

INTRODUCTORY REMARKS
OF
ARTHUR H. CHRISTY
FIRST SPECIAL PROSECUTOR UNDER THE ETHICS
IN GOVERNMENT OF 1978

* * *

Senator Thompson and distinguished Senators. My name is Arthur Christy. I guess I am here because I was the first Special Prosecutor, as it was then called, under the Ethics in Government Act of 1978.

My mandate was to investigate whether or not Hamilton Jordan, then Chief of staff to President Jimmy Carter, had taken, as alleged, a couple of toots or more of cocaine at a trendy night club in New York called Studio 54.

On November 19, 1979 Benjamin R. Civiletti, then Attorney General of the United States, pursuant to § 592 (c) (1) Title 28 applied to the United States Court of Appeals for the District of Columbia Circuit, Special Prosecutor Division, for the appointment of a Special Prosecutor to investigate allegations of possession of cocaine by Hamilton Jordan in violation of 21 U.S.C. §844 (a), which is a misdemeanor. On November 29, 1979, Honorable Roger Robb, presiding Judge of the Court of Appeals for the District of Columbia Circuit; Honorable J. Edward Lumbard, Senior Circuit Judge for the Court of Appeals for the Second Circuit; and Honorable Lewis Render Morgan, Senior Circuit Judge for the Court of Appeals for the Fifth Circuit, the Judges comprising the Special Prosecutor Division who were appointed by the Chief Justice of the United States, appointed me as the first Special Prosecutor. The order appointing me reads:

Upon consideration of the application of the Attorney General pursuant at 28 U.S.C. §592(c) (1) for the appointment of a special prosecutor to investigate the allegation that Hamilton Jordan possessed

cocaine in the Southern District of New York on June 27, 1978, it is:

ORDERED that ARTHUR H. CHRISTY is appointed special prosecutor to investigate this matter, and any other related or relevant allegations of a violation or violations of 21 U.S.C. § 844(a) by Hamilton Jordan.

Based on all of the information developed during the course of my Investigation it was my conclusion that there was insufficient evidence to warrant the bringing of criminal charges against Jordan for possession of cocaine in violation of 21 U.S.C. §844(a).

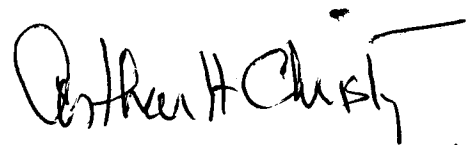
The information developed during the course of my Investigation was presented to a Grand Jury seated in the Southern District of New York. On May 21, 1980, after deliberation, the Grand Jury reported that there was insufficient evidence for an indictment of Hamilton Jordan, and voted unanimously a no-true bill. I believe I may be the only Special Prosecutor where the Grand Jury voted a no-true bill.

For your information, I and my staff conducted approximately 100 interviews of about 65 persons. The Grand Jury met in 19 sessions and 33 witnesses appeared, some on as many as three occasions. Over 2000 pages of Grand Jury testimony were taken.

One might say that my investigation was a single shot against a single target. Reading about subsequent investigations conducted by Special Prosecutors or Independent Counsels (hereinafter Independent Counsel) I can only say that my investigation was a piece of cake. Perhaps I was a piker as I spent only six months and approximately \$180,000 as best I can recall. I think probably the most significant contribution that I made during my investigation was the selection and appointment of Theresa Duggan as my Administrative Assistant. She was superb at organizing everything, including how to get paid, how to rent space, how to get typewriters and all of those details necessary for the operation of the law office. Testimony to how good she is that in at least five or six subsequent Independent Counsels hired Terri Duggan as Administrative Assistant. She only retired last year after a very distinguished career. If anybody writes the book on how to set up a Special investigation under the Act Terri Duggan would be the one to do it.

While I believe the Act should be re-enacted, there are certain changes I would like to see, among them:

1. Reduce the number of officials covered to the President, Vice-President, Attorney General, members of the Cabinet and, perhaps, the heads of the FBI and the CIA.
2. The Act should not apply to alleged criminal activity that occurred prior to the time the official took office.
3. The Act should be limited to acts of wrongdoing that are committed while the official is in the government.
4. The Act should not cover personal mistakes or indiscretions.
5. The investigation of matters not within the original mandate should be prohibited unless the matter is directly related to the Independent Counsel's mandate and is necessary for its fulfillment.
6. Eliminate the power to accuse an individual of criminal conduct in the final report if no charges are brought.
7. There should be some rule or regulation that the Independent Counsel have some prosecutorial background and experience.

A handwritten signature in black ink, appearing to read "Arthur H. Christy". The signature is written in a cursive style with a horizontal line extending from the end.