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1st Session

HOUSE OF REPRESENTATIVES

{ REPORT
No. 98-297

R E P O R T
OF THE
COMMITTEE ON
STANDARDS OF OFFICIAL CONDUCT
ON THE INQUIRY UNDER HOUSE RESOLUTION 12
98TH CONGRESS, 1ST SESSION



**JULY 14, 1983.—Referred to the House Calendar and
ordered to be printed**

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A D D E N D U M T O
House REPORT No. 98-297

With respect to the matter of Representative Studds, the Special Counsel's Final Report to the House Committee on Standards of Official Conduct on the Investigation into Allegations of Improper or Illegal Sexual Conduct ("report") at Section VII C 2 recommended a statement of alleged violation. As reflected at pp. 73-78 of the report, the Special Counsel made this recommendation at a time when Representative Studds stated that he did not wish to waive his right to a statement of alleged violation and a public hearing.

Subsequent to the filing of the report with the Committee, but prior to the Committee's taking action, Representative Studds agreed to the special procedure described at pp. 56 and 57 of the report in reference to Representative Crane. Once Representative Studds (through his attorney's letter attached as Exhibit A) agreed to this procedure and stated that he "does not contest the fact of a sexual relationship with a page in 1973 and sexual advances to two other pages in 1973", the Special Counsel recommended (1) that the Committee adopt the procedure and (2) that the Committee recommend that the House reprimand Representative Studds. The Committee acted on these recommendations.

EXHIBIT A

July 14, 1983
HAND DELIVERED

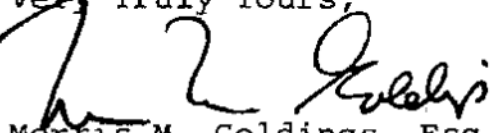
Joseph A. Califano, Jr., Esq.
Special Counsel
U.S. House of Representatives
Committee on Standards of
Official Conduct
Washington, D.C.

Dear Mr. Califano:

I am writing as attorney for Congressman Gerry E. Studds to inform you that Congressman Studds does not contest the fact of a sexual relationship with a page in 1973 and sexual advances to two other pages in 1973. He waives his right to a statement of alleged violation in connection with these facts and also waives his right to a public hearing before the Committee and agrees that the Committee may act on the basis of the report of its special counsel, the personal statement of Representative Studds, and the statements of his counsel and our letters in his behalf to the Committee.

This letter further records the fact that I have not read the report of special counsel but have relied upon statements made by you to me concerning its contents in our conversations of today.

Very Truly Yours,



Morris M. Goldings, Esq.

INVESTIGATION PURSUANT TO HOUSE RESOLUTION 12 CONCERNING
ALLEGED IMPROPER OR ILLEGAL SEXUAL CONDUCT BY MEMBERS,
OFFICERS, OR EMPLOYEES OF THE HOUSE

JULY 14, 1983.—Referred to the House Calendar and ordered to be printed

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

REPORT

On July 13, 1982, the House agreed to House Resolution 518, 97th Congress. That resolution authorized and directed this Committee to conduct a full and complete inquiry and investigation of—

(1) alleged improper or illegal sexual conduct by Members, officers, or employees of the House;

(2) illicit use or distribution of drugs by Members, officers, or employees of the House; and

(3) the offering of preferential treatment by Members, officers, or employees of the House to employees of the House, including congressional pages, in exchange for any item referred to in subclause (1) or (2).

On July 27, 1982, this Committee retained Joseph A. Califano, Jr. as Special Counsel to conduct the investigation. The Committee's Special Counsel thereafter assembled a staff and has carried out an extensive investigation.

The Special Counsel has today filed his final report with this Committee on his investigation into alleged improper or illegal sexual conduct involving congressional pages by Members, officers, or employees of the House. The Committee has approved his report, and it is attached as an Appendix to this Report.

I. FINDINGS BY SPECIAL COUNSEL

With the full support and encouragement of this Committee, the Special Counsel carried out an exhaustive investigation into all allegations received by the Committee of sexual misconduct by Members, officers, or employees of the House involving pages. The Special Counsel has reported to this Committee that he has found no evidence whatsoever of widespread improper or illicit sexual conduct by Members, officers, or employees of the House involving congress-

sional pages. The Special Counsel has reported that the evidence he has developed in the course of his investigation showed time and again that allegations and rumors of misconduct were the product of gossip or even out-and-out fabrication. The Special Counsel reported that several central findings dominated his investigation:

First, he received no credible evidence of sexual misconduct involving congressional pages by Members, officers, or employees of the House during the period July, 1981 to June, 1982. This was the time period involved in the original highly publicized charges of sexual misconduct that prompted the House to direct this Committee to carry out an investigation.

Second, as detailed in the Special Counsel's interim report of last December, the evidence he obtained showed that there was "no merit whatsoever in any of the original allegations of sexual misconduct made by the two former pages" Leroy Williams and Jeffrey Opp, whose sensational charges received such publicity a year ago.

Third, during the course of his investigation, the Special Counsel obtained evidence of three cases of improper sexual conduct involving pages that occurred earlier than the 1981-1982 time period which was the focus of the original allegations and of the investigation conducted by the Committee and by the Special Counsel. Two of these cases involve conduct that occurred in 1980. One case involves conduct that occurred in 1973.

Fourth, with the exception of the three cases, his investigation uncovered no evidence at all to support any of the allegations of improper sexual conduct involving congressional pages or preferential treatment received by the Committee and investigated by the Special Counsel. To the contrary, the Special Counsel reported that, in all but the three cases, the evidence he developed showed conclusively that these allegations were not true or that there was no credible basis for the allegations.

The Special Counsel has reported to the Committee that he obtained evidence in three cases of improper or illegal sexual conduct involving pages by two Members of the House and one employee of the House. The incidents in question occurred between three and ten years ago. Specifically, the Special Counsel reported that he had obtained evidence that:

Representative Daniel B. Crane engaged in a sexual relationship with a 17-year-old female page in 1980.

Representative Gerry E. Studds engaged in a sexual relationship in 1973 with a 17-year-old male page (who may have been 16 when the relationship began); and made sexual advances in 1973 to two other male pages, one who was 16 or 17 years old at the time, the other 17 years old.

James Howarth, Majority Chief Page in the House Doorkeeper's Office, with supervisory responsibilities over pages, engaged in a sexual relationship with a 17-year-old female page in 1980 who was at the time under his direct supervision, and gave her preferential treatment. The Special Counsel also reported to the Committee that there is evidence that Mr. Howarth purchased cocaine in the House Democratic Cloakroom in 1980.

II. RECOMMENDATIONS BY THE SPECIAL COUNSEL AND ACTION BY THE COMMITTEE

A. REPRESENTATIVE CRANE

In this case, Representative Crane has admitted the essential facts found by the Special Counsel, waived his right to a statement of alleged violation and to a public hearing before the Committee and agreed that the Committee could act immediately on the basis of the Special Counsel's report and statements submitted to the Committee by Representative Crane's attorney. For the reasons set out in his report, the Special Counsel recommended to the Committee (a) that the Committee find that Representative Crane's consensual sexual relationship in 1980 with a female page employed by the House of Representatives constituted a violation of clause 1 of the Code of Official Conduct of the House of Representatives and (b) that the Committee recommend that the House reprimand Representative Crane. The Committee has voted to follow the recommendation of the Special Counsel. The Committee's action in this matter is set out in a separate report, *In the Matter of Representative Daniel B. Crane*, Rpt. No. 98-296.

B. REPRESENTATIVE STUDDS

In this case, Representative Studds has admitted the essential facts found by the Special Counsel, waived his right to a statement of alleged violations and to a public hearing before the Committee and agreed that the Committee could act immediately on the basis of the Special Counsel's report and statements submitted to the Committee by Representative Studds and his attorneys. For the reasons set out in his report, the Special Counsel recommended to the Committee (a) that the Committee find that Representative Studds' consensual sexual relationship in 1973 with a male page, and his sexual advances to two other male pages in 1973, all of whom were employed by the House of Representatives, constituted violations of clause 1 of the Code of Official Conduct of the House of Representatives, and (b) that the Committee recommend that the House reprimand Representative Studds. The Committee has voted to follow the recommendation of the Special Counsel. The Committee's action in this matter is set out in a separate report, *In the Matter of Representative Gerry E. Studds*, Rpt. No. 98-295.

C. EMPLOYEE HOWARTH

With respect to employee Howarth, the Special Counsel recommended that the Committee initiate disciplinary proceedings against him and vote to transmit to him a statement of alleged violation. Based on the Special Counsel's recommendation, the Committee voted to transmit the statement of alleged violation. The Committee will now conduct the proceedings specified in the Committee's rules, and it will report to the House on this case at the conclusion of those proceedings.

STATEMENT UNDER CLAUSE 2(b) OF RULE X

The Committee's oversight findings and recommendations are as stated above.

No budget statement is submitted.

This report was adopted by a show at hands, 11 yeas, 1 nay, on July 14, 1983.

APPENDIX

FINAL REPORT OF THE SPECIAL COUNSEL TO THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT ON THE INVESTIGATION INTO ALLEGATIONS OF IMPROPER OR ILLEGAL SEXUAL CONDUCT UNDER H. RES. 518, 97TH CONGRESS, AND H. RES. 12, 98TH CONGRESS

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I. INTRODUCTION AND SUMMARY

A. BACKGROUND OF THE INVESTIGATION

On July 13, 1982, the House of Representatives, by a 407 to 1 vote, passed House Resolution 518, which authorized and directed the Committee on Standards of Official Conduct to "conduct a full and complete inquiry and investigation" into allegations of:

(1) improper or illegal sexual conduct by Members, officers, or employees of the House;

(2) illicit use or distribution of drugs by Members, officers, or employees of the House; and

(3) the offering of preferential treatment by Members, officers, or employees of the House in exchange for sexual favors or drugs.

H. Res. 518, 97th Cong., 2d Sess. (1982).

On July 27, 1982, the Committee retained Joseph A. Califano, Jr., as independent Special Counsel to conduct the investigation. At the time of Mr. Califano's appointment as Special Counsel, Committee Chairman Louis Stokes stated that "his charge is clear and straightforward—to conduct the investigation that in his judgment is required and to advise the Committee of his findings and recommendations.

The Speaker, the Majority Leader, and the Minority Leader of the House joined Chairman Stokes and the Committee's Ranking Minority Member, Floyd Spence, in assuring the Special Counsel that he would have the independence and resources to conduct a full and impartial investigation—"whatever investigation is necessary to ascertain the truth about the allegations that have been made." On January 3, 1983, the House agreed to House Resolution 12, 98th Cong., 1st Sess., which authorized and directed the Committee to continue and complete the investigation begun pursuant to H. Res. 518.

This is the final report of the Special Counsel concerning allegations of improper or illegal sexual conduct. This report, together with the Special Counsel's Interim Report of December 14, 1982 (attached as Appendix A), details the complete results of the investigation into allegations of sexual misconduct. It responds to the Chairman's charge that the Special Counsel report to the Committee on his findings and recommendations. This report sets out (1) the investigative work completed with respect to allegations involving sexual misconduct, (2) the findings and conclusions of the Special Counsel regarding this work, and (3) the recommendations of the Special Counsel on actions the Committee should take.

The Special Counsel recommends that the Committee make this report public.

Pursuant to H. Res. 518 and H. Res. 12, the Special Counsel has sought to determine whether there is any responsible evidence of improper or illegal sexual conduct by Members, officers, or employees

of the House of Representatives involving congressional pages. The focus of the investigation has been on the period from July, 1981, through June, 1982. To assure completeness, however, the Special Counsel sought to contact every page employed by the House of Representatives over the three year period from September, 1979 to August, 1982. The Special Counsel also investigated allegations of illegal or improper sexual conduct involving pages occurring before this time period which were brought to his attention.

The investigation carried out by the Special Counsel and this Committee sought out hundreds of past and present congressional pages, dozens of individuals who supervised and taught those pages, hundreds of congressional staff members, and many other individuals with knowledge of the page system. In all, the Special Counsel's office has conducted some 700 interviews, taken more than 125 depositions covering more than 6,000 transcript pages, tried to contact every House page who served since September, 1979 and dozens who served earlier, travelled almost 100,000 miles to more than 50 cities, and devoted more than 50,000 hours of staff time to the investigation.

For the overwhelming majority of pages, their work in the House of Representatives ranks as one of the most important and rewarding experiences of their lives. The Special Counsel can report to this Committee, to the House, and to the Nation that he has found no evidence of widespread improper or illegal sexual conduct by Members, officers, or employees of the House involving congressional pages. The evidence developed in the course of this investigation has shown time and again that allegations and rumors of misconduct were the product of teenage exaggeration, gossip or even out-and-out fabrication that was often repeated mercilessly in a political capital that thrives on rumor.

In truth, the House as an institution can be rightfully proud of the experience it has provided to thousands of American youngsters who have served as pages over the years.

B. SUMMARY OF FINDINGS

Three central findings dominate the exhaustive investigation carried out by the Special Counsel.

First, the Special Counsel received no credible evidence of sexual misconduct by Members, officers or employees of the House of Representatives involving congressional pages during the 1981-82 time period involved in the original charges that prompted this investigation.

Second, as detailed in the Special Counsel's Interim Report of last December, the evidence obtained showed there was no merit whatsoever in any of the original allegations of sexual misconduct made by the two former pages, Leroy Williams and Jeffrey Opp, whose sensational charges received such intense publicity a year ago.

With the exception of three cases, the investigation uncovered no evidence to support the dozens of allegations that the Committee received concerning improper sexual conduct involving congressional pages or of preferential treatment of congressional pages in exchange for sexual favors. To the contrary, with the three exceptions, the evidence showed conclusively that these allegations were not true, or there was no credible basis for them.

The improper sexual conduct which the Special Counsel has uncovered took place between three and ten years ago. Two current Members of the House and one current employee were involved in separate incidents. The evidence obtained indicates that these were isolated instances, not typical of Members of the House of Representatives, or its employees. During the ten year period in which these incidents occurred, or are alleged to have occurred, more than 850 men and women have served as Members of the House; more than 60,000 employees have worked in the House.

At a time when confidence in many of our government institutions is low, each of us has a particular responsibility to be precise and accurate when discussing allegations of misconduct by public officials. When improper behavior occurs, it should not be understated or excused. It must be rooted out vigorously, promptly and publicly. But discovery of improprieties by a few, should not be allowed unjustly to sully the reputations of their colleagues, who labor long and hard for the public interest.

Speaking as the Special Counsel who carried out the investigation, I believe it is clear that the House of Representatives as an institution has been vindicated by this investigation. The investigation developed no evidence of any widespread sexual misconduct involving pages, and no evidence of sexual relationships by Members with pages involving preferential treatment.

The House of Representatives has discharged fully and completely its constitutional duty to police itself. This investigation has been searching and exhaustive. There have been no holds barred. The necessary resources have been provided. The bipartisan House leadership and Committee members have supported without qualification a thorough and independent investigation of these matters. Rarely has an institution in our democracy subjected itself to such a penetrating ordeal. The evidence of three cases involving sexual misconduct should be seen in that perspective.

The evidence of improper or illegal sexual conduct involving pages indicates that this conduct took place between three and ten years ago. In the instance involving sexual relationships, the pages involved have testified that the relationships were consensual. The Special Counsel has obtained evidence that:

Congressman Daniel B. Crane engaged in a sexual relationship with a 17-year-old female page in 1980.

Congressman Gerry E. Studds engaged in a sexual relationship in 1973 with a 17-year-old male page (who may have been 16 when the relationship began); and made sexual advances in 1973 to two other male pages; one was 16 or 17 years old at the time, the other was 17 years old.

James C. Howarth, Majority Chief Page in the House Doorkeeper's Office, who had supervisory responsibilities over pages, engaged in a sexual relationship with a 17-year-old female page in 1980 who was at the time under his direct supervision, and gave her preferential treatment. There is also evidence that Mr. Howarth purchased cocaine in the House Democratic cloakroom during the period January, 1979 to December, 1980.

C. CONGRESS SPECIAL RESPONSIBILITY TO ITS PAGES

The legislative history of House Resolution 518, as well as the legislative history of other House actions involving pages, reflects a recognition by the House of the special responsibility the House has in relation to its pages. This legislative history clearly establishes that the House of Representatives has a special relationship, analogous to *in loco parentis*, to the teenage pages it employs. As the Doorkeeper of the House has testified, the pages are the "wards" of the House.

Under these circumstances, a sexual relationship between a Member of the House and a teenage House page, even if consensual, constitutes a breach of the official obligations of a Member of the House. A sexual relationship between a page supervisor and a page under that supervisor's authority constitutes a serious violation of the fiduciary duty such a supervisor owes to his teenage charges.

Any such sexual relationships are precisely the type of improper sexual conduct covered by H. Res. 518 and H. Res. 12 and constitute a violation of clause 1 of the Code of Official Conduct of the House of Representatives, which states:

A Member, officer, or employee of the House of Representatives shall conduct himself at all times in a manner which shall reflect creditably on the House of Representatives.

D. JURISDICTION OF THE HOUSE OVER CONDUCT OCCURRING IN A PRIOR CONGRESS

It is clear that the House has jurisdiction over matters occurring in prior Congresses. In House Report No. 351, 96th Congress, 1st Session, pp. 3-5, the Committee most recently set forth its jurisdiction to recommend disciplinary action for conduct occurring in previous Congresses. The House subsequently adopted the Committee's recommendations contained in this report, and during the 96th Congress, censured Representative Charles C. Diggs, Jr., for conduct which occurred during the 93rd, 94th and 95th Congresses. In House Report No. 930, 96th Cong., 2d Sess. 121-124 (1980), the Committee determined that statutes of limitations and the principle of laches are not applicable to congressional disciplinary proceedings. The House concurred in this judgment by adopting in 1980 a resolution of censure against Representative Charles H. Wilson, for conduct which occurred eight and nine years earlier, in 1971 and 1972. 126 Cong. Rec. H4708 (daily ed. June 10, 1980).

E. SUMMARY OF RECOMMENDATIONS

Based on the evidence, it is my responsibility as Special Counsel to recommend that the Committee take action with respect to the conduct of Representative Crane, Representative Studs and Mr. Howarth.

Existing Committee rules provide for the issuance of a Statement of Alleged Violation by the Committee. Following the issuance of such a Statement, the Committee establishes a timetable for motions and briefs by counsel and for a public hearing with testimony and cross-examination of witnesses. But Section 8 of H. Res. 518, 97th

Cong., incorporated by H. Res. 12, 98th Cong., provides that "the Committee is authorized to adopt special rules of procedure as may be appropriate."

The matters presently before the Committee involve questions of great sensitivity for everyone, particularly the former pages involved, if there are extended public proceedings. Under Section 8 of H. Res. 518 and based on this consideration, the Special Counsel recommended to the Committee that it adopt special procedures if any respondent did not wish to contest the factual findings of the Special Counsel and was willing to waive his rights to a Statement of Alleged Violation and to a public hearing. Under these special procedures the Committee would act on the basis of the Special Counsel's report and the statement made by the respondent to the Committee. The Special Counsel's report and the respondent's statement, if any, would be made public at the time the Committee acts.

Representative Daniel Crane elected to follow this special procedure. He has admitted having a sexual relationship with a 17-year-old female page in 1980. He has waived a formal Statement of Alleged Violation and a public hearing before this Committee. He has agreed that the Committee may act in his case on the basis of the statements to the Committee by his counsel and the report of the Special Counsel. The Special Counsel recommends that the Committee find that Representative Crane has engaged in improper sexual conduct and has violated clause 1 of the Code of Official Conduct by failing to "conduct himself * * * in a manner which shall reflect creditably on the House of Representatives", and vote to recommend that the House of Representatives reprimand Representative Crane for this violation.

