has made its findings and its conclusions. Those findings are, as to count 1, on motion duly made that count 1 be not sustained, the vote by division was ayes eight, nays none. Count 1 was not sustained.

On motion duly made that count 2 be not sustained, on a vote by division the ayes were eight, the nays were zero, and count 2 was not sustained.

Since neither of the counts in the "statement of alleged violation" were not sustained by action of the committee, there is no requirement nor is there any jurisdiction within this committee to proceed to recommendations to the House of Representatives. Therefore, the Chair announces that count 1 having not been sustained, count 2 having not been sustained, that the "statement of alleged violation" has not been sustained, and accordingly is dismissed by the unanimous vote of this committee, and this proceeding is closed, and without objection the committee stands adjourned.

[Whereupon, at 8:48 p.m., the committee was adjourned, to reconvene upon the call of the Chair.]

APPENDIX H

EXHIBITS

Mr. LEE. Yes, and bring the 10 tickets.

Mr. HARRIS. Now in 1976 whom did you give payment to for the tickets?

Mr. LEE [conferring with counsel]. I think Callas, Mr. Callas.

Mr. HARRIS. You gave Mr. Callas the payment. Do you recall ever taking cash to Mr. Patten's office with which to purchase these tickets?

Mr. LEE. One time I think I brought one check and the other time—I don't know which year, 1974 or 1975—one time I think, cash.


EXHIBIT No. P-4

10

15.121
540

HON. EDWARD J. PATEN, M. C.
2332 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D. C. 20315

August 6, 1975


 The House of Representatives of the United States of America
 Produced and Distributed by the U.S. Government

Democratic Orgs. 500.00
Dollars

\$100,000.00

05400021633

014656

EXHIBIT No. P-5

No. 3329
 15-121
 540

HON. EDWARD J. PATTEN, M. C.
 2332 RAYBURN HOUSE OFFICE BUILDING
 WASHINGTON, D. C. 20315

8/24/76

\$ 500.00

Five Hundred and 00/100 Dollars

Hon. Edward J. Patten
 U.S. House of Representatives
 Washington, D.C.

054001211633

014657

014628

EXHIBIT NO. P-6

2730 Wisconsin Ave., N.W., Apt. 78
 Washington, D.C. 20007
 August 6th, 1975

Hon. G. Nicholas Venezia
 306 Main Street
 Fairbridge, N.J. 07095

Dear Nick:

Enclosed you will find eight (8) personal checks covering 17 \$50 sales on the Aug. 20th Dem. Dinner at The Pines. This does not include the \$500 check issued by Congressman Patten and mailed to you today from Perth Amboy - covering 10 tickets. For this purpose, Ed's check will be listed below, but NOT enclosed, since you should receive it by August 8th at the latest:

• Douglas Dougan, 103 Rochester Dr., Brick Town, N.J.	\$100.00
• Ruth Feldstein, 12 Starling Road, Kendall Park, N.J.	100.00
• Harold Kushel, 20-A Pardun Road, North Brunswick, N.J.	50.00
• Leo Lowenkopf, 313 State Street, Perth Amboy, N.J.	250.00
• Thomas Mao, 20 Es. Stokes Rd., Willingboro, N.J.	50.00
• Robert Miller #2202, 490 L'Enfant Plaza E., S.W., Wash. D.C. .	100.00
• Samuel Owen, 52 Newman Street, Metuchen, N.J.	100.00
* Edward J. Patten, 315 State Street, Perth Amboy, N.J.	500.00
• Ellis Reyner, 1050 George St., New Brunswick, N.J.	100.00
*** (INCLUDES Rep. Patten's \$500 check mailed earlier):	\$ 1,350.00
(EXCLUDES Rep. Patten's \$500 check mailed earlier):	\$ 850.00

More sales are "in the works," with the proceeds to be sent when the checks are received. The \$1,350 represents sales of 27 \$50 tickets. Per our agreement with you, 50% of these proceeds will go to Perth Amboy's Democratic Organization a request made by letter by Cliver Kovacs, the balance to the Lax. Cty. Dem. Org.

Cordially,

Steve

Stephen G. Callas
 Adm. Asst. to Rep. Patten

Encls. 8 personal checks

cc: Hon. Stephen J. Capestro
 Rep. Edward J. Patten

COMMITTEE HEARING
 EXHIBIT NO. P-6

018779

EXHIBIT No. P-7

EDWARD J. PATTEN
15th District, New Jersey

HOME ADDRESS
PERTH AMBOY

Congress of the United States
House of Representatives
Washington, D.C. 20515

August 6, 1975

Nicholas G. Venezia, Esq.
306 Main Street
Woodbridge, N.J. 07095

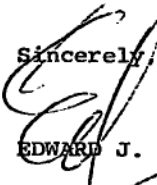
Dear Nick:

You sure know how to put the bite
on a fellow in this hot weather!

