

REPORT TO CONGRESS
ON THE ACTIVITIES AND OPERATIONS
OF THE
PUBLIC INTEGRITY SECTION
FOR 1988



Public Integrity Section
Criminal Division
United States Department of Justice

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

REPORT TO CONGRESS ON THE
ACTIVITIES AND OPERATIONS OF
THE PUBLIC INTEGRITY SECTION
FOR 1988



Public Integrity Section
Criminal Division
U.S. Department of Justice
July 1989

Submitted Pursuant
to Section 529 of the
Ethics in Government
Act of 1978

INTRODUCTION

Section 529 of the Ethics in Government Act of 1978 requires the Attorney General to "report to Congress on the activities and operations" of the Public Integrity Section each year. This Report serves that function for calendar year 1988.

The Public Integrity Section is part of the Criminal Division of the Department of Justice. The Section was established in 1976 by Attorney General Richard Thornburgh, who at the time was the Assistant Attorney General for the Criminal Division, and 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 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.

1988 was a difficult year for the Public Integrity Section as a result of budget problems leading to hiring and travel restrictions. Throughout 1988, the Section was staffed with fewer than 20 trial attorneys, its lowest level since 1977, and its support staff was sharply reduced as well. At the same time, the Section's workload, particularly under the Independent Counsel provisions and the conflict of interest laws, burgeoned. As a result, as can be seen from the cases detailed in part II of this Report, the Section found it necessary to curtail significantly its normal litigation activities. Nevertheless, the Section brought a number of significant cases in 1988, and maintained an experienced staff of litigators, albeit smaller than under ideal circumstances, 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. Gerald E. McDowell continued as Chief of the Section in 1988.

Part I of this Report describes the operations and functions of the Public Integrity Section, highlighting the major activities of 1988, and Part II details the cases prosecuted by the Section during 1988. Part III presents data on the national effort to combat public corruption during 1988, based on the Section's annual survey of United States Attorneys nationwide.

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 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. As a result of this policy, for example, in the course of the last few years the Section has successfully prosecuted United States District Judge Walter L. Nixon on perjury charges and United States District Judge Harry Claiborne on tax charges. Former Judge Claiborne has been impeached by the Senate; impeachment

proceedings against Judge Nixon and Judge Alcee L. Hastings, whose prosecution by the Section several years ago resulted in an acquittal, are now pending in the Congress. As a result of its handling of the underlying criminal investigations and prosecutions, responsibility has also fallen to the Section to serve as liaison to the Congress and provide any necessary support to subsequent impeachment proceedings, a function which has absorbed considerable resources in recent months.

Conflicts of interest similar to those that arise when the subject of an investigation is a federal judge also often arise when the target of the investigation is a federal investigator or prosecutor and require recusal of the United States Attorney's Office. As a result, such cases are frequently referred to the Public Integrity Section, where they constitute a significant portion of its caseload. Several such cases were handled during 1988, with allegations ranging from theft of government property to disclosure of confidential investigative information.

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. While this has been one of the Section's most important functions in the past, unfortunately in 1988, the Section's serious understaffing as a result of budget constraints and hiring freezes required the Section to decline to participate in any but the most compelling of such cases, although it was able to honor prior commitments it had made.

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 Public Integrity Section can provide coordination among various United States Attorneys' Offices, or, when appropriate, can assume operational responsibility for the entire investigation. For example, in 1988, the Section worked with several United States Attorneys' Offices on aspects of the Wedtech investigation, including the prosecution of Richard Ramirez, the former Director of the Office of Small and Disadvantaged Business Utilization, Department of the Navy, described in more detail later in this Report.

Also in 1988, the Section devoted substantial resources to Operation Illwind, a major, multi-district defense procurement fraud and corruption investigation. The Section's involvement led to the assignment of the Deputy Chief of the Section to handle corruption cases arising from the investigation.

4. Federal Agency Referrals. Referrals from the federal agencies are an important part of the Section's work load. Ever since the Inspectors General were authorized for various agencies, the Section has worked closely with them, 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 training the agencies' investigators in the statutes involved in corruption cases and the investigative approaches that work best in such cases. As a result of its efforts, many of the Section's cases are referrals directly from the agencies.

As one example of how successful such cases can be, in 1988 the Public Integrity Section prosecuted a case involving the theft of over \$1.2 million from a government agency by a federal employee. The case had been investigated by the Inspector General's Office at the State Department and involved a financial management specialist with the Agency for International Development who was in a position to falsify government records to obtain the funds. The specialized knowledge of agents in the Inspector General's Offices are of great assistance in investigating such cases.

The Section has also focussed particular attention on referrals from the various intelligence agencies; matters involving these agency employees often are particularly sensitive, requiring high level clearances and the

application of specialized statutes. The prosecution in 1988 of National Security Agency employee Lawrence Nicoll, described later in this Report, is an example of a case in which the Section was able to ensure that justice was done in spite of the obstacles typically involved in a case against an employee of an intelligence agency.

B. Special Section Priorities

1. Independent Counsel Matters. Since the Ethics in Government Act (28 U.S.C. §§591-598) was passed, the Public Integrity Section has been responsible for supervising the administration of the Independent Counsel provisions of the Act. Both the procedures and time limits of the Independent Counsel provisions are strict, and these matters may be 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 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 work load.