Representative Studds and Mr. Howarth have not waived their rights to a Statement of Alleged Violations and a public hearing. In their cases, the Special Counsel recommends that the Committee issue the Statements of Alleged Violation attached as Appendices B (Representative Studds) and C (Mr. Howarth).

The balance of this report describes:

The nature and scope of the investigation conducted by the Special Counsel;

The legal standards applied by the Special Counsel;

The cases against Representative Crane, Representative Studds and Mr. Howarth; and

Allegations of sexual misconduct, investigated by the Special Counsel since the Interim Report of December 14, 1982, that have proved groundless.

II. THE INTERIM REPORT OF THE SPECIAL COUNSEL

On December 14, 1982 the Special Counsel submitted an Interim Report to the Committee detailing, as of that date, the results of his investigation of allegations of improper or illegal sexual conduct. H.R. Rep. No. 965, 97th Cong., 2nd Sess., Appendix A (1982), attached at Appendix A to this report.

In the Interim Report, the Special Counsel found "no merit whatsoever in any of the original allegations of sexual misconduct made by the two former pages," Leroy Williams and Jeffrey Opp. Appendix A, p. 6. The Special Counsel affirmatively concluded "that the evidence

conclusively indicates that all charges of sexual misconduct made by these two pages were false." *Id.*

In the Interim Report, the Special Counsel noted, however, that several instances of possible sexual misconduct involving pages or preferential treatment remained under investigation, and recommended that the Committee transmit the remaining matters to the 98th Congress so that the investigation could be completed. The Special Counsel's Interim Report summarized the status of the investigation:

Not all of the allegations of sexual misconduct received by the Special Counsel have yet been fully investigated, however. In one case, the Special Counsel has recommended that a Preliminary Inquiry be initiated by the Committee, and the investigation of this case is continuing. The Special Counsel also continues to investigate a limited number of other allegations of sexual misconduct. No details will be provided at this time on any of the matters still under investigation. *Id.* at 23.

Based on the Special Counsel's recommendations, the Committee voted (a) to initiate a Preliminary Inquiry regarding alleged sexual misconduct by Mr. Howarth, and (b) to transmit all materials in the Preliminary Inquiry and other matters still under investigation to the 98th Congress with a recommendation that these matters be completed as promptly as possible in that Congress. House Resolution 12 of the 98th Congress, passed on January 3, 1983, authorized the Committee to continue the inquiry and investigation begun under by H. Res. 518.

This Final Report now provides the results of the rest of the Special Counsel's investigation, pursuant to H. Res. 518, 97th Congress, and H. Res. 12, 98th Congress, with respect to allegations of improper or illegal sexual conduct by Members, officers, or employees of the House.

The findings and recommendations of the Special Counsel with respect to the continuing investigation of allegations of illicit use or distribution of drugs by Members, officers, or employees of the House will be set forth in a separate report.

III. SCOPE OF INVESTIGATION INVOLVING SEXUAL MISCONDUCT

A. LANGUAGE AND LEGISLATIVE HISTORY OF HOUSE RESOLUTION 518

The Special Counsel has taken the language and legislative history of H. Res. 518 as the guide in determining the proper scope of the investigation involving sexual misconduct.

Section 1 of H. Res. 518 directs the Committee to investigate "alleged improper conduct referred to in this resolution which has been the subject of recent investigations by the Department of Justice and other law enforcement agencies. * * *

The conduct "referred to in this resolution" is the conduct described in the "Whereas" clause of the resolution, specifically,

(1) alleged improper or illegal sexual conduct of Members, officers, or employees of the House;

* * * and

(3) the offering of preferential treatment by Members, officers, or employees to employees of the House, including congressional pages, in exchange for any item referred to in subclause (1) * * *

The resolution also provided that the "scope of the inquiry and investigation may be expanded by the Committee to extend to any matters relevant to discharging its responsibilities pursuant to this resolution or the Rules of the House of Representatives."

The discussion of H. Res. 518 on the House floor on July 13, 1982, leaves no doubt that the "alleged improper or illegal sexual conduct" and the "offering of preferential treatment" referred to conduct involving pages.

The resolution was introduced by Chairman Louis Stokes and Ranking Minority Member Floyd Spence on July 13, 1982, in the aftermath of reports of sexual misconduct involving pages. Chairman Stokes explained that, on July 1, he had instructed the staff of the Committee "to commence a thorough investigation of the allegations as reported by the media at that time." 128 Cong. Rec. H4012 (daily ed. July 13, 1982). He urged passage of the resolution to enable the Committee to "proceed in an orderly fashion in pursuing this investigation." Id.

Representative William Alexander, who spoke in favor of the resolution, referred to "allegations of scandal . . . levied against the Members of Congress as well as the pages who assist them." Id. at H4035. He then quoted from a letter he had received from a former page, stressing the page's hope that "the Congress will take speedy action to restore the honor, dignity, and pride that pages enjoy who have served in the Congress." Id.

Representative Margaret Heckler, who urged the appointment of a special prosecutor to investigate the allegations, stated:

We are dealing here with entirely new and far more sensitive areas of abuse of power if the allegations are true. I think we have a responsibility *to the young people who are the pages*, to our service in this Congress, and to the people of America, to the parents, to the Congress itself, to deal with the sensitivity of this situation so as to inspire confidence in the integrity of this Congress.

Id. at H4036 (emphasis added).

The resolution's reference to conduct "which has been the subject of recent investigations by the Department of Justice and other law enforcement agencies" reinforces the conclusion that the sexual misconduct to be investigated involved congressional pages. In the area of sexual misconduct, the "recent investigation" by the Department of Justice and the Federal Bureau of Investigation concerned allegations about misconduct of House Members and employees involving pages. In addition, the United States Capitol Police had conducted an investigation in February, 1982, which also focused specifically on House pages.

The intended meaning of H. Res. 518 appears clear. The references to "alleged improper or illegal sexual conduct" and the "offering of preferential treatment" are directed at sexual misconduct involving pages.

The first phase of the Special Counsel's investigation focused on the period from July, 1981, to June, 1982,¹ and on allegations by two former pages that received national press attention beginning on June 30, 1982. To insure a thorough inquiry into all matters within the scope of H. Res. 518, the Special Counsel sought out information about earlier periods.

Finally, H. Res. 518 refers to "Members, officers, or employees" of the House. In keeping with this language and the tradition of the Committee, the scope of the investigation has not extended to allegations concerning former Members, officers, or employees.

B. DEFINITION OF SEXUAL MISCONDUCT

In recognition of the special situation and vulnerability of congressional pages, the Committee and its Special Counsel have broadly defined "improper sexual conduct" in determining whether particular allegations involving pages should be investigated.

House pages are generally high school juniors and seniors, between 16 and 18 years of age. By statute, they cannot be appointed until their parents or legal guardians have been fully informed of the nature of their work, pay and working conditions, and the housing accommodations available to them.²

Because of their young age, on a number of occasions the House has considered discontinuing the use of high school teenagers as pages. For example, the Legislative Reorganization Act of 1970, Pub. L. 91-510, 84 Stat. 1198 (1970), as originally introduced, would have barred the appointment of pages who had not yet completed the twelfth grade of their secondary school education. 116 Cong. Rec. H32,229 (1970). Among the reasons commonly offered for using older pages is the desirability of minimizing or eliminating Congress's supervisory responsibility for pages. See e.g., Speaker's Commission on Pages, Report to the Speaker, 97th Cong., 2d Sess. 7 (1982); H. Rep. No. 91-1215, 91st Cong., 2d Sess. 2930 (1970).

Congress plainly accepts a considerable responsibility for pages. That responsibility is necessarily shared by every Member, officer and employee of the House. Where preferential treatment is, expressly or implicitly, an element of a sexual relationship between a Member, officer or employee and a page, or an element of a sexual overture or advance directed at a page, the conduct explicitly falls within H. Res. 518. But considering the young age of these pages and the facts that they are away from home and dependent on the House for school, work and money to live on, any sexual advance or relationship of any kind involving a page and a Member, officer or employee potentially entails an element of either preferential treatment or coercion, and hence an abuse of office or position.

As set forth in the Interim Report of December 14, 1982, approved by the Committee, the investigation has, therefore, proceeded on the assumption that any sexual relationship, whether homosexual or heterosexual, between a page and a Member, officer or employee, or any

¹ This time period covers the terms of service of virtually all the pages whose employment overlapped with that of the two pages whose charges were reported in news broadcasts on June 30, 1982 and July 1, 1982.

² 2 U.S.C. § 88b-1(a)(2).

sexual harassment, overture or advance directed at a page by a Member, officer or employee, should be investigated as potentially "improper sexual conduct" under H. Res. 518.³

Where the Special Counsel came across evidence of possibly improper sexual misconduct not involving pages and not within the scope of H. Res. 518, he has turned that material over to the Committee for whatever action it considers appropriate, because such conduct was outside the scope of H. Res. 518.

C. ALLEGATIONS INVOLVING THE SENATE

In some instances, the Special Counsel has received information bearing on Members, officers, or employees of the Senate. The Special Counsel has not investigated these matters because the jurisdiction of the Committee runs only to the House. At the direction of the Committee, and in accordance with an agreement between the Committee Chairman and Senate Majority Leader Howard Baker, the Special Counsel has referred all such information to the Select Committee on Ethics of the U.S. Senate. The letters setting forth the agreement are set forth in Appendix D of this report.

IV. HOW THE INVESTIGATION WAS CONDUCTED

A. APPOINTMENT OF THE SPECIAL COUNSEL AND STAFFING OF THE SPECIAL COUNSEL'S OFFICE

Shortly after Chairman Stokes and Ranking Minority Member Spence announced the appointment of Joseph A. Califano, Jr., as Special Counsel to the Committee to oversee the investigation authorized by H. Res. 518, Mr. Califano assembled the staff of the Special Counsel's office. In staffing the office, as throughout the investigation, the pledges of independence were unequivocally supported by the Democratic and Republican House leadership. The staff of the Special Counsel's office has averaged nine lawyers, seven investigators, three researchers and six clerical employees.

B. CHARACTERISTICS OF THE INVESTIGATION

Since July 27, 1982, the Special Counsel has attempted to investigate every specific allegation⁴ that has come to his attention concerning the

³ It has been suggested that H. Res. 518 meant to restrict the Committee's investigation of alleged sexual misconduct involving Congressional pages *exclusively* to those individual cases that were in fact investigated by the Department of Justice in its 1982 investigation in this area. The Special Counsel has been unable to detect any indication in the legislative history or the text of H. Res. 518 that would support such a restrictive and crabbed interpretation. First, it would be anomalous for the House to abdicate its Constitutional responsibility to discipline its Members—which differs significantly from the Justice Department's duty to enforce the criminal law—by limiting the Committee's investigation to the specific case under review by Justice. Second, the language of H. Res. 518 does not support such a narrow reading. H. Res. 518 directs the Committee to investigate "alleged improper conduct referred to in this resolution which has been the subject of investigations by the Department of Justice . . ." (emphasis added). By referring generally to "conduct" and not to "case of improper conduct," H. Res. 518 identified a subject matter to be investigated—namely, alleged sexual misconduct involving pages. In the discussion on the floor of the House when H. Res. 518 was passed, the Chairman and other House members referred broadly to pages and stories in the press as well. H. Res. 518 did not require the Committee to ascertain which individual cases were being investigated by Justice and then limit its own investigation to those individuals, regardless of other evidence which the Special Counsel and the Committee discovered. Indeed such an interpretation would make a mockery of any serious *independent* investigatory effort. So intent was the House to mount such an effort that it authorized the Committee to expand its investigation "to any matter relevant to discharging its responsibilities pursuant to . . . the Rules of the House of Representatives."

⁴ Some allegations concerned events so far in the past, e.g., more than 20 years ago, or were so vague that investigation was not practicable.

subject matter of H. Res. 518 and H. Res. 12. In addition, the Special Counsel's office undertook wideranging efforts to contact individuals who might have information bearing on the subject matter of the investigation.

Attorneys and investigators on the Special Counsel's staff have carefully examined and followed up hundreds of leads, allegations and rumors. They have conducted some 700 interviews and taken more than 125 depositions. They have travelled almost 100,000 miles to interview witnesses in more than 50 cities. One hundred and eleven subpoenas have been issued: 90 to compel oral testimony, 21 to compel production of documents. The Committee compelled testimony from 12 witnesses through grants of use immunity. The Special Counsel also obtained sworn statements from 40 individuals. In addition, numerous requests were made to such agencies as the Federal Bureau of Investigation, the United States Capitol Police, the Metropolitan Police and the broadcast media for materials which were voluntarily produced. In following up on several specific allegations, investigators have reviewed hundreds of pages of financial, travel and telephone records.

While it was essential to investigate each one of the specific allegations that prompted the passage of H. Res. 518, the Special Counsel decided that the mandate of H. Res. 518 required the Committee to seek out information that might bear on the subject matter of the investigation from all available sources. As set forth in Appendix A, the Special Counsel initiated a number of separate inquiries to carry out this obligation.

Lawyers and investigators interviewed more than 75 pages who had recently served in the House.

The Special Counsel sent a letter requesting any information bearing on the subject matter under investigation to each of 516 former pages who had not already been contacted in person. These individuals served in the House of Representatives from September, 1979, through August, 1982. Eighty-nine pages responded; 71 responded in writing, an additional 18 by telephone. Most said they had no information; only 11 responses contained relevant information or allegations of misconduct that required further investigation.

In addition, attempts were made to interview seventy-three former pages by telephone regarding a particular matter under investigation. Individual letters were sent to twenty-five former pages who could not be reached by telephone. The Special Counsel received responses to eleven letters. A total of fifty-nine of these former pages were interviewed regarding this matter; one was deposed.

The Special Counsel requested and obtained from the Capitol Police all documents and records for the years 1977 through 1982 that contained information bearing on the subject matter under investigation.

The Special Counsel made similar requests of the Doorkeeper of the House of Representatives, whose office is in charge of the page system, and that the Sergeant-at-Arms of the House of Representatives, who, together with the Sergeant-at-Arms of the Senate and the Architect of the Capitol, directs the Capitol Police. The Special Counsel interviewed every officer in the Doorkeeper's office who super-

vised or directed pages and obtained testimony under oath from all but two.

Lawyers and investigators interviewed current and former teachers at the Capitol Page School concerning their knowledge of the subjects under investigation. Investigators also reviewed files of individual pages at the Capitol Page School and interviewed teachers from other educational institutions who had had contact with pages in seminars and special classes.

Committee investigators also interviewed the managers of seven apartment buildings in which pages resided. These individuals had been renting to pages for periods of time that range from slightly over one year to 40 years. Most were complimentary about the conduct of the pages, and reported no knowledge of serious problems with pages who had been their tenants. One, however, complained about excessive drinking and loud, boisterous parties.

The Special Counsel's office examined a comprehensive compilation of press reports on the subject matter of H. Res. 518 and viewed videotapes of television news reports to identify specific allegations that merited investigation.

In all, more than 150 individual allegations have been investigated.

C. RELATIONSHIP WITH THE DEPARTMENT OF JUSTICE

From June through August, 1982, the Department of Justice investigated allegations of sexual misconduct by members of Congress and their staff. On August 31, 1982, a Justice Department spokesman announced that the Department had closed that investigation because "there is insufficient evidence to warrant a federal prosecution or further investigation."

On behalf of the Committee, the Special Counsel requested that the Attorney General make available to the Committee and its Special Counsel all written materials developed by the FBI in carrying out this investigation. On September 29, 1982 the Public Integrity Section of the Justice Department transmitted to the Special Counsel 244 documents, consisting primarily of summaries of interviews carried out by FBI agents in the course of this investigation. The names of certain witnesses who had requested confidentiality were deleted. With this exception, the Justice Department informed the Special Counsel that it had provided all the evidence it had collected.

D. LIMITS ON THE INVESTIGATION

Any investigation of "improper or illegal sexual conduct" poses difficult obstacles and delicate problems. The Special Counsel's office has had to depend in large measure on interviews and depositions under oath to investigate these matters. Developing evidence depends on the willingness of individuals to come forward and to respond honestly to investigators' questions.

The investigation that has been conducted has, in the judgment of the Special Counsel, been as thorough as is reasonably possible. In an area involving such intimate conduct, such human sensitivity and so many individuals, it will never be possible to declare with certainty that every instance of what every citizen would consider "improper

sexual conduct" has been detected. But the Committee, the House and the American people can be assured that every effort was made to contact individuals who might have relevant information. Every allegation put forward has been pursued to the point where the Special Counsel concluded that there was no basis for it in fact, that no further investigation was possible, or that a formal charge was justified.

This has not been an inexpensive or pleasant task. It has taken much time, persistence, and patience on the part of Members of this Committee and attorneys and investigators in the Special Counsel's office, and the support of the bipartisan House leadership and the Committee on Standards of Official Conduct. The financial cost to the House for staff, travel, court reporters, investigators and lawyers has been substantial, as has the cost in legal fees and other expenses to witnesses interviewed, deposed and investigated, and to institutions assembling records. But the most serious costs have been to the many young Americans, a good number still teenagers, for whom this investigation has been a difficult and trying experience. To them, the Special Counsel expresses particular appreciation and understanding. Yet, it has taken this kind of inquiry to provide the American people the assurance that the House of Representatives has the institutional stamina and courage to investigate its Members, officers, and employees searchingly and thoroughly.

V. BACKGROUND: THE PAGE SYSTEM OF THE HOUSE OF REPRESENTATIVES, 1981-82

Because this investigation focused on pages and their relationships with Members, officers, and employees of the House, it is essential to begin with an understanding of the page system. The House has relied on teenage pages as messengers since the early 1800's, and the system has survived many debates about its desirability, including the most recent review that the Speaker's Commission on Pages conducted in 1982. The key features of the page system as it existed in 1981-82—the selection process, the duties of pages, and the extent to which they were supervised—are described briefly below.

A. SELECTION PROCESS AND QUALIFICATIONS

During 1981-82, the House maintained 71 positions for pages. Most page appointments run for six months or a year, although some appointments—typically in the summer—are for periods of two months or less.

Pages are nominated by a House Member and selected by the Democratic and Republican Personnel Committees from the candidates nominated. Pages are required to be high school juniors or seniors, at the time of appointments, and at least 16 but not more than 18 years of age. The Republican Personnel Committee requires that pages have had at least a "B" scholastic average in their home town high school; the Democratic Committee requires at least a "C" average.

Any Democratic Member of Congress may submit a recommendation to the Committee on Democratic Personnel requesting that an individual be appointed as a Democratic page. Typically, these recommenda-

tions provide the Committee with some information about the candidate, but the Committee has no application form and requires no specific information other than a birth certificate. The nominations are not considered on any particular date. The Committee staff accumulates nominations until approximately ten are pending. These nominations, ranked according to the seniority of the Member making the nomination, are then submitted to the Committee Chairman, who makes the selections. The Committee conducts no independent check of a page's qualifications. The sponsoring Member is responsible for screening applicants and establishing that they meet the age, school year, and academic criteria.

The Committee on Republican Personnel has a printed application form, which requires a school transcript, an essay on why the applicant wants to be a page, a statement of extracurricular activities, and letters of recommendation. The Committee also requests that the Member return the application materials by April 1 of each year. Information on each candidate is summarized by the Committee's staff, and page selection is made by the Committee vote. In selecting pages, the Committee gives preference to Members who have not previously sponsored a page.

Neither Committee has established a systematic process for assessing the maturity of page candidates or their ability to handle the freedom that pages enjoy in Washington.