Enclosed is my check for \$500
which I hope will help your affair.

Kind regards.

Sincerely,


EDWARD J. PATTEN

Enc.

*Steve will mail
you a report today
if this will be included*

EXHIBIT NO. P-8

19TH DISTRICT, NEW JERSEY

COMMITTEE
APPROPRIATIONSSPECIALITIES
MILITARY CONSTRUCTION
LANDS-NEW
TREASURYCONFIDENTIALMANAGER OFFICE
3332 PERTHMAN HOME OFFICE BUILDING
302223-6301STEPHEN G. CALLAS
ADMINISTRATIVE ASSISTANTGLORIA JAMISON BROWN
EXECUTIVE SECRETARYPERTH AMBOY OFFICE
ROOM 313 NATIONAL HOME BUILDING
VALLEY 8-4210Congress of the United States
House of RepresentativesWashington, D.C. 20515
August 25, 1976Hon. G. Nicholas Venezia
306 Main Street
Woodbridge, N.J. 07095

Dear Nick:

Enclosed you will find twenty (20) personal checks amounting to \$2,350, equal to 47 \$50 tickets to the Aug. 18 dinner at The Pines. Two (2) other checks on 3 more \$50 sales are on their way and will be sent to you, shortly. Oliver Kovacs again requested 50% of the proceeds to help the Perth Amboy campaign and it will up to you to work that out. Names of the purchasers, follow:

- \$100, Joseph Beninato, Club Bene, Rt. 35, Morgan, N.J.
- \$100, Joseph DeMarco, 930 Curtis Place, North Brunswick, N.J.
- \$100, Douglas Dougan, 103 Rochester Drive, Brick Town, N.J.
- \$100, Ruth Feldstein, 63 Hemlock Circle, Princeton, N.J.
- \$100, Norman Pilenbaum, Oak Grove Lane, Edison, N.J.
- \$100, Frank Gumina, Ft. of Tadmage St., New Brunswick, N.J.
- \$100, Robert Karnell, 138 Sycamore Ave., Bridgewater, N.J.
- \$100, Norbert Kastner, Box 152, Iselin, N.J.
- \$100, Irvin Kleinman, 1050 George St., New Brunswick, N.J.
- \$250, Leo Lowenkopf, 313 State Street, Perth Amboy, N.J.
- \$100, John McDonald, 47 Gerdes Avenue, Verona, N.J.
- \$ 50, Robert Miller, St. 2202, 490 L'Enfant Plz Ea SW, D.C.
- \$ 50, Dr. Max Novich, 313 State St., Perth Amboy, N.J.
- \$100, Samuel Owen, 52 Newman St., Metuchen, N.J.
- \$500, Edward J. Patten, 313 State St., Perth Amboy, N.J.
- \$100, Ellis Reyner, 1050 George St., New Brunswick, N.J.
- \$ 50, Dr. Elliott Rudnitsky, 111 James St., Edison, N.J.
- \$ 50, John Strapp, Sr., 337 Summerhill Rd., Ea. Bwck., N.J.
- \$100, Maurice Weill, 51 Commerce St., Springfield, N.J.
- \$100, Elliott Weinberg, 8 Clovis Rd., East Brunswick, N.J.

Rep. Patten will send a thank you note to each of the above persons, which is important. When the balance of \$150 arrives, bringing the sales to the 50 tickets, it will be sent.

Congratulations on another successful dinner. I couldn't attend, because the Rt. 18 story broke the same day, but I heard - and read - it was well-attended and well operated. I know how hard you and Steve Capestro work on these dinners.

Cordially,

Stephen G. Callas
Adm. Asst. to Rep. Patten

018785

Encls. checks:
\$2,350

EXHIBIT No. P-9

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION ID# _____
 NM B-2' (to be assigned by Commission)

(All funds must be deposited by the 10th calendar day following the receipt of such funds, provided that if the 10th day is a Saturday, Sunday or holiday, such funds must be deposited on the next banking day.)

