

**REPORT TO CONGRESS
ON THE ACTIVITIES AND OPERATIONS
OF THE
PUBLIC INTEGRITY SECTION
FOR 1994**



**Public Integrity Section
Criminal Division
United States Department of Justice**

**Submitted Pursuant to
Section 603 of the Ethics in Government Act of 1978**

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INTRODUCTION

This Report to the Congress, prepared as required by Section 529 of the Ethics in Government Act of 1978, details the activities and operations of the Public Integrity Section and provides statistics concerning the nationwide effort against corruption for calendar year 1994.

The Public Integrity Section was established in 1976. The Section was given the responsibility for overseeing the federal effort to combat corruption through the prosecution of elected and appointed public officials at all levels of government. The Section is also responsible for supervising the handling of investigations and prosecutions of election crimes. Its attorneys prosecute selected cases against federal, state, and local officials, and are available as a source of advice and expertise to prosecutors and investigators.

The Public Integrity Section also supervises the administration of the Independent Counsel provisions of the Ethics in Government Act. In addition, the Section serves as the Justice Department's center for the handling of issues that may arise from time to time regarding public corruption investigations and prosecutions.

The Section maintains a staff of approximately 25 to 30 attorneys including experts in election law, the laws prohibiting conflicts of interest and bribery, the Independent Counsel provisions, and the statutes providing federal jurisdiction over corruption at the state and local levels. As can be seen from the cases detailed in Part II of this Report, the Section handled a number of significant cases in 1994. Joseph E. Gangloff served as Acting Chief until March 13, 1994, when Lee J. Radek was appointed Chief of the Section.

Part I of this Report describes the operations and functions of the Public Integrity Section, highlighting major activities; Part II details the cases prosecuted by the Section; and Part III presents data on the national effort to combat public corruption during 1994, based on the Section's annual nationwide survey of United States Attorneys.

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PART I

OPERATIONAL RESPONSIBILITIES OF THE PUBLIC INTEGRITY SECTION

A. Responsibility for Litigation

Most of the Public Integrity Section's resources are devoted to litigation and supervision of investigations involving alleged abuses of the public trust. Decisions to undertake particular investigations and prosecutions are made on a case-by-case basis, based on the following considerations:

1. Recusals

As can be seen from the statistical charts at the end of this Report, the vast majority of federal corruption prosecutions are handled by the United States Attorney's Office in the district where the offense occurred. However, corruption cases, perhaps more than routine criminal prosecutions, raise unique problems of public perception. In conducting government corruption investigations and prosecutions, it is particularly important that the appearance as well as the reality of fairness and impartiality be maintained. Therefore, if the United States Attorney has had a significant business, social, political, or other relationship with any subject or principal witness in a corruption case, it is generally inappropriate for the United States Attorney or his or her office to conduct the investigation and prosecution. Cases in which the conflict is substantial are usually referred to the Public Integrity Section for prosecution or direct supervision.

Cases involving federal judges and other judicial officers always require the recusal of the United States Attorney's Office because the attorneys in the Office are likely to have to appear before the judge and have professional dealings with the court during and after the investigation. Thus, as a matter of established Department of Justice policy, all such cases are handled by the Public Integrity Section. For example, the Section handled the prosecution and appellate proceedings following the conviction of United States District Judge Robert P. Aguilar. Judge Aguilar was convicted of obstruction of justice and unlawful disclosure of wiretap information and was sentenced to serve six months in prison and pay a fine of \$1,000 on each count. While his conviction was initially set aside on appeal, the Supreme Court has recently reinstated his wiretap disclosure conviction and remanded the case for further proceedings.

Conflict of interest considerations similar to those that arise when the subject of an investigation is a federal judge often arise when the target of the investigation is a federal investigator, prosecutor, or other employee who works in or closely with a United States Attorney's Office. Such cases may also require recusal of the Office, and are frequently referred to the Public Integrity Section, where they constitute a significant portion of its case

load. For example, during 1994, Section attorneys obtained the conviction of a Federal Bureau of Investigation (FBI) agent and his wife on two felony counts arising out of their submission of fraudulent travel vouchers, leases and other documents. The close working relationship between the FBI and the United States Attorney's Office would have made an investigation and prosecution by that Office awkward at best, and such an inquiry would have been open to allegations of bias and favoritism that must be absent from federal prosecution.

2. Sufficiency of Local Resources

When the available prosecutorial resources in the United States Attorney's Office are insufficient to undertake a significant corruption case, and the United States Attorney requests the Section's assistance, the Public Integrity Section has historically provided experienced federal prosecutors, skilled in the nuances of corruption cases, to serve as co-counsel. For example, the Section provided resources and expertise, including assistance at trial, to the United States Attorney's Office for the Eastern District of Kentucky in "Operation Boprot," the Justice Department's wide-ranging investigation of corruption in the Kentucky state legislature.

The Section's participation in cases at the request of the United States Attorney also serves as valuable training to prosecutors in the field, who learn through working with Section attorneys about the applicable statutes and the investigative techniques most useful in corruption cases.

3. Sensitive or Multi-District Cases

In addition to cases in which there are formal recusals or in which manpower is requested or needed, the Public Integrity Section may become involved at the request of the Assistant Attorney General for the Criminal Division in highly sensitive matters and in matters that extend beyond district lines. Sensitive cases include those which, because of their importance, require close coordination with high Department of Justice officials, require a significant amount of coordination with other federal agencies in Washington, involve classified materials, or are so politically controversial on a local level that they are most appropriately handled out of Washington. When an investigation crosses district lines, the Section can provide coordination among various United States Attorneys' Offices, or, when appropriate, can assume operational responsibility for the entire investigation.

4. Federal Agency Referrals

Referrals from the federal agencies are an important part of the Section's workload. The Section works closely with the Offices of Inspector General for the various agencies, encouraging their investigations, coordinating joint investigations between the FBI and Inspectors General and ensuring that their cases receive prompt prosecutive attention. The Section also invests time in training the agencies' investigators in the statutes involved in

corruption and employee misconduct cases and the investigative approaches that work best in such cases. As one example of how successful such cases can be, as of December 31, 1994, an investigation conducted with the Department of Justice Inspector General's Office had resulted in eleven convictions stemming from "Operation Byte," an ongoing investigation into manipulation of the central computer system of the INS.

The Section has also focused particular attention on referrals from the various intelligence agencies; matters involving these agencies' employees often are unusually sensitive, requiring high level clearances and the application of specialized statutes. For example, the Section received a referral involving a senior program manager of the Defense Intelligence Agency who was eventually indicted and faces trial on charges of conspiracy to defraud the United States, false statement, and conflicts of interest. The fraud was implemented through a DIA program that involved a highly technical electronic warfare countermeasures system, and various aspects of the case that implicated classified national security information have required special litigation under the Classified Information Procedures Act.

B. Special Section Priorities

1. Independent Counsel Matters

Since the Ethics in Government Act was passed in 1978, the Public Integrity Section has been responsible for supervising the administration of the Independent Counsel provisions of the Act, codified at 28 U.S.C. §§ 591-599.¹ Both the procedures and time limits of the Independent Counsel provisions are strict, and these matters are usually very sensitive. Therefore, they are handled as the highest priority of the Section. At the same time, the legal issues involved in analyzing these matters are often extremely complex and novel, and attorneys handling the preliminary investigations are required to come to difficult conclusions about these sensitive matters without the benefit of the fully developed facts with which prosecutors in corruption matters are accustomed to dealing. The number of Independent Counsel matters handled by the Section has increased steadily over the past several years, to the point that handling such matters has become a significant portion of the Section's workload.

Under the Independent Counsel provisions, if specific information from a credible source is received by the Justice Department alleging that any of certain specified high government officials has committed a crime, the Attorney General must request that a special panel of federal judges appoint an Independent Counsel, unless preliminary investigation, limited to 90 days, establishes there are no reasonable grounds to believe that

¹The Independent Counsel provisions lapsed on December 15, 1992, and were reauthorized on June 30, 1994. During 1993 and the first half of 1994, the Section worked closely with Congress on the reauthorization.

further investigation or prosecution is warranted. The Public Integrity Section is responsible for supervising the initial investigation, and preparing a recommendation to the Attorney General as to whether the Independent Counsel provisions have been triggered and whether any further investigation is warranted.

Following reauthorization of the Independent Counsel Act in mid-1994, the Public Integrity Section supervised the preliminary investigations and prepared recommendations to the Attorney General which led to the appointment of Independent Counsels to investigate the allegations surrounding Whitewater/Madison Guaranty Bank and the allegations that former Secretary of Agriculture Michael Espy had accepted gratuities from corporations with matters pending before the Department. The investigation of both these matters has been made public by order of the Special Division of the Court for Independent Counsels, the court finding that public disclosure would be in the public interest.

In addition to its work on preliminary investigations under the statute, the Section also serves as the principal liaison between the ongoing independent counsels and the Department of Justice, some of which have absorbed substantial Section resources. The Section has coordinated independent counsel inquiries concerning legal issues, Departmental policies, requests for documents, and interviews of Departmental personnel.

2. Election Crimes

The Section's Election Crimes Branch coordinates the Department's efforts to respond effectively to federal crimes involving the electoral process. These include:

- * Crimes involving the voting process (i.e., "voter frauds");
- * Campaign financing crimes, including criminal violations arising under the Federal Election Campaign Act (FECA);
- * Violations of various federal laws dealing with patronage crimes and offenses arising under the Federal Hatch Act; and,
- * Matters involving illegal lobbying with appropriated funds.

The Election Crimes Branch performs the following functions in this regard:

a. Field Support and Consultation. The Branch gives advice and assistance to the United States Attorneys' Offices regarding the application of federal criminal laws to election fraud and campaign-financing abuses. During 1994, the Branch assisted the United States Attorneys' Offices with significant election-fraud investigations in Alabama, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Kentucky, Massachusetts, Louisiana, Maryland, Nevada, New Jersey, Pennsylvania, Tennessee, Texas, and West Virginia. The Branch also supervises the Department's use of the federal conspiracy

and false statements statutes (18 U.S.C. §§ 371 and 1001) to address aggravated schemes to subvert the federal campaign-financing requirements of the Federal Election Campaign Act, 2 U.S.C. §§ 431-456. Finally, the Branch reviews all major election-fraud investigations and criminal cases brought under federal law throughout the country, as required by Departmental procedures.

b. Education and Training. In order to promote greater awareness of election crimes and the Department's prosecutive responsibility in this area, the Branch provides lectures at training seminars held for prosecutors, investigators, and election officials. During 1994, the Branch participated in ten federal and state-sponsored training activities.

c. Legislation. The Branch reviews all proposed legislation which would affect the election process or the regulation of campaigns, and frequently plays a significant role in formulating the Department's position in these areas. In 1994, the Branch continued to assist the Department in its efforts to obtain the enactment of the Department's Anti-Corruption Act (proposed 18 U.S.C. § 226), which contains strong election-crime provisions drafted by the Election Crimes Branch in 1989. Further, the Branch was involved in significant legislative initiatives in 1994 dealing with the Hatch Act, the National Voter Registration Act, and the numerous bills proposing amendments to the FECA.

d. Litigation. The Branch at times assumes operational responsibility for the prosecution of significant cases involving voter frauds and campaign financing crimes. In 1994, the Section prosecuted cases in Arkansas and Illinois.

e. Inter-Agency Liaison. The Branch is the formal liaison between the Justice Department and the Federal Election Commission, with which the Department shares enforcement jurisdiction over violations of the FECA. The Branch also serves as the Department's point of contact with the United States Office of Special Counsel (OSC). The OSC has jurisdiction over noncriminal violations of the Hatch Act, 5 U.S.C. §§ 7321-7326 and §§ 1501-1508, which may also involve criminal patronage abuses which are within the Department's jurisdiction.

f. International Cooperation. During 1994, the Branch became involved in official exchanges of expertise in election administration and voter fraud prevention with emerging democracies from around the world. These activities were conducted under the auspices of the Federal Election Commission and the United States Information Service. For example, during 1994, the Branch delivered briefings to delegations of senior government officials from Taiwan, Thailand, Guyana, Columbia, Italy, and Sri Lanka.

g. National Election Day Watch Program. The Branch is responsible for ensuring that an Assistant United States Attorney is appointed in each judicial district to serve as the District Election Officer, and for providing assistance to these prosecutors in responding to election complaints in their district.

3. Conflicts of Interest Crimes

Conflicts of interest is a wide-ranging and complex area of law, with many layers of administrative responsibility. The Public Integrity Section's role comes into play with respect to a narrow group of conflicts matters, those allegations which involve criminal misconduct. Investigation of these allegations is coordinated with the FBI or the Inspector General for the agency concerned, or both.

The Section also has a number of legislative responsibilities with respect to the conflict of interest laws, a role that has been particularly significant in recent years with the surge of interest in more effective legislation governing government ethics. The Section develops and reviews legislative proposals relating to criminal conflicts of interest, but also devotes considerable resources to the review of noncriminal legislative proposals that overlap, sometimes in a subtle manner not envisioned by a bill's drafters or sponsors, with the criminal statutes. The principal objective is to assure that the impact of proposed legislation on criminal law enforcement is recognized and is consistent with policy reflected in the criminal statutes. Responsibilities of the Section include formulating policy, drafting legislation and correspondence, reviewing legislative activity of other executive branch agencies, preparing congressional testimony, and providing technical advice to Department officials.

Coordination with other government offices on conflicts matters is a crucial role of the Section, to ensure that our efforts are complementary and consistent. The Office of Government Ethics plays the most important role in that effort. The Section also frequently provides instruction focussing on the conflicts of interest laws to investigators with the various Offices of Inspectors General, and the Section's Principal Deputy Chief serves on the faculty of the Advanced Financial Fraud Training Program of the Financial Fraud Institute at the Federal Law Enforcement Training Center.

C. Technical Assistance

In addition to its litigation responsibilities, the Section provides technical assistance and support services to law enforcement officials at all levels of government.

1. Advice and Training

The Public Integrity Section is staffed with specialists who have considerable experience in prosecuting corruption cases. Section attorneys are available to advise investigators and prosecutors on substantive questions, investigative methods, indictment drafting, and motions.

In 1994, the Section continued to devote substantial efforts to formal training of investigators and prosecutors. For several years, the Section has sponsored an annual four-day training seminar for prosecutors and agents involved in public corruption investigations and prosecutions. The Section again held a seminar in 1994, co-sponsored by the Attorney

General's Advocacy Institute. The seminar was an outstanding success, providing intensive training to approximately 200 prosecutors and investigators. The seminars provided legal training in the statutes most commonly used in corruption cases, guidance in the use of the complex and difficult investigative techniques necessary to investigate corruption, and advice from experienced prosecutors on conducting corruption trials.

2. Consultation

In order to achieve a degree of national uniformity among corruption prosecutions, the Section reviews certain investigations and indictments proposed by the United States Attorneys' Offices, as directed by the Assistant Attorney General for the Criminal Division. In 1994, consultation with the Section before federal prosecution may proceed was required in most election-related cases, and in corruption cases brought under the Hobbs Act.

3. Legislative Activity

A major responsibility of the Public Integrity Section is the review and coordination of legislation affecting the prosecution of public officials. The Section is often called upon to provide comments on proposed legislation, to draft testimony for congressional hearings, and to respond to congressional inquiries.

4. General Assistance and Supervision

Departmental supervision of prosecutions is often important in public corruption cases, which are frequently controversial, complex, and highly visible. Section attorneys are occasionally called upon to conduct a careful review of such sensitive cases, evaluating the quality of the investigative work and the adequacy of the proposed indictments. The presence of Public Integrity Section attorneys helps to ensure that these important public corruption cases are properly developed and brought to trial, since the Section can often identify problems early on and either provide needed assistance, or, if necessary, assume operational responsibility for the prosecution.

The Section has considerable expertise in the supervision and oversight of the use of undercover operations in serious corruption cases. During 1994, the Section's Chief and Principal Deputy Chief served on the FBI's Undercover Review Committee. Additionally, a number of the Section's senior prosecutors have experience in both the practical and legal problems and the valuable investigative benefits involved in such operations. Thus, the Section has the ability to employ effectively this sensitive investigative technique and to advise law enforcement personnel on its use.

Finally, the Section provides numerous other miscellaneous support services to United States Attorneys in connection with corruption cases. Much of this support comes in the form of serving as liaison with other components of the Department in order to expedite approval of such procedures as immunity requests, Title III wiretapping orders, and witness protection program applications.

PART II

**PUBLIC INTEGRITY SECTION
INDICTMENTS, PROSECUTIONS AND APPEALS
IN 1994**

As described above, the participation of the Public Integrity Section in the prosecution of public corruption cases ranges from sole responsibility for the entire case to approving an indictment or providing advice on the drafting of charges. This portion of the Report describes each case either handled solely by the Section, or in which it shared substantial operational responsibility with a United States Attorney's Office during 1994. Related cases are grouped together, set off by double lines. The public corruption cases handled every year solely by the United States Attorneys' Offices are reflected in the statistics set forth in Part III of this Report.

This section of the Report is divided according to the level of government affected by the corruption. The prosecutions and indictments reported below reflect the Section's work during 1994 and the status of its cases as of December 31, 1994. This section of the Report also provides statistics on the number of matters closed without prosecution during 1994, and the number of matters open at the end of the year.

FEDERAL JUDICIAL BRANCH

During 1994, the Public Integrity Section closed eight matters involving judicial corruption without indictment. Fourteen such matters were under investigation at the end of 1994. During 1994; the Section handled the following cases involving crimes affecting the judicial branch:

United States v. Robert P. Aguilar, Northern District of California

On April 19, 1994, the Ninth Circuit Court of Appeals, *en banc*, reversed the conviction of United States District Judge Robert P. Aguilar. Aguilar had been convicted of illegally disclosing a wiretap to Abe Chapman, a named interceptee in the wiretap application. Judge Aguilar was also found guilty of endeavoring to obstruct a grand jury investigation by lying to FBI agents in an interview. The Court of Appeals held that the wiretap disclosure statute did not apply to Judge Aguilar's disclosure to Chapman, and that the obstruction of justice statute did not apply to lying to FBI agents. The Supreme Court has since reversed the Court of Appeals decision, and remanded the case for further consideration.

United States v. Atkin, Northern District of Ohio

On November 4, 1994, Cleveland attorney Sanford I. Atkin was indicted in connection with a "rainmaking" scheme in which he accepted \$550,000 from a criminal defendant on the false representation that he would use the money to bribe a United States District Judge. The indictment charged Atkin with obstructing justice, interstate transportation of property obtained by fraud, money laundering, witness tampering, tax evasion, filing false income tax returns, and criminal forfeiture.

In late 1989, Atkin received \$300,000 from Reuben Sturman, an international pornographer, who was then on trial for criminal tax offenses. Atkin told Sturman he would use the money to bribe the presiding judge so that Sturman would receive bond pending appeal if he were convicted. Sturman was subsequently convicted and was granted bond pending appeal, but there is no evidence to indicate that the judge received any money from Atkin or was otherwise corruptly influenced.

In 1992, Sturman, who believed that his earlier payment had been successful, paid Atkin another \$250,000, which Atkin told Sturman he would pass to the judge in exchange for a reduction in Sturman's ten-year prison sentence. The judge subsequently denied Sturman's motions for a reduction in sentence, and there is no evidence to indicate that he received any money from Atkin.

United States v. Sturman and Delgado, Northern District of Ohio

On April 26, 1994, Reuben Sturman and his wife Naomi Delgado pled guilty to both counts of a superseding indictment charging each with jury tampering and witness tampering. Sturman, an international pornographer, was previously convicted in 1989 of conspiracy, tax evasion and obstruction of justice, and reported to Federal Prison Camp in June of 1992. The prosecution of Sturman and Delgado stemmed from the judicial corruption investigation of Cleveland attorney Sanford I. Atkin, described above.

Count one of the indictment charged Delgado and Sturman with attempting to influence a juror during Sturman's 1989 trial. Near the end of his trial, Delgado, acting on Sturman's direction, met with a juror and attempted to persuade him to vote not guilty.

Count two of the indictment involved attempts by both defendants to tamper with witnesses subpoenaed to testify before a grand jury regarding Sturman's escape from prison in 1992. In January 1993, two of Sturman's employees were served with grand jury subpoenas. Both Sturman and Delgado admitted that they instructed these witnesses to lie to the grand jury.

On June 27, 1994, Sturman was sentenced to 27 months in prison and three years of supervised release. Delgado was sentenced to 21 months in prison and two years of supervised release. The court ordered that Sturman's sentence run concurrently with

sentences he is currently serving for tax evasion (ten years), racketeering (four years), and extortion (19 1/2 years).

FEDERAL LEGISLATIVE BRANCH

During 1994, the Public Integrity Section closed eight investigations involving allegations of corruption or misconduct within or involving the legislative branch. As of December 31, 1994, nine such matters were pending in the Section. Also during 1994, the Section prosecuted the following case involving the legislative branch:

United States v. Durenberger, District of Columbia

On February 25, 1994, Senator David F. Durenberger of Minnesota was reindicted for conspiring to make and making false claims to the Senate. He is charged with hiding his ownership of a Minneapolis condominium so that he could obtain reimbursement from the Senate for stays in the condominium when he travelled to Minnesota on Senate business. The original indictment had been dismissed on the grounds that evidence privileged under the constitutional Speech or Debate clause had been considered by the grand jury.

Durenberger has since pled guilty.

FEDERAL EXECUTIVE BRANCH

The Public Integrity Section closed 131 matters involving allegations of corruption or misconduct within the executive branch during 1994. As of December 31, 1994, 169 such matters were pending in the Section. Also during 1994, the Section prosecuted the following cases involving executive branch corruption and misconduct:

United States v. Arnold, Northern District of Georgia

On April 8, 1994, Gary Stephen Arnold, former Director of Domestic Development and Country Director to Belize with the United States Peace Corps, pled guilty to an Information charging him with concealing \$4 million of outstanding debts on financial disclosure forms submitted to the Peace Corps.

On June 27, 1994, Arnold was sentenced to two years of probation and 100 hours of community service.

United States v. Ashby, District of Arizona

On September 12, 1994, the United States Court of Appeals for the Ninth Circuit reinstated the jury's verdict of guilty on one count of criminal conflict of interest in the government's case against United States Customs Service agent Richard N. Ashby.

In January of 1993, a jury had returned a verdict of guilty on one criminal conflict of interest count and not guilty on numerous mail fraud counts. Shortly thereafter, the district court granted the defendant's motion for acquittal.

Ashby was charged with formulating a scheme whereby he would submit forms to his office's imprest fund to obtain cash to pay confidential informants. One of the informants paid was his wife, Cynthia Ashby. On three occasions after they were married, the defendant requested, approved and witnessed the payment of cash to his wife. On another occasion, the defendant authorized and witnessed the payment to his wife. The total amount of the fraudulent and unlawful payments charged in the indictment was more than \$17,000.

United States v. Bennett, District of Columbia

On February 10, 1994, Eugene A. Bennett, formerly a Special Agent with the Public Corruption Squad of the FBI's Washington Metropolitan Field Office, was sentenced to 12 months in prison, three years of supervised release and \$17,430 in restitution to the FBI.

Bennett had pled guilty to obstruction of justice and making false monetary claims to the United States in connection with a fraudulent real estate transaction. A previous trial relating to the real estate transaction had ended in a mistrial. Bennett admitted that he obstructed justice in the first trial by improperly influencing his estranged wife, a Supervisory Special Agent with the FBI, to testify falsely.

United States v. York, District of Columbia

On February 2, 1994, Jerry Lee York pled guilty to an Information charging him with participating in a scheme to conceal a material fact from the FBI. The court immediately imposed a stipulated sentence of 12 months of probation and a \$5,000 fine.

York admitted that he participated in a scheme with then-FBI agent Eugene Bennett to conceal that Bennett did not reside at a house in Lithonia, Georgia. Bennett, with York's knowledge, had falsely represented to the FBI that he lived at the Lithonia house as part of a scheme to have the FBI's relocation program purchase the house when Bennett was transferred from the Atlanta to the Washington, D.C. office of the FBI.

United States v. Boswell, Northern District of Georgia

On January 19, 1994, Jean Marie Boswell was sentenced to eight months in prison for having stolen \$14,520 in government funds. She was also ordered to make full restitution, pay a \$2,000 fine, and receive mental health care while on supervised release after incarceration.

Boswell had pled guilty to stealing the money while serving as a cash custodian in a Department of Defense facility in Atlanta. She did so by opening two packages containing \$100 and \$50 bills, substituting \$1 bills for all but the top and bottom high-denomination bills, then resealing the packages and falsifying a cash count verification to conceal the theft. The theft was discovered when Boswell left government service and turned over her cash handling responsibilities to a successor.

United States v. Cipullo, Western District of Pennsylvania

On November 22, 1994, Richard M. Cipullo, an attorney from Pittsburgh, pled guilty to an Information charging him with wire fraud. Cipullo devised a scheme in which he told a client that, for approximately \$15,000, he would get a third party to intercede on the client's behalf with the United States Attorney's Office concerning the client's sentencing. Cipullo also represented to the client that two meetings between the third party and the United States Attorney had been scheduled for this purpose. In fact, the third party did not exist and no contacts were made with the United States Attorney's Office. Cipullo intended to use the money for his personal expenses.

United States v. Cannon, Eastern District of New York

On July 5, 1994, William Cannon, a Deputy United States Marshal, was indicted and charged with one count of conspiracy and one count of perjury. At trial, the government presented evidence that Cannon struck a prisoner several times with a "slapjack" (an eight-inch leather pouch filled with lead) while transporting him in a car from the place of arrest. The prisoner, who earlier had broken Cannon's nose while resisting arrest, suffered no visible injury from Cannon's assault. The two Deputy United States Marshals who witnessed Cannon's actions -- Patrick O'Dea and Harley Smith -- later agreed with Cannon to conceal the incident in the car. During the prisoner's trial, both Cannon and O'Dea denied under oath that they or anyone else had struck him. The prisoner was convicted of resisting arrest.

After the trial, however, Smith told the prosecutor that Cannon had hit the prisoner in the car. The United States Attorney's Office successfully moved to vacate the prisoner's conviction, and referred the allegations against the marshals to the Public Integrity Section. When interviewed, Smith and O'Dea admitted that they had conspired with Cannon to conceal Cannon's actions, and each pled guilty to Informations charging conspiracy to obstruct justice. Smith and O'Dea cooperated with the investigation and testified at Cannon's trial.

On November 4, 1994, a jury acquitted Cannon of perjury and conspiracy to obstruct justice.

United States v. O'Dea, Eastern District of New York

On April 4, 1994, Patrick O'Dea, a Deputy United States Marshal, pled guilty to an Information charging him with conspiracy to obstruct justice. The Information charged O'Dea with conspiring with two other Deputy United States Marshals, William Cannon and Harley Smith, to conceal an assault upon a prisoner they had arrested.

According to the Information, O'Dea did not participate in the assault, but agreed with the co-conspirators to deny that the assault occurred to all relevant authorities, including the United States Marshal's Office and the United States Attorney's Office. The conspiracy continued during the trial of the prisoner for resisting arrest and assaulting a marshal when O'Dea and one of the other co-conspirators falsely testified that they had no knowledge of the assault. The prisoner's subsequent conviction for resisting arrest was vacated upon the motion of the United States Attorney's Office for the Eastern District of New York.

United States v. Smith, Eastern District of New York

On April 29, 1994, Harley Smith, a Deputy United States Marshal, pled guilty to an Information charging him with conspiracy to obstruct justice. The Information charged Smith with conspiring with two other Deputy United States Marshals, Patrick O'Dea and William Cannon, to conceal an assault upon a prisoner they had arrested, as described above.

United States v. Chislom, District of Columbia

On July 1, 1994, former FBI time and attendance clerk Sheila Chislom pled guilty to using the computer password of another employee to access the FBI payroll system and inflate her own overtime hours. Over one year, Chislom received payment for 516 hours of overtime she did not perform. When the FBI investigated this matter, Chislom asked coworkers to conceal her offense, which led the court to enhance her sentence for obstruction of justice.

On November 1, 1994, Chislom was sentenced to five months of incarceration, five months of community confinement, two years of supervised release and \$9,550 in restitution.

United States v. Correa, Eastern District of Washington

On September 2, 1994, George Correa, a former investigator with the Equal Employment Opportunity Commission (EEOC) in Seattle, Washington, pled guilty to making false statements to the EEOC. Correa's responsibilities at the EEOC included interviewing persons who were witnesses to charges of employment discrimination by private sector employers and recording their testimony in written interview reports. Based on these reports, Correa would make recommendations as to whether the EEOC should find that there was cause to believe that a charge of discrimination was true or should instead find that a charge was not true and close a matter.

From January of 1993 to September of 1993, Correa submitted numerous interview reports to the EEOC which purported to record the testimony of witnesses whom he had interviewed and which played a part in his recommendation to the EEOC to close several matters. In fact, Correa had not interviewed the persons and the interview reports were fabricated.

On November 4, 1994, Correa was sentenced to two years of probation and 200 hours of community service.

United States v. Dale, District of Columbia

On December 7, 1994, Billy R. Dale, the former Director of the White House Travel Office, was indicted and charged with embezzlement and wrongful conversion.

Between 1988 and 1991, Dale deposited into his personal bank account 55 checks, totaling over \$54,000, that he obtained in his official position as Director of the Travel Office. The checks he deposited into his personal account consisted of checks that the White House news media sent to the Travel Office to pay their share of travel expenses, and refund checks from telephone and other companies who provided services for the press on Presidential trips. The indictment charges Dale with embezzling and wrongfully converting

41 of those checks and with embezzling and wrongfully converting an additional \$14,000 in cash from a checking account that the Travel Office maintained on behalf of the press. Between February 1992 and January 1993, Dale cashed several checks and failed to add \$14,000 of the cash proceeds to the Travel Office's petty cash fund.

Dale has since been acquitted of the charges.

United States v. Dargis, Eastern District of Virginia

On July 5, 1994, Gerald P. Dargis, an SIS-4 senior officer of the Central Intelligence Agency, pled guilty to an Information charging him with misdemeanor theft of government funds.

In 1992, before a one-month personal vacation, Dargis directed his secretary to record his leave in a repeated pattern of 1 day of annual leave followed by 3 days of sick leave, though Dargis was not entitled to take any sick leave during his vacation. The pattern of no more than three consecutive sick days allowed him to avoid justifying the sick leave with a physician's signature. After the vacation, Dargis falsely certified time sheets showing the 1-3-1-3 pattern. Dargis admitted trying to avoid depletion of his annual leave because, as a member of the Senior Intelligence Service (comparable to the Senior Executive Service), he could accrue unlimited annual leave and receive its cash value at retirement -- in this case, \$6,430. After his conduct was discovered, the CIA recovered the full value of the misdesignated time.

On October 11, 1994, Dargis was sentenced to ten days in prison and a \$6,430 fine.

United States v. Frazier, District of Columbia

On March 31, 1994, James Frazier, the former Deputy Director, Personal Property Mail and Reproduction, United States Department of Agriculture (USDA), paid a \$5,000 civil fine and \$350 restitution to the USDA as a result of his violation of the federal financial conflicts of interest law. This was the third civil settlement under the criminal conflict provisions handled by the Public Integrity Section.

Frazier was responsible for USDA's administration of transportation, personal property management, mail and duplicating services, including the Centralized Excess Property Operation (CEPO), a warehousing operation for excess government furniture and furniture in need of repair. In September 1989, Frazier arranged for a government contractor, doing work for CEPO, to refurbish Frazier's personal furniture. On October 2, 1989, the same day the contractor completed the work on the furniture, Frazier authorized a procurement

request for \$300,000 which obligated funds for a one-year service contract with the contractor. The bill for the repair of Frazier's furniture was paid with government funds.

United States v. Roy Feliciano and Evelyne Feliciano, District of Puerto Rico

On August 15, 1994, former FBI Special Agent Roy Feliciano and his wife, Evelyne DeRose Feliciano, each pled guilty to two felony counts for their role in a scheme to defraud the FBI through the submission of fraudulent travel vouchers and other documents claiming expenses for temporary quarters (TQ) housing incurred in connection with transfers to the FBI's San Juan office.

The conspiracy involved the making of false claims and the submission of fraudulent leases, receipts and other documents by the Felicianos in connection with their own TQ apartment, and the deception by the Felicianos of four innocent Special Agents who accepted their "assistance" in arranging for TQ housing when the agents were transferred to Puerto Rico. These agents were given fraudulent and forged documents that they unknowingly passed on to the FBI.

The Felicianos arranged to rent apartments for themselves and for the other four Special Agents. The Felicianos then created fraudulent leases and receipts reflecting that the monthly rent charged by the realtors was considerably higher. The FBI paid the phony higher rent to the Felicianos, who stated they would pass these rental payments on to the owners of the apartments. Instead, Evelyne Feliciano deposited the payments into her personal bank account, paid the owners of the apartments the actual lower rent, and kept the remainder. Through this scheme they were able to net approximately \$18,000.

United States v. Forman, Eastern District of Michigan

On June 16, 1994, Theodore Forman, a former Tax Division trial attorney, was sentenced to 36 months in prison and two years of supervised release following his incarceration on his conviction for criminal contempt for unlawfully disclosing grand jury information. Forman had been convicted by a jury of unlawfully disclosing grand jury information and was acquitted of obstruction of justice.

The indictment was based on Forman's unlawful disclosure of an IRS special agent's report and attached exhibits, which included federal grand jury information. A copy of the unlawfully released material was found in an office used by one of the targets of the investigation. At the time, Forman was a trial attorney with the Northern Criminal Enforcement Section of the Tax Division, which had the responsibility for reviewing the proposed prosecution set forth in the disclosed investigative report.

The special agent's report concerned a tax investigation coordinated by the Organized Crime Strike Force Unit of the United States Attorney's Office in Detroit. Contained in the materials were a summary of the investigation, taxpayer information, grand jury testimony, a description of the evidence obtained during the investigation, a discussion of potential defenses by the targets of the investigation, and the agent's conclusions and recommendations. Also included was a list of witnesses, their locations or addresses and, in some instances, their telephone numbers. At trial, the government showed that a copy of the report was found in an office used by Vito Giacalone, a reputed organized crime figure. Trial testimony also showed that Forman used his position in the Tax Division to gain and attempt to gain information about the Giacalone investigation.

United States v. Hartman, District of Columbia

On April 29, 1994, Howard J. Hartman, an Emergency Management Systems Specialist with the Federal Emergency Management Agency (FEMA), pled guilty to an Information charging him with a misdemeanor theft of government property for using FEMA telephones and FEMA computer software in furtherance of a for-profit computer bulletin board that he owned and operated.

On July 8, 1994, Hartman was sentenced to three years of probation, \$9,212 in restitution and 100 hours of community service. Pursuant to his plea agreement, Hartman had already resigned from FEMA.

United States v. Hews, District of Columbia

On February 7, 1994, Edward D. Hews, formerly employed as the Deputy Manager and Acting Manager of the Federal Crop Insurance Corporation (FCIC), an agency within the United States Department of Agriculture, was sentenced to two years of probation and 50 hours of community service.

Hews had pled guilty to an Information charging him with violating federal post-employment restrictions. Hews admitted that, within two years after leaving the FCIC, he knowingly made two written communications to the agency with the intent to influence it with regard to a particular matter in which the United States was a party and had a direct and substantial interest.

In early 1988, a major crop insurance company, Crop Hail Management (Crop Hail) notified Hews that it would appeal an adverse FCIC decision regarding certain claims, including the case of a Maine potato farmer named Valier Ouellette. Later in 1988, Hews left government service and joined Crop Hail as a consultant. Hews recused himself from

the initial appeals hearing in 1989 but, after the FCIC denied Crop Hail's appeal of the Ouellette claim, Hews repeatedly tried to persuade FCIC officials to reconsider the denial.

United States v. Jackson, District of Columbia

On October 31, 1994, Karen Jackson, a former secretary and time and attendance clerk for the Department of Transportation, pled guilty to an Information charging her with theft. In September of 1992, DOT discovered that Jackson, acting as her own time and attendance clerk, had altered her attendance records to reflect overtime hours which she had not earned. Jackson signed a statement acknowledging her misconduct and received a letter of reprimand. In May of 1993, after Jackson was allowed to continue as time and attendance clerk, DOT's Payroll office discovered more altered attendance records. In total, Jackson falsified over 320 hours of unearned overtime hours.

United States v. Krell, District of Guam and the Northern Marianas Islands

On September 13, 1994, in Agana, Guam, the former Chief Deputy United States Marshal for the District of Guam and the Northern Marianas Islands, Philip T. Krell, pled guilty to converting to personal use over \$7,574 in government-owned airline credit vouchers and to making a false statement to conceal the conversion. On the same day, Krell was sentenced to three years of probation with six months of electronically monitored home confinement and a \$5,000 fine.

Krell, a 28-year veteran of the Marshals service, admitted that during 1991 and 1992 he directed subordinates to turn over to him credit vouchers which Continental Airlines and SATO Travel issued to the Marshals Service in exchange for unused tickets originally purchased for official travel by Marshals Service personnel and prisoners. He used four of the vouchers to obtain tickets for personal travel by himself, his wife and daughter, and a co-worker with whom he took a pleasure trip to Manila. In order to conceal one of the conversions, he filed a false travel voucher.

Pursuant to the plea agreement, Krell paid \$2,696 in restitution for two government-paid tickets for home leave travel by himself and one daughter, which he used not for that travel but instead to upgrade to first class travel of his wife and other daughter. Krell also paid the Marshals Service \$10,320 in compensation for airline frequent flyer miles which he had earned on official government travel but had converted into tickets for personal travel by himself, family, and friends.

United States v. Lambert, Northern District of Georgia

On August 11, 1994, in the Northern District of Georgia, Vincent B. Lambert pled guilty to an Information charging him with obstruction of justice.

The charges were based upon a scheme in which Lambert told a federal prison inmate, Andre Willis, that Lambert could help Willis get a favorable sentence in exchange for \$50,000. At the time, Willis was incarcerated pending sentencing on drug trafficking charges. Lambert told Willis that he had a relationship with an Assistant United States Attorney, and that he could use this connection to reduce Willis's sentence. In October 1993, Willis paid over \$50,000 to Lambert through one of Lambert's accomplices.

In 1994, Willis was arrested on another drug charge. Lambert again approached Willis and told him that for \$45,000, Lambert could obtain a reduced sentence for Willis. On July 14, 1994, Lambert arranged for a middleman, to pick up the money from Willis's girlfriend. When the middleman was subsequently detained and questioned, he told the FBI that Lambert had directed him to pick up a package.

On July 15, 1994, the FBI arrested Lambert. Lambert agreed to be interviewed and admitted that he had tried to obtain over \$100,000 from Willis. Lambert further admitted that the entire scheme was a scam and that he had not contacted anyone in the United States Attorney's Office in relation to Willis's cases.

United States v. Lanning, District of Columbia

On July 6, 1994, William Dale Lanning, a senior program manager with the Defense Intelligence Agency, was indicted and charged with conspiracy to defraud the United States, false statements and financial conflicts of interest. Lanning was in charge of a highly technical electronic warfare program related to battlefield command, control, communications, and countermeasures, called the C3CM Decision Aid Program.

The conspiracy arose in 1989, when Lanning caused a defense contracting firm, Interactive Television Company (ITC), to hire a personal friend, Catherine Duchene, as a consultant to work on Lanning's program at a rate \$500 per day plus travel expenses. Duchene, whose formal education fell short of a high school diploma and who had no military or technical experience, was not qualified to perform, and did not perform, the work for which she was hired -- and for which she received more than \$393,000 in government funds over the course of four years. She did, however, accompany Lanning on many program-related trips throughout Europe, Asia and the United States, serving as Lanning's travelling companion and personal assistant. To ensure that Duchene would be hired by ITC, and to maintain her association with his program, Lanning made false and misleading representations about her experience and program-related achievements.

The indictment also charges that Lanning had a financial interest in the payment of government funds to Duchene because she needed the funds to repay more than \$24,000 which Lanning had loaned her during the course of the conspiracy, and that he took official action to ensure that she would be paid, by personally signing approval of her invoices.

Lanning has since been convicted on the charges.

United States v. Duchene, District of Columbia

On April 21, 1994, Catherine F. Duchene pled guilty to conspiracy to defraud the United States, arising out of her association with United States Government contracts through which she fraudulently received nearly \$394,000 in Department of Defense funds.

Duchene admitted that she became a contract employee of Interactive Television Company (ITC) through the efforts of William Lanning, a Defense Intelligence Agency (DIA) program manager with whom she had been having an affair. Although Duchene had no military or technical expertise, training, or experience, Lanning arranged for her to be hired by ITC at a rate of \$500 per day for up to 270 days plus \$35,000 for travel expenses. Duchene travelled with Lanning on program-related trips throughout Europe, Asia and the United States; on these trips she did no substantive work, but did some personal administrative tasks for Lanning and served as his travelling companion. Lanning approved ITC's payments of government funds to Duchene and personally signed off on most of her invoices as approving officer.

After being served with a target letter in this investigation in October 1993, Duchene attempted to leave the United States. Because her United States passport had been seized from her home during execution of a search warrant, she had to apply for a new passport. In doing so, she falsely stated that she had never before been issued a passport, was arrested for passport fraud, and was jailed. In December of 1993, she pled guilty to passport fraud. At that time she also pled guilty to tax evasion arising out of her failure to pay taxes on her income from ITC and her activities setting up an interconnected series of domestic and offshore trust entities in order to put her assets beyond reach of the IRS.

United States v. Lavecchia, Eastern District of New York

On February 25, 1994, Gerard P. Lavecchia pled guilty to one count of racketeering and one count of evading income taxes. Lavecchia is the former Chief of the Logistical Support Division for the Panama Canal Commission (PCC), a United States Government Agency that operates the Panama Canal.

From 1986 to 1990, Lavecchia was responsible for awarding, supervising and terminating procurement contracts worth millions of dollars. Lavecchia admitted that he solicited and

received over \$200,000 in extortion payments and kickbacks from three contractors that did business with the PCC and frequently threatened to terminate contracts if the contractors did not meet his demands. Lavecchia deposited some of the payments in Swiss bank accounts. He also devised a scheme to defraud a Miami contractor out of \$25,000 for non-existent security services in Panama.

On September 23, 1994, Lavecchia was sentenced to 27 months in prison and ordered to pay \$347,000 in restitution to the Panama Canal Commission. This case and the following two cases are the result of an investigation into corruption at the PCC.

United States v. Hitchcock, Southern District of Florida

On June 30, 1994, Daniel Hitchcock pled guilty to paying over \$14,000 unlawful gratuities to Franklin Rouse, a contract specialist with the Panama Canal Commission (PCC). Hitchcock owned several Palmetto Hardware stores in Miami, Florida, which sold goods to the PCC. In return for the payments from Hitchcock, Rouse awarded dozens of contracts to Palmetto and expedited PCC payments to Palmetto. Rouse also agreed to promote Palmetto's image with other contract officials.

On September 19, 1994, Hitchcock was sentenced to six months in prison and a fine of \$20,000.

United States v. Blandon, Southern District of Florida

On August 29, 1994, Felipe Blandon pled guilty to bribery. Blandon was the middleman in a scheme to pay nearly \$20,000 in kickbacks to Franklin Rouse, a contract specialist with the Panama Canal Commission. Blandon worked for the Palmetto Hardware store chain in Miami, Florida. Rouse awarded dozens of contracts to Palmetto, and agreed to expedite PCC payments to Palmetto. Rouse also agreed to promote Palmetto's image with other contract officials.

Blandon also formed his own export company, Luz International, which sold goods to the PCC. Blandon paid Rouse \$4,951 through Luz.

Daniel Hitchcock, the owner of Palmetto, pled guilty to paying unlawful gratuities and was sentenced to six months in prison and a \$20,000 fine.

On October 27, 1994, Blandon was sentenced to five years of probation, a \$3,000 fine and \$4,951 restitution.

United States v. Melton, District of South Carolina

On October 7, 1994, James Billy Melton pled guilty to one count of conspiring to obstruct justice. Melton admitted that he and his co-conspirators falsely claimed to certain criminal defendants charged with drug dealing that they were able to bribe law enforcement officials, including Special Agents of the Federal Bureau of Investigation and Assistant United States Attorneys, to shorten the defendants' sentences. The co-conspirators obtained over \$100,000 from the defendants through this scheme. Melton is cooperating with the government in this investigation.

United States v. Morris, Western District of Texas

On April 29, 1994, David K. Morris, a San Antonio topless-dancing club owner, pled guilty to an Information charging him with money laundering. Morris was arrested in San Antonio in August of 1991, as he took delivery on a purported \$1.4 million in cash from undercover DEA agents posing as cocaine smugglers interested in laundering their drug proceeds through a club which Morris owned and operated. The Public Integrity Section became involved during the sting operation because Morris was making statements to the undercover agents which indicated potential criminal conduct by federal law enforcement personnel.

On September 23, 1994, Morris was sentenced to serve 23 months in prison, three years of supervised release and a \$10,000 fine.

United States v. North, Eastern District of Virginia

On November 1, 1994, Karen E. North, a Data Systems Officer for the Central Intelligence Agency, pled guilty to an Information charging her with converting money from the CIA. Between August 1992 and May 1993, North participated in an outside education program sponsored by the CIA. Under this program, she obtained \$6,375 from the CIA for study at a local college. However, North also obtained a federally guaranteed student loan to finance the study. North used the CIA money for personal expenses, failed to complete the CIA-sponsored course work, and submitted false transcripts and certificates to conceal her misconduct.

United States v. Oakley, District of Columbia

On December 29, 1994, the former head of the State Department's Counter-Terrorism Office, Ambassador Robert B. Oakley, agreed to pay a \$5,000 civil fine to resolve allegations that he improperly lobbied the United States government to have restrictions lifted on Lebanon's Middle East Airlines after he left public service in 1992. The airline was banned from flying to and from the United States in 1985 because of inadequate attention to the problem of terrorists using the Beirut International Airport, and, as a State Department official, Oakley had participated in the decision to ban the airline.

United States v. Prakope, Eastern District of New York

On May 26, 1994, Theodore August Prakope, a concessionaire with the National Park Service, was indicted on charges of making false statements to the United States Department of the Interior and giving a gratuity to the Deputy Director of the National Park Service.

Prakope, who was operating a marina concession known as the Barren Island Marina at the Gateway National Recreation Area in Brooklyn, New York, was charged with submitting false annual financial reports to the Interior Department which understated his yearly gross receipts for the period 1988 through 1991. He was also charged with submitting financial records to Interior with the intent to conceal and cover up the total gross receipts received by Barren Island Marina for the period 1987 through 1991.

The indictment also alleged that Prakope gave the use of a Mercedes Benz to the Deputy Director of the National Park Service because of official acts performed and to be performed in connection with the Barren Island Marina concession.

Prakope has since pled guilty to the charges.

United States v. Taber, Western District of Texas

On September 1, 1994, Leslie Alfred Taber, the former president of Sherwood Van Lines, Inc., a San Antonio-based moving and storage company, was indicted and charged with making and concealing illegal corporate campaign contributions from the corporate assets of Sherwood. In particular, Taber, using his wife Ilene as a conduit, funnelled more than \$10,000 to the political campaigns of several candidates for federal office. At Taber's direction, his wife, who was an officer of Sherwood, then received corporate "bonuses" to offset her contributions, thereby disguising the true source of the contributions and causing the recipients to file false reports with the Federal Election Commission.

United States v. Tait, Northern District of Texas

On November 3, 1994, William Tait, former Deputy Assistant Director of the Immigration and Naturalization Service's San Francisco District Office, was sentenced to 30 months in prison a \$10,000 fine and a three-year term of supervised release for conspiring to commit bribery and obstruction of justice.

From late 1983 through September 1992, Tait used his position as a high-ranking INS official to provide Permanent Resident status and green cards to aliens who were ineligible to receive them. The court found that Tait received at least \$125,000 in bribes for providing these services.



United States v. Villalpando, District of Columbia

On September 13, 1994, former United States Treasurer Catalina Vasquez Villalpando was sentenced to four months in prison, three years of supervised release (including four months of home detention) and 200 hours of community service.

Villalpando had pled guilty to an Information charging her with conspiring to conceal from the Treasury Department, the Office of Government Ethics, the Senate Finance Committee and the United States Senate certain facts that were capable of influencing the actions of those agencies concerning Villalpando's fitness for, and to hold, the position of United States Treasurer. These facts included her receipt of funds and benefits for her personal use from Communications International, Inc. (CII), a Georgia-based telecommunications company of which she was a senior vice president, director, and shareholder; and her receipt of compensation from CII, in addition to her CII salary. The tax evasion charge was based on her failure to report \$167,901 in taxable income.

Villalpando's sentence also covered the charges in a separate one-count Information filed against her by the Office of Independent Counsel: in re Samuel Pierce, based on her conduct obstructing that Office's investigation.

OPERATION BYTE

The Public Integrity Section has obtained a number of convictions stemming from "Operation Byte," an ongoing investigation of manipulation of the central computer system of the INS and the illegal sale of Social Security cards. The investigation is being conducted jointly by the Office of the Inspector General of the Department of Justice and the United States Border Patrol. Following are descriptions of 1994 prosecutions growing out of this investigation:

United States v. Alvarez, Southern District of Florida

On May 19, 1994, Justo Angel Alvarez pled guilty to an Information charging him with conspiring to bribe a government official and to impede the lawful operations of the Social Security Administration (SSA).

Between February 1988 and February 1992, Alvarez received money from aliens seeking to obtain work-permit Social Security cards to which they were not lawfully entitled. Alvarez would pay a portion of this money to a SSA employee, Mary Sapp, who in return would authorize work-permit Social Security Cards to be issued to these aliens. Alvarez and Sapp received approximately \$40,000 during the course of the conspiracy.

On August 23, 1994, Alvarez was sentenced to five years of probation and a \$25,000 fine.

United States v. Lisbey, Southern District of Florida

On January 31, 1994, Edward Lisbey pled guilty to a one count Information charging him with obtaining a fraudulent Immigration and Naturalization Service Employment Authorization card for an illegal alien.

On April 15, 1994, Lisbey was sentenced to one year of probation and a \$750 fine.

United States v. Sapp, Southern District of Florida

On March 24, 1994, Mary Lee Sapp, an employee of the Social Security Administration (SSA) in Miami, pled guilty to conspiring to defraud the United States Department of Health and Human Services.

Sapp took bribes from Justo Angel Alvarez and, in return, unlawfully approved applications for work-permit Social Security Cards that he submitted on the behalf of aliens who were not lawfully entitled to receive such cards. Sapp received approximately \$100 from Alvarez for each application she approved. Over the course of the conspiracy she unlawfully approved hundreds of applications, and together the conspirators received approximately \$40,000.

On June 2, 1994, Sapp was sentenced to 12 months in prison and a \$3,000 fine.

United States v. Solomon, Southern District of Florida

On January 27, 1994, Abraham Solomon pled guilty to an Information charging him with conspiring to fraudulently obtain green cards and Social Security cards.

From 1988 through May of 1992, Solomon was part of a conspiracy that provided illegal aliens green cards and Social Security cards to which they were not entitled, in exchange for the payment of large sums of money. A corrupt Social Security employee and a corrupt INS employee caused these illegitimate documents to be produced.

On April 6, 1994, Solomon was sentenced to 60 days of home detention, three years of probation and 100 hours of community service.

STATE AND LOCAL CORRUPTION

In 1994, the Public Integrity Section closed 19 investigations involving corruption affecting state and local government. At the end of 1994, 18 such matters were open. Also during 1994, the Section prosecuted the following cases involving state and local corruption:

United States v. Douglas, District of Idaho

On August 22, 1994, Terry Douglas was re-sentenced on his guilty pleas to obstruction of state or local law enforcement and operation of illegal gambling businesses. He was sentenced to an additional two years of probation, an additional six months of home confinement and ordered to pay the cost of the additional period of probation and electronic monitoring.

Douglas previously had been sentenced to three years' probation, including six months' home confinement, and he was ordered to perform 200 hours of community service and to pay the cost of his probation and electronic monitoring. This sentence was below that required by the sentencing guidelines because the district court reduced the sentence Douglas should have received in order to equalize it with that of a co-defendant, Leif Merrill Field. Field, however, had received a reduced sentence because he provided substantial assistance to the government. The government appealed Douglas's sentence as being in conflict with the sentencing guidelines. On December 7, 1993, the Ninth Circuit Court of Appeals agreed with the government, vacated Douglas's sentence, finding that the downward departure from the guidelines was inappropriate. Accordingly, the proceeding was remanded to the district court for re-sentencing.

Douglas operated one illegal gambling business while co-defendants Merrill and David Field operated a second illegal gambling business. These businesses involved the distribution of video poker machines to approximately 55 bars which used the machines for illegal gambling, the proceeds of which were split between the bar operator and either the Fields

or Douglas. Merrill Field was convicted of obstruction of state or local law enforcement and operating an illegal gambling business, and David Field, Merrill Field's son, was convicted of operating an illegal gambling business. The Public Integrity Section handled this case because of related allegations of corruption involving a local law enforcement official.

United States v. Morris, District of Maryland

On August 26, 1994, Charles Morris, a Management Analyst with the Housing Management Division of the Housing Authority of Baltimore City (HABC), pled guilty to an Information charging him with receiving a bribe in connection with a federal program.

Between October of 1992 and November of 1993, Morris received approximately \$22,000 in bribes from four contracting firms that were receiving contracts to renovate public housing projects pursuant to a special relief program. Morris received bribes in the form of cash payments, gifts and services in exchange for assisting the contractors in their efforts to obtain contracts.

United States v. Ravalese, District of Connecticut

On September 22, 1994, Special Deputy Sheriff Supervisor Joseph M. Ravalese was indicted and charged with one count of perjury before a federal grand jury. The grand jury was investigating the High Sheriff of Hartford County, Alfred J. Rioux, regarding allegations that Rioux extorted deputy and special deputy sheriffs.

United States v. Rioux, District of Connecticut

On September 22, 1994, Alfred J. Rioux, the High Sheriff of Hartford County, was indicted and charged with mail fraud and interstate transportation in aid of a racketeering enterprise. Rioux used his position to threaten to suspend and fire deputy sheriffs who failed to pay dues to the Hartford County Association of Deputy and Special Deputy Sheriffs, purchase tickets to fundraisers and purchase tickets to Rioux's personal campaign fundraising events. Rioux then used these association funds for his personal financial benefit.

OPERATION BOPTROT

The Public Integrity Section, in conjunction with the United States Attorney's Office for the Eastern and Western Districts of Kentucky, prosecuted a number of cases stemming from "Operation Boprot," the Department of Justice's wide-ranging investigation of

corruption in the Kentucky state legislature. Following are descriptions of 1994 prosecutions growing out of this investigation:

United States v. Bronger, Eastern District of Kentucky

On April 25, 1994, Kentucky State Representative Jerry Bronger was sentenced to ten months in prison. Bronger had pled guilty to an indictment charging him with violating the Hobbs Act by conspiring with others to obtain a total of \$2,000 from Riverside Downs racetrack in return for Bronger's opposition to a specific piece of legislation that would be economically harmful to Riverside Downs. Bronger received three cash payments from Riverside lobbyist and former legislator Bill McBee.

United States v. Hall, Eastern District of Kentucky

On February 28, 1994, former Kentucky State Senator and subsequent representative of Riverside Downs Harness Racetrack John W. Hall was sentenced to four months in prison, 90 days of home detention, 30 days in a half way house, 3 years of probation, a \$3,100 fine and \$2,000 restitution. Hall had pled guilty to violating the Hobbs Act and the Travel Act.

United States v. Layman, Western District of Kentucky

On January 10, 1994, former Kentucky State Representative Ronnie Layman was sentenced to three years of probation, 90 days of home detention and 300 hours of community service. Layman had pled guilty to violating the Hobbs Act and making false statements to the FBI.

In December of 1990, Layman and several other state legislators travelled to Las Vegas, Nevada, for a Jockey Guild Convention. While in Las Vegas, Layman received \$400 from a representative of Riverside Downs Harness Racetrack in return for Layman's agreement to support legislation being promoted by Riverside Downs. When confronted by the FBI about his actions, Layman made false statements to explain his conduct.

United States v. LeMaster, Eastern District of Kentucky

On January 27, 1994, Kentucky State Senator David LeMaster was sentenced to 12 months in prison, a \$30,000 fine and two years of supervised release. LeMaster was also ordered to pay the cost of his own incarceration. LeMaster had been convicted by a jury of making a false statement to the FBI. He was found not guilty of attempted extortion and interstate travel in aid of bribery. The jury found that LeMaster falsely told the FBI that he had not received money from lobbyist John W. Spurrier during the 1992 legislative session.

United States v. McBee, Eastern District of Kentucky

On April 25, 1994, former Kentucky State Representative William K. McBee, was sentenced to 15 months in prison, a \$30,000 fine and ordered to pay the cost of his incarceration. McBee had pled guilty to an indictment charging him with conspiring to violate the Hobbs Act and the Travel Act.

In 1987, McBee and other state legislators travelled to Las Vegas, Nevada for a Jockey Guild Convention. In Las Vegas, McBee received money from a representative of the Jockey Guild, then distributed the money to other BOP members on behalf of the Jockey Guild and the thoroughbred racing industry, with the intent to influence the official acts of the BOP members after they returned to Kentucky.

McBee also admitted to engaging in a conspiracy to obtain property from Riverside Downs Harness Racetrack for the benefit of members of the Kentucky legislature. At the time, McBee was a lobbyist for Riverside Downs.

McBee also pled guilty to a conspiracy to fix an arbitration proceeding involving Riverside Downs. McBee conspired with Jay Spurrier to pay a \$20,000 bribe to former Gubernatorial aide Bruce Wilkinson, in return for an arbitration decision that favored Riverside Downs.

Finally, McBee pled guilty to a conspiracy to accept money in return for helping Dueling Grounds racetrack obtain a racing license. At the time, McBee was co-chairman of the BOP committee. In return for his assistance, McBee received \$30,000 from Spurrier, who was acting on behalf of Dueling Grounds. McBee kept a portion of the money.

United States v. Rogers, Eastern District of Kentucky

On October 25, 1994, a jury convicted John D. Rogers, Minority Leader of the Kentucky State Senate, on all four counts of an indictment charging him with conspiracy to commit extortion under color of official right, attempting to commit extortion under color of official right, using the mails to deprive the citizens of Kentucky of his honest services as an elected legislator, and making false statements to the FBI.

Rogers conspired with another legislator and two lobbyists to extort a payment from former Kentucky Governor Wallace Wilkinson. Pursuant to this conspiracy, Rogers attempted to collect money for his prior support of banking legislation that enabled Wilkinson to make a lucrative bank acquisition. Rogers repeatedly sought a meeting with Wilkinson, even mailing him a photograph of the conspirators with a note requesting a meeting. When confronted by the FBI, Rogers made several false statements about the conspiracy.

United States v. Shannon, Eastern District of Kentucky

On December 2, 1994, Bradley M. Shannon pled guilty to an indictment charging him with one count of perjury. Shannon admitted lying to a federal grand jury investigating violations of the Hobbs Act.

Shannon owned a horse racing track called Dueling Grounds. Certain legislation before the Kentucky General Assembly would have allowed Dueling Grounds to sell liquor upon a local referendum. Shannon made \$40,000 in payments to Jay Spurrier, a lobbyist and member of the Kentucky Harness Racing Commission, which Spurrier used to purchase the influence of other officials in passing the legislation. Later, during the Boptrot investigation, Shannon falsely denied making the payments to Spurrier.

United States v. Spurrier, Eastern District of Kentucky

On April 26, 1994, John W. ("Jay") Spurrier, former lobbyist and member of the Kentucky Harness Racing Commission (KHRC), was sentenced to six months of home detention, two years of probation and a \$2,000 fine.

Spurrier, while a member of the KHRC, conspired to violate the Hobbs Act by obtaining approximately \$13,000 from Riverside Downs Harness Racetrack in return for influencing the official acts of Spurrier and other members of the KHRC. Spurrier also pled guilty to conspiracy to deprive the citizens of Kentucky of the honest services of Bruce Wilkinson, an aide to the Governor of Kentucky, in violation of the wire fraud statute. Spurrier and William McBee received \$50,000 from Riverside Downs to influence the outcome of an arbitration proceeding involving Riverside Downs. They paid \$20,000 of the money to Bruce Wilkinson.

ELECTION AND CAMPAIGN FINANCING CRIMES

In 1994, the Public Integrity Section closed three matters involving allegations of corruption or misconduct within the election and campaign financing branch. As of December 31, 1994, three such matters were pending in the Section. Also during 1994, the Section prosecuted the following cases involving election and campaign financing crimes:

United States v. Cole, Central District of Illinois

On November 28, 1994, the Seventh Circuit Court of Appeals affirmed the conviction and sentence of Davis "Cozy" Cole for committing voting fraud. Cole had been sentenced to 46 months in prison and three years of supervised release upon his conviction of conspiracy to vote more than once, to give false information so as to entitle voters to vote in his precinct, and to pay for votes. On appeal, Cole challenged the constitutionality of the voting fraud statutes, as applied, because the federal candidates were unopposed in the

election. Cole contended there was no federal interest in this election since any fraud in the ballot process would have effected only the state contests, not the selection of the unopposed federal candidates. The court rejected the argument and held that the voting fraud statute "is designed to protect the integrity of the federal election process and that the integrity of a mixed [federal/state] election can be marred regardless of whether federal candidates are opposed." This is the first reported case to directly address this issue.

United States v. Parham and Johnson, Eastern District of Arkansas

On February 14, 1994, the Court of Appeals for the Eighth Circuit affirmed the convictions of Theotres Parham and Thomas Charles Johnson for conspiring to commit absentee ballot fraud in the 1990 general election in Phillips County Arkansas. The court remanded the case for resentencing, however, because oral comments by the district court judge suggested that the court was unaware of its inherent authority to depart downward from the sentencing guidelines.

Parham was a candidate for mayor in the November 1990 election and Johnson assisted him with his campaign. Before the election, the defendants, each of whom had taken an oath as a Deputy Registrar, obtained voters' signatures on absentee ballot applications. They then fraudulently completed the applications, directing that the ballots be mailed to an address under their control and listing fabricated reasons for the voters' purported inability to vote at the polls. After the County Clerk mailed the ballots to their address, the defendants forged the signatures of the voters on voter affidavits, voted the ballots for Parham and returned them for counting in the election, without the knowledge or permission of the defrauded voters.

On June 27, 1994, Parham and Johnson were re-sentenced to 12 months of probation. The defendants had previously been sentenced to five months in prison and five months of community service.

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January 1, 1985 to December 31, 1994

TABLE 1
FEDERAL PROSECUTIONS OF CORRUPT PUBLIC OFFICIALS

Year Ended December 31, 1994

Federal Officials

Indicted	571
Convicted	488
Awaiting Trial	124

State Officials

Indicted	99
Convicted	97
Awaiting Trial	17

Local Officials

Indicted	248
Convicted	202
Awaiting Trial	96

Others Involved

Indicted	247
Convicted	182
Awaiting Trial	95

Total

Indicted	1165
Convicted	969
Awaiting Trial	332

3 Districts Did Not Respond

**TABLE II
PROGRESS OVER THE LAST TWO DECADES
FEDERAL PROSECUTIONS OF CORRUPT PUBLIC OFFICIALS**

<u>FEDERAL OFFICIALS</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>
- Indicted	53	111	129	133	114	123	198	158	460	408
- Convicted	43	101	94	91	102	131	159	147	424	429
- Awaiting Trial on December 31	5	1	32	42	21	16	23	38	58	77
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<u>STATE OFFICIALS</u>										
- Indicted	36	59	50	55	56	72	87	49	81	58
- Convicted	18	35	38	56	31	51	66	43	65	52
- Awaiting Trial on December 31	5	30	33	20	29	28	36	18	26	21
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<u>LOCAL OFFICIALS</u>										
- Indicted	139	194	157	171	211	247	244	257	270	203
- Convicted	94	100	164	127	151	168	211	232	226	196
- Awaiting Trial on December 31	15	98	62	72	63	82	102	58	61	74
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<u>OTHERS INVOLVED</u>										
- Indicted	66	27	199	171	198	285	279	349	265	262
- Convicted	56	24	144	144	135	252	294	249	257	257
- Awaiting Trial on December 31	2	70	83	71	65	87	70	72	77	97
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<u>TOTALS</u>										
- Indicted	294	391	535	530	579	727	808	813	1076	931
- Convicted	211	260	440	418	419	602	730	671	972	934
- Awaiting Trial on December 31	27	199	210	205	178	213	231	186	222	269

TABLE II
PROGRESS OVER THE LAST TWO DECADES
FEDERAL PROSECUTIONS OF CORRUPT PUBLIC OFFICIALS

<u>FEDERAL OFFICIALS</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>TOTAL</u>
- Indicted	563	596	651	629	695	615	803	624	627	571	8261
- Convicted	470	523	545	529	610	583	665	532	595	488	7261
- Awaiting Trial on December 31	90	83	118	86	126	103	149	139	133	124	1464
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<u>STATE OFFICIALS</u>											
- Indicted	79	88	102	66	71	96	115	81	113	99	1513
- Convicted	66	71	76	69	54	79	77	92	133	97	1269
- Awaiting Trial on December 31	20	24	26	14	18	28	42	24	39	17	498
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<u>LOCAL OFFICIALS</u>											
- Indicted	248	232	246	276	269	257	242	232	309	248	4652
- Convicted	221	207	204	229	201	225	180	211	272	202	3821
- Awaiting Trial	49	55	89	79	122	98	88	91	132	96	1586
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<u>OTHERS INVOLVED</u>											
- Indicted	267	292	277	303	313	208	292	252	322	247	4874
- Convicted	240	225	256	240	284	197	272	246	362	182	4316
- Awaiting Trial	97	84	135	109	109	71	67	126	99	95	1686
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<u>TOTALS</u>											
- Indicted	1157	1208	1276	1274	1348	1176	1452	1189	1371	1165	19300
- Convicted	997	1026	1081	1067	1149	1084	1194	1081	1362	969	16667
- Awaiting Trial on December 31	256	246	368	288	375	300	346	380	403	332	5234

TABLE III
FEDERAL PROSECUTIONS OF CORRUPT PUBLIC OFFICIALS
CONVICTIONS OF PUBLIC OFFICIALS BY JUDICIAL DISTRICTS
1985-1994

	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	Total
Alabama, Northern	12	3	4	0	8	1	0	3	4	12	47
Alabama, Middle	2	7	3	8	9	0	0	4	4	0	37
Alabama, Southern	6	8	6	9	8	3	2	0	4	11	57
Alaska	9	10	6	0	6	1	0	1	0	0	33
Arizona	4	4	5	11	27	4	8	8	16	10	97
Arkansas, Eastern	3	2	1	5	3	0	6	2	4	2	28
Arkansas, Western	0	6	4	5	0	3	1	2	2	1	24
California, Northern	39	12	3	19	9	2	6	13	22	7	132
California, Eastern	25	28	18	32	30	23	22	20	23	19	240
California, Central	2	38	47	15	52	57	34	35	92	62	434
California, Southern	22	5	9	6	13	6	6	5	0	4	76
Colorado	4	11	11	0	14	10	13	N/A	0	N/A	63
Connecticut	7	7	9	15	12	8	4	10	3	16	91
Delaware	0	3	1	2	1	0	0	0	8	1	16
District of Columbia	16	30	13	19	25	50	23	N/A	39	80	295
Florida, Northern	3	7	4	3	5	9	6	4	10	5	56

*N/A indicates that the district did not provide statistics.

	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	Total
Florida, Middle	8	8	20	24	40	19	28	23	11	N/A	181
Florida, Southern	5	3	14	16	36	42	14	21	22	51	224
Georgia, Northern	9	21	19	33	27	19	21	17	13	19	198
Georgia, Middle	8	12	2	4	16	10	19	4	4	17	96
Georgia, Southern	6	3	2	7	8	5	1	N/A	10	0	42
Guam	11	12	10	N/A	9	2	0	3	10	9	66
Hawaii	0	N/A	4	6	0	6	2	1	7	9	35
Idaho	1	6	4	2	1	1	0	2	3	0	20
Illinois, Northern	35	33	29	119	96	80	18	53	84	74	621
Illinois, Central	3	4	3	4	5	1	1	1	4	4	30
Illinois, Southern	7	2	0	0	1	3	0	1	1	2	17
Indiana, Northern	8	4	8	9	16	9	2	2	6	6	70
Indiana, Southern	5	13	17	7	14	6	6	2	5	8	83
Iowa, Northern	3	6	2	2	2	6	3	2	5	3	34
Iowa, Southern	3	6	2	5	7	4	2	2	4	0	35
Kansas	9	10	7	9	6	0	1	0	5	11	58
Kentucky, Eastern	3	8	5	4	6	12	5	1	9	13	66
Kentucky, Western	2	10	5	6	4	12	7	0	5	5	56
Louisiana, Eastern	4	7	6	18	15	36	6	2	13	20	127

	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	Total
Louisiana, Middle	2	2	5	7	9	14	0	0	5	4	48
Louisiana, Western	4	6	5	5	6	8	4	3	8	11	60
Maine	2	5	0	4	4	3	8	7	10	3	46
Maryland	14	5	27	31	27	2	14	15	21	17	173
Massachusetts	9	35	12	49	15	15	1	N/A	9	12	157
Michigan, Eastern	7	43	20	11	14	27	8	13	11	6	160
Michigan, Western	6	5	5	3	0	12	8	3	9	10	61
Minnesota	2	8	12	9	21	9	3	N/A	4	5	73
Mississippi, Northern	8	13	13	12	14	3	0	2	13	13	91
Mississippi, Southern	1	1	21	17	10	9	7	13	12	6	97
Missouri, Eastern	12	6	13	12	16	1	8	2	7	17	94
Missouri, Western	1	9	6	3	6	13	9	5	6	9	67
Montana	0	5	6	5	4	17	0	1	0	3	41
Nebraska	8	4	5	9	4	0	3	1	1	1	36
Nevada	9	2	3	3	2	0	5	0	0	1	25
New Hampshire	3	2	0	N/A	1	1	2	1	1	1	12
New Jersey	6	7	N/A	N/A	34	20	8	13	21	23	132
New Mexico	3	8	3	2	N/A	6	0	6	6	6	40
New York, Northern	11	14	14	15	N/A	17	13	12	14	8	118

	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	Total
New York, Southern	108	35	63	39	65	29	68	N/A	29	58	494
New York, Eastern	35	17	10	82	28	24	16	7	62	20	301
New York, Western	1	5	11	11	7	19	11	5	11	21	102
North Carolina, Eastern	5	0	3	8	7	3	16	0	3	2	47
North Carolina, Western	9	3	3	3	5	2	1	1	1	2	30
North Carolina, Middle	5	11	7	5	9	4	6	3	4	3	57
North Dakota	0	0	0	6	6	4	2	2	3	8	31
Ohio, Northern	21	22	27	19	23	36	21	15	35	19	238
Ohio, Southern	16	7	21	29	28	26	13	21	26	21	208
Oklahoma, Northern	1	0	0	0	3	0	1	7	10	0	22
Oklahoma, Western	4	1	0	1	2	3	0	0	6	6	23
Oklahoma, Eastern	1	0	2	3	4	0	0	0	0	1	11
Oregon	3	1	2	0	6	5	0	5	1	2	25
Pennsylvania, Eastern	25	23	39	48	24	27	34	14	29	10	273
Pennsylvania, Middle	9	5	4	6	13	4	6	4	9	9	69
Pennsylvania, Western	6	5	4	7	16	4	8	8	9	1	68
Puerto Rico	16	6	7	10	3	7	3	12	13	4	81
Rhode Island	1	1	6	2	1	6	4	0	2	6	29
South Carolina	14	29	15	28	8	7	0	20	26	22	169
South Dakota	3	14	6	3	2	9	0	2	1	1	41

	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	Total
Tennessee, Eastern	3	5	4	4	6	21	4	0	8	5	60
Tennessee, Middle	10	5	4	8	3	23	1	1	6	6	67
Tennessee, Western	28	7	16	20	30	33	6	4	12	16	172
Texas, Northern	2	11	12	15	10	0	0	1	11	2	64
Texas, Southern	2	14	7	23	21	9	3	6	15	33	133
Texas, Eastern	5	3	5	8	3	1	3	0	5	N/A	33
Texas, Western	8	0	7	3	11	11	2	9	16	7	74
Utah	7	2	1	N/A	6	6	0	0	0	0	22
Vermont	0	0	0	0	1	0	3	0	1	1	6
Virgin Islands	0	0	2	0	0	10	0	0	3	1	16
Virginia, Eastern	0	25	38	30	55	32	51	26	15	11	283
Virginia, Western	0	0	2	3	0	2	5	7	4	3	26
Washington, Eastern	0	0	0	0	1	5	0	N/A	N/A	2	8
Washington, Western	0	0	2	N/A	1	12	7	1	1	2	26
West Virginia, Northern	2	1	0	0	0	2	2	1	0	0	8
West Virginia, Southern	6	7	5	9	12	13	3	1	5	0	61
Wisconsin, Eastern	7	1	13	7	7	7	4	7	7	1	61
Wisconsin, Western	1	2	6	2	3	0	0	0	0	0	14
Wyoming	0	1	0	2	3	5	1	1	1	4	18