B. DUTIES OF HOUSE PAGES

Pages do not work for the individual Members of Congress who sponsor them. They receive direction from the staff of the Doorkeeper of the House, and work out of a central location just off the House floor.

Pages never become involved in the substantive give-and-take of the legislative process. Their duties are exclusively those of clerical workers and messengers. They are generally assigned to the House floor, to the Democratic or Republican Cloakroom, or to positions as "running" pages. A page assigned to the House floor carries messages to and from Members and assists in assembling and distributing legislative materials on the floor. A page assigned to the Democratic or Republican Cloakroom answers telephones, carries messages to Members, and perform chores requested by Members while they are in the Cloakroom. "Running" pages deliver materials to congressional offices and to Members on the floor. Several pages serve as documentarians, processing House documents and operating the system of bells that call Members for votes. One is assigned as the Speaker's page.

The daily schedule of all the pages, regardless of their assignment, is demanding. All are required to attend the Capitol Page School. Those enrolled for credit must maintain a "C" average; the rest are required to bring assignments from their home school and observe supervised study hours. Classes at the Capitol Page School begin at 6:10 a.m. and, on days when the House convenes at noon, typically run until 9:45 a.m. or 10:30 a.m. When the House convenes earlier, class sessions are abbreviated so that pages can report to work at least an hour before the House starts. Except for meals, the pages remain on duty until 5:00 p.m. or until the House adjourns for the day, whichever is later.

C. SUPERVISION OF PAGES

1. Working hours

The Doorkeeper of the House of Representatives, who is elected by the Caucus of the Majority Party, is responsible for supervising House pages during their working hours. The four to six pages working in the Democratic Cloakroom and the similar number working in the Republican Cloakroom report to the respective Managers of the Cloakrooms. The Democratic and Republican floor pages report, respectively, to the Majority and Minority Chief Pages, who are adult supervisors employed by the Doorkeeper of the House. The "running" pages, who are also supervised by the Majority and Minority Chief Pages, have intermediate supervisors drawn from the ranks of the pages themselves. These page "overseers" answer the telephones to receive requests for messenger service and then make assignments to "running" pages.

While the Doorkeeper of the House has overall responsibility for the pages, the Deputy Doorkeeper exercises disciplinary authority and receives reports from the two Cloakroom Managers and two Chief Pages.

2. Nonworking hours

Until 1983, no one had responsibility for supervision of pages' activities outside of working hours. In fact, the Handbook issued by the Doorkeeper specifically asserted that it was a condition of appointment that:

Parents or Guardians must file with the Doorkeeper of the House, a written statement assuming full responsibility for the safety, well-being, and supervision of the Appointee while living in the District of Columbia area and traveling to and from the House of Representatives.

No individual in the Doorkeeper's office was formally responsible for counseling pages on problems outside of work or for seeing that they stay out of trouble. Some individuals in the Doorkeeper's office showed a good deal of concern for the pages' well-being, especially when it became apparent that a page was in some kind of difficulty.

The salary of teenage House pages—approximately \$700 every month—represents far more money than most of them have previously had to manage.

Until 1983 pages were responsible for finding their own housing. In 1981-82, pages generally resided in groups ranging from two to six in apartments located at various places on Capitol Hill, or in housing obtained through a university housing service. Apartments are frequently passed on from one page to another. Pages living in apartments had, in general, no adult supervision and no one easily available in the event of trouble.

In 1981-82, approximately 25 female pages lived in Thompson-Markward Hall, referred to by the pages as the "Y" because it is a dormitory-like facility with relatively strict curfew and other rules. The Page House Alumni Association, a non-profit organization created through the efforts of an employee of the Doorkeeper's office, provided dormitory-style housing for about ten male pages until August of last year.

Committee investigators interviewed the managers of seven apartment buildings in which pages resided. These individuals had been renting to pages for periods of time that range from slightly over one year to 40 years. Most were complimentary about the conduct of the pages, and reported no knowledge of serious alcohol, drug or other problems with pages who had been their tenants. One, however, complained about excessive drinking and loud and boisterous parties.

The lack of effective supervision of pages after working hours has been sharply criticized for many years. Members of Congress have frequently called attention to the problem. In 1969, for example, Representative Mark Andrews of North Dakota noted:

It is unconscionable for Congress to bring these boys to the Washington metropolitan area and put them in some catch-as-catch-can accommodations where they lack supervision and decent quarters. If we are going to have high school boys working for the Congress they should have adequate quarters and proper supervision.

Hearings before the Legislative Branch Subcommittee of the Committee on Appropriations, 91st Cong., 1st Sess. 497 (1969).

In 1970, Representative Edith Green of Oregon stated:

[I]t is inconceivable to me that this situation has been allowed to continue. . . . We bring youngsters—often times from rural areas—turn them loose in a metropolitan area with more money than they have ever before had in their pockets and with absolutely no supervision in off hours. . . . [I]t is incumbent upon us to provide these facilities in terms of housing and also in terms of classrooms. They find their own rooms in rooming houses or in tourist homes. I repeat—they have no supervision at all in their spare time. There is absolutely no one who is looking after their nutrition, their meals.

116 Cong. Rec. 32278 (1970).

Testifying this past summer before the House Subcommittee on Legislative Branch Appropriations, the Doorkeeper of the House James Molloy stated:

They [the pages] are wards of the Congress. Once we bring them here, we have to assume some responsibility. We have already had some incidents. . . . It does present a very serious problem.

Hearings on Legislative Branch Appropriations before Subcommittee of Legislative Branch Appropriations of the House Committee on Appropriations, 97th Cong., 2nd Sess., pt. 2 at 49 (1982).

Because of concern over the absence of effective supervision, Congress has on a number of occasions considered discontinuing the use of high school age pages.

3. Page dormitory

Over the past 40 years the House has on a number of occasions considered establishing a page dormitory to improve its ability to supervise pages.

In 1943, legislation was introduced in the House, but not passed, calling for construction and maintenance of official accommodations for the pages. In 1970, Congress authorized the acquisition of property for the purpose of constructing a building containing dormitory and classroom facilities for the pages.⁵ A site was subsequently purchased for the facility, but funds to construct it were not appropriated.

4. Developments since 1981-82

Last year, in the wake of the highly publicized charges of misconduct, the House of Representatives took several major steps to improve its page program. Acting on the recommendations of the Speaker's Commission on Pages, House Speaker Thomas P. O'Neill, in his capacity as Chairman of the House Office Building Commission, authorized the renovation of two floors of House Annex No. 1 for use as a dormitory for congressional pages. Staff of Speaker's Commission on Pages, 97th Cong., 2d Sess., Report to the Speaker 10 (Comm. Print 1982); Letter from the Speaker to the Architect of the Capitol (Sept. 30, 1982). On November 30, 1982 the House voted to establish the House of Representatives Page Board to supervise all aspects of the page program. H.R. Res. 611, 97th Cong., 2d. Sess. (adopted by the full Congress in P.L. 97-377 and codified at 2 U.S.C. 88b-2 through 88b-4).

The Page Board has changed the age requirement for pages, limiting appointments to juniors in high school. House of Representatives Page Board, 98th Cong., 1st Sess., Interim Report to the Speaker 8 (Comm. Print 1983). All pages are required to live in the residence hall, except those who certify that they live with their parents or other responsible guardian in the Washington metropolitan area. The Page Residence Hall is staffed by a Director and five resident assistants. *Id.* at 7. Pages residing in the dormitory are subject to a 10:00 P.M. curfew through Thursday nights and a midnight curfew Friday and Saturday nights. Their behavior is governed by a code of conduct approved by the Page Board.

Since the opening of the page dormitory, every resident page's parent or guardian is required to cosign, with the page, a page Residence Hall Agreement. In this document the page and his or her parents agree to be bound by the Page Code of Conduct and other pertinent regulations, and agree that the page will not use the residence hall for any disorderly or unlawful purpose. *Id.* at Appendix F. The general statement in which parents assumed full responsibility for the safety and well-being of their children is no longer required.

VI. RELEVANT STANDARDS OF CONDUCT

A. RESPONSIBILITY OF THE HOUSE

Plainly the House of Representatives has a special responsibility for the teenage pages it employs. Although the House only recently opened a dormitory for pages, the House has long recognized that its responsibility for these teenagers extended beyond working hours. Indeed, concern about the unavoidable responsibility which the House

⁵ 40 U.S.C. § 184a.

accepts when it employs 16 and 17-year-old pages has periodically sparked debate whether the House should raise the minimum age for pages and ultimately led to the decision to establish a supervised dormitory for pages.

On three separate occasions during the last twenty years, the House has undertaken extensive consideration of the page system. In 1964 Representative Edith Green's Select Committee on the Welfare and Education of Congressional Pages examined in detail the condition of congressional pages, and found that "many of the problems of the [page] school . . . stemmed from the fact that the students . . . are unsupervised for lengthy periods of time. . . ." H.R. Rep. No. 1945, 88th Cong., 2d Sess. (1965), p. 8. The Committee recommended among other things that the House either construct a page school and dormitory to address the situation, or raise the age of pages. *Id.* at pp. 6-10. In 1976, the Subcommittee on Elementary, Secondary and Vocational Education of the Committee on Education and Labor conducted thorough hearings on the quality of education provided to pages at the Capital Page School. Hearings before the Subcommittee on Elementary, Secondary, and Vocational Education of the House Committee on Education and Labor, 94th Cong., 2d Sess. (1976). In 1982, the Speaker's Commission on Pages reviewed the entire page system thoroughly and was instrumental in winning House approval for the construction of a page dormitory and the creation of a Capitol Page Board. Staff of Speaker's Commission on Pages, 97th Cong., 2d Sess., Report to the Speaker (Comm. Print 1982).

Throughout, Members of the House have made clear their views of the House's responsibilities. During the 1970 debate on authorizing construction of a page dormitory, Representative Charles Bennett said:

The idea of bringing young people here as pages is a good one. It has been inspiring to them and it has been helpful to the country. But we cannot escape the responsibility that comes with that.

116 Cong. Rec. 32277 (1970).

In that same debate, Representative Shirley Chisholm underscored the point:

. . . we as Members of Congress must share a tremendous responsibility when their parents send them here to become pages in this House . . . we must assume the responsibility and know that we have the authorization and the money which is necessary to build a dormitory in order that these young men [and women] can have the supervision so very necessary and so vital to their general welfare.

116 Cong. Rec. 32233 (1970).

Similarly, in urging the House to establish a Capitol Page Board in 1982, Representative Frank Annunzio said:

So long as this body employs the youth of adolescent years, we have a responsibility to provide them with the basic protections we would expect for our own children should they be similarly employed away from their homes. . . . this Capitol Board . . . will have the jurisdiction not only of building the

dormitory to insure proper supervision and proper housing but, also to carry out the responsibility of the Congress to young people who are 14 to 18 years of age.

128 Cong. Rec. H3985 (daily ed. July 12, 1982).

Majority Leader Jim Wright expressed similar sentiments in 1982 in urging his colleagues to fund a dormitory for the pages:

The present situation is intolerable. It is absolutely impossible under the present circumstances to guarantee wholesome supervision or even personal safety to these fine young people whom we invite to Washington as the guests and employees of the Congress. The responsibility quite clearly is our own. Our failure to act is inexclusable. To tolerate the present situation one hour longer than necessary would border on criminal negligence.

128 Cong. Rec. H4004 (daily ed., July 12, 1982).

During the hearings held by the Speaker's Commission on Pages, the Commission heard from Representative John Dingell, a former page, now Chairman of the House Committee on Energy and Commerce. Mr. Dingell noted that the pages are "youngsters, [who are] entrusted to us by their loving families." Hearings before the Speaker's Commission on Pages, 97th Congress, 2d Session at 44 (1982). Representative Dingell also testified:

I commented with regard to the quality of the supervision of the page force. I would like to observe to you, Mr. Chairman, that as a former page, I looked up to the supervisors that we had with the greatest of respect. I believe that situation exists today, and I know that in many instances, particularly on our own side of the aisle, that the kids look up to their supervisors with genuine respect and with genuine affection, and they hold their supervisors in high regard—one might say almost awe. (Id., p. 35)

In summary, the House of Representatives as a body takes responsibility for conducting a page program utilizing teenagers who are generally either 16 or 17 years-of-age. (The Senate pages are 14 through 17 years of age.) These teenagers are drawn to Washington by the existence of the page program. They are entrusted to the House as an institution for particular periods of time by their parents. The House sets the standards for their employment. The House supervises their appointment. The House takes responsibility for providing their education while they are in Washington and for overseeing the quality of that education. The House takes responsibility, through its elected officer, the Doorkeeper, for supervision of the pages while they are on duty. And, most recently with the opening of the residence hall, the House has acted in keeping with its obligations to provide for them during non-working hours, and to supervise their conduct during non-working hours.

In short, there can be little doubt that the pages are in fact the "wards" of the House, as the Doorkeeper has testified. Members, officers of the House, and those House employees who directly supervise pages have a special relationship to House pages, in effect standing in loco

parentis to them. As Representative Frank Annunzio stated, "so long as this body employs the youth of adolescent years, we have a responsibility to provide them with the basic protections we would expect for our own children should they be similarly employed away from their own homes." Under these circumstances, the American people have the right to expect the highest standards of conduct of these individuals with respect to pages.⁶

B. IMPROPER SEXUAL CONDUCT

Given the special relationship between pages and the House, the Special Counsel believes that only one standard of conduct can be considered appropriate: no sexual relationship between a page and a Member, an officer of the House, or an employee of the House who supervises pages can be regarded as acceptable behavior. Pages are 16 or 17-year-old juniors or seniors in high school. For most pages, it is their first time away from home and away from their parents. They have chosen to serve as a page because they are interested in the American system of government. Almost inevitably they will be fascinated by people who hold high positions in that system. In Representative Dingell's words, pages "hold their supervisors in high regard—one might say almost awe." That statement can only apply with greater force to Members of the House themselves. Members are the center of the universe for teenage pages.

The pages of the House serve the 435 men and women who represent the people of their congressional districts. Members of the House write laws that set standards for the American people. The parents who send their 16- and 17-year-old children to serve as pages have a right to expect that Members of the House will treat their children with respect, and honor the custodial trust into which they have committed their offspring. To say that the pages are wards of the House, and that the House has special responsibilities to them and stands as an institution in effect in loco parentis to them, is hollow rhetoric, unless those who are the House as an institution—the 435 Members elected to constitute the House—give meaning to the high trust they assume toward their teenage wards. Certainly, parents of teenage pages have a right to assume that Members of the House of Representatives will not have sexual relations with their children.

The laws of many states recognize the special responsibility of anyone in such a position to avoid sexual relationships with those under their care, custody, or supervision. For example, the District of Columbia prohibits sexual intercourse between a "superintendent," a "tutor," or a "teacher," and his female pupil under the age of 21, five years beyond the general age of consent which is 16 in the District of Columbia. D.C. Code Ann. § 22-3002 (1981). In 1981 and 1982 the Commonwealth of Virginia revised its laws in this area. Virginia makes it a criminal offense for anyone who "maintains a custodial or supervisory relationship over a child under the age of eighteen, who is the parent, step-parent or stands in loco parentis with respect to such child and is not

⁶ Other employees of the House may occupy sufficiently high positions or have sufficient responsibility with respect to pages that they too should be held to have such a special relationship. The cases involved in the present investigation do not require the Special Counsel or the Committee to reach the question of precisely how far the relationship extends.

legally married to such child" to "propose that any such child feel or fondle the sexual genital parts of such person, or . . . propose to such child the performance of an act of sexual intercourse. . . ." Thus, Virginia extends protection to teenagers in such circumstances two years beyond the general age of consent, which in that state is also 16. Va. Code Ann. § 18.2-370.1 (1982). Virginia's child abuse statute defines an "abused or neglected child" entitled to protection against abuses that include sexual acts by parents or other responsible persons, inter alia, as "any child less than 18 years of age . . ." Va. Code Ann. § 63.1-248.2 (Supp. 1983). These statutes recognize that in certain relationships two parties to a sexual relationship are not equal and that these situations are inherently subject to exploitation.

The nature of the relationship between the House of Representatives and the pages it employs compels the conclusion that any sexual relationship between teenage pages and Members, officers of the House, or those employees who supervise pages, or any sexual advance by any such individuals to a House page, constitutes improper sexual conduct under H. Res. 518.

No explicit showing of preferential treatment, coercion, or harassment is required under this standard. In this connection, it is worthwhile to note that H. Res. 518 specifically distinguished between "(1) alleged improper or illegal sexual conduct" and "(3) the offering of preferential treatment . . . in exchange for [sexual favors]." 128 Cong. Rec. H4032 (daily ed. July 13, 1982).

Under these circumstances, Members, officers of the House and page supervisors violate the official obligations of their office if they enter into a sexual relationship—no matter how consensual and whether heterosexual or homosexual—with any page, or if they make sexual advances to a page. Such conduct constitutes exactly the type of "improper" sexual conduct to which H. Res. 518 and H. Res. 12 were directed. Certainly such conduct does not "reflect creditably on the House of Representatives," and therefore constitutes a violation of Rule 1 of the Code of Official Conduct.

This Committee has recognized in the past its duty to give specific content to the general standards contained in the House Rules and in the Code of Ethics.

The Committee is cognizant of the fact that these traditional standards of conduct as expressed in the Code of Ethics for Government Service, and as revealed in House precedents, are not delineated with any great exactitude and may therefore prove difficult in enforcement. The Committee is likewise aware that because of the generality of these standards their violation is easily alleged, and that this may be subject to some abuse. However, the Committee believes it was for the very purpose of evaluating particular situations against existing standards, and of weeding out baseless charges from legitimate ones, that this Committee was created. As was stated in House Report No. 1176, 90th Cong. 2d Sess. (March 14, 1968) in recommending the creation of this Committee as a standing committee of the House:

"Some instrumentality, preferably the continuing committee, must necessarily serve as the determinant of the subjective terms necessary in spelling out the Code of Official Con-

duct. An essential difference between a statute and a standard is that the former usually is capable of precise definition and therefore may be objectively tested, whereas the latter can only be stated in subjective language and must rely on the facts as determined in each situation. If it should be necessary to measure an allegation against a standard, that measurement will be as meaningful as the depth to which the measuring body draws out the facts and nuances. Clearly this can be done better by a body smaller and more flexible than the entire House, and one that is more acquainted with the history and development of the standards and enforcement procedures, than special committees created to deal only with individual cases as they arise." (at p. 13).

H.R. Rep. No. 1364, 94th Cong., 2d Sess. 8-9 (1976).

C. CONDUCT IN A PRIOR CONGRESS

It is well-settled that the House may discipline a Member for conduct which occurred during a prior Congress, at least where the disciplinary action taken is short of expulsion.

This question was fully briefed and decided most recently in the Matter of Representative Charles C. Diggs, Jr., H.R. Rep. No. 351, 96th Cong., 1st Sess. 1979. Mr. Diggs was censured in 1979 by the 96th Congress, for misuse of clerk-hire funds from 1973 to 1977, during the 93rd, 94th and 95th Congresses. 125 Cong. Rec. H6900-H6906 (daily ed. July 31, 1979).

Following service of the Statement of Alleged Violation, Mr. Diggs filed a motion with this Committee "to terminate the proceedings for lack of jurisdiction." H.R. Rep. No. 351 at 41. The memorandum in support of the motion argued that "the House may not punish Congressman Diggs for conduct occurring prior to his election to the current Congress." *Id.* at 42. Mr. Diggs noted that, at the time of his most recent re-election, his constituents were aware that he had been convicted of the criminal activity charged by the Committee in its Statement of Alleged Violation. He argued that the judgment of his constituents in re-electing him should supercede any disciplinary action by the House, citing a number of eighteenth, nineteenth and early twentieth century cases in which the House had considered but failed to agree to expulsion of Members for conduct occurring in earlier Congresses.