CAMPAIGN DEPOSIT STATEMENT FOR COMMITTEES AND ORGANIZATIONS

(to be made out in triplicate)

Name of Committee or Organization Middlesex County Democratic Organization
 (Campaign Account)

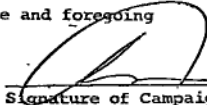
Address of Committee or Organization 306 Main St., Woodbridge, N.J. 07095

Deposited with First Bank of Colonia August 8 1975
 (Campaign Depository) (Date of Deposit)

604 Amboy Ave. Woodbridge, N.J. 07095
 (Address of Depository)

NAME OF CONTRIBUTOR *	ADDRESS OF CONTRIBUTOR	AMOUNT CONTRIBUTED
<u>John Fay</u>	<u>115 Amherst Ave. Colonia, N.J. 07067</u>	<u>\$ 100.00 (cash)</u>
<u>Charles Fitch</u>	<u>495 Main St. Metuchen, N.J. 08840</u>	<u>\$ 250.00</u>
<u>Charles F. Sullivan</u>	<u>47 South Drive East Brunswick, N.J. 08816</u>	<u>\$ 100.00</u>
<u>John W. Sutliff</u>	<u>358 Main St. South Amboy, N.J.</u>	<u>\$ 50.00</u>
<u>Israel H. Saltman</u>	<u>313 State St. Perth Amboy, N.J. 08861</u>	<u>\$ 100.00</u>
<u>Edward J. Patten</u>	<u>2332 Rayburn House Office Bld. Washington, D.C. 20515</u>	<u>\$ 500.00</u>
<u>Glen R. Newman</u>	<u>48 Columbia Ave. Milltown, N.J.</u>	<u>\$ 100.00</u>
<u>Harold L. Herbert</u>	<u>184 S. Koetz Dr. Milltown, N.J.</u>	<u>\$ 400.00</u>
<u>David B. Crabel</u>	<u>170 North Main St. Milltown, N.J. 08850</u>	<u>\$ 500.00</u>
<u>Charles V. Booream</u>	<u>199 N. Main St. Milltown, N.J. 08850</u>	<u>\$ 500.00</u>
		<u>\$</u>
TOTAL AMOUNT OF THIS DEPOSIT		<u>\$2,900.00</u>

I hereby certify that the above and foregoing deposit statement is true and correct.

Signature of Campaign Treasurer  Deputy

306 Main St., Woodbridge, N.J. 07095
 Address of Campaign Treasurer

* The names and addresses of all contributors who have contributed in the aggregate for this election an amount in excess of \$100.00 must be listed

EXHIBIT No. P-10

(to be assigned by Commission)

(All funds must be deposited by the 10th calendar day following the receipt of such funds, provided that if the 10th day is a Saturday, Sunday or holiday, such funds must be deposited on the next banking day.)

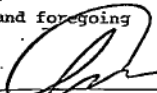
CAMPAIGN DEPOSIT STATEMENT FOR COMMITTEES AND ORGANIZATIONS

(to be made out in triplicate)

Name of Committee or Organization Middlesex County Democratic OrganizationAddress of Committee or Organization 306 Main Street, Woodbridge, N.J. 07095Deposited with Franklin State Bank
(Campaign Depository)Page -2-
Sept. 3 1976
(Date of Deposit)35 Woodbridge Ave., Highland Park, N.J. 08904
(Address of Depository)

NAME OF CONTRIBUTOR *	ADDRESS OF CONTRIBUTOR	AMOUNT CONTRIBUTED
Samuel P. Owen	52 Newman St., Metuchen, N.J. 08840	\$100.00
Wm. Edward J. Patten, M.C.	2332 Rayburn House Office Bldg., Washington, D.C. 20515	\$500.00
Clifford H. Reynar	1050 George St., New Brunswick, N.J.	\$100.00
Charles Elliott Rudnitsky	111 James St., Edison, N.J. 08816	\$50.00
John P. Strapp, Sr.	337 Susacrell Rd., East Brunswick, N.J. 08816	\$50.00
Lawrence M. Weill, Special No. 2	51 Commerce St., Springfield, N.J. 07081	\$100.00
Milton L. Weinberg	8 Clovis Rd., East Brunswick, N.J.	\$100.00
		\$
		\$
		\$
		\$
		\$
TOTAL AMOUNT OF THIS DEPOSIT		\$1,900.00

I hereby certify that the above and foregoing deposit statement is true and correct.


Signature of Campaign Treasurer

306 Main St Woodbridge NJ
Address of Campaign Treasurer

The names and addresses of all contributors who have contributed in the aggregate for this election an amount in excess of \$100.00 must be listed