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 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. Most of these matters are protected under the stringent confidentiality provisions of the statute, and cannot be described in this Report, but one matter handled in 1988, the investigation of former Assistant Attorney General William Weld on what proved to be false allegations that he had smoked marijuana while he was a United States Attorney, has been made public by court order, and is a typical example of the Section's independent counsel work. In the Weld investigation, anonymous

allegations were made to the Department of Justice stating that Mr. Weld had smoked marijuana at a wedding in 1984, while he was a United States Attorney. The Department's Office of Professional Responsibility looked into the allegation, and interviewed Mr. Weld, who denied the allegation. Later, news reports appeared in which Mr. Weld's successor as United States Attorney, Frank McNamara, alleged that he witnessed the incident. Because the information was at that point specific and credible enough to warrant further investigation into the question of whether Mr. Weld had lied to the OPR investigators (the alleged marijuana use was outside the statute of limitations), a preliminary investigation under the Independent Counsel statute was launched. After a 90-day preliminary investigation, the Section recommended that the Attorney General close the matter, because investigation had established that the alleged incident had not occurred, and therefore Mr. Weld's denial was not a false statement.

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 -- particularly the Iran/Contra investigation -- have absorbed substantial Section resources. The Section has handled independent counsel inquiries concerning legal issues, Departmental policies, requests for documents and interviews of Departmental personnel.

Late in 1987, Congress passed a new and even more stringent version of the Independent Counsel statute. This new statute significantly increased the work load of the Section throughout 1988. Also, in August 1988, former Attorney General Edwin Meese III signed an executive order extending the procedures of the Independent Counsel statute to Members of Congress. Although the order has recently been suspended, it was in effect through the latter half of 1988, and the Section was responsible for handling all matters arising under the Order.

2. Election Crimes. A special Election Crimes Branch has been part of the Section since 1980, and has made considerable progress in making election fraud a national priority. The Branch has six major functions:

-- It provides advice and support to the United States Attorneys' Offices in the application of election fraud and campaign financing laws to the varied factual situations that arise in the course of local, state and national campaigns and elections. In this way, new areas of election fraud law have been clarified, and new ways have been found

to provide an effective federal response to corruption of the franchise. During 1988, the Branch assisted the United States Attorney for the Western District of Kentucky in establishing for the first time that the federal Travel Act, 18 U.S.C. § 1952, applies to voter bribery schemes which utilized absentee ballots that were sent through the mails. In addition, the Branch assisted United States Attorneys in California, Texas, and New York in developing a prosecutive theory permitting the prosecution of schemes to make large illegal campaign contributions to federal campaigns as fraud, utilizing 18 U.S.C. §§ 371 and 1001. In 1988, the Branch also provided assistance to major vote fraud investigations in Kentucky, Louisiana, Indiana, and the City of Philadelphia.

-- Second, in order to encourage greater awareness of election crimes, the Election Crimes Branch has taken on a major role in training prosecutors and election officials, giving lectures on the various statutes available to combat these offenses, and publishing a comprehensive election crimes manual; the fifth edition of the manual was published in 1988.

-- Third, under Departmental regulations, the Branch must approve all full-field investigations, which includes the authorization of use of the grand jury, of election fraud. In addition, because of the sensitivity of the issues involved, the Branch also must approve the initiation of any criminal investigation involving allegations of federal campaign financing offenses. The Branch is also responsible for ensuring that an Assistant United States Attorney is appointed in each District nationwide to serve as District Election Officer for the District, for training of the District Election Officers, and for reviewing with the Election Officers election fraud complaints arising in their districts. During 1988, the Branch reviewed several hundred such complaints, and approved 87 full-field investigations of election fraud and campaign financing crimes.

-- Fourth, under normal circumstances, the Branch, supported by the trial expertise available within the Section generally, has assumed operational responsibility for the trial of particularly significant, widespread or complex cases of election fraud. Historically, this has been among the most significant of the Branch's responsibilities, enabling it to address serious individual instances of election fraud, develop new approaches and legal theories to utilize against this crime, train prosecutors in the United States Attorney's Offices in the statutes and investigative techniques most effective in

combatting election fraud, and to generate enthusiasm for pursuing such cases by the example of successful prosecutions. Unfortunately, again because of budget limitations and staff shortages, in 1988 the Branch was unable to participate in any election fraud litigation.

--- Fifth, the Branch is the formal liaison between the Department of Justice and the Federal Election Commission. During 1988, the Branch worked closely with the FEC's General Counsel to develop coordinated procedures for handling the investigation of and the imposition of penalties for matters that involve both administrative violations of the Federal Election Campaign Act, and criminal misconduct rooted in campaign financing activity. These new procedures permitted the successful handling of seven significant parallel criminal/administrative proceedings involving aggravated schemes to violate the campaign financing laws. In addition, the Director of the Election Crimes Branch served in an advisory capacity to the FEC's Clearinghouse on Election Administration in the discharge of the FEC's statutory mandate to develop security and management standards for computerized vote tabulation equipment.

-- Finally, the Branch serves as the Department of Justice's point of contact on matters arising under the Hatch Act, 5 U.S.C. § 1501 et seq. and § 7324 et seq., which forbids certain types of political activities by federal employees. While the Hatch Act is not a criminal statute, the Branch's responsibility for this function arises out of its general responsibility for the management of federal criminal patronage investigations. During 1988, the Branch developed a liaison with the Office of Special Counsel of the Merit Systems Protection Board, through which facts reflecting patronage abuses developed in connection with criminal investigations are referred to the OSC for administrative handling. During 1988, this process led to a significant series of administrative proceedings in which the Merit Systems Protection Board debarred from public employment three prominent executives of the Akron Municipal Housing Authority who had coerced involuntary political contributions from their subordinates. Also in 1988, the Section coordinated Departmental opposition to proposed legislation that would have significantly weakened the Hatch Act, and thereby weakened the protection federal employees enjoy from political pressures on the job.

3. Conflicts of Interest Crimes. The criminal prosecution of conflicts of interest is an area within the Section's jurisdiction which attracted a great deal of attention in 1988, both in the judicial and legislative

arena. The area of the criminal law dealing with conflicts of interest is notoriously complex and technical, and for years the Public Integrity Section, recognizing the need for expertise in the area, has focussed considerable attention on the development and prosecution of conflicts of interest cases. The Section's Conflicts of Interest Crimes Branch handles several conflicts prosecutions each year, fields dozens of referrals and requests for advice from the federal agencies and prosecutors in the field, coordinates the handling of conflicts issues with the Office of Government Ethics and the Department of Justice's Office of Legal Counsel, and advises and comments upon legislation in the conflicts field. 1988 was a particularly busy year for the Branch, during which a major piece of legislation involving post-employment conflicts of interest was passed by the House and Senate, though it was ultimately vetoed by the President. The Branch was also active in litigation, prosecuting cases involving allegations that federal employees had participated in official matters in which their spouses had a financial interest. Conflicts of interest have become a major governmental concern in recent years, and has become the key target of ethics legislation proposed by the current Administration; it is anticipated that the Section's devotion of resources to the area will grow steadily in the future.

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 with considerable experience in prosecuting corruption cases. When not operationally involved in a case, Section attorneys are available to advise on substantive questions, investigative methods, indictment drafting, and motions.

In 1988, the Section continued its devotion of 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. In 1988, due to extensive interest, the Section sponsored two seminars, one on the east coast, and one on the west coast. The two seminars were outstanding successes, providing intensive training to over 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. Because 1988 was a national election year, during the seminars particular emphasis was placed on election crimes, to train investigators and prosecutors nationwide in the special statutes and procedures involved in the handling of election fraud allegations.

Also in 1988, the Section published a comprehensive manual, Prosecution of Public Corruption Cases, which brought together the varying views and perspectives of experienced corruption prosecutors nationwide on many aspects of the investigation and prosecution of corruption cases. The 483-page manual contains 33 articles by prosecutors on topics ranging from the use of polygraphs in corruption cases, to the characteristics of narcotics-related corruption and means of combating it, to the technicalities of the federal bribery laws. The manual was distributed to United States Attorneys' Offices and FBI offices nationwide, and has been enthusiastically received.

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. Consultation with the Section before federal prosecution may proceed is currently required in all 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. 1988 was an unusually busy year on the legislative front for the Public Integrity Section. As mentioned above, a major piece of legislation concerning post-employment conflicts of interest moved through the Congress in 1988, requiring considerable attention from the Conflicts of Interest Crimes Branch. Also, the Section pushed for and ultimately obtained congressional attention to the obstacle to effective corruption prosecution posed by the Supreme Court decision in McNally v. United States. That decision largely invalidated the use of the mail fraud statute to combat state and local corruption. Unfortunately, the legislation passed by Congress in 1988

did not completely address the problems posed by the McNally decision, and the Section will continue its efforts to see that this valuable weapon against corruption is restored.

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. The Section Chief is a member and his Chief Deputy is an alternate member of the FBI's Undercover Review Committee, and 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 put this sensitive investigative technique, which can be particularly valuable in corruption investigations, to effective use, 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 1988

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 offering advice on the drafting of charges. This portion of the Report describes each case handled by the Section, or in which it shared substantial operational responsibility with a United States Attorney's Office. 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 1988 and the status of its cases as of December 31, 1988. This section of the Report also provides statistics on the number of matters closed without prosecution during 1988, and the number of matters open at the end of the year.

FEDERAL LEGISLATIVE BRANCH

During 1988, the Public Integrity Section closed ten investigations involving allegations of corruption or misconduct within the legislative branch. As of December 31, 1988, 17 such matters were pending in the Section. Also during 1988, the Section prosecuted the following case involving legislative branch corruption.

United States v. Anthony, Northern District of Ohio

On September 28, 1988, Ladd J. Anthony, the former Special Assistant to United States Senator Howard J. Metzenbaum, was indicted on two counts of receiving illegal gratuities in violation of 18 U.S.C. § 201(c). Anthony was charged with having solicited a payment of \$2,000 from a Polish immigrant when he agreed to assist a friend of the immigrant with her application for admission to Ohio State University College of Veterinary Medicine. Anthony was also charged with having solicited and received a payment of \$300 from another Polish immigrant in return for his agreement to help her with her application to petition for naturalization as a United States citizen.

Anthony has since been convicted by a jury of the charges.

FEDERAL EXECUTIVE BRANCH

The Public Integrity Section closed 116 matters involving allegations of corruption or misconduct within the executive branch during 1988, and as of December 31, 1988, 205 such matters were pending in the Section. Also during 1988, the Section prosecuted the following cases involving executive branch corruption and misconduct.

United States v. Alvarez, Western District of Texas

On July 19, 1988, a federal grand jury in El Paso, Texas indicted Edward A. Alvarez, the former Assistant District Director of the Small Business Administration, on two counts of making false statements to a financial institution in violation of 18 U.S.C. § 1014.

The indictment was premised on Alvarez' conduct in connection with his 1986 application for a \$168,000 residential loan. In order to obtain the loan, Alvarez submitted documents to an El Paso federal savings and loan

institution, wherein he falsely claimed that he had made a \$35,000 down payment on the home he wished to purchase. In fact, Alvarez made no such down payment and concealed this fact from institution officials through a series of complicated financial transactions.

Alvarez has since pleaded guilty in this case.

United States v. Boyce, Eastern District of New York

On February 17, 1988, Supervisory Deputy Marshal **James R. Boyce** pleaded guilty to one count of theft of government funds (18 U.S.C. § 641). In July of 1987, Boyce entered the Marshal's safe in Brooklyn and stole a blank government check. He filled it out in the amount of \$2,626 and made it payable to a fictitious person. He then endorsed and cashed the check.

Boyce resigned from the **Marshals Service** and agreed to make restitution of the full amount plus interest. He was sentenced to probation and counseling for alcohol abuse.

United States v. Brashich, Eastern District of Virginia

On Thursday, June 9, 1988, a jury found **Neboysa R. Brashich**, a **United States Agency for International Development** (AID) official, guilty of three counts of influencing the hiring and promotion of his wife while he was the AID Representative in Belize, a criminal conflict of interest (18 U.S.C. § 208(a)). The jury convicted Brashich of being personally and substantially involved in the hiring, promotion and extension of the employment of his wife by approving more than \$100,000 in contracts for Mrs. Brashich's employment with the United States Embassy and AID. Mrs. Brashich did not meet the minimum qualification requirements for the position, and qualified candidates were available for employment.

Brashich was sentenced to two years' probation on each of the three counts, to run concurrently, and fined \$5,000 on each count.

United States v. Brown and Gold, District of the District of Columbia

On September 9, 1988, **Betty D. Brown** and **Patricia A. Gold**, who both worked as clerk-typists for the **United States Customs Service** of the **Department of the Treasury**, each

entered pleas of guilty to separate two-count informations charging theft of government property (18 U.S.C. § 641). In both cases, the defendants had altered their time and attendance cards to reflect overtime hours not actually worked. By that method, Brown stole approximately \$3,800 and Gold stole \$3,200 from the Government. Both Brown and Gold entered into plea agreements requiring them to make restitution of the stolen funds. Each defendant was sentenced to three years of probation, with full restitution as a condition of probation.

United States v. Burns, District of the District of Columbia

On October 14, 1988, William J. Burns, a former Financial Management Specialist with the United States Agency for International Development (AID), was sentenced in the United States District Court for the District of Columbia. Burns pled guilty on August 11, 1988, to a three-count criminal information charging him with stealing \$1,215,110.45 from AID (18 U.S.C. § 641), presenting false claims for \$23,804.21 and \$22,270.46 (18 U.S.C. § 287), and evading income tax in the amount of \$475,685.00 (26 U.S.C. § 7201). Burns' scheme of false claims and thefts from the United States Treasury began in 1980 and ended when he was arrested at his office in Washington, D.C., on July 12, 1988.

Pursuant to a plea agreement, Burns agreed to transfer all his money and property to the United States. Property purchased by Burns during his scheme includes a residence valued at over \$400,000, a Lincoln Continental automobile, a Datsun 280Z automobile and numerous luxury items.

Under the Sentencing Guidelines, Burns faced imprisonment within a range from 31 to 37 months. The sentencing judge imposed a sentence of imprisonment beyond the guideline range, concluding that the sentence required by the Sentencing Guidelines did not adequately reflect the duration of Burns' scheme, the significant disruption of government affairs caused by Burns' scheme, and the fact that Burns used his scheme of tax evasion to conceal his theft. Burns was therefore sentenced to a term of imprisonment of 60 months and a 3-year term of supervised release. The judge also imposed a \$50.00 special assessment for each of the three counts, and ordered restitution as set forth in the agreements filed at sentencing by the United States and executed by Burns and his wife. During each of the three years of supervised release, Burns must complete 100 hours of community service.

United States v. Bustamante, Southern District of California

On July 15, 1988, Mercedes B. Bustamante was sentenced to a five-year term of imprisonment for embezzlement from the United States Consulate in Tijuana, Mexico. The sentencing judge suspended all but 100 days of the jail term and placed Bustamante on probation for five years on the condition she make full restitution to the United States.

On June 15, 1988, Bustamante had entered a guilty plea to one count of a six-count indictment charging her with embezzlement from the United States Government (18 U.S.C. § 641), interstate transportation of stolen property, making and using false and fictitious documents, and making false statements in connection with a federal investigation. The indictment charged Bustamante, a Mexican citizen, with embezzling approximately \$73,000 from the United States Consulate in Tijuana, Mexico. It alleged that, during three separate time periods from April to June 1986, Bustamante, a Mexican national employed as head cashier at the consulate, embezzled and converted to her own use consular funds totaling approximately \$73,000. The indictment also charged Bustamante with unlawfully transporting a portion of the stolen proceeds from Tijuana, Mexico, to San Ysidro, California, and with falsifying a foreign service accountability record and making false statements to federal investigators in order to hide her embezzlements.

In exchange for her guilty plea and her agreement to pay full restitution in the amount of \$75,289.20 plus interest to the United States, the Government agreed to dismiss the remaining five counts of the indictment. This case was the first time that a foreign national has been arrested and sentenced in the United States for stealing from a United States embassy or consulate abroad.

United States v. Clift, Eastern District of Texas

On Monday, August 29, 1988, Gregory P. Clift, a former Special Agent with the Drug Enforcement Administration (DEA) in Brownsville, Texas, was sentenced following Clift's plea of guilty on July 12, 1988, to a one-count criminal information charging Clift with a violation of 21 U.S.C. § 843(b) (use of a communications facility to distribute marijuana). Clift was sentenced to 179 days in prison to be followed by a four-year term of probation.

The conviction arose from Clift's removal of approximately ten pounds of marijuana from a DEA evidence

vault. Clift wrapped the marijuana in two packages and attempted to send the packages via UPS in McAllen, Texas to a friend in Georgia. Employees at UPS opened the packages and reported the incident to the local police. During the subsequent investigation, Clift admitted his guilt to a fellow DEA Agent and indicated that he intended to sell the marijuana because he needed the money. Long distance telephone toll records and other evidence established that Clift and his friend in Georgia had used the telephones to facilitate the narcotics offense. Pursuant to the terms of a plea agreement, Clift also resigned from the DEA.

United States v. DiRicco and Leong, Northern District of California

In 1988, the Public Integrity Section assumed responsibility for the trial of Dennis R. DiRicco and Kevin M. Leong after their indictment by the United States Attorney on charges of money laundering in connection with a cocaine distribution scheme and obstruction of justice. DiRicco, a former revenue agent and attorney with the Internal Revenue Service, and Leong, a former Oakland, California policeman and investigator with the Alameda County District Attorney's Office, have since both been convicted of the charges after an eleven-week trial and nearly three weeks of jury deliberations.

United States v. Freeburn, District of Maryland

On November 15, 1988, Robert D. Freeburn was sentenced on his guilty plea to one misdemeanor count of violating 18 U.S.C. § 641 in connection with his submission of a false travel voucher. The court suspended imposition of a sentence of confinement, but sentenced Freeburn to two years' supervised probation and 100 hours of community service.

Pursuant to the plea agreement, Freeburn made restitution of approximately \$7,100 and resigned from employment at the National Security Agency.

United States v. Gupton, Eastern District of Wisconsin

On December 7, 1988, an information was filed charging Charles Gupton, an investigator employed by the Office of Labor-Management Standards, United States Department of Labor, with violation of 18 U.S.C. § 401(3) (contempt of court). The predicate for the charge was Gupton's violation

of the secrecy provisions of Rule 6(e) of the Federal Rules of Criminal procedure. The gist of the allegation is that Gupton, the case agent assigned to a criminal investigation of officials of Local 139 of the International Union of Operating Engineers, unlawfully disclosed matters occurring before the grand jury to a dissident union member.

Gupton has since pled guilty to the charge.

United States v. Horton, District of the District of Columbia

On August 1, 1988, a former Special Agent of the Federal Bureau of Investigation, Gwendolyn Horton, was sentenced on a one-count information charging that Horton, a Special Agent from September 1978 through September 1986 assigned to the Los Angeles, California, Field Office, submitted false and fictitious vouchers and receipts in connection with claims for lodging expenses while on temporary duty in New York, New York, during the period March 1983 through August 1984. The receipts falsely inflated her rent by \$5,167.

Horton, a law school graduate, resigned from the FBI; pursuant to a plea agreement, she agreed to make full restitution. The sentencing judge suspended imposition of sentence and placed Horton on probation for two years.

United States v. Kerns, District of the District of Columbia

On November 14, 1988, former Federal Bureau of Investigation Special Agent F. Carter Kerns was sentenced to three years' probation and 200 hours of community service following Kerns' guilty plea to one count of making false statements in violation of 18 U.S.C. § 1001. The sentencing judge suspended imposition of sentence, and ordered Kerns to make full restitution as a condition of probation.

Kerns was originally charged in a two-count indictment with one count of false statements and one count of mail fraud. The charges arose from Kerns' submission of a series of false vouchers to the FBI in connection with his transfer in 1986 from Pittsburgh to New York City. The count to which Kerns pleaded guilty charged that he sought reimbursement for over \$9,000 in expenses supposedly incurred by himself, his wife, and three children for temporary quarters in New York City during January and February 1986, when in fact his wife and children stayed in

Pittsburgh and never joined him in New York City. As a result, some \$6,000 of the expenses he claimed were false.

United States v. Kirkland, Southern District of Mississippi

On September 6, 1988, the United States Court of Appeals for the Fifth Circuit upheld the district court's denial of Joseph E. Kirkland III's motion under Fed. R. Crim. P. 35(a) to strike the restitution provisions of the sentence imposed on him in 1986. Kirkland, a loan applicant with the Farmers Home Administration (FmHA), had been sentenced by United States District Judge William H. Barbour, Jr., on July 24, 1986, to a total of four months' imprisonment, five years' probation, a \$10,000 fine and \$200,000 in restitution to the FmHA for his conviction on one count of concealing material facts from the FmHA in violation of 18 U.S.C. § 1001.

United States v. Lund, Eastern District of Virginia

On August 1, 1988, the United States Court of Appeals for the Fourth Circuit ruled that 18 U.S.C. § 208(a), a criminal conflict of interest statute, applied to charges that James M. Lund, Director of Communications Management Control Activity at the Defense Communications Agency, had participated personally and substantially in matters which his wife had a financial interest when as his wife's supervisor, he approved her for a raise, selected her over another applicant for a higher paying position, and nominated her for a government-funded masters degree program at American University. The trial court had dismissed the charges, holding that the conflicts statutes did not prohibit "nepotism."

After trial of the charges, a jury returned not guilty verdicts on the charges against Lund.

United States v. Nicoll, District of Maryland

On August 3, 1988, Lawrence W. Nicoll, an employee of the National Security Agency (NSA), was sentenced on his previously entered plea of guilty to three counts of violating 18 U.S.C. § 641 in connection with his submission of false travel vouchers. Nicoll was sentenced to imprisonment of one year on each count, to run consecutively; the court suspended execution of the sentence and placed Nicoll on three years' probation with the special

conditions that he make restitution of \$17,662.50 and perform 200 hours of community service.

The guilty plea was the result of a plea bargain whereby Nicoll, in addition to pleading guilty, agreed to resign his job at the NSA, make restitution, and cooperate with the Government's investigation of travel voucher fraud at the NSA.

United States v. Ramirez, Southern District of New York

On Thursday, September 22, 1988, Richard D. Ramirez, the former Director of the Office of Small and Disadvantaged Business Utilization (SADBU), United States Department of the Navy, pled guilty to an information charging him with two counts of conspiracy to defraud the United States and two counts of filing false federal income tax returns.

The charges stemmed from Ramirez' acceptance of \$60,000 from the Wedtech Corporation in 1983, his acceptance of \$120,000 from the United Chem Con Corporation (UCC) in 1982 and 1983, and his failure to include these payments in his total income on his 1982 and 1983 federal income tax returns. At the time Ramirez accepted the payments from Wedtech and UCC, employees of those companies were seeking to obtain information from Ramirez which could assist the companies in securing Navy contracts. Ramirez, who was serving as the Director of SADBU at the time, was in a position to influence Navy procurement policies and procedures affecting small and minority businesses. Both Wedtech and UCC had been certified as minority-owned and operated small businesses under the Small Business Administration's (SBA) Section 8(a) program.

In return for Ramirez' plea of guilty, the United States agreed not to prosecute Ramirez for his alleged receipt of money and other favors from numerous individuals and business entities throughout the United States.

United States v. Ward, Western District of Tennessee

On April 15, 1988, Don G. Ward, the former District Director of the Department of Labor's Office of Labor-Management Standards in Nashville, Tennessee, entered a plea of guilty to a charge of criminal contempt in violation of 18 U.S.C. § 401(3). In his guilty plea, Ward admitted that he knowingly violated Rule (6e), Fed. R. Crim. P., when he met with a reporter from the Nashville Tennessean on at least three occasions in 1986 and provided the reporter with

a description of a grand jury investigation in the Western District of Tennessee, the names of unions that had received grand jury subpoenas, and the types of documents sought through the grand jury subpoenas. On September 11, 1986, a headline story appeared in the Tennessean which revealed all this information.

At Ward's request, a sentencing hearing was held immediately after the Court accepted his guilty plea. Ward was sentenced to 18 months' imprisonment, with all but six months of the sentence suspended. Upon his release, Mr. Ward will be placed on probation for the balance of the 18-month term and as a special condition of probation, he is to receive counseling as directed by the Probation Office.

United States v. Walton, District of the District of Columbia

On November 16, 1988, a grand jury returned a 25-count indictment against Robin T. Walton, a clerical employee of the Immigration and Naturalization Service. Walton, whose duties included being the timekeeper for the Office of Personnel and Training, is charged with falsifying twenty-four of her own time and attendance forms by reporting large amounts of overtime hours that she did not actually work. By her actions, which took place between September 1987 and July 1988, Walton obtained over \$11,500 in unearned overtime payments. Walton was indicted for twenty-four counts of making false statements (18 U.S.C. § 1001) and one count of theft of government property (18 U.S.C. § 641).

FEDERAL JUDICIAL BRANCH

During 1988, the Public Integrity Section handled no prosecutions involving members of the judicial branch. However, it closed ten such matters without indictment, and 18 matters were under investigation at the end of 1988. One of those investigations, involving United States District Judge Robert Aguilar, has since resulted in an indictment, including charges of racketeering, obstruction of justice, conspiracy to defraud the United States, and unlawful disclosure of wiretap information.

STATE AND LOCAL CORRUPTION

In 1988, the Public Integrity Section closed eight investigations involving corruption affecting state and local government, and at the end of 1988, 16 such matters

were open. Also during 1988, the Section prosecuted the following cases involving state and local corruption.

United States v. Cain, Eastern District of Pennsylvania

On April 7, 1988, former Philadelphia Common Pleas Court Judge Herbert R. Cain, Jr., was sentenced in the United States District Court for the Eastern District of Pennsylvania. On February 5, 1988, a jury found former Judge Cain guilty of one count of attempted extortion under color of official right, in violation of the Hobbs Act, 18 U.S.C. § 1951. The jury found that Cain obtained \$1,500 from a defense lawyer in exchange for agreeing to find the lawyer's client not guilty in a non-jury trial. The sentencing judge stated that Cain's conduct threatened "everything our judicial system stands for," and sentenced the former jurist to three years' imprisonment, a \$5,000 fine, restitution to the United States in the amount of \$1,500, and the mandatory \$50.00 special assessment.

On October 26, 1988, the United States Court of Appeals for the Third Circuit affirmed Judge Cain's extortion conviction.

United States v. Denson, Southern District of Mississippi

On January 27, 1988, the Court of Appeals for the Fifth Circuit upheld the conviction of Joe Nelson Denson. Denson had been the Executive Vice President of the Mississippi Bank at the time of its collapse.

Denson entered a plea of guilty to a violation of 18 U.S.C. § 656 arising from the misapplication of funds entrusted to the Mississippi Bank and to a violation of 26 U.S.C. § 2203 for failure to file his income tax return. Denson was sentenced to incarceration for six months on the misapplication charge and probation on the failure-to-file charge. After sentencing, Denson moved, pursuant to 28 U.S.C. § 2255, to withdraw his guilty plea to the misapplication charge, claiming that the court had not properly advised him of the elements of the crime at the time of his guilty plea. The Court of Appeals, in denying the motion to withdraw, determined there was neither a violation of Rule 11 nor a constitutional error when the district court advised Denson during the acceptance of his guilty plea.

The Public Integrity Section handled this case as part of a broad investigation of corruption in Mississippi.

United States v. Glantz and Bucci, District of Rhode Island

On February 25, 1988, the First Circuit Court of Appeals in an amended opinion affirmed the convictions of Ronald H. Glantz, former City Solicitor of the City of Providence and Anthony J. Bucci, Chairman of the Democratic Party for the City of Providence, Rhode Island, for conspiracy, extortion, and related tax offenses. Bucci and Glantz were convicted of these charges on April 2, 1986, based on their extortion of \$72,350 in 1979 and 1980 from a lessor of used garbage trucks to the City of Providence. Each is now serving concurrent eight-year terms in federal prison.

The First Circuit's original opinion, issued on January 13, 1988, affirmed the convictions but remanded the case for resentencing because of the district court's failure to comply fully with Rule 32(c)(3)(D), Fed. R. Crim. P., at sentencing. The Government moved for rehearing on the sentencing issue, arguing that the district judge's technical noncompliance with the Rule did not automatically require resentencing. The Court of Appeals granted the Government's motion, remanding merely to allow the district judge to clarify the nature of his findings at the sentencing proceeding.

United States v. Glantz, District of Rhode Island

In a second case involving Ronald Glantz, the First Circuit Court of Appeals affirmed Glantz's conviction on two counts of perjury and one count of conspiracy to obstruct justice. Glantz was convicted of these charges in 1986, following a two-week jury trial. The two perjury counts stemmed from Glantz's false testimony to a federal grand jury in March 1983 regarding \$70,350 he received in connection with a real estate fraud, and regarding false representations he made to investors in the real estate deal. The conspiracy charge involved Glantz's successful efforts to get two others to lie to the same grand jury in order to corroborate his story. Glantz is now serving a three-year term of imprisonment on these charges.

United States v. Hicks, District of New Hampshire

On May 27, 1988, the United States Court of Appeals for the First Circuit affirmed the conviction of William D. Hicks. Hicks was tried and convicted of attempted extortion

in violation of 18 U.S.C. § 1951. Hicks received a four-year sentence for attempting to extort \$10,000 from James R. Proko by claiming he controlled the Salem Town Planning Board and could guarantee approval of Proko's plans to develop a site for his Honda dealership.

United States v. Huls and Miller, Middle District of Louisiana

On December 29, 1988, a federal grand jury returned a six-count indictment against William C. Huls, former Louisiana Secretary of Natural Resources, and Marsden W. Miller, Jr., a businessman. The indictment charges Huls and Miller with one count of conspiring to commit mail fraud, and also charges Huls with five substantive mail fraud counts and Miller with four substantive mail fraud counts.

The case involves Huls and Miller misrepresenting and concealing Huls' extensive financial ties to Miller's company so that Huls could use his official capacity to help Miller's company obtain 19,000 acres of state mineral leases at a substantially reduced price.

This case had been previously indicted and tried. Huls and Miller were convicted and sentenced to ten years' and eight years' imprisonment, respectively. This, however, occurred before the Supreme Court's opinion in McNally v. United States, which invalidated the mail-fraud theory under which Huls and Miller were originally indicted and tried. The convictions were reversed in light of McNally and these new charges are cast to comply with the current state of the law.

United States v. Smith, Southern District of West Virginia

On August 31, 1988, John M. Smith, former president of the Marrowbone Development Company, and his wife, Patricia Smith, were indicted on charges of mail fraud, tax evasion and racketeering.

Marrowbone Development Company is a coal-mining subsidiary of the A.T. Massey Company and one of the largest mining operations in West Virginia. Patricia Smith worked for her husband as his executive secretary. The indictment relates to the Smiths' role in overseeing a series of schemes through which independent contractors provided goods and services to Marrowbone executives, as well as large sums of cash to be used for political payoffs, and then billed the company for the expenses by submitting false invoices

for mine-related work. Marrowbone then passed the expenses along to Carolina Power & Light, a North Carolina-based public utility that was Marrowbone's principal customer, pursuant to a "cost plus" coal supply contract.

The schemes for which the Smiths were indicted alleged that some \$700,000 of fraudulent billings were submitted to Marrowbone in 1984 and 1985, and that the Smiths personally received about \$100,000 worth of improvements to their residence during those years. The Smiths also were indicted for a later "cover-up" scheme, in which they backdated checks and created fake receipts, thereby creating false records purporting to show that they had paid for what they received. Finally, both Smiths were indicted on related charges of tax evasion and racketeering.

The Smiths have both since been convicted on multiple mail fraud counts and acquitted of the tax evasion and racketeering counts.

PART III

FEDERAL PROSECUTIONS OF CORRUPT OFFICIALS

Each year, the Public Integrity Section collects information from the United States Attorneys about the public corruption cases their Offices have handled. This portion of the Report describes the results of the 1988 survey, and summarizes information from earlier surveys. Tables I-III display the numbers, types, dispositions, and geographical distribution of the reported cases.

LIST OF TABLES

- | | |
|-----------|--|
| Table I | Federal Prosecutions of Corrupt Public Officials - Year Ended December 31, 1988 |
| Table II | Federal Prosecutions of Corrupt Public Officials - January 1, 1979 to December 31, 1988 |
| Table III | Federal Prosecutions of Corrupt Public Officials - Convictions by Districts -- 1978 - 1988 |

TABLE I
FEDERAL PROSECUTIONS OF CORRUPT PUBLIC OFFICIALS

Year Ended December 31, 1988

Federal Officials

| | |
|----------------|-----|
| Indicted | 629 |
| Convicted | 529 |
| Awaiting Trial | 86 |

State Officials

| | |
|----------------|----|
| Indicted | 66 |
| Convicted | 69 |
| Awaiting Trial | 14 |

Local Officials

| | |
|----------------|-----|
| Indicted | 276 |
| Convicted | 229 |
| Awaiting Trial | 79 |

Others Involved

| | |
|----------------|-----|
| Indicted | 303 |
| Convicted | 240 |
| Awaiting Trial | 109 |

Total

| | |
|----------------|-------|
| Indicted | 1,274 |
| Convicted | 1,067 |
| Awaiting Trial | 288 |

89 Districts responded
5 Districts did not answer

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

| <u>Federal Officials</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> | <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | <u>1987</u> | <u>1988</u> |
|------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| - Indicted | 128 | 123 | 198 | 158 | 460* | 408 | 563 | 596 | 651 | 629 |
| - Convicted | 115 | 131 | 159 | 147 | 424 | 429 | 470 | 523 | 545 | 529 |
| - Awaiting Trial on December 31 | 21 | 16 | 23 | 38 | 58 | 77 | 90 | 83 | 118 | 86 |
| <u>State Officials</u> | | | | | | | | | | |
| - Indicted | 58 | 72 | 87 | 49 | 81 | 58 | 79 | 88 | 102 | 66 |
| - Convicted | 32 | 51 | 66 | 43 | 65 | 52 | 66 | 71 | 76 | 69 |
| - Awaiting Trial on December 31 | 30 | 28 | 36 | 18 | 26 | 21 | 20 | 24 | 26 | 14 |
| <u>Local Officials</u> | | | | | | | | | | |
| - Indicted | 212 | 247 | 244 | 257 | 270 | 203 | 248 | 232 | 246 | 276 |
| - Convicted | 156 | 168 | 211 | 232 | 226 | 196 | 221 | 207 | 204 | 229 |
| - Awaiting Trial on December 31 | 67 | 82 | 102 | 58 | 61 | 74 | 49 | 55 | 89 | 79 |
| <u>Others Involved</u> | | | | | | | | | | |
| - Indicted | 289 | 279 | 349 | 265 | 262 | 267 | 292 | 277 | 342 | 303 |
| - Convicted | 252 | 202 | 294 | 249 | 257 | 257 | 240 | 225 | 256 | 240 |
| - Awaiting Trial on December 31 | 69 | 87 | 70 | 72 | 77 | 97 | 97 | 84 | 135 | 109 |
| <u>Totals</u> | | | | | | | | | | |
| - Indicted | 687 | 721 | 878 | 729 | 1,073 | 936 | 1,182 | 1,193 | 1,340 | 1,274 |
| - Convicted | 555 | 552 | 730 | 671 | 972 | 934 | 997 | 1,026 | 1,075 | 1,067 |
| - Awaiting Trial | 187 | 213 | 231 | 186 | 222 | 269 | 256 | 246 | 368 | 288 |

*/ The 1983 figures were reviewed to attempt to identify the reason for the substantial jump in prosecutions of federal officials. The explanation appears to be two-fold; first, there clearly was a greater focus on federal corruption nationwide, but there also appears to have been more consistent reporting of lower-level employees who abused their office, cases that may have been overlooked in the past. For reference, the U.S. Attorney's Offices were told: "For purposes of this questionnaire, a public corruption case includes any case involving abuse of office by a public employee. We are not excluding low-level employees or minor crimes, but rather focusing on the job-relatedness of the offense and whether the offense involves abuse of the public trust placed in the employee

TABLE III
FEDERAL PROSECUTIONS OF CORRUPT PUBLIC OFFICIALS
Convictions of Public Officials by Judicial Districts
 1978 - 1988

| | <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> | <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | <u>1987</u> | <u>1988</u> | <u>TOTAL</u> |
|----------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
| Alabama, Northern. | 4 | 9 | 6 | 5 | 4 | 7 | 15 | 12 | 3 | 4 | 0 | 69 |
| Alabama, Middle | 5 | 10 | 22 | 3 | 6 | 6 | 5 | 2 | 7 | 3 | 8 | 77 |
| Alabama, Southern | 1 | N/A* | 5 | 0 | 6 | 12 | 16 | 6 | 8 | 6 | 9 | 69 |
| Alaska | 0 | 0 | 0 | 0 | 0 | 6 | 8 | 9 | 10 | 6 | 0 | 39 |
| Arizona | 0 | 1 | 2 | 6 | 0 | 4 | 3 | 4 | 4 | 5 | 11 | 40 |
| Arkansas, Eastern | 2 | 3 | 4 | 1 | 0 | 9 | 2 | 3 | 2 | 1 | 5 | 32 |
| Arkansas, Western | 0 | 1 | 1 | 1 | 1 | 4 | 4 | 0 | 6 | 4 | 5 | 27 |
| California, Northern | 0 | 0 | 0 | 2 | 0 | 3 | 9 | 39 | 12 | 3 | 19 | 68 |
| California, Eastern | 0 | 0 | N/A | 0 | 3 | 0 | 20 | 25 | 28 | 18 | 32 | 126 |
| California, Central | 3 | 8 | 4 | 8 | 4 | 17 | 52 | 2 | 38 | 47 | 15 | 198 |
| California, Southern | 3 | 7 | 8 | 8 | 5 | 3 | 7 | 22 | 5 | 9 | 6 | 83 |
| Colorado | 1 | 0 | 0 | 0 | 1 | 13 | 9 | 4 | 11 | 11 | 0 | 50 |
| Connecticut | 4 | 4 | 7 | 0 | 4 | 15 | 8 | 7 | 7 | 9 | 15 | 80 |
| Delaware | 1 | 0 | 0 | 1 | 1 | 1 | 3 | 0 | 3 | 1 | 2 | 13 |
| District of Columbia | 14 | 9 | 19 | 17 | 14 | N/A | 34 | 16 | 30 | 13 | 19 | 185 |

* N/A indicates that the District did not provide statistics

| | <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> | <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | <u>1987</u> | <u>1988</u> | <u>TOTAL</u> |
|--------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
| Florida, Northern | 0 | 0 | 2 | 4 | 0 | 1 | 6 | 3 | 7 | 4 | 3 | 30 |
| Florida, Middle | 5 | 1 | 2 | 6 | 4 | 13 | 23 | 8 | 8 | 20 | 24 | 114 |
| Florida, Southern | 3 | 0 | 14 | 0 | 1 | 8 | 8 | 5 | 3 | 14 | 16 | 72 |
| Georgia, Northern | 6 | 1 | 2 | 2 | 5 | 20 | 9 | 9 | 21 | 19 | 33 | 127 |
| Georgia, Middle | 1 | 1 | 3 | 1 | 2 | 10 | 4 | 8 | 12 | 2 | 4 | 48 |
| Georgia, Southern | 0 | 4 | 2 | 8 | 3 | 8 | 14 | 6 | 3 | 2 | 7 | 57 |
| Guam | 2 | 0 | N/A | 2 | 0 | 1 | 14 | 11 | 12 | 10 | N/A | 52 |
| Hawaii | 0 | 0 | 0 | 0 | 3 | 2 | 6 | 0 | N/A | 4 | 6 | 21 |
| Idaho | 0 | 0 | 0 | 0 | 0 | 2 | 2 | 1 | 6 | 4 | 2 | 17 |
| Illinois, Northern | 16 | 27 | 25 | 35 | 20 | 16 | 57 | 35 | 33 | 29 | 119 | 412 |
| Illinois, