



OFFICE OF INDEPENDENT COUNSEL

DONALD C. SMALTZ

*In re Secretary of Agriculture Espy*

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January 20, 1995

Lee J. Radek, Esq.  
Chief, Public Integrity Section  
United States Department of Justice  
Criminal Division  
Room 12100, Bond Building  
1400 New York Avenue, N.W.  
Washington, D.C. 20530

Dear Mr. Radek:

Thank you for meeting with Donald Smaltz and me yesterday. We found the meeting productive and trust that you did too. I am writing now because we thought it might be useful, as you think over the matters we discussed, to have in writing an overview of the parts of our investigation to date that involve Tyson Foods and the reasons for our view that further investigation of Tyson Foods and its pattern of gift-giving to public officials clearly is "related" to the original mandate given us by the special division of the court.

### INTRODUCTION

On September 9, 1994, Donald Smaltz was given a broad mandate to investigate whether Secretary of Agriculture Alphonso Michael (Mike) Espy violated any federal criminal law in connection with his acceptance of gifts by Tyson Foods, Inc. [Tyson Foods] and others with business before the Department of Agriculture. In the course of that investigation, as recent press reports have indicated, evidence has been received that at various times between 1980 and 1991, pilot employees of Tyson Foods were given envelopes of money to be delivered to then Governor Clinton. Further investigation to corroborate or disprove these serious allegations must now proceed quickly and thoroughly. To insure that the investigation will not be sidetracked by jurisdictional challenges, we request, under 28 U.S.C. § 594(e), that the Attorney General refer to this Independent Counsel all matters relating to possible federal criminal violations by Tyson Foods in its gifts of money or other benefits to public officials in a position to provide favorable treatment to Tyson Foods or the poultry industry in general.

On August 8, 1994, Attorney General Janet Reno requested that an Independent Counsel be appointed "to investigate whether any violations of federal criminal law were committed by Secretary of Agriculture Alphonso Michael (Mike) Espy and to determine whether prosecution is warranted. Attorney General's Application to the Court Pursuant to 28 U.S.C. § 592(c)(1) For the Appointment of an Independent Counsel [Application] at 1. As background to her request, the Attorney General provided that "[o]n March 17, 1994, there was a press report that Tyson Foods, Inc., a major poultry processing corporation headquartered in Arkansas, was receiving lenient treatment from the Department of Agriculture on a number of pending regulatory issues. The article also described a number of alleged gratuities received by Secretary Espy. Based on the article, the Department of Agriculture Office of Inspector General conducted an inquiry into the alleged gratuities, and subsequently, on April 19, 1994, referred to the Department of Justice allegations that Secretary Espy may have violated 21 U.S.C. § 622, the antigrauity provision of the Meat Inspection Act, by accepting gifts from Tyson Foods." Application at 1.

Based on the Justice Department's investigation of the allegations, the Attorney General found "reasonable grounds to believe that further investigation is warranted" and "recommend[ed] and request[ed] that the Special Division of the Court grant the Independent Counsel jurisdiction to investigate Secretary Espy's possible violation of federal criminal laws such as 21 U.S.C. § 622 and 18 U.S.C. § 201, by accepting gifts from organizations or individuals regulated by the Department of Agriculture, and to determine whether prosecution is warranted." Application at 5.

The Attorney General recommended the statement of jurisdiction that should be granted the Independent Counsel. That jurisdiction includes "all the powers and authority provided by the Independent Counsel Reauthorization Act of 1994". In addition, it includes:

jurisdiction and authority to investigate to the maximum extent authorized by the Independent Counsel Reauthorization Act of 1994 whether Alphonso Michael (Mike) Espy, Secretary of Agriculture, has committed a violation of any federal criminal law,<sup>1</sup> . . . relating in any way to the acceptance of gifts by him from organizations or individuals with business pending before the Department of Agriculture[;] . . .<sup>2</sup>

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<sup>1</sup>Class B and C misdemeanors and infractions are not within the Independent Counsel's authority. 28 U.S.C. §§ 591(a) and 593(b)(3).

<sup>2</sup>By letter of September 14, 1994, the Attorney General referred two additional matters to be included within the Independent Counsel's mandate: whether Secretary Espy hosted a

jurisdiction and authority to investigate other allegations or evidence of violation of any federal criminal law, . . . by any organization or individual developed during the Independent Counsel's investigation referred to above, and connected with or arising out of that investigation[;]. . .

jurisdiction and authority to investigate any violation of 18 U.S.C. § 1826, or any obstruction of the due administration of justice, or any material false testimony or statement in violation of federal criminal law, in connection with any investigation of the matters described above[;]. . .

jurisdiction and authority to seek indictments and to prosecute any organizations or individuals involved in any of the matters described above, who are reasonably believed to have committed a violation of any federal criminal law arising out of such matters, including organizations or individuals who have engaged in an unlawful conspiracy or who have aided or abetted any federal offense[;]. . .

Attorney General's Recommended Statement of Jurisdiction of Independent Counsel, appendix to Application.

The Special Division appointed Donald C. Smaltz Independent Counsel and ordered that he have the jurisdiction recommended by the Attorney General. In addition, the Court ordered that

the Independent Counsel, . . . shall have prosecutorial jurisdiction to fully investigate and prosecute the subject matter with respect to which the Attorney General requested the appointment of independent counsel, as hereinbefore set forth, and all matters and individuals whose acts may be related to that subject matter, inclusive of authority to investigate and prosecute federal crimes . . . that may arise out of the above described matter, including perjury, obstruction of justice, destruction of evidence, and intimidation of witnesses.

In re Alphonso Michael (Mike) Espy, Order Appointing Independent Counsel at 3 (D.C. Cir. September 9, 1994).

On October 20, 1994, the Department of Justice forwarded to the Independent Counsel a letter it had received from the Honorable Severo Colberg Toro of the House of Representatives of Puerto Rico. The letter from Representative Toro requested that the

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fundraising dinner, attended by agriculture lobbyists, to retire the campaign debt of his brother; and whether debts of Secretary Espy, including an automobile loan, have been paid by a government contractor.

Independent Counsel investigation include "the situation revealed in a recent article published in Time magazine related to the intervention of Mr. Espy with the [g]overnor of Puerto Rico, Pedro Rossello." The article referred to asserted that Secretary Espy was improperly influenced by Tyson Foods to intervene, in February 1993, on behalf of U.S. poultry producers in a dispute involving the labeling of chicken shipped from the United States to Puerto Rico. The Justice Department's referral letter stated that "[b]ecause Mr. Toro's letter concerns the poultry industry in Puerto Rico and the investigation of Secretary of Agriculture Espy, we have forwarded the letter to you for whatever action you deem appropriate." The Independent Counsel accepted the referral and, by letter dated November 10, 1994, notified the Special Division that it had done so.

#### THE INDEPENDENT COUNSEL'S INVESTIGATION TO DATE

The investigation thus far has substantiated the gifts from Tyson Foods to Secretary Espy and others close to the Secretary that were the genesis of this investigation. We also have found evidence that Tyson Foods routinely receives prompt and generally favorable attention by the Department of Agriculture of matters of concern to it and the poultry industry in general. Following our mandate to investigate not only Secretary Espy, but also "organizations or individuals who have engaged in an unlawful conspiracy or who have aided or abetted any federal offense", as well as "other allegations or evidence of violation of any federal criminal law, . . . by any organization or individual developed during the Independent Counsel's investigation . . . and connected with or arising out of that investigation," we have begun to investigate whether Tyson Foods has committed federal crimes, either by aiding and abetting violations of 21 U.S.C. § 622 or by violating directly the strictures of 18 U.S.C. § 201(c), or any other statute that may be implicated by conduct that relates to the subject matter of this investigation. In that regard, we have looked not just at the gifts from Tyson Foods to Secretary Espy, but also at whether those gifts are part of a larger picture and pattern that reflect a manner of obtaining political influence that is in conflict with federal law.

In the course of our investigation, we have received evidence that at various times between 1980 and 1991, pilot employees of Tyson Foods were given envelopes they believed to contain \$100 bills, by Don Tyson or one of his employees, with directions that the money be flown to Adams Field in Little Rock, Arkansas and left at a designated drop off point, Mid-Coast Aviation, for delivery ultimately to Governor Clinton. We now are continuing our investigation, to attempt either to corroborate or disprove these serious allegations. We also have received evidence that on numerous occasions during the same period of time, Tyson Foods flew United States Congressmen to Mexico where they were entertained lavishly in Don Tyson's private residence; the pilots reportedly carried large sums of money across the border into Mexico.

As we attempt to continue our investigation, we anticipate challenges from Tyson Foods and/or its employees that these and related matters are beyond the scope of our jurisdiction. In an attempt to forestall litigation over this question, we believe that it would be

appropriate for our jurisdictional mandate to be clarified so that there is no doubt that we are within our grant of authority in pursuing these issues.

## BASES FOR REFERRAL

We are satisfied that the investigation into possible criminal violations by Tyson Foods in its gifts of money and favors to political officials is related to our prosecutorial jurisdiction and therefore should be referred to us under 28 U.S.C. § 594(e). We have been charged with investigating whether any federal crimes were committed by Secretary Espy or others arising from the Secretary's receipt of gifts by Tyson Foods and other industry donors. In order to determine what, if any, crimes may have been committed, we need to understand what was the intent of the parties in giving and receiving the gifts. In addition, we need to determine whether the gifts were given in exchange for any actions by the Secretary favorable to Tyson Foods.

This investigation began with the disclosure that Secretary Espy and another USDA official, Patricia Jensen, had received tickets from Tyson Foods to attend sporting events in January 1994. As our investigation progresses, it appears that those 1994 tickets were but the most recent in a long history of gifts by Tyson Foods to public officials in a position to exercise influence over the company and the poultry industry in general. We need to understand how the gifts given to Secretary Espy fit into that history of favors. Looked at in isolation, the gifts might appear to be relatively innocuous, involving no necessary intent to influence or to be influenced. Examined as part of a history of gifts given to cultivate favorable political treatment, they may take on a different cast and reveal criminal conduct that should be prosecuted. We cannot determine how the specific gifts from Tyson Foods to Secretary Espy should be viewed without understanding the relationships among the parties involved and examining the course of conduct of the parties over a period of time.

The evidence we have gathered so far in our investigation reveals, *inter alia*, the following:

The relationship between Don Tyson and Secretary Espy does not have a long history. They met shortly prior to President Clinton's inauguration as President in 1993. They were introduced by John Rogers, a friend of Don Tyson from Mississippi. The meeting was arranged at Espy's request, because Espy wanted to be appointed Secretary of Agriculture and thought that Don Tyson might have some influence over President Clinton's selection.

The personal contacts between Tyson and Espy during the year and a half following their meeting appear to have been limited. They attended some of the same inaugural celebrations, including a private inaugural party sponsored by Tyson Foods. Also attending these events was Patricia Dempsey, the woman with whom Espy was intimately involved. Don Tyson met Dempsey at the inauguration festivities.

On February 22, 1993, Don Tyson contributed \$1,000 to the campaign of Henry Espy,

Secretary Espy's brother. The next day, on February 23, 1993, Jack Williams, a Tyson Foods lobbyist, also contributed \$1,000 to the campaign. On March 24, 1993, Leland Tollett, a Tyson Foods employee, contributed another \$1,000 to Henry Espy's campaign.

In May 1993, Secretary Espy was the guest of Tyson Foods at the Tyson Management Development Center ["TMDC"], in Russellville, Arkansas. Espy had flown to Jackson, Mississippi, on a jet supplied by the University of Mississippi, to give a commencement address at the University of Mississippi. He then flew to Russellville on a jet provided by Tyson Foods. He was picked up at the airport by Don Tyson, Senator Pryor of Arkansas and others. He gave an address at the Arkansas Poultry Federation, attended a reception at a junior college and then was driven to the TMDC, where he stayed overnight and attended a fortieth birthday celebration for John Tyson, Don Tyson's son. He was flown back to Washington, with Senator and Mrs. Pryor, on a Tyson Foods jet.

Also a guest of Tyson Foods at the birthday celebration at the TMDC was Patricia Dempsey. She was flown to Arkansas on Friday on a Tyson Foods jet for the celebration. Espy joined her there on Saturday. Dempsey flew back to Washington on Sunday with Espy on the Tyson Foods jet.

We have interviewed an individual who is a frequent guest at Tyson social events. She was present at the TMDC in May 1993 for the John Tyson birthday party. Lodging, food, entertainment and cocktails were provided by Tyson. The entertainment included Ray Charles, Ronnie Milsap and The Cate Brothers. A formal dinner was served nightly. When Espy arrived on Saturday, there was much fanfare and his arrival appeared to be a "big deal." The individual interviewed thought it odd that Espy was there and that Don Tyson was making an effort to introduce him all around, because most of the guests there were friends of Tyson or his son and because Tyson did not usually socialize with African Americans.

In January 1994, Dempsey called Don Tyson and asked him to arrange for her to have two tickets to a Dallas Cowboys football game. Tyson provided the tickets and Dempsey and Espy attended the game. Prior to the game, Espy was in Lubbock, Texas on Agriculture Department business. He then flew to Dallas, where he met Dempsey at the airport. Jack Williams, a Tyson Foods lobbyist, paid for Dempsey's airplane ticket from Washington to Dallas. A limousine provided by Tyson Foods picked up Espy and Dempsey at the airport and took them to their hotel. A Tyson Foods limousine picked them up at their hotel and drove them to the airport to meet Don Tyson's plane and then to the game, where they sat in Tyson's skybox seats. The limousine then took them back to the airport.

Sometime during 1993, Dempsey was given a scholarship by Tyson Foods.

Dempsey has explained that she and Don Tyson are friends and have a friendship "independent of her relationship to the Secretary." Tyson, in contrast, has said that he and Dempsey are not friends. Dempsey is simply a person whom Tyson has met on occasion while

she was accompanied by Mike Espy.

In addition to the gifts to Espy and Dempsey, in January 1994, Tyson Foods apparently provided a ticket to a Vanderbilt basketball game and a first class upgrade on her airline ticket to Patricia Jensen, who became Acting Assistant Secretary for Marketing and Inspection Services at the Department of Agriculture on January 1, 1994. The ticket and upgrade were provided by Jack Williams, a Tyson Foods lobbyist.

During this same period of time, January 1993 through the summer of 1994, there were various items on the agenda of the Department of Agriculture of interest to Tyson Foods. In January, 1993, shortly after Espy's appointment as Secretary, Puerto Rico refused to allow a shipment of American chicken into Puerto Rico, because the chicken did not comply with Puerto Rico's labeling rule. The National Broiler Council, of which Tyson Foods is a significant member, requested help from the Department of Agriculture. Espy promptly raised the issue with the Governor of Puerto Rico, both in person and by follow-up letter. The chicken was permitted to be distributed in Puerto Rico.

In March 1993, the Food Safety Inspection Service [FSIS] division of the Department of Agriculture began work on a policy of zero tolerance of fecal contamination for poultry. A similar policy for beef already had been implemented. FSIS held meetings with poultry industry representatives, at which the industry objected to the proposed policy. On March 11, 1993, Jack Williams, a Tyson Foods lobbyist, met with Secretary Espy. On March 12, 1993, a meeting was held between the FSIS doctors working on the zero tolerance policy [ZTP] for poultry and several senior officials in the Department, including Kim Schnoor, Executive Assistant and Counsel to Espy, and Ron Blackley, Chief of Staff. Although Schnoor has denied that anyone was told at the meeting to stop work on ZTP for poultry or to destroy any work that had been done, the doctors left the meeting understanding that they had been told to stop work on ZTP for poultry and to destroy all documents relating to the policy. On April 2, 1993, Dr. Russell Cross, then acting Administrator of FSIS, wrote a memorandum to Kim Schnoor, reminding her that FSIS had been told to take no further action on ZTP for poultry until FSIS had permission from the Secretary. The memorandum asked for permission to resume work on ZTP. Not receiving an answer, Dr. Cross allowed his staff to work on internal arrangements for ZTP, but not to consult with industry on the policy as they usually would have. Formal permission to work on ZTP was not given by Espy until November 1993.

In response to a subpoena for files relating to ZTP, this office received a copy of a memorandum stamped April 23, 1993, from Kim Schnoor to Dr. Cross, in which Schnoor stated that she was following up on the meeting with FSIS staff relative to the development of ZTP for poultry. She stated that the Secretary would like the agency to continue its efforts, but that the work should remain confidential. In an interview on December 7, 1994, Dr. Cross was shown a copy of the memorandum. He said that he had never seen it. He called his secretary, still at FSIS, who could find no record of the memo either in the correspondence files or in the computer log she kept of incoming and outgoing correspondence. In an interview with this office on

January 13, 1995, Schnoor insisted that she had written and circulated the memorandum on the date stamped and did not know why no one received it or has a record of it.

It is with this background that we sought information regarding the history of Tyson Foods' gifts to other officials in a position, similar to Espy's, where they could make decisions affecting the economic well-being of Tyson Foods or the poultry industry in general. We interviewed Joseph Henrickson, who was employed as a pilot with Tyson Foods from April 1978 until he was fired on April 30, 1993. Henrickson believes that he was fired because he tried to stand up for another pilot he believed had been unfairly fired. Henrickson filed a lawsuit against Tyson Foods, which was dismissed under Arkansas' employment-at-will law.

Henrickson provided information about gifts from Don Tyson or Tyson Foods to a number of political figures during Henrickson's tenure at Tyson Foods. Don Tyson owns two or three homes in a "compound" near Cabo San Lucas, Mexico. Henrickson often flew Don Tyson and/or his guests to the compound. Frequent guests included various elected Federal officials. . Pilots flying the Mexico trips were given large amounts of cash in a bag, usually \$5,000 to "bribe" Mexican immigration and customs officials and to provide tips to baggage handlers and fuel personnel at the airports. Don Tyson also flew in lots of food and alcohol for the occasions, as well as female companions for his guests. The bag of cash also was carried by the pilots into the interior of Mexico where Tyson Foods has business operations. At least one of those elected officials recently has sponsored legislation that would greatly benefit Tyson Foods.

Henrickson said that after his lawsuit was dismissed, he expressed his interest in an appeal. His attorney, Marcia Brinton, told him that she had had lunch with four people from Tyson Foods, who warned her that if Henrickson did not drop his lawsuit, they would testify that Henrickson had been using Tyson Foods aircraft to traffic drugs on his Mexico trips.

Brinton has denied telling Henrickson that she met with four Tyson Foods employees who threatened to testify that Henrickson had been trafficking in drugs. Instead, she has stated that she received an anonymous call at her office from a man who told her that "your client" was running drugs and that's why he got fired and it will all come out in the trial. From the caller, she had the impression that there would be four people who would testify at the trial about the drug allegations. She never met with the caller or discussed having lunch. Other witnesses we have interviewed confirm that shortly after his meeting with Brinton, Henrickson told them of the threat made by four Tyson Foods employees who had met with his lawyer.

Henrickson has denied that he ever carried drugs in and out of Mexico or anywhere else. Others who know and have worked with him, including Tyson Foods pilots, have expressed confidence that he was not trafficking in drugs.

Asked by investigators from this office why Tyson Foods might think that Henrickson had something he could use against them, Henrickson disclosed that from some time beginning in the early 1980s through 1991, he and other pilots had delivered \$100 bills in plain envelopes



from Don Tyson to then Governor Clinton. He had personally made such deliveries on three or four occasions. He believed the dates were 1985, 1986 or 87, 1988 and 1991. On those occasions, he was given an envelope either by Clea Selman, Don Tyson's secretary, by Bill McKenzie, the chief pilot, or by Don Tyson and was told the money was for Governor Clinton. He was instructed to leave the money at the Mid Coast aviation desk, or with the fixed base operator or an individual driving an Arkansas State Police vehicle. In addition to the times Henrickson had personally delivered envelopes containing cash to Governor Clinton, he had observed other pilots he flew with carrying such envelopes. Henrickson never told his lawyer about the money, because he did not trust her.

Henrickson's wife, Mary Ann, remembers that Henrickson told her about the envelopes of money for Governor Clinton at the time that he delivered them.

No one of the other pilots we have interviewed to date have corroborated Henrickson's statements regarding the carrying of envelopes of cash to Governor Clinton, and Mid Coast representatives so far deny knowledge of the envelopes of money. We have interviewed a pilot who hired Henrickson in February and March 1994 to train him on a Citation Jet he recently had purchased. This pilot hired Henrickson because of Henrickson's reputation for honesty and skill. The pilot and his son worked closely with Henrickson for approximately two months. They believed him to be very honest. They said that they had pressed Henrickson for details about Tyson Foods and Henrickson had told them that on several occasions he had received envelopes full of cash for delivery from Don Tyson to then Governor Clinton.

In addition to information regarding cash gifts from Don Tyson to Governor Clinton, we have received information from an individual who socialized with Don Tyson that in the fall of 1991, Don Tyson sought help from a friend in identifying 10 names of individuals he could use as donors to the Clinton campaign. The individual interviewed understood that the reason for the names was to avoid the limit on the amount of funds any individual could contribute to a campaign. Three of these names appear on lists as donors to the campaign. We have not yet interviewed them for details.

Based on the foregoing evidence, we are convinced of the need for further investigation into the gift-giving practices of Tyson Foods. We are, of course, continuing to investigate the circumstances of the particular gifts to Espy and of the particular instances during Espy's tenure as Secretary of Agriculture when it appears that Tyson Foods may have received preferential treatment. But the other evidence we have uncovered makes it apparent that those gifts and instances are but the tip of a large iceberg. In order to determine whether the gifts from Tyson Foods to Secretary Espy should be prosecuted as illegal gratuities and whether Espy should be prosecuted as the recipient of illegal gratuities, we need to understand how they fit into this much bigger picture.

We have commenced interrogating witnesses before the Grand Jury. We do not want our efforts to pursue the areas we deem crucial to our inquiry stymied by motions to quash

subpoenas on grounds that we have overstepped our jurisdiction. In addition, as we explore these avenues of inquiry, we anticipate that we may uncover evidence of other criminal conduct, including, for instance, violations of the Foreign Corrupt Practices Act, the Bank Secrecy Act or the Money Laundering Control Act of 1986. In our view, because a thorough investigation of Tyson Foods is necessary for us to fulfill our mandate, it follows logically that we must have full jurisdiction to prosecute any federal crimes that are revealed by that investigation.

**IF THE ATTORNEY GENERAL DOES NOT AGREE THAT REFERRAL IS  
APPROPRIATE, AN EXPANSION OF JURISDICTION IS REQUESTED**

If the matters discussed above were not sufficiently related to our prosecutorial jurisdiction to make referral appropriate, our jurisdiction should be expanded, under 28 U.S.C. § 593(c), to cover them. As the 1994 reauthorization of the Independent Counsel statute recognizes, the purpose of the statute is to "preserve and promote public confidence in the integrity of the federal government. . . [and to] ensure fair and impartial criminal proceedings when an Administration attempts the delicate task of investigating its own top officials." S. Rep. No. 103-101, 103d Cong., 2d Sess. 5, reprinted in 1994 U.S.C.C.A.N. 748, 749. Thus, the statute provides that an independent counsel should be appointed not only when information is received regarding possible criminal conduct by one of a list of covered officials, but also when the Attorney General receives information that "any person" may have violated any Federal criminal law and "the Attorney General determines that an investigation or prosecution of the person, with respect to the information received, by the Attorney general or other officer of the Department of Justice may result in a personal, financial, or political conflict of interest." 28 U.S.C. § 591(c).

The evidence we have received regarding Tyson Foods' gifts to then governor Clinton and to other elected officials presents precisely the concerns addressed in § 591(c). The allegations of criminal conduct involve one of the largest financial supporters of the President of the United States and include conduct that purportedly involves the President himself.<sup>3</sup> The Attorney General cannot investigate these allegations without at least the appearance of a profound conflict of interest.

Based on the foregoing, it is apparent that an investigation into possible criminal violations by Tyson Foods should be conducted by an Independent Counsel. While these

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<sup>3</sup>As Mr. Smaltz stated at our meeting, we are not seeking jurisdiction over President Clinton, either for conduct as President or for conduct before he became President. If, in the course of our investigation, we become satisfied that we have specific, credible evidence of criminal offenses by President Clinton, we will notify the Department of Justice, so that appropriate action may be taken by the Department.

allegations could be referred to a separate Independent Counsel, it makes no sense to do that. As noted above, the allegations regarding payments to then Governor Clinton and other elected officials are closely related to our broader inquiry into whether Tyson Foods' gifts to Secretary Espy reflect a manner of doing business that runs afoul of 18 U.S.C. § 201<sup>c</sup> or other criminal statutes. Because the efforts of anyone who investigates the allegations discussed here necessarily will overlap with ours, the sensible course is for the investigation to be continued by this office.

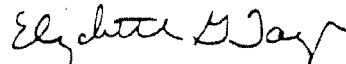
## CONCLUSION

In sum, we are satisfied that the investigation into possible criminal violations by Tyson Foods in its gifts of money and favors to political officials is within our jurisdiction. We would like to clarify that jurisdiction and to ensure that our jurisdictional reach is broad enough for us to conduct a thorough investigation without being sidetracked by repeated jurisdictional challenges. We therefore request, under § 594(e), that the Attorney General refer to this office the investigation into whether Tyson Foods committed any Federal crimes arising from its gifts of money or favors to state, federal or foreign officials in a position to exercise political influence over Tyson Foods or the poultry industry in general.

While we believe that the matters discussed above are "related" to our prosecutorial jurisdiction and therefore should be referred to us under § 594(e), the same result can be accomplished by treating these matters as an expansion of jurisdiction under § 593(c). As long as it is clear that our jurisdiction includes sufficient authority to conduct a thorough investigation of possible criminal wrongdoing by Tyson Foods, we will not quarrel with the means used to ensure that jurisdiction.

We look forward to hearing the results of your deliberations on these matters. In the meantime, if you have questions we may be able to answer, please call.

Sincerely,



Elizabeth G. Taylor  
Associate Independent Counsel