The Committee unanimously rejected Mr. Diggs' motion and concluded in its Report:

... that the House had jurisdiction under Article I, Section 5, to inquire into the misconduct of a Member occurring prior to his last election, and under appropriate circumstances, to impose at least those disciplinary sanctions that fall short of expulsion. *Id.* at 3.

The Committee recommended, and the House voted the censure of Representative Diggs. *Id.* at 20; 125 H6906. The Committee did not express an opinion as to whether the House has the power to expel a Member for conduct which occurred in a prior Congress.

Additional cases in which the House has imposed sanctions (all short of expulsion) on Members for offenses which occurred in earlier Congresses included the following:

Charles H. Wilson: Censure was imposed in 1980 by the 96th Congress for accepting benefits which might be construed as affecting his official duties, for accepting a gift from a person having a direct interest in legislation before the Congress and for converting campaign funds to his personal use and failing to keep his campaign funds separate from his personal funds. These acts occurred in 1971 and 1972, during the 92nd Congress. H. Rep. No. 930, 96th Cong., 2d Sess. (1980); 126 Cong. Rec. H4691-H4708, (daily ed. June 10, 1980); 28 Cong. Rec. H6127-H6129 (daily ed. July 2, 1980).

Edward R. Roybal: Reprimand was imposed in 1978 by the 95th Congress for failing to report a campaign contribution, for converting a campaign contribution to his personal use and failing to keep his campaign funds separate from his personal funds, and for giving false testimony before the Committee on Standards of Official Conduct. Some of these acts occurred in 1974, during the 93rd Congress. H. Rep. No. 1743, 95th Cong., 2d Sess. (1978); 124 Cong. Rec. 37009-37017 (1978).

John J. McFall: Reprimand was imposed in 1978 by the 95th Congress for failing to report a campaign contribution in 1974, during the 93rd Congress. H. Rep. No. 1742, 95th Cong., 2d Sess. (1978); 124 Cong. Rec. 37005-37009 (1978).

Robert L. F. Sikes: Reprimand was imposed in 1976 by the 94th Congress for failing to report ownership of certain stock from 1968 through 1973, during the 90th through the 93rd Congresses, and for purchase of certain stock in a bank, following active efforts by Sikes in his official capacity to obtain benefits from the bank, in 1973 during the 93rd Congress. H. Rep. No. 1364, 94th Cong., 2d Sess. (1978); 122 Cong. Rec. 24379 (1978)

D. LAPSE OF TIME SINCE THE CONDUCT OCCURRED

The Special Counsel recognizes that the conduct involved in the present cases occurred three years ago in two instances and ten years ago in the third case. But lapse of time in the circumstances of these cases is not a reason for ignoring evidence that violations occurred. Lapse of time, along with other circumstances of the violation, may be relevant to consideration of the sanction, but not to whether a violation occurred.

The issue of lapse of time was raised before the Committee in the Matter of Charles H. Wilson. H.R. Rep. 930, 96th Cong., 2d Sess. (1980). Mr. Wilson was disciplined in 1980, by the 96th Congress, for conduct which occurred eight and nine years earlier, in 1971 and 1972, during the 92d Congress.

Mr. Wilson moved to dismiss the Statement of Alleged Violation for lack of jurisdiction. He argued in his motion that the conduct should not be pursued by the Committee on a number of grounds, including the five year statute of limitations established by the United States Code for non-capital offenses, the doctrine of laches, and fundamental fairness. Id. at 23. Counsel for the Committee responded that neither the statute of limitations nor the principle of laches is

applicable to congressional disciplinary proceedings, that in any event the requirements of laches were not met in the case, and that the Committee had adopted a balancing test approach which took into consideration the passage of time since the misconduct in question and insured fundamental fairness. *Id.* at 42-48.

The Committee rejected Mr. Wilson's motion to dismiss. *Id.* at 121-124.

During floor debates on the censure of Mr. Wilson, the issue of the lapse of time since the misconduct was raised by several speakers. The House nevertheless adopted the resolution of censure by a voice vote. 126 Cong. Rec. H4691-H4708 (daily ed. June 10, 1980).

Lapse of time was also an issue in the disciplinary proceeding against Representative Robert L. F. Sikes during the 94th Congress, in 1976. In the Sikes case, the Committee took action for conduct that occurred between three and eight years prior to the Committee's action. H.R. Rep. No. 1364, 94th Cong., 2d Sess. (1976); 124 Cong. Rec. 24379-87 (1976).⁷

VII. RESULTS OF INVESTIGATION

This section discusses, first, origins of the page scandal. The second part of this section summarizes the overall findings of this investigation. The third section describes the three cases in which the Special Counsel has found evidence of sexual misconduct and sets out his recommendation in those cases.

Finally, the fourth part of this section reviews numerous other allegations of sexual misconduct investigated by the Special Counsel and sets out his findings and conclusions concerning them.

A. THE ORIGIN OF THE ALLEGATIONS AND THE ORIGINAL WILLIAMS AND OPP CHARGES

The Special Counsel found no support whatsoever for the sensational allegations and charges of homosexuality that launched this investigation. To the contrary, the evidence developed contradicts every one of the original highly publicized allegations made by the two former pages. Those allegations resulted either from out-and-out fabrication, overactive teenage imagination stimulated by conversations with a journalist, or teenage gossip which has in virtually every case proved to be utterly inaccurate.

The full findings and conclusions of the Special Counsel concerning (1) the origin of the allegations, (2) the falsity of the allegations made by Leroy Williams and Jeffrey Opp, and (3) the information

⁷ In the Sikes case the House did not take action with respect to certain misconduct, in part because the activity occurred 15 years before. Among the charges against Sikes which were considered in 1976 was the allegation that in 1961 he had sponsored legislation "which created an obvious and significant conflict of interest." H.R. Rep. No. 1364, 94th Cong., 2d Sess. 4. The Committee on Standards of Official Conduct expressed its concern about the conflict but recommended no action with regard to it. The Committee's Report stated:

If such activity had occurred within a relatively recent time frame and had just now become a matter of public knowledge, the recommendation of some form of punishment would be a matter of public knowledge, the recommendation of some form of punishment would be a matter for consideration by the Committee. However, the fact is we are confronted with events that occurred approximately 15 years ago and at least to some extent appear to have been known to Representative Sikes' constituency which has continually re-elected him to Congress. For these reasons the Committee declines to make a recommendation now of formal punishment. *Id.* at 4-5.

developed by the U.S. Capitol Police investigation into allegations of misconduct involving pages are set out in full in the Interim Report of the Special Counsel filed with this Committee on December 14, 1982, and attached as Appendix A to this Report.

B. OVERALL FINDINGS OF THE INVESTIGATION

The investigation conducted by the Special Counsel has extended beyond the original charges of sexual misconduct made by the two former pages which led the House to initiate the investigation. Pursuant to H. Res. 518, the Special Counsel has sought to determine whether there is any responsible evidence of improper or illegal sexual conduct by Members, officers, or employees of the House of Representatives involving congressional pages. The focus of the investigation has been on the period from July, 1981, through June, 1982. To assure completeness, however, the Special Counsel sought to contact every page employed by the House of Representatives during the past three years. The Special Counsel also investigated allegations that he has received of sexual misconduct involving pages, whatever the time frame. Thousands of hours of investigators and lawyers have been devoted to tracking down rumors and allegations of sexual misconduct involving congressional pages.

For the overwhelming majority of pages their experience in the House of Representatives ranks as one of the most important and rewarding of their lives. The Special Counsel can report to this Committee, to the House, and to the Nation that he has found no evidence whatsoever of widespread improper or illegal sexual conduct by Members, officers, or employees of the House involving congressional pages. The evidence developed in the course of this investigation has shown time and again that allegations and rumors of misconduct were the product of teenage exaggeration, gossip or even out-and-out fabrication that was often repeated mercilessly in a political capital that thrives on rumor.

Three central findings dominate the exhaustive investigation carried out by the Special Counsel.

First, the Special Counsel received no credible evidence of sexual misconduct by Members, officers or employees of the House of Representatives involving congressional pages during the 1981-82 time period involved in the original charges that prompted this investigation.

Second, as detailed in the Special Counsel's Interim Report of last December, the evidence obtained showed there was no merit whatsoever in any of the original allegations of sexual misconduct made by the two former pages, Leroy Williams and Jeffrey Opp, whose sensational charges received such publicity a year ago.

With the exception of three cases, the investigation uncovered no evidence at all to support the dozens of allegations that the Committee received concerning improper sexual conduct involving congressional pages or preferential treatment of congressional pages in exchange for sexual favors. To the contrary, in all but three cases, the evidence showed conclusively that these allegations were not true or that there was no credible basis for the allegations.

C. EVIDENCE AND RECOMMENDATIONS REGARDING THREE CASES
OF SEXUAL MISCONDUCT

1. Representative Daniel B. Crane

a. Investigation and findings

The Special Counsel first learned of the allegation that Representative Daniel Crane had a sexual relationship with a female page⁸ in the course of a deposition of another page concerning an unrelated matter.

In that deposition, this page was asked if she was aware of any Member or employee of the House who had a sexual relationship with a page. The page responded that another female page, whom she identified, told her that she had dated Representative Daniel Crane and had sexual relations with him.

Subsequent depositions of the named page, Representative Crane and Clifford Downen, Representative Crane's roommate and administrative assistant, established that the female page visited Representative Crane's apartment at his invitation on approximately three to five occasions in May and June 1980, and that Representative Crane, knowing she was a page, had sexual relations with her on each of those occasions.

During the time of their sexual relationship, the page was 17 years old; Representative Crane was 44 years old.

i. Testimony of the page.—An investigator of the Special Counsel's office interviewed the female page in question in late 1982. She had been a House page from June 1979 through June 1980.

During this first interview, the page initially denied having knowledge of any sexual relationships between pages and Members, officers, or employees of the House. The investigator then informed the page that the Committee had received sworn testimony that she had told another page that she had a sexual relationship with a Member of Congress. The page appeared shocked and was reluctant to discuss the matter further. The investigator asked if the page would discuss the matter if the investigator could name the correct congressman. The page agreed. When the investigator named Representative Daniel Crane, the page stated that she had engaged in sexual relations with him. The page stated that she had found the Congressman, as an older man, very attractive, and that perhaps she was more responsible for the sexual relationship than he was. She did not blame Representative Crane.

At her deposition, the page testified under oath that she met Representative Crane through a male page she was dating. She testified that in the winter of 1980, she made a friendly wager for a six-pack of beer with Representative Crane on the outcome of a basketball game

⁸ In each of three cases, the Special Counsel recommends that the Committee keep the names of the former pages involved confidential as long as possible. There is substantial precedent for the withholding of information on the activities and identities of minors. In both the District of Columbia and the Commonwealth of Virginia, for example, government files relating to investigations of child delinquency, abuse and neglect are kept confidential. D.C. Code Ann. § 6-2126, §§ 16-2331 to 16-2333 (1981); Va. Code Ann. §§ 63.1-248.8, 16.1-300 to 16.1-307 (1982). Proceedings in the special courts handling cases of juvenile delinquency and neglect are usually closed to the public. D.C. Code Ann. § 16-2344 (1981); Va. Code Ann. §§ 16.1-302, 16.1-303 (1982). In both the District and Virginia information concerning children up to the age of eighteen is protected unless they are charged with particularly serious crimes. D.C. Code Ann. § 16-2301(3) (1981); Va. Code Ann. § 63.1-228.2(A) (1980).

to be played by the page's hometown team. The page lost the wager. Sometime in the spring, she went to Representative Crane's office in the Cannon building, around 8 p.m., carrying a six-pack of Heineken beer to pay off the wager.

The page testified that Representative Crane asked if she wanted some beer. When she replied that she did not like beer, Representative Crane invited her out for a drink. They went to a bar in Virginia, but because the page was under the legal drinking age, she could not be served a drink. According to the page's testimony, they then decided to have a drink in Representative Crane's apartment.

Q. Can you tell us what happened after you got to the apartment?

A. Well, he drank beer, and we had a discussion.

Q. Can you tell us what that was about?

A. Just about whether we were going to finish up or he was going to take me home then.

Q. OK.

A. But I wouldn't have gone that far if I didn't already want to or have in my mind that I was going to do something like that.

Q. When you say "whether you were going to finish up," I take it whether you were going to go to bed with him, is that right?

A. Right.

Q. Did that subject come up prior to your getting to the apartment?

A. No.

Q. But you, just in your own mind, had thought about it before; is that what you mean?

A. Right.

Q. And what happened?

A. We went to bed.

Q. And I take it from what you are saying, that was entirely voluntary on your part?

A. Oh, yes.

Q. Did you—just to be clear—I don't want to get you embarrassed here. Did you have sexual relations with him that night?

A. Yes.

* * * * *

Q. Now, were there any other occasions after that when you went out with Congressman Crane?

A. Went out with? No.

Q. Were there any other occasions when you went to his apartment again?

A. Yes.

Q. Can you tell us approximately how many times you went to his apartment after that first night?

A. Three or four more times.

Q. Did you have sexual relations with him on those occasions?

A. Yes.

* * * * *

Q. And I believe you made some comment to [Special Counsel's investigator] to the effect that it was as much your fault as his; is that right?

A. Right. It was my decision just as much as it was his.

* * * * *

Generally, the page testified that she would meet Congressman Crane on the floor of the House, usually on a Thursday, and he would ask her if she wanted to get together. She would then either meet him at his office or at his parking spot, and the two of them would go to his apartment. On each of these occasions, Congressman Crane drove her back to her residence in the District of Columbia.

To verify certain details of the page's testimony, immediately after the deposition, the Special Counsel's office asked the page to identify Representative Crane's parking space, his car, and the name and location of his apartment, and to take an investigator to his apartment. The page was also asked to draw a diagram of Representative Crane's apartment. The page was given no prior warning that these requests would be made. She carried out each of these requests accurately and without hesitation.

ii. Testimony of Representative Crane.—Representative Crane voluntarily agreed to two depositions. In his second deposition, Representative Crane admitted that he had engaged in sexual relations with the female page on each of the occasions when she visited his apartment. He testified that, to his recollection, she visited his apartment "roughly . . . about three times."

iii. Statement of Representative Crane's attorney.—On June 13, 1983, the Special Counsel sent to Representative Crane's attorney a letter discussing a special procedure for Committee review of this matter. That letter is attached at Appendix E, and the relevant portion follows:

In light of the above, it is my responsibility to recommend that the Committee take action to disapprove of Representative Crane's conduct. This matter obviously involves issues of great sensitivity for everyone, and I am particularly concerned about the page involved if there are extended public proceedings. Under the existing Committee rules, Representative Crane is entitled to receive a Statement of Alleged Violations from the Committee. Following the issuance of such a Statement, the Committee would establish a timetable for motions and briefs by counsel, and for a public hearing with testimony and cross-examination of witnesses.

Procedures other than the Committee's established ones may be more appropriate to this case. Section 8 of H. Res. 518, 97th Cong., incorporated by H. Res. 12, 98th Cong., provides that "the Committee is authorized to adopt special rules of procedure as may be appropriate." If Representative Crane does not wish to contest the factual findings of the Special Counsel and waives his right to a Statement of Alleged Violations and to a public hearing, I would be prepared to recommend that the Committee adopt the following procedure:

The Committee would provide Representative Crane with his counsel the opportunity to present to the Committee, either orally or in writing, a statement or arguments concerning any legal, jurisdictional or other matters he wished to raise (including arguments in mitigation). This statement would be made before the Committee in executive session and

would be analogous to the opportunity provided in Rule 11(a)(2)(A) of the Committee's Rules to a respondent in a preliminary inquiry initiated by the Committee. The Special Counsel would then file his report and recommendations with the Committee, which will include a recommendation that his report, and the facts in this case be made public, and the Committee would then act. Under this procedure, there would be no public hearing before the Committee.

The current investigation has been conducted pursuant to House resolution. In any event, the Committee wants to assure that Representative Crane has had all rights which would have accrued to him if this investigation had been carried out as a preliminary inquiry instituted by vote of the Committee. In a preliminary inquiry, Representative Crane would have the "opportunity to present to the Committee, orally or in writing a statement respecting the allegations" in question. Therefore, Representative Crane is invited to appear before the Committee at 9 a.m. on Wednesday, June 22, 1983. If Representative Crane agrees to the procedure set out above, the June 22 meeting will afford the opportunity to present those arguments which you wish the Committee and the Special Counsel to consider. Otherwise, the June 22 meeting will serve simply as the opportunity to make a statement analogous to the one described in Rule 11(a)(2)(A).

In the alternative set out above, I have tried to propose a procedure that is fair to your client, sensitive to the interests of the pages, consistent with maintaining the integrity of the Committee on Standards of Official Conduct and the House of Representatives, and within H. Res. 518's proviso that the Committee is authorized to adopt special rules of procedures as may be appropriate in this investigation. This letter represents my own thinking on this issue and does not constitute any prediction of what action the Committee or House may choose to take.

The attorney for Representative Crane appeared before the Committee on June 22. Mr. Crane did not appear. On behalf of his client, the attorney stated that Representative Crane did not dispute the facts and waived his right to a Statement of Alleged Violation and to a public hearing. He then argued that public disclosure and sanction were not warranted when weighed against the consensual nature of the relationship, his contention that it was a private relationship not having to do with official duties of the House of Representatives, and the impact such disclosure might have on the page involved and the family of Representative Crane. On June 28, the Special Counsel requested confirmation of Representative Crane's position in writing (Appendix E).

In subsequent letters, dated July 7, 1983, and attached at Appendix F, the attorney for Representative Crane affirmed his client's agreement with the procedure proposed by the Special Counsel in his letter of June 13, 1983, and recommended that the Committee take no action on this matter, or in the alternative, seal the names of those involved. Specifically, the attorney suggested that, rather than report this mat-

ter to the House with a recommendation, the Committee could decline to take any action with respect to the individual conduct, or report the conduct to the House, and seal the names of the individuals involved. The potential harm to his client's family, as well as the life of the young woman, were cited by the attorney as reasons why the Committee should take no action on this matter. In his letter of July 7, 1983, the attorney further argued that the conduct involved was consensual, unrelated to official duties and did not violate any Federal, State or local law, and that no preferential treatment was given.

b. Recommendations with respect to findings of violations

Based on the evidence, the Special Counsel recommends that the Committee find that Representative Crane engaged in a consensual sexual relationship with a 17-year-old female page in the Spring of 1980. Under these circumstances and the standards set forth in Section VI above, the Special Counsel recommends that the Committee find that this was improper sexual conduct under H. Res. 518 of the 97th Congress and H. Res. 12 of the 98th Congress and that this conduct violated Representative Crane's official obligation as a Member of the House of Representatives and constitutes conduct that does not "reflect creditably on the House of Representatives" in violation of clause 1 of the Code of Official Conduct of the House.

That the conduct of Representative Crane in having sexual relations with a teenage page constitutes improper sexual conduct and does not reflect creditably on the House of Representatives seems clear. More difficult is a determination of the appropriate sanction to be recommended to the Committee.

c. Possible sanctions

Section 3 of H. Res. 518 provides that the "committee . . . shall report to the House of Representatives its recommendations as to such disciplinary action, if any, that the committee deems appropriate by the House of Representatives. . . ." Rule 17(b) (1) of the Rules of Procedure provides that the Committee may include in its recommendation to the House one or more of the following sanctions: expulsion, censure, reprimand, fine, denial or limitation of any right, power, privilege or immunity of a Member, or "any other sanction determined by the Committee to be appropriate."

The Committee rules set forth "general guidelines the Committee considers appropriate for determining which, if any, sanctions to recommend to the House. . . ." Rule 17(c) (1). Those guidelines are:

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

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

Member is appropriate when the violation bears upon the exercise or holding of such right, power, privilege or immunity."

It is necessary to measure the circumstances of this case against the rules set forth above and the precedents of the House of Representatives.

i. Reprimand.—The four recent cases of reprimand, as discussed in Section VI, involved (1) failure to report ownership of stock as required by the House and conflict of interest; (2) misrepresentation in an unsworn answer to a Committee questionnaire relating to the Korean influence investigation; (3) failure to report a political contribution and (4) perjury before a congressional committee, failure to report a campaign contribution and conversion of the contribution to personal use.

ii. Censure.—One of the two recent cases of censure involved a Member, Charles H. Wilson, who received \$10,500 "under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties . . . from a person . . . having a direct interest in legislation before the Congress," and who converted campaign funds to personal use. These events occurred eight and nine years before censure was voted. 126 Cong. Rec. H4691–H4708 (daily ed. June 10, 1980).

The other recent case of censure involved a Member, Charles C. Diggs, who abused his staff and his clerk hire funds—giving them pay raises and requiring them to pay certain of his personal expenses out of those raises. An effort to increase the sanction from censure to expulsion failed on the House floor by a vote of 205 to 194. 125 Cong. Rec. H6847–H6848 (daily ed. July 30, 1979). The House also required the Member to repay the House \$40,031.66, for the personal benefit he received from his misconduct. 125 Cong. Rec. H6900–H6906 (daily ed. July 31, 1979).

iii. Expulsion.—The most recent case of expulsion involved a Member, Michael J. Myers, who had been convicted of conspiracy and bribery arising out of the Abscam investigation. H. Rep. No. 1387, 96th Cong., 2d Sess. (1980); 126 Cong. Rec. H10309 (daily ed. October 2, 1980).

iv. Application of sanctions.—The circumstances of the Crane case do not involve financial wrongdoing or commission of a crime. They involve sexual relations on three to five occasions during the summer of 1980 between a Member and a teenage page. There is no evidence of coercion, or the use of drugs or excessive alcohol. There is no evidence of any preferential treatment or favors bestowed on the page by the Member.

The Crane case is clearly distinguishable from the Diggs case in which censure was voted. In the Diggs case, there was an element of coercion in the sense that the employees had to turn over their raises to Diggs as part of the terms of their employment. Nor does the Crane case involve the commission of a felony, which was the basis for expulsion in the case of Representative Myers.

Thus, measured against the precedents, neither expulsion nor censure is warranted in this case. And by the terms and apparent intent of the rules, neither a fine nor a limitation on some privilege seems appropriate.

That leaves two choices: a Committee recommendation for a reprimand by the House of Representatives or a Committee report of the violation to the House without a recommendation for a sanction. From the vantage point of Representative Crane, the publication of the violation of the Standards of Conduct itself may be a more severe punishment than any action the House might take. Making his conduct public leaves it to his constituents to weigh in any future bid for reelection. But the institutional integrity of the House of Representatives requires that the House itself act.

For the Committee to determine that the Member's actions constitute merely a "technical violation" that warrants no action by the House seems inadequate. The sexual relationship may have been consensual, but there is a difference between a 17-year-old page away from home and a 44-year-old Member of the House of Representatives in terms of responsibility, maturity, judgment and fiduciary obligation. The House has always regarded pages as its wards and has always accepted a special responsibility to them.

It is true that the sexual mores of the United States have changed dramatically over the past two decades. Laws prohibiting adultery, fornication and homosexual relationships are either being repealed or ignored. There is increasing recognition of the frailty of human nature. The age of consent for sexual acts is being lowered to 16 in most jurisdictions. But, as the Virginia and District of Columbia statutes indicate, in situations where adults have special relationships to young teenagers and where child abuse, seduction or sexual relations are involved, the protected age is raised by law to 18 or, in the District of Columbia, to 21. In Illinois, sexual intercourse with a female under 16 is a felony; sexual intercourse with a 16 or 17-year-old is a misdemeanor. These laws do not render Representative Crane's actions a crime. They do provide a sense of community standards relevant to the appropriate sanction in this case.

For the House, the issue is not whether a Member of Congress is free, in the privacy of his personal life, to have sexual relations with a 16 or 17 year old who has reached the age of consent and who is not a House page. For the House, the issue is whether the House of Representatives has a duty to take some official action to express its disapproval of the conduct of a Member who has sexual relations with a teenage page, away from home, dependent on the House for secondary schooling and financial support, to whom the House and its Members have repeatedly recognized a special responsibility. The Special Counsel believes that the House does have such a duty to the American people who have a right to expect the highest standards from the House as an institution and from its individual Members.

d. Recommendation of sanction

As Special Counsel, it is therefore my responsibility to recommend that the Committee recommend to the House a reprimand of Representative Crane for conduct—namely having sexual relations with a teenage page, whom he knew to be a page, during the summer of 1980—that does not "reflect creditably on the House of Representatives" in violation of Clause 1 of the Code of Official Conduct of the House. Following past precedents, the reprimand would take the form of a House Resolution adopting a Committee Report.

2. Congressman Gerry E. Studds

a. Investigation and findings

The Special Counsel received several allegations of improper sexual conduct under House Resolution 518, 97th Cong., 2d Session, concerning Representative Studds. These allegations as to events which occurred prior to the 1981-82 time period, which was the primary focus of the Special Counsel's inquiry, began to be received by the Special Counsel soon after the investigation started in July, 1982. Two of these allegations had appeared in a book, with the Congressman's identity concealed. The book itself was the subject of newspaper and television news reports in the summer of 1982. Other allegations were made directly to a member of the Committee and the Special Counsel's staff.

The Special Counsel's staff interviewed and deposed many individual's including former pages, in the investigation of these allegations.

One former page testified under oath that he had heard a rumor that Representative Studds had travelled overseas with a congressional page. He could not recall the name of the page who allegedly made the trip. In another deposition, another former page provided the name of the page rumored to have travelled overseas with Representative Studds.

In his deposition, the male page who had allegedly travelled to Europe with Representative Studds, testified that he had visited Representative Studds' apartment at the Congressman's invitation on at least three or four occasions in 1973 and that Representative Studds and the page had engaged in sexual activity on each of those occasions. The page testified that in late July, 1973, Representative Studds invited him to travel abroad during the August recess. The page agreed, and the two took a two and a half week trip together abroad. According to the page's testimony, they engaged in sexual activity every two or three days during this trip.

The page was 17 years old during the time he testified that he had a sexual relationship with Representative Studds; the relationship may have begun when the page was 16, since the page was born in the spring of 1956. At that time, Representative Studds was 36 years old.

Two other former pages, both male, have stated under oath that Representative Studds made sexual advances to them in 1973 while they were serving as House pages. One was 16 or 17 years old at the time of the alleged incident; the other was 17.

The Special Counsel and the Committee offered Representative Studds an opportunity to be deposed in connection with this investigation. The Special Counsel's letter is attached as Appendix G. For the reasons stated in the letter of his attorney, also attached at Appendix G, he declined. Representative Studds did cooperate with the Special Counsel, making his staff available for interviews and depositions, and his records available for review. At the Committee's invitation, Representative Studds and his attorneys appeared and made statements before the Committee.

i. *Evidence concerning Representative Studds' 1973 sexual relationship with a page.*—The Special Counsel's staff interviewed the former page who had travelled with Representative Studds twice before his deposition. At each interview the page admitted travelling

to Europe with Representative Studds, but he denied that he had been sexually propositioned by the Member, and he denied that there had been a sexual relationship between them. Then, just prior to his deposition, the page took aside a member of the Special Counsel's staff and told him that he had not been telling the truth. He stated then, and testified under oath in his deposition, that he had a sexual relationship with Representative Studds while serving as a House page during the spring and summer of 1973.

This individual had been a congressional page in the House during the Spring and Summer of 1973.⁹ He was sixteen when he was appointed as a page.

The page testified that another page introduced him to Representative Studds and a group of other congressmen at a restaurant in May or June, 1973. According to the page's testimony under oath, sometime after this introduction, Representative Studds invited the page to the Representative's house in Georgetown for dinner:

Q. After you met Congressman Studds, did you and he get together again shortly after that?

A. Yes. Shortly thereafter—I am not sure how long, how long it was—but I was invited to go out to dinner with him and I did. The dinner took place at his apartment in Georgetown. Would you wish a follow-up question?

Q. The follow-up question would be what happened at that dinner?

A. Well, we sat around and talked about abstract and general questions, all types and descriptions, until four in the morning, drinking vodka and cranberry juice, at which time I was told by the Congressman that he was too drunk to give me a ride home and so he said, "Why don't you sleep here?" and I did.

At that point, according to the page's testimony, the Congressman engaged the page in sexual activity.

The page testified that the sexual relationship continued after that first night:

Q. Did you and the Congressman get together subsequent to this?

A. Yes. I would imagine we had dinner three or four additional times. Specifically I do not recall. But that is in the ballpark.

Q. And did you engage in sexual activity each time?

A. Yes.

Q. When the Congressman first invited you to have dinner and as you got to know the Congressman, how did you feel in that environment, that a Congressman was talking with you?

A. I was flattered and excited.

Q. Did you feel intimidated?

A. No, I did not. I would like to state at this time—it would probably have been better if I had stated this in my opening statement—but the Congressman or the Honorable Gerry Studds was an intelligent, witty, gentle man with I think a high level of insecurity. He did nothing to me which I would consider destructive or painful. In another time, in another society, the action would be acceptable, perhaps even laudable. Unfortunately this is not the case. I have no axe to grind with him. I have nothing negative to say about the man. In fact, I thought that he provided me with one of the more wonderful experiences of my life, if

⁹ According to the House records he began work as a page in mid-May. He remained on the House payroll until early August.

we exclude the instances of sexual experience which I was somewhat uncomfortable with. But I did not think it was that big a deal.

* * * * *

Q. You said you felt uncomfortable with it, did you continue with him because he was a Congressman, because he was someone you were impressed with?

A. No. Well, I kept company with him because he was an intelligent man, a fun person to be with. If I could have had my druthers, I would have had the friendship that I had with the man without the sex. And I mentioned that to him.

According to the page's testimony, his sexual relationship with Representative Studds continued during their trip together in August, 1973. The evidence does not indicate that any official funds were used for the trip. The page testified that he paid his own airfare to Europe, and a portion of the cost of meals and lodging with Representative Studds. The page testified that his relationship with Mr. Studds ended when they returned to the United States. The page also testified as follows:

Q. Did Mr. Studds ever offer any preferential treatment or offer you any inducement to have a relationship with him?

A. No, he did not.

Q. Did he ever threaten you or coerce you if you did not have a relationship with him?

A. He did not. Essentially all I needed to do to stop the relationship was walk out the door, or not go in the door, as the case may be.

The page testified that he is not homosexual and he had not had a homosexual relationship prior to his relationship with Representative Studds.

ii. Sexual advances to two other pages.—The Special Counsel received testimony under oath from two other former pages that Representative Studds made sexual advances to them in 1973. Each testified that he rejected the advance.

First page: This individual was a page in the House from mid-1972 through mid-1974. He became seventeen years old in the spring of 1973. He testified under oath at his deposition that he met Representative Studds one evening in 1973 at a restaurant or bar on Capitol Hill, while with a group of other pages. According to the page's sworn testimony, as the group of pages broke up later in the evening, Representative Studds offered to drive him home. The page accepted the offer. But instead of driving to the page's home, Representative Studds drove to his own home where he and the page continued to drink and talk for from one-and-a-half to three hours. According to the page's sworn testimony, Representative Studds then made a remark which the page interpreted as a sexual proposition. At the time the incident occurred, the page told at least two other individuals about it, one of whom was a staff member in the Doorkeeper's office.

Second page: This page was also a congressional page in the House from mid-1971 through mid-1973. He was seventeen years old in the Spring of 1973. In a sworn statement, this individual stated that, one evening after a late House session in the Spring of 1973, he went to a bar on Capitol Hill. He joined a group of individuals that included Representative Studds and a number of pages, House staffers and

Members of Congress. According to the page's sworn statement, he and Representative Studds, along with the others present, consumed a large quantity of alcohol in the course of the evening. The page stated under oath that at the end of the evening, Representative Studds offered to drive him and another page to their homes. Both pages accepted the offer. After dropping the other page off, Representative Studds invited this page to Representative Studds' house for another drink. At the house, the page stated that Representative Studds poured alcoholic drinks for himself and the page, and made a sexual proposition to the page, which the page declined. The page said that he told at least one other page about the experience. The page whom he told about the experience testified that he informed a staff member in the Doorkeeper's Office about the incident.

Knowledge in Doorkeeper's Office of sexual advances: Jack Russ, who was Majority Chief Page of the House in 1973, testified under oath that the first male page told him in 1973 that Representative Studds had made a sexual advance to him in the Representative's home. Mr. Russ said he did not pursue this matter because the first page "wasn't willing to pursue it" and because Russ "wasn't sure at that time whether or not he had mistaken a friendly gesture for an advance or not."

Mr. Russ was not the only official in the Doorkeeper's Office who was told of this incident. Another page testified under oath that in 1973 he told the Republican Cloakroom Page Supervisor, Ron Lasch, about Representative Studds' approach to the first and second pages.

In his deposition, Mr. Lasch recalled that this page told him about an incident in which Representative Studds made a sexual advance to one or two pages; he could only recall the name of one, the first page discussed above. Mr. Lasch testified that with regard to the incident, he did "Nothing, other than to suggest [to the page who told him of the incident] that [he] and the other kids should keep their distance." He stated that he did not do more regarding the incident "Because I didn't feel I had any means of doing anything more, either through the chain of command that I worked for or through any other set of circumstances, and that the best thing was that everyone be warned of it and stay clear of it."

b. Statement of Representative Studds and his attorneys

On June 13, 1983, the Special Counsel met with the attorneys for Representative Studds and proposed to them the same procedure he had proposed to Representative Crane. At that time, the Special Counsel informed Representative Studds' attorney of the names of the page who alleged he had engaged in sexual activities with Mr. Studds, and the first page who alleged that Representative Studds had made sexual advances. Subsequently, on June 21, 1983, the day prior to Representative Studds' appearance before the Committee, the Special Counsel obtained a statement from another male page that Mr. Studds had made a sexual advance to him. The Special Counsel informed the attorney for Representative Studds of this, but did not provide the name because the second page had not yet given testimony or a statement under oath. Accordingly, in their appearance before the Committee on June 22, Representative Studds and his attorneys were not in a position to address the allegation of the second page.

Representative Studds and his attorneys accepted the invitation of the Special Counsel and the Committee to appear before the Committee on June 22. In the appearance before the Committee, Representative Studds, through his attorneys, informed the Committee that he "does not seek a contest of the essential facts" of a sexual relationship between the Congressman and the page in 1973. The attorneys for Representative Studds also stated to the Committee that, "The facts will also require a finding that the relationship involved no coercion, harassment, preferential treatment or use of illegal drugs."

In their appearance before the Committee, Representative Studds and his attorneys argued that the sexual relationship of Representative Studds with a teenage page in 1973 (presumably, their argument would also apply to the sexual advances to the other pages in 1973) failed to meet the definition of improper sexual conduct adopted by the Special Counsel and published by the Committee in the December 14, 1982, Interim Report because of "the absence of actual preferential treatment and coercion and because of staleness." In the alternative, Mr. Studds and his attorneys argued that, if the Committee concluded that the conduct of Mr. Studds violated clause 1 of the Code of Official Conduct and did not "reflect creditably on the House", the Committee should report the facts "without reference to the names of the Congressman or other persons involved. . . ."

At the hearing on June 22, and subsequently in response to a formal request of the Special Counsel, Representative Studds and his attorneys stated that they did not wish to waive Representative Studds' right to a Statement of Alleged Violation and a public hearing. (Special Counsel's letter of June 27, 1983 and the response of Representative Studds' attorneys is at Appendix H.)

For the reasons set forth in Section VI of this report, the Special Counsel believes that any sexual relationship between a page and a Member of the House is a violation of the Standards of Conduct for House Members. In this case, however, the Special Counsel notes that, according to the sworn testimony of the page, the relationship did begin in a context of heavy drinking of alcohol.

The sexual relationship did occur ten years ago. But in disciplining its Members, the House is not bound by any statute of limitations. The precedents of the House and the Committee in this area seem clear. In 1978, for example, during a Committee investigation of Representative Charles H. Wilson of California in connection with the Korean influence investigation, the Committee received evidence of other questionable conduct, unrelated to its Korea investigation, that occurred in 1971 and 1972. The Committee investigated that conduct and in 1980 recommended that the House censure Mr. Wilson for conduct which occurred 9 years earlier. H. Rep. No. 930, 96th Cong., 2d Sess. II (1980). The House voted censure on June 10, 1980. 26 Cong. Rec. H4708 (daily ed. June 10, 1980). The conduct for which Mr. Wilson was censured involved his use of campaign funds for personal purposes, and conflict of interest. As the discussion in Section VI.d. demonstrates, statutes of limitations and the doctrine of laches do not apply to House disciplinary actions.

Representative Studds' attorneys alternatively argue that the conduct be reported and condemned without naming Representative Studds. They have cited as precedent for this practice the fact that the

Special Counsel did not name the Members of Congress referred to in his Interim Report. But in that report, and later in this one, the names of Members or House employees are not used where the allegations about them had no basis in fact.

Representative Studds' attorneys requested that a notice of preliminary inquiry be issued prior to issuing a Statement of Alleged Violations. Such a notice is not required. The Committee is proceeding under H. Res. 518, not under Rule 13 of the Committee Rules. Moreover, Representative Studds has already been provided at least as much information as he would be entitled to in a Notice of Preliminary Inquiry. He has also been given the opportunity, which he has taken advantage of, to respond to the allegations both in writing and in a personal appearance, accompanied by his attorneys, before the Committee. In any event, the Committee in the past has issued Statements of Alleged Violation without issuing any Notice of Preliminary Inquiry, for example, in the case of four Members involved in the Korean influence investigation. H. Rep. Nos. 1740, 1741, 1742, 1743, 95th Cong., 2d Sess. (1978).

c. Recommendation

Based on the evidence obtained in the course of this investigation, the Special Counsel recommends that the Committee vote to have a Statement of Alleged Violation transmitted to Representative Studds. The Special Counsel recommends that the statement include these counts:

(1) That during the period May to August, 1973 Representative Studds engaged in a sexual relationship with a 17-year-old male page, whom he knew was a page (which may have begun when the page was 16 years old), and which ended in August, 1973;

(2) That in 1973 Representative Studds made sexual advances to a second male page, who he knew was a page, who was 16 or 17 years old at the time;

(3) That Representative Studds made sexual advances to a third male page in 1973, whom he knew was a page, who was 17 years old at the time.

The Special Counsel recommends that this Statement of Alleged Violation state that such conduct constitutes improper sexual conduct under H. Res. 518 and is a violation of clause 1 of the Code of Official Conduct of the House of Representatives.

The Special Counsel recommends that the Statement of Alleged Violation not include the names of the pages involved to protect the identity of the former pages from being disclosed publicly at this time. The names of two of these pages have already been provided to Representative Studds, and the Special Counsel recommends that the name of the third former page be provided to him when he is served with the Statement of Alleged Violation. This procedure will assure that Representative Studds has a fair opportunity to prepare his case, while for the present, at least, keeping the identity of the pages confidential.

3. James C Howarth

a. Investigation and findings

On December 14, 1982, the Committee adopted a resolution commencing a preliminary inquiry into certain allegations involving the Majority Chief Page, James C. Howarth, an employee of the Doorkeeper's Office of the House of Representatives. On January 27, 1983, the Com-

mittee adopted a nearly identical resolution re-authorizing that inquiry for the 98th Congress.

The evidence obtained in the course of the Preliminary Inquiry indicates that there is reason to believe that the following violations occurred:

Howarth abused his position as Majority Chief Page and engaged in sexual misconduct, in that during the spring of 1980 he had sexual relations on a regular basis with a female page directly under his supervision. At the time of this sexual relationship, the page was 17 years old. Howarth was 28 years old.

Howarth failed to execute faithfully his duties as Majority Chief Page and abused the authority of that position, in that he dispensed special favors and preferential treatment, by allowing the page with whom he was having sexual relations to take time off from her page duties.

Howarth engaged in illegal narcotics activity, in that he purchased and possessed cocaine in the Democratic Cloakroom of the House of Representatives on two separate occasions.

i. Sexual misconduct.—The female page in question served as a page in the U.S. House of Representatives from July, 1979, until June, 1980. During that period, Howarth was an employee of the Doorkeeper's Office with the title of Majority Chief Page. In that capacity, he supervised pages and had direct supervisory responsibility over this page.

This page testified under oath that during approximately the last two and one-half months of her page tenure she engaged in sexual relations with Howarth on a regular basis. She said that the relationship was consensual.

The page testified that throughout the last several months of her page tenure she spent nearly every night with Howarth at his apartment.

The page testified that during this period she virtually stopped attending class at the Page School. She said that she would "stay up all night" as a result of her relationship with Howarth, and that it was, therefore, difficult to get up in time for the Page School's early classes.

The page's account of her relationship with Howarth is corroborated to a significant extent by sworn testimony of the page's sister and mother, and by other pages.

The page also provided descriptions, which have been confirmed by the Special Counsel's office, of Howarth's apartment and habits, including his address in 1980, a detailed description of the layout and furnishings of the apartment, and his shopping and living routines.

ii. Granting of preferential treatment.—In addition to her allegations of sexual misconduct, the page has also testified that Howarth granted her preferential treatment while she was employed as a page in the House. The page testified that Howarth allowed her to take time off from her page duties whenever she pleased. She testified that, on at least one occasion, she feigned illness as an excuse.

iii. Illegal narcotics activity.—Robert Yesh, a former employee of the House, stated under oath that Howarth purchased cocaine from him on at least three occasions during the period January, 1979, through December, 1980. On at least two of those occasions, according to Yesh's sworn statement, Howarth purchased cocaine from him in the Democratic Cloakroom of the House of Representatives. Yesh has

stated under oath that Howarth purchased one gram of cocaine from him for \$100 in the Cloakroom on one occasion, and one-eighth ounce of cocaine from him for \$500 in the Cloakroom on another occasion.

Howarth's use of cocaine is corroborated by testimony from the page with whom Howarth was sexually involved.

b. Statement of Mr. Howarth's attorney

Mr. Howarth's attorney responded to the first Notice of Preliminary Inquiry on January 5, 1983. In the response, his attorney stated that Mr. Howarth was unable to respond to the charge of sexual misconduct because he was not given "the name of the female page with whom [he] allegedly conducted a relationship" and because of the need for more specific times with respect to the other items in the Notice. Mr. Howarth's response to the second Notice of Preliminary Inquiry was virtually identical. Mr. Howarth's attorney was informed that, under Committee rules, such a request for particulars was appropriately made in response to a statement of alleged violation, not in the preliminary inquiry stage of proceedings. The attorney submitted no further information and Mr. Howarth submitted no further statement, orally or in writing, to the Committee.

c. Recommendations

Based on the evidence obtained, the Special Counsel recommends that the Committee issue a Statement of Alleged Violation against Howarth. The Special Counsel recommends that the Statement contain four counts:

(1) That during the period from approximately April, 1980, through mid-June, 1980, Howarth violated clause 1 of the Code of Official Conduct of the House of Representatives by engaging in a sexual relationship on a regular basis with a 17-year-old female page who was at the time employed as a congressional page by the House of Representatives and was under his direct supervision.

By engaging in a sexual relationship with a female page under his supervision, Howarth breached his fiduciary duties to pages, abused the trust given him as an employee of the House of Representatives, and conducted himself in a manner which does not reflect creditably on the House of Representatives.

(2) That during the same period of time, Howarth failed to execute his duties as Majority Chief Page and dispensed special favors and privileges in violation of clause 3 and clause 5 of the Code of Ethics for Government Service and clause 1 of the Code of Official Conduct of the House of Representatives by allowing the female page referred to above to absent herself from her page duties whenever she chose. These special favors and privileges constituted preferential treatment of a page as a consequence of a sexual relationship.

By granting these favors and privileges, Howarth breached his fiduciary duties to pages, breached his obligations as an employee of the House of Representatives, and conducted himself in a manner which does not reflect creditably on the House of Representatives.

(3) and (4) That during the period January, 1979, through December, 1980, Howarth engaged in illegal narcotics activity by purchasing and possessing cocaine in the Democratic Cloakroom of the House of Representatives on two separate occasions. Specifically, on one occasion Howarth purchased in the House Democratic Cloakroom one gram of cocaine from a then employee of the House of Representatives. On an-

other occasion, Howarth purchased one-eighth of an ounce of cocaine in the House Democratic Cloakroom from the same employee.

By violating a criminal statute, the Code of Official Conduct, and the Code of Ethics for Government Service, Howarth abused the trust given to him as an employee of the House of Representatives, breached his obligations as an employee of the House of Representatives, and conducted himself in a manner which does not reflect creditably on the House of Representatives.

The Special Counsel recommends that the Statement of Alleged Violation not include the name of the page involved to protect the identity of the former page from being disclosed publicly at this time. The Special Counsel recommends that the name of this individual be provided to Mr. Howarth when he is served with the Statement of Alleged Violation.

D. OTHER ALLEGATIONS

During the course of the investigation pursuant to H. Res. 518 and H. Res. 12, the Special Counsel received other allegations of improper or illegal sexual conduct by Members, officers, or employees of the House of Representatives. The Special Counsel has investigated these allegations thoroughly and has found no evidence to support them. The allegations and the results of the Special Counsel's investigation are summarized below. Since these allegations are without substantiating evidence, the Special Counsel has not included the names of the individuals involved in the allegations.¹⁰

Allegation

On July 8, 1982, the New York Daily News published an article headlined, "Say Dem & Page Went on Gay Tour." The article states:

"A Democratic Congressman took a teenage male Capitol Hill page on a tour of gay bars in Key West, Florida, during a Christmas vacation. . . . A Washington resident said he spotted the teenager in a Key West bar in December, 1979 and the youngster admitted that 'an older man' had taken him to the Florida resort for the Christmas vacation. He pointed out a man sitting at the bar as his companion, and the Washington resident identified him as a member of the House of Representatives."

This article was itself the subject of an article in the Fort Worth Star Telegram on July 8, 1982, entitled, "Tour of Gay Bars Alleged."

Investigation.

The Special Counsel attempted to determine which Congressman was referred to in the article, and requested the Daily News to provide that information so that the story could be investigated. A reporter for the News mentioned the name of the Congressman to at least one former page whom he interviewed for the story. The Daily News reporter confirmed to the Special Counsel's office that he had contacted this page regarding this allegation. Beyond this, the Daily News reporter who wrote the story and the Daily News reporter who called the page about the article in July, 1982, refused to be inter-

¹⁰ The Special Counsel also received a number of allegations about individuals no longer associated with the House of Representatives. These allegations have not been pursued.

viewed by the Special Counsel's staff. The Daily News has refused to tell the Special Counsel whom the story was about. This conduct is in sharp contrast to the cooperation of the Daily News and one of its reporters with the Senate Foreign Relations Committee, when it provided reportorial notes in connection with the nomination hearings of Kenneth Adelman. The exchange of correspondence between the Special Counsel and the Daily News is reproduced as Appendix I to this Report.

One former page whose deposition was taken in the course of this investigation testified under oath that a reporter from the Daily News had asked him if a specific, named Congressman (Congressman 1) had taken a page to Key West, Florida. In addition, the press secretary for Congressman 1 testified under oath that he was contacted in the summer of 1982 by a reporter who asked about a trip by Congressman 1 to Florida with a page. The press secretary said that the reporter could have been from the Daily News, but he wasn't certain.

The Special Counsel therefore investigated the possibility that Congressman 1 was the Congressman referred to in the article. It has been established that Congressman 1 did take a trip to Key West, Florida in December, 1979, but the Special Counsel has not found any evidence that he was accompanied by a congressional page on this trip.

Investigators from the Special Counsel's staff reviewed the Congressman's official travel records for 1979 and 1980. These records did not indicate any official trip by him to Key West, Florida. The Special Counsel's staff then sought to determine if he had made a personal trip to Florida. Interviews with the Congressman's staff indicated that he had travelled to Key West around Christmastime, 1979.

The Special Counsel requested and reviewed the Congressman's personal credit card receipts, telephone bills and travel records. The Special Counsel obtained the hotel registration records from a Key West hotel, which indicated that the Congressman was in Key West, Florida for a week at the end of December, 1979 through the beginning of January, 1980.

Having determined that Congressman 1 was in Key West, Florida at the time described in the newspaper article, the Special Counsel next sought to determine if he had been there with a congressional page. Investigators obtained from the Clerk of the House a list of all persons who had been pages in December, 1979. The Special Counsel also obtained a computer printout listing all persons who had been pages in December, 1979 and January, 1980. Other records in the Special Counsel's Office were checked for additional names.

From these sources investigators obtained the names of seventy-three persons who had been pages at that time. Attempts were made to interview all of these pages by telephone regarding any information they had about a page taking a trip to Key West with a Congressman. Letters were sent to twenty-five former pages who could not be reached by telephone. The Special Counsel has received responses to eleven letters. Fifty-nine of these former pages have been interviewed regarding this matter; one has been deposed under oath. None of the fifty-nine pages had any information linking Congressman 1 with any page in a trip to Key West in 1979-80.

The Special Counsel obtained copies of tickets of all passengers on the Eastern Airlines flights taken by the Congressman on his way to Key West from Washington, D.C., and on his return. A review of these tickets confirmed that Congressman 1 was ticketed on each of these flights. The names of all other ticketed passengers were reviewed to determine if any congressional pages were aboard these flights. The Special Counsel compared the names with the listings of pages for that period and it was determined that none of the pages were listed as passengers. The registration records of the hotel where Congressman 1 stayed in Key West, Florida were also obtained. No name of a congressional page listed in the records provided by the House appeared on the hotel's books.

The former page who was deposed in this matter stated that in January, 1980, another page told him he had gone to Key West in December, 1979, with a Member of Congress who was a friend of his father. This Congressman was not Congressman 1. That former page who was identified by the witness was interviewed regarding this allegation. He stated that his father was a friend of this other Congressman. He said he had not been in Key West with either his father or this Congressman in December, 1979, nor had he told anyone that he had been.

Conclusion

In spite of being able to confirm that Congressman 1 was in Key West, Florida, around Christmas of 1979, the Special Counsel has not uncovered any evidence that he was accompanied by a congressional page on this trip.

The Special Counsel also investigated three other allegations involving sexual misconduct by this Congressman which were not substantiated. Since one of these allegations concerned Congressman 1 and congressional pages and another concerned possible sexual harassment of a House employee, the Special Counsel investigated these allegations to determine if any activity within the scope of H. Res. 518 and H. Res. 12 had taken place.

Allegation

A District of Columbia Metropolitan Police Department detective, who had investigated allegations of illegal activity by Members, officers or employees of the Congress, testified under oath as follows:

... I received a phone call from a gentleman that told me in relation to the arrest of a Mr. Hinson, Congressman Hinson, for homosexual acts, that the Capitol Police, in setting up that electronic stakeout using video equipment, had in fact run across an earlier member who had engaged in a homosexual act in the same men's room, but were obligated to make a phone call to the Speaker's Office to verify the enforcement activity that would ensure and that gentleman—as I received it, and again I can't qualify [sic]—was [Congressman 1]. They were informed that he was to be run out of the men's room subsequent to his committing purportedly a homosexual act which the Capitol Hill Police observed and was dismissed.

The Special Counsel's office received a similar allegation from a newspaper reporter who had been told that Congressman 1 had been

caught in a situation similar to that involving former Congressman John Hinson, and that the Speaker had covered up for Congressman 1.

Investigation

Because of the seriousness of this charge, the Special Counsel conducted a detailed investigation of this allegation. The police captain—a Metropolitan Police Department officer who was on detail to the United States Capitol Police Department—who supervised the surveillance operation which resulted in the arrest of Congressman Hinson, was interviewed and deposed. He testified that Congressman 1 was never observed in the Longworth House Office Building men's room that was under surveillance during this investigation. He stated that another congressman, not Congressman 1, was observed in the men's room, but this other congressman did not do anything to warrant arrest.

Two United States Capitol Police officers who participated in the surveillance were interviewed separately and gave sworn statements regarding this allegation. Each officer stated under oath that he did not see any congressman other than Hinson in the men's room during the time they conducted surveillance of the room.

Sworn statements were also obtained from two police sergeants who had also participated in the investigation. One stated under oath that he did observe a congressman other than Mr. Hinson in the men's room, but it was not Congressman 1. He said he did not observe this congressman involved in any homosexual acts. He said he also observed a Capitol tour guide, a Senate employee, and various other individuals who were not employed by the Congress. He stated under oath that he did not recall receiving any instructions, prior to or during his surveillance, to report to any higher authority the name of any congressman seen before making an arrest. He also stated under oath that the police were not focusing on any one individual, nor were they going to give any individual a break.

The other sergeant stated under oath that Mr. Hinson was the only person he saw during the surveillance whom he recognized as being a congressman. He also stated that he received no instructions from USCP officials or others relating to not making an arrest of a congressman.

The Chief of the United States Capitol Police was also deposed about this matter. He stated under oath that, in advance of the Hinson arrest, he had told the Sergeant-at-Arms of the House that the complaint about the men's room might involve Members of Congress. He said the Sergeant-at-Arms told him that there was no alternative except to enforce the law. The Capitol Police Chief said that it was reported to him that another congressman was observed in the men's room, but that he told the captain in charge of the surveillance, "... whatever violation occurred, just arrest the perpetrators. ..." He further stated under oath that the only directive he received was "... to enforce the law and to make arrests, whoever they might be."

Finally, the individual who was the Sergeant-at-Arms at the time of the investigation was deposed regarding this allegation. He testified under oath that he told the Chief of the Capitol Police to "arrest anyone . . . engaging in any activity" warranting arrest. He stated that he did not issue or receive any instructions regarding any Member

of Congress, that no names of particular Members were mentioned to him regarding the investigation, and that, in fact, Representative Hinson's name was reported to him only after Representative Hinson was arrested. The former Sergeant-at-Arms stated that he told the Speaker that the investigation was under way, but that the Speaker gave him no instructions other than to proceed with the investigation.

In addition, employees of the Speaker's Office were interviewed and stated that they were unaware of any directions or actions taken to "protect" any Congressman.

The reporter who made the similar allegation was contacted four times by the Special Counsel's staff and asked to name the source of his allegation or have the source contact the Special Counsel's staff. The reporter would not reveal the name of his source, but he did agree to ask the source to contact us. This source has not contacted the Special Counsel's staff.

The reporter admitted that he was passing on information he had heard. He has not published this allegation, and the Special Counsel has not been able to substantiate it independently.

Conclusion

The Special Counsel was unable to ascertain the source of this rumor. Based on the available evidence, it appears that in fact Congressman 1 was never observed in the Longworth House Office Building men's room which was under surveillance when Mr. Hinson was arrested, and that no attempt to coverup took place.

Allegation

A House employee testified under oath that soon after he went to work for Congressman 1 in 1979:

A friend of mine who works in another congressional staff mentioned that she had heard [that Congressman 1] had had problems with pages, sexual problems with pages, in the past, and the Speaker had bailed him out on one past occasion.

This employee did not himself appear convinced that the story was accurate. He testified further about his conversation:

Once again, though, I have to warn you, that this is rumor that was passed on to me, and I think it was rumor that she heard, and I just don't want to pass it on or leave you with the impression that it was anything but rumor.

Investigation

The Special Counsel deposed the person whom this employee said told him this story. She denied having any knowledge from any source that Congressman 1 was sexually involved with pages or that Congressman 1 had been "bailed-out" by the Speaker for any problem involving sexual activity. She denied ever saying this to the employee who made the allegation. She said she thought that Congressman 1's name might have been mentioned in connection with pages when the "page scandal" broke in the summer of 1982, but she did not recall ever discussing this with the other employee.

She did not recall a conversation with this employee about Congressman 1's homosexuality after he went to work for the Congressman. She did recall a later conversation with him when Congressman

1's homosexuality might have been discussed. As to a bail-out of Congressman 1 by the Speaker, she did not recall ever hearing such a rumor, or mentioning it to the other employee.

Both of these employees were credible witnesses. The alleged source of the allegation was represented by counsel at her deposition. It is possible that she may have mentioned something to the other employee which she does not now recall, or that he read a meaning into something she said which she did not intend. The Special Counsel concludes that she did not lie under oath, and was telling the truth when she said she does not have any knowledge about a bail-out of Congressman 1 by the Speaker.

Conclusion

On the basis of these interviews and depositions it appears possible that a rumor may have been circulating among congressional staff or the press concerning Congressman 1 and a page and about a "bail-out" by the Speaker. No evidence, however, has been uncovered to identify the source of these rumors or to substantiate them.

Allegation

A newspaper reporter contacted the Committee and said that Congressman 1 had tried to sexually intimidate an employee. This employee worked for the Congressman as a legislative aide from July, 1979, until he was fired at the end of December, 1980. Before and after this time, this employee worked for another Congressman. He was born in 1947, and was thirty-two years old when he was allegedly subjected to sexual intimidation.

Investigation

The employee testified that shortly after he was hired he accompanied Congressman 1 on an overnight trip to his district in August, 1979. They stayed at the Congressmans' home, which had one bedroom with two beds. While they were talking prior to going to bed, the employee testified he became very uncomfortable because he was carrying the conversation while the Congressman sat and stared at him. He therefore excused himself and went to bed. He testified that about five minutes later, Congressman 1 walked into the bedroom, opened the door and said, "I have just one question." The employee recalls saying, "What is that?" The Congressman said, "Would you like some company in the bed?" The employee testified that he replied, "Absolutely not, I am going to get some sleep and I suggest you do the same." He further testified that the incident was not repeated that night or at any other time during the trip, but he and Congressman 1 did not take any more trips together.

The employee was fired by Congressman 1 some 16 months after the incident.

In May, 1981, five months after he left Congressman 1's staff, the employee wrote a letter to Congressman suggesting that he had been the victim of sexual harassment.

The employee testified under oath that he believes he was fired because he and Congressman 1 were never able to work together as a team after certain tensions grew up between them. He attributed these tensions to the incident described above. The employee testified that, after

the August, 1979 incident, Congressman 1 became more critical of his work and it was sometimes difficult to see him on business.

The Special Counsel's staff interviewed and deposed other staff employees of Congressman 1 about their working relationship with the employee and their perception of his relationship with the Congressman. Without exception, they testified that this employee did not get along with his fellow workers in the Congressman's office; that they felt that this employee was not carrying out his responsibilities; and that he did not have a good working relationship with Congressman 1.

Conclusion

The Special Counsel concluded that even if the alleged sexual proposition took place, the evidence obtained provided an insufficient basis to conclude that the firing was in retaliation for the employee's refusing that sexual proposition. First, the alleged proposition was made one month after the employee was hired, and the employee remained on the staff for another 16 months. Second, the unanimous testimony of other staffers indicated that there were independent reasons for the employee's dismissal.

Allegation

Two television news broadcasts, one in November, 1981 and one in July, 1982, reported allegations that foreign intelligence agents were using male prostitutes to compromise high government officials, and purchasing client lists from homosexual prostitution services. Each broadcast was based on an interview with an unnamed, silhouetted informant. No Members, officers or employees of the House were mentioned by name in these reports. However, according to the November, 1981 broadcast, a callboy who had a Congressman among his customers was approached by a Soviet agent for information. The July, 1982 broadcast stated that lists confiscated from male prostitution services included names of "Members of Congress and top congressional aides."

Investigation

The Special Counsel located and interviewed the individual who appeared in the November, 1981 broadcast. He had worked as an informant for various law enforcement agencies, including the New York State Crime Commission. This informant told the Special Counsel's Office that he had no knowledge of any Member, officer or employee of the House involved in any illegal or improper sexual conduct, or whose name has been on any list furnished to foreign intelligence sources by male prostitution services. He said that he actively and diligently sought out Capitol Hill people during his investigative activity but could find none. In addition, this informant told the Special Counsel's office that media reports of the KGB having access to call services' client lists were the result of "irresponsible" reporting that he was unable to confirm.

This informant had testified before the New York State Crime Commission and had been debriefed by Commission staff prior to that testimony. The Counsel to the Commission told the Special Counsel's Office that the informant had no information about any illegal or improper sexual conduct of any Member, officer, or employee of the U.S. House of Representatives. The informant made no allegations

concerning Members, officers, or employees of the House to the Commission or its staff or in any of the media reports.

The Special Counsel's Office located and interviewed the individual who was interviewed in the July, 1982 broadcast. This individual provided no information to Special Counsel's staff concerning activities of foreign intelligence agents or their use of male prostitute lists to obtain information from Members, officers or employees of the House. This individual had worked as an informant for the Metropolitan Police Department. The detective with whom the informant worked told the Special Counsel's office that he believed the informant was not telling the truth in the July, 1982 broadcast since he mentioned incidents he had never reported to the police department.

Conclusion

The Special Counsel found no evidence to support further investigation of these allegations. In addition, the Special Counsel's investigation found substantial questions as to the credibility of the source of the July, 1982 broadcast.

Allegation

The Special Counsel received from several sources variations of a rumor that sometime between 1979 and 1981 a page became pregnant by a Congressman, had an abortion and was sent home before her term expired. One variation of the rumor alleged that the Congressman involved gave the page money for an abortion or to keep her quiet.

Investigation

The Special Counsel conducted a thorough investigation of these rumors and found that two female pages had abortions during this time period. The Special Counsel determined that in neither instance was the person who made the page pregnant a Member or employee of the House.

Page A

A former Senate page who had dated Page A, told the Special Counsel's investigators that Page A, who was sent home from the page program before completing her term, told him that she had had an abortion. The former Senate page said that Page A did not attend her classes regularly and was doing poorly in her studies. He believed this was the reason she was sent home.

Page B, who served as a page from June, 1979 to June, 1980, told the Special Counsel's office in a sworn statement that he had been told that another page had seen a check made out to Page A from the Congressman who sponsored her. According to what Page B was told, Page A had said that the check was for a dress. However, Page B was also told by Page C or D that the check was for an abortion, not a dress. Page B stated that he believed the check was in an amount not more than \$200. He said that he had never spoken to Page A about the matter and never received any information about it except second-hand from either Page C or D.

Page C told the Special Counsel's office that she had heard a rumor that Page A and Page A's congressional sponsor had had a "special" relationship. Page C emphasized that this was only a rumor. Page D said she had heard rumors that Page A had become pregnant and left,

but had not heard that a Congressman was involved or that Page A received any money.

Page A told the Special Counsel that she had been dismissed from her page assignment because she was not attending school as a result of frequent illnesses. She also stated, however, that in March, 1980 she became pregnant by her boyfriend who lived in her home town. As a result of the pregnancy, and related sickness and emotional stress, her school attendance became worse. She was told by the Doorkeeper's Office that she was being sent home because of poor grades and attendance.

Page A stated that she returned home when her page appointment was terminated and that she and her boyfriend decided that she should get an abortion. Page A said that, on May 5, 1980, she had an abortion at a medical clinic in her home town. The abortion was paid for in cash provided to Page A by her boyfriend. Page A's statements regarding her pregnancy, her abortion, and the role of her boyfriend were repeated by her under oath in a sworn statement. The Special Counsel's office also obtained statements from Page A's boyfriend concerning these matters under oath. Page A's boyfriend confirmed the story that Page A told in all particulars. Page A's boyfriend stated under oath that he was not associated in any way with the House of Representatives.

Page A stated under oath that she did not tell her congressional sponsor of her pregnancy or abortion. Page A also stated under oath that the Congressman who sponsored her is a personal, lifelong friend of her family and that her mother has worked in his election campaigns throughout his political career. Page A said that her father died when she was eight years old and that her congressional sponsor has helped the family from time to time. Page A stated under oath that in May, 1980, this Congressman presented her at her debutante ball. Page A also stated that in March, 1980, her sponsor gave her a check for \$250.00 to purchase a gown for this occasion. In April, 1980, she cashed the check and used the money to purchase a gown, shoes, and purse at a bridal shop in her home town. Page A also stated that about one week before cashing the check, she showed it to the owner of the bridal shop.

The owner of the bridal shop confirmed Page A's statements. The shop owner stated under oath that on April 9, 1980, Page A purchased a gown and that sometime in the week prior to making the purchase Page A had shown her and her husband a check given to her by her congressional sponsor in the amount of \$250.00. Since it was a third-party check, the shop owner asked that Page A cash the check and pay for the gown in cash. The owner provided the Special Counsel with a copy of the receipt for the dress in the amount of \$187.95.

Page E

The same former Senate page who related the rumor about Page A, also told the Special Counsel's office under oath that he had heard that Page E had become pregnant and had an abortion. This former Senate page also said that he was certain that the male involved with Page E was his brother who had visited him in Washington for about three weeks in January, 1980 and had dated Page E regularly during that period.

The brother stated under oath that he met Page E during a 22 day visit with his brother in January, 1980 and that, a few days before his departure from Washington, D.C., he and Page E became sexually involved. He said that about six weeks after he left Washington, Page E called him and told him she was pregnant as a result of their relationship. About two weeks later she called again and told him she had had an abortion. He did not offer, nor was he asked, to pay for the abortion. The Special Counsel found no evidence that the brother was employed by the House, or that he was associated with the House in any other way. The Special Counsel's office found no evidence that Page E left the page program before completing her appointment.

The Special Counsel found no evidence to support the allegation that either Page A or Page E became pregnant as a result of a relationship with a Member, officer, or employee of the House, or that either received any money from a Member or employee relating to a pregnancy or abortion.

* * * * *

Allegation

A former male page, Page F, testified under oath that while he was a Page he had a sexual relationship with a female employee of the House.

Investigation

Page F was 16 years old at the time of the alleged relationship and he testified that the female employee was six to ten years older. Page F refused to divulge the name of the female employee. He stated that the person was not a supervisor of his and that there was no coercion involved. Page F did say that the employee told him "she wouldn't give [him] difficult runs." Subsequent efforts by the Special Counsel's office to learn the name of the House employee involved were unsuccessful. However, the Page's father told the Special Counsel that the employee was a secretary who was in no position to give the page any preferential treatment and that the reference to "difficult runs" was made in a joking manner.

Conclusion

The evidence obtained by the Special Counsel indicates that there may have been a relationship with a secretary. However, Page F would not identify the secretary involved, and the father of the page informed the Special Counsel that the page would not cooperate further with any investigation. In addition, Page F had made other statements that the Special Counsel found to be unreliable. Moreover, if the page's story is credited, it appears that the House employee involved did not supervise pages and did not hold a high position in the House, and that no preferential treatment, coercion, or harassment was involved. Under all the circumstances, the Special Counsel did not pursue this matter further.

* * * * *

Allegation and investigation

Page G told the Special Counsel's staff that she was invited to dinner by a Congressman and that when she refused his invitation, the Congressman jokingly asked her whether she liked her job and wanted to

keep it. Page G said that although she had not viewed the remark as a threat and felt that the Congressman had been joking, she was offended by the remark. The page said she reported that incident to her congressional sponsor who, she said, subsequently told her that the situation had been taken care of. According to the page, the Congressman did not speak to her again, and no further incidents occurred.

Conclusion

While the Congressman's remarks were ill-advised and in poor taste, the Special Counsel found no evidence that any sexual misconduct occurred.

Allegation

Page H testified that in July, 1981 a page named Diane was rumored to have had a sexual relationship with a Member of Congress. Page H recalled neither the last name of the Page nor the name of the Member allegedly involved.

Investigation

The page school records, finance records and page printouts (1978-82) were reviewed in an attempt to identify a Diane who fit the circumstances of the rumor. Several pages with the first name Diane were eliminated based on the times of their terms as pages, their residences and/or physical descriptions.

Two pages named Diane were located and interviewed. The first page stated that she resided at home during her tenure, not at the location mentioned in the rumor, and was kept under a very strict curfew by her parents. She denied any knowledge of sex or drug activities.

The second page also told the Special Counsel's office that she resided at home during her tenure as a page, not at a location compatible with the rumor. She stated that she had no knowledge of the activities described in the rumor.

Conclusion

The Special Counsel found no evidence to support the allegation.

* * * * *

Allegation

A former male page, Page I, told the Special Counsel's office that he had been sexually approached by a man whom he believed to be a legal consultant for an unknown Member of Congress.

Investigation

Page I testified that in early 1979 he had met the alleged legal consultant at a Pennsylvania Avenue bar. In April, 1979, the page played squash with the man, after which they drove back to the man's apartment where the man made homosexual advances. House personnel records do not contain the name given to Page I by the "legal consultant." Apparently he either gave a false name to the page or lied about his employment. The page could provide no further identification of the individual.

Conclusion

Because of the lack of information there was no way to pursue the matter further.

* * * * *

Allegations of pages J and K

Pages J and K made a variety of allegations in interviews with the FBI and/or in interviews and depositions conducted by the Special Counsel's office. As a whole, these allegations are based on second or third-hand information and on vague feelings or impressions. In addition, in several instances the accounts given of events by Pages J and K are directly contradicted by others or by themselves in subsequent testimony. In general, the Special Counsel found them not to be credible witnesses. However, due to the serious nature of several of the allegations, the Special Counsel did investigate the charges, and the results are summarized below.

Allegation

Page J told the FBI and the Special Counsel's staff that Congressman 2 was involved in a homosexual relationship with Page K who had been fired when he "started to talk."

Investigation

The Special Counsel's staff deposed both pages as well as individuals who had participated in the decision to terminate Page K. Page J testified that his suspicions were based on Page K's continual praise of Congressman 2, his "total access" and late night visits to the Congressman's office, and on page K's mannerisms and general gossip. Page J testified that he had no evidence to substantiate his claim. Page J also testified that Page K had been terminated because he had "started to talk" about this relationship with the Member, and had thus become a threat.

Page K, who was allegedly involved with the Congressman, denied the existence of a sexual relationship, as did the Congressman. Members of the Doorkeeper's staff testified that they had recommended Page K be terminated due to failing school grades, poor work attendance, and improper activities, which included writing bad checks, lying to page supervisors to obtain a free weekend and possible use of drugs. The Doorkeeper testified that he took these elements into account in deciding to terminate Page K but that his office does not keep official records of the reasons for terminating pages. Congressman 2 stated that Page K was dismissed on the basis of the Doorkeeper's recommendation because of drug activities, attendance at all night parties, and lax work performance. The reason given to the other pages for the dismissal was poor grades. This explanation was used to avoid tainting the page and the House of Representatives.

Two staff members of the page's sponsor confirmed that the sponsor agreed to terminate the page because of his involvement with drugs and deficient grades. The Special Counsel's examination of Page K's school records showed that his highest grade in his two semesters at the Page School was "C+" and that he also received one "C-", four "D's," and one Incomplete.

Conclusion

The Special Counsel had found no evidence to support either the allegation of a homosexual relationship with a Congressman, or the allegation that the page was terminated in order to cover up any relationship.

Allegation

Page J also told the FBI and the Special Counsel's staff that Congressman 2 was involved in a homosexual relationship with a young staff assistant, S, who Page J believed was a page.

Investigation

The staff assistant, S, told the Special Counsel's staff that he was an assistant in Congressman 2's office from September, 1981 to June, 1982, not a page. The page personnel records for this period reviewed by Special Counsel staff showed no one with his name was employed as a page. S denied the existence of a sexual relationship between himself and the Congressman. The Congressman also denied allegations of sexual misconduct with the young staff assistant. Page J testified that he suspected a sexual relationship because Congressman 2 gave the assistant "significant responsibility," such as using the assistant as a chauffeur, and because the mannerisms of the staff assistant suggested homosexual behavior. Page J had no other evidence and no other facts to support the allegation.

Conclusion

The Special Counsel has found no evidence to support the allegation.

* * * * *

Allegation

Page J and Page L told the Special Counsel's office that a female, Page M, had been approached by a page supervisor who was arranging dates between pages and Congressmen.

Investigation

Page J testified that Page M had been questioned extensively by the supervisor concerning her weekend plans and her personal relationships. Page J stated that Page M never told him that he had been asked by the staff to go out with any Member. But Page J said that this incident, together with the fact that the supervisor occasionally invited pages over for dinner, general gossip about the supervisor, and questions asked by a reporter about the supervisor, led Page J to believe the allegation.

Page L stated that Page M told him of an incident in which the supervisor told her that a Member wanted to meet her. Although Page M would not divulge the Member's name, Page L believed that Page M knew the Member's identity. As a result of this incident, Page L drew the conclusion that the supervisor arranged dates between pages and Congressmen.

Page M denied under oath ever having been questioned by the supervisor about her personal relationships or weekend plans. She also denied that the supervisor had told her that a Member of the House or Senate wanted to meet her. The supervisor testified under oath that he could not remember Page M nor could he recall any incident of talking with her.

The Special Counsel previously investigated a similar allegation regarding this supervisor and in his Interim Report found no basis for the allegation. Those pages who worked most closely with the supervisor were identified, interviewed and/or deposed. None of these pages had any personal knowledge or had heard any rumor of attempts by

this supervisor to arrange dates for Congressmen and none had any reason to believe such allegations.

Conclusion

Since both the individuals involved in this allegation deny any knowledge of it, since there are no known sources who could corroborate the allegation, and since other allegations regarding the conduct of the supervisor named in the allegation have been previously found to be without substance, the Special Counsel concluded that there was no evidence to support the allegation.

* * * * *

Allegation

Page K told the FBI that a female page, Page N, told him of "passes and advances" made to her by two Members of Congress. These advances allegedly took place on the floor of the House. Page K told the FBI that he had no direct knowledge of Page N actually being involved with the Members of Congress.

Investigation

Page K testified under oath that he did not know the names of the Members involved. He did say that the female page had, on one occasion, pointed these two Members out to him. The page picked two photos from a book shown him by Special Counsel's staff, and testified that these two photographs could "possibly" have been the two Members involved. Page N testified that she had never been approached by either Member identified by Page K. She denied under oath telling Page K that she had ever been approached by Members of Congress. Page O, who had been a roommate of Page N, testified that she knew of no statements that Page N had ever made and knew of no actions of Page N while they roomed together to suggest that Page N was ever sexually propositioned by any Member of Congress.

Conclusion

The Special Counsel has found no evidence to support the allegation, while other evidence has raised doubts about the credibility of the page making the allegation. The Special Counsel concluded that there was no basis for further investigation.

* * * * *

Allegation

Page K alleged that a supervisor in the Doorkeeper's Office promoted two "running" pages, Pages N and P, to more attractive positions solely based on favoritism. Page P was male and Page N female, but Page K implied that the favoritism was based on sexual relationships between the supervisor and the promoted pages.

Investigation

The supervisor testified that the promotion of Page P was based on such factors as performance, personality and intelligence. With regard to the promotion of Page N, the supervisor told the Special Counsel's office that the page was a good worker.

The supervisor's perception of the competence of the two pages is supported in statements made by their peers in interviews with the

staff of the Special Counsel. Three former pages characterized the two as having had the "best reputations" with all the pages at the time of their appointments.

Both pages who were promoted were questioned by the Special Counsel's office. Both pages stated under oath that they knew of no occasion when an employee of the House used his office to obtain favors from pages. In an affidavit subsequently submitted to the Special Counsel's office, the page who made the allegation admitted that his suspicion was not based on any specific facts.

Conclusion

The Special Counsel found no evidence to support the allegations.

* * * * *

Allegation

The mother of two former House interns advised the Special Counsel's staff that her son had told her that male pages and interns were routinely approached with homosexual propositions by congressional staff. According to the mother, her son had related an incident in which he had gone to play chess at the home of a male administrative assistant who then made a sexual advance. In addition, the mother alleged that her daughter informed her that, while she was working on Capitol Hill, boys were often approached for homosexual affairs by Hill staff, but the girls were left alone.

Investigation

The Special Counsel's staff interviewed both the son and the daughter. The son said he had never been approached by any Member or employee of the House and denied knowledge of any sexual misconduct by Members, officers or employees of the House.

The son stated that, while an intern in a House Member's office in 1981, he had in fact met a male Senate employee who had made sexual remarks and physical advances toward him. He also said that the Senate employee had made advances toward other interns. This information has been provided to the Senate.

The daughter, who served as an intern in a House Member's office in 1976 and 1977, denied any knowledge of sexual misconduct by Hill staff and described her mother's account as being "definitely in error."

Conclusion

The Special Counsel found no evidence to support the allegation that House male pages and interns are routinely subject to homosexual advances. Allegations of sexual misconduct by a Senate employee were forwarded to the Senate Ethics Committee.

VIII. CONCLUSION

The Special Counsel recommends that the Committee accept this report as the Final Report on Improper or Illegal Sexual Conduct and make this report public.

The Special Counsel also recommends that the Committee take action in three cases:

First, the Special Counsel recommends that the Committee find that Representative Daniel Crane engaged in conduct in 1980 in violation

of clause 1 of the Code of Official Conduct of the House of Representatives. As a sanction, Special Counsel recommends that the Committee recommend that the House reprimand Representative Crane.

Second, the Special Counsel recommends that the Committee issue a Statement of Alleged Violation in the case of Congressman Gerry Studds alleging that Congressman Studds engaged in a sexual relationship with a House page in 1973 and that Congressman Studds made sexual advances to two other House pages in 1973, in violation of the Code of Official Conduct.

Third, the Special Counsel recommends that the Committee issue a Statement of Alleged Violation against James C. Howarth, Majority Chief Page in the Doorkeeper's Office, alleging that Mr. Howarth engaged in a sexual relationship with a 17-year-old House page under his direct supervision in 1980, that Mr. Howarth accorded this page preferential treatment as a consequence of their sexual relationship, and that Mr. Howarth purchased and possessed illegal drugs within the precincts of the House in 1979 and 1980, all in violation of applicable laws and standards of conduct.

Respectfully submitted.

JOSEPH A. CALIFANO, Jr.

APPENDIX A

House Calendar No. 200

97TH CONGRESS }
2d Session }

HOUSE OF REPRESENTATIVES

{ REPORT No.
97-965 }

REPORT ON INVESTIGATION

REPORT

BY

COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT

PURSUANT TO

H. RES. 518

INVESTIGATION PURSUANT TO HOUSE RESOLUTION 518 CONCERNING ALLEGED IMPROPER OR ILLEGAL SEXUAL CONDUCT, ALLEGED ILLICIT USE OR DISTRIBUTION OF DRUGS, AND ALLEGED PREFERENTIAL TREATMENT OF HOUSE EMPLOYEES BY MEMBERS, OFFICERS, OR EMPLOYEES OF THE HOUSE



DECEMBER 14, 1982.—Referred to the House Calendar and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON: 1983

House Calendar No. 200

97TH CONGRESS }
2nd Session }

HOUSE OF REPRESENTATIVES

{ REPORT
No. 97-965

INVESTIGATION PURSUANT TO HOUSE RESOLUTION 518 CONCERNING ALLEGED IMPROPER OR ILLEGAL, SEXUAL CONDUCT, ALLEGED ILLICIT USE OR DISTRIBUTION OF DRUGS, AND ALLEGED PREFERENTIAL TREATMENT OF HOUSE EMPLOYEES BY MEMBERS, OFFICERS, OR EMPLOYEES OF THE HOUSE

DECEMBER 14, 1982.—Referred to the House Calendar and ordered to be printed

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

REPORT

On July 13, 1982, the House agreed to House Resolution 518. That resolution authorized and directed this Committee to conduct a full and complete inquiry and investigation of—

(1) alleged improper or illegal sexual conduct by Members, officers, or employees of the House;

(2) illicit use or distribution of drugs by Members, officers, or employees of the House; and

(3) the offering of preferential treatment by Members, officers, or employees of the House to employees of the House, including congressional pages, in exchange for any item referred to in subclause (1) or (2).

On July 27, 1982, this Committee retained Joseph A. Califano, Jr., as Special Counsel to conduct the investigation. The Committee's Special Counsel thereafter assembled a staff and has carried out an extensive investigation.

The Special Counsel has filed an interim report with this Committee, which the Committee has approved, on the investigative work completed during the 97th Congress. The Special Counsel's interim report is attached as an Appendix to this Report.

I. ALLEGED IMPROPER OR ILLEGAL SEXUAL CONDUCT

The Special Counsel reported that most, but not all, of the investigation of sexual misconduct had been completed. The Special Counsel found that the evidence conclusively indicated that the highly-publicized charges of sexual misconduct made by two former

pages were false. The basis for the Special Counsel's conclusions are set out in detail in his report.

In one instance, however, the Special Counsel recommended that the Committee initiate a Preliminary Inquiry. Based on that recommendation, the Committee voted to initiate that Preliminary Inquiry.

In the case of the Preliminary Inquiry and of the matters still under investigation, the Committee voted to transmit all materials involved to the 98th Congress and to recommend these matters be completed as early as possible next year.

II. ALLEGED ILLICIT USE OR DISTRIBUTION OF DRUGS

The work of the Committee's Special Counsel in investigating allegations of illicit use or distribution of drugs involved Members, officers, or employees of the House has been carried out in coordination with the Justice Department and its Drug Enforcement Administration. Both the Committee's Special Counsel and the Department of Justice have a number of matters under active investigation.

In one instance, the Special Counsel recommended that the Committee open a Preliminary Inquiry. Based on that recommendation, the Committee voted to initiate that Preliminary Inquiry.

With respect to all the Special Counsel's work in investigating alleged illicit use of distribution of drugs, the Committee voted to transmit all materials involved to the 98th Congress with the recommendation that the investigation be completed promptly next year.

III. FURTHER RECOMMENDATIONS

The Committee further recommends:

- (1) that the Committee on Standards of Official Conduct be constituted immediately upon the convening of the 98th Congress;
- (2) that the 98th Congress agree to a resolution that provides the Committee on Standards of Official Conduct with the same powers and authority provided to this Committee by House Resolution 518.

IV. CONCLUSION

The Committee has carried out its work over the past four and a half months with a determination to fulfill its responsibilities under House Resolution 518 and to carry out the House's constitutional responsibilities under Article I, Section 5, to investigate and discipline violations by its Members, offices, or employees. The Committee believes that significant progress has been made. But the work that has been started must be carried forward vigorously and promptly. The Committee is confident that the 98th Congress will do so.

This report was adopted by a show of hands, 11 yeas, 0 nays, on December 14, 1982.

STATEMENT UNDER CLAUSE, 2 (B) OF RULE X

The Committee's oversight findings and recommendations are stated in sections I, II, and III of this report.

No budget statement is submitted.

A P P E N D I X

INTERIM REPORT OF THE SPECIAL COUNSEL TO THE HOUSE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

SPECIAL COUNSEL'S OFFICE

Joseph A. Califano, Jr., Special Counsel; Richard Cotton, Deputy Special Counsel; Hamilton P. Fox, III, Associate Special Counsel; and Gerald T. McQueen, Chief Investigator.

I. INTRODUCTION AND SUMMARY

On June 30 and July 1, 1982, tens of millions of Americans watched two teenagers, both former pages of the House of Representatives, with their faces shielded, declare on the CBS Evening News that they had been victims of sexual misconduct by Members of the House of Representatives. One page told of "homosexual advances" by Congressmen and Congressional staff. CBS said the page had been "homosexually harassed."

The experiences described by the other page shocked the nation. He said that he had engaged in sexual relationships with three Members of the House of Representatives and that he had procured male prostitutes for House staffers. He told his interviewer that homosexual relationships were part of the system of what a page had to do to get ahead in the House. In June and July of 1982, these two former pages repeated those assertions—although with some inconsistencies—to newspapers and other television reporters, to the Federal Bureau of Investigation, and to investigators for the Committee on Standards of Official Conduct.

On July 13, 1982, the house agreed to house Resolution 518 which authorized and directed the Committee on Standards of Official Conduct to investigate allegations of:

- (1) Improper or illicit sexual conduct by Members, officers, or employees of the House of Representatives involving congressional pages;
- (2) illicit use or distribution of drugs by Members, officers, or employees of the House; and
- (3) the offering of preferential treatment by Members, officers or employees of the house in exchange for sexual favors or drugs.

On July 27, 1982, the Committee retained Joseph A. Califano, Jr., as independent Special Counsel to conduct the investigation. At the time of Mr. Califano's appointment as Special Counsel, Committee Chairman Louis Stokes stated that "his charge is clear and straightforward—to conduct the investigation that in his judgment

is required and to advise the Committee of his findings and recommendations."

The Speaker, the Majority Leader, and Minority Leader of the House joined Chairman Stokes and the Committee's Ranking Minority Member Floyd Spence in assuring the Special Counsel that he would have the independence and resources to conduct a full and impartial investigation—"whatever investigation is necessary to ascertain the truth about the allegations that have been made."

This interim report details the results of that investigation in the 97th Congress. The report responds to the Chairman's charge that the Special Counsel report to the Committee on his findings and recommendations. This report of the Special Counsel sets out (1) the investigative work completed so far with respect to allegations involving sexual misconduct, (2) his findings and conclusions regarding this work, and (3) his recommendations on the work remaining to be done and on actions the Committee should take at this time.

IMPROPER OR ILLEGAL SEXUAL CONDUCT

The investigation conducted by the Special Counsel has extended beyond the original charges of sexual misconduct made by the two former pages. Pursuant to H. Res. 518, the Special Counsel has sought to determine whether there is any responsible evidence of improper or illegal sexual conduct by Members, officers, or employees of the House of Representatives involving congressional pages. The focus of the investigation has been on the period from July, 1981, through June, 1982. To assure completeness, however, the Special Counsel sought to contact every page employed by the House of Representatives during the past three years. The Special Counsel has also investigated allegations that he has received of sexual misconduct involving preferential treatment but not involving pages.

The Special Counsel has found no merit whatsoever in any of the original allegations of sexual misconduct made by the two former pages. One of these pages testified under oath that he lied about having sexual relations with Members of the House and about procuring prostitutes for anyone. The other page, who had referred to homosexual approaches by Congressmen, testified under oath about three isolated instances of conversations in public places that lasted less than two minutes and involved no improper actions. This page testified that he himself no longer believed, in at least two of these instances, that there were any sexual overtones. The Special Counsel also independently investigated these allegations and has determined that the evidence conclusively indicates that all charges of sexual misconduct made by these two pages were false.

In the course of the investigation, the Special Counsel has received allegations of sexual misconduct from a variety of sources, wholly independent of the two former pages. The Special Counsel has completed investigation of most of these allegations. In most of these cases, the Special Counsel found no evidence to support the allegations.

In one instance, however, the Special Counsel has found reasonable indications that improper or illegal sexual conduct by an employee of the House may have occurred and, therefore, recommends that the Committee open a Preliminary Inquiry.

Under the Committee's rules, a Preliminary Inquiry is convened when evidence has been presented to the Committee that reasonably indicates that a violation may have been committed and the Committee determines that the evidence presented merits further inquiry. The individual named in a Preliminary Inquiry has the opportunity to present to the Committee, orally or in writing, a statement concerning the allegations that have been made. At the conclusion of the Preliminary Inquiry, if the Committee determines that the evidence establishes that there is reason to believe that a violation occurred, the Committee may direct that a Statement of Alleged Violation be issued to the individual involved. Full hearings must be held by the Committee on a Statement of Alleged Violation to determine whether to report a recommendation for disciplinary action to the full House. In this case, the Special Counsel recommends that the name of the individual who is the subject of the Preliminary Inquiry not be released publicly unless and until the Committee votes to issue a Statement of Alleged Violation.

The Special Counsel believes the evidence developed in this case requires the Committee, under its rules, to initiate a Preliminary Inquiry now, even though the full course of the proceedings cannot be completed in this Congress. The Special Counsel recommends that the Committee commence this Preliminary Inquiry, transmit all materials relevant to this matter to the next Congress, and recommend to the House leadership that the Committee on Standards of Official Conduct be constituted immediately upon the convening of the next Congress so that prompt action on this matter can be concluded expeditiously.

A small number of other instances of possible sexual misconduct involving pages or involving preferential treatment remain under investigation, and the Special Counsel recommends that the Committee transmit these matters to the next Congress with its recommendation that investigation of them be completed as early as possible next year.

The Special Counsel has found some evidence of other isolated instances of both heterosexual and homosexual advances to pages by individuals no longer associated with the House. Since these cases are beyond the jurisdiction of the Committee, investigation of these matters has not been pursued.

ILLICIT USE OR DISTRIBUTION OF DRUGS

In coordination with the Department of Justice and its Drug Enforcement Administration, the Special Counsel has been investigating allegations of illicit use and distribution of drugs involving Members, officers, or employees of the House. Both the Department of Justice and the Special Counsel have a number of matters under active investigation.

In one instance the Special Counsel has already found reasonable indications that illicit use and distribution of drugs by an employee of the House may have occurred and, therefore, recommends that

the Committee open a Preliminary Inquiry now, under the same conditions described above with respect to the Preliminary Inquiry of sexual misconduct involving pages.

The rest of the Special counsel's investigation of alleged illicit use or distribution of drugs by Members, officers or employees of the House is not yet at a stage where a report can be made in writing to the Committee. The Special Counsel, therefore, recommends that the Committee transmit the evidence developed in this part of the investigation to the next Congress with the recommendation that the investigation be carried forward expeditiously.

THIS REPORT

The balance of this report describes the work of the Special Counsel to date in investigating allegations of sexual misconduct. It sets forth:

(1) The scope and method of the investigation of sexual misconduct.

(2) The current operation of the page system.

(3) The problems that developed during the 1981-82 year that sparked rumors of a "page scandal" and provided the springboard for sensational allegations in the press.

(4) The basis for the Special Counsel's conclusion that the specific charges made by the two former pages are false.

(5) The findings of the Special Counsel concerning other allegations, received in the course of the investigation, of alleged sexual misconduct by Members, officers, or employees of the House.

(6) The findings and conclusions of the Special Counsel concerning the February, 1982, investigation of pages conducted by the U.S. Capitol Police.

A. Scope

Pursuant to House Resolution 518, the Committee through its Special Counsel undertook an investigation to determine whether any Member, officer, or employee of the House of Representatives had engaged in any way in improper or illegal sexual conduct involving congressional pages.

The investigation focused on the period from July, 1981, to June, 1982, and on the allegations of two former pages that received national press attention beginning on June 30, 1982. But to ensure a thorough inquiry into all matters within the scope of H. Res. 518, the Special Counsel sought out information about earlier periods and about any kind of sexual advance, harassment, or relationship involving a congressional page and a Member, officer, or employee of the House. In this connection, the Special Counsel has tried to contact every page employed by the House of Representatives during the past three years. In addition, the Special Counsel investigated all information he received about alleged sexual misconduct by House Members, officers or employees involving preferential treatment even where that information did not involve congressional pages.

B. Method of investigation

Since Chairman Stokes and Ranking Minority Member Spence announced my appointment as Special Counsel to the Committee to oversee the investigation authorized by H. Res. 518 on July 27, 1982, I have been able to conduct this investigation with complete independence. I have had complete freedom to make all appointments to the Special Counsel's staff, which has worked entirely under my direction, independent of the permanent staff of the Committee and of any other congressional office. The bipartisan leadership of the House and the members of the Committee on Standards of Official Conduct have provided the resources necessary to conduct a meticulous, searching, no-holds-barred investigation. In the course of this investigation, the Special Counsel has had the wholehearted cooperation of the Attorney General and the Justice Department.

C. The page system

During 1981-82, the House maintained 71 positions for pages. Pages must be high school juniors or seniors at least 16 but not more than 18 years of age at the time of appointment. Pages are nominated by a House Member and selected by the Democratic and Republican Personnel Committees. Neither Committee has a systematic process for assessing the maturity of page candidates or their ability to handle the freedom that pages enjoy in Washington.

Pages have a demanding daily schedule. Page School classes begin at 6:10 a.m. When the House convenes at noon, these classes typically run until 9:45 a.m. or 10:30 a.m. When the House convenes earlier, class sessions are abbreviated so that pages can report to work at least an hour before the House starts. Except for meals, the pages remain on duty until 5 p.m. or until the House adjourns for the day, whichever is later.

The Doorkeeper of the House of Representatives, who is elected by the Caucus of the Majority Party, is responsible for supervising House pages during their working hours. Outside of working hours, no one has clear responsibility for supervision. In fact, the Handbook issued by the Doorkeeper specifically states that:

Parents or Guardians must file with the Doorkeeper of the House, a written statement assuming full responsibility for the safety, well-being, and supervision of the Appointee while living in the District of Columbia area and traveling to and from the House of Representatives.

Pages must find their own housing. In 1981-82, approximately 25 female pages lived in Thompson-Markward Hall, a dormitory-like facility with a curfew and other rules. The Page House Alumni Association housed approximately ten male pages until it closed its doors in August 1981. The rest of the pages resided in groups of two to six in apartments at various places on Capitol Hill, or in housing obtained through a university housing service.

Pages living in apartments, had, in general, no adult supervision and no one easily available in the event of the trouble.

The lack of effective supervision of pages outside of working hours has been sharply criticized for many years. At various times

over the past 15 years, for example, Members of the House have called the House's failure to provide better supervision "unconscionable" and "inconceivable."

D. Origin of allegations

The Special Counsel has found no support whatsoever for the sensational allegations and charges of homosexuality that launched this investigation. To the contrary, the evidence developed contradicts every one of the original highly publicized allegations made by the two former pages. Those allegations resulted either from out-and-out fabrication, overactive teenage imagination stimulated by conversations with a journalist, or teenage gossip which has in virtually every case proved to be utterly inaccurate.

In view of this conclusion, another important set of questions emerged in the course of the investigation: How and why did these charges come to be made? What was the source of the rumors of a "page scandal"?

It is clear that during the 1981-82 academic year, some pages behaved irresponsibly after working hours. There is abundant and convincing evidence, in the case of some pages, of excessive use of alcohol, all-night parties, some drug use, and a variety of other activities that no responsible parent would tolerate.

Leroy Williams, at the time a 17-year-old page in the House, left the page program abruptly at the end of January, 1982, when financial and other troubles became too much for him to handle. Events surrounding Williams' departure triggered an investigation by the Capitol Police of page drinking habits and parties, and of Williams' homosexuality. Two pages, unconnected to Williams, were terminated partly as a result of information developed by the Capitol Police investigation. This investigation, Williams' departure and the termination of the other two pages spawned rumors of a "page scandal." Though unreported in the press, these rumors came to the attention of many reporters.

In June, 1982, a CBS news reporter interviewed a 16-year-old page named Jeffrey Opp in Washington, D.C. and Williams in Little Rock, Arkansas. The Special Counsel requested that the reporter speak to investigators in the Special Counsel's office and offered him the opportunity to do so. The reporter declined that invitation.¹ Thus, the only information available about these interviews comes from the sworn testimony of Williams and Opp themselves. According to Opp, the reporter discussed with him lurid tales of sexual misconduct and homosexual prostitution in the Congress. The reporter asked whether Opp could confirm those stories or provide additional information. According to Williams, the reporter said Williams was being identified in Washington as a drug trafficker and "bad apple" who had been the source of the problems with the page system. The reporter told Williams he was offering him a chance to tell his side of the story.

Following these conversations, and on the basis of assurances that their identities would be kept secret, both teenagers agreed to give on-camera interviews with their faces shielded, to the CBS re-

¹ The exchange of correspondence between the Special Counsel and CBS News appears at app. B.

porter. Those interviews yielded lies from Williams. In response to the reporter's questions, Opp twisted minor, at best ambiguous conversations with three Congressmen and one lobbyist and characterized them as "homosexual approaches."

Perhaps the most ironic twist of events was the role played by the CBS news reporter in bringing these charges to life. It appears to have been the reporter's discussion with Opp that inspired Opp to repeat these stories, with his own embellishments, to two of his Congressional sponsor's staffers. These staffers were initially suspicious of the sensational nature of Opp's charges. But, then this same news reporter told the staffers that Opp's charges had substance. It was these staffers who decided Opp should tell his story to the Justice Department. The Department decided to investigate, at least in part because the staff of a Member of Congress considered the allegations to be serious. That Justice Department investigation itself became the "news" to which CBS pegged its June 30 and July 1 Evening News reports, including the shielded interviews of Williams and Opp.

E. Leroy Williams

Leroy Williams attended high school in Little Rock, Arkansas, where he was a "B" student involved in extracurricular activities, and where he belonged to a strict, fundamentalist church.

Williams assumed his duties as a page on June 29, 1981. Throughout the period Williams served as a page, his work was considered satisfactory, although his performance declined toward the end.

It was after working hours that Williams had problems. When the Congress went into its 1981 mid-summer recess, Leroy Williams remained in Washington alone. At this point the 17-year-old Williams first engaged the services of a male prostitute; he used male prostitutes on fifteen different occasions between August and January, 1982, ten of those times during the August Congressional recess.

Williams drank alcohol more and more heavily. By January, 1982, he thought he was "literally an alcoholic." His use of drugs also increased sharply and he got into increasingly severe financial trouble. He failed to pay a large number of bills, wrote bad checks, and stole money.

Under increasing pressure, Williams finally left Washington by taking an automobile belonging to a fellow page.

After he arrived back home in Little Rock in February, 1982 Williams said he heard several reports from Washington that he was a "bad apple" and that he had been distributing illicit drugs. According to Williams, his anger and resentment came to a head in June, 1982, when the CBS news reporter appeared at Williams' home in Little Rock, and repeated these charges. Ten days later, on June 30, 1982, CBS News broadcast excerpts from its reporter's interview of Williams, creating a national sensation about homosexual relations between Congressmen and teenage pages.

Leroy Williams was interviewed by the F.B.I., various news organizations, and the Committee's staff in June and July, 1982. He did not tell the same story each time. But, in the course of these interviews, he claimed that he was propositioned by, and had sexual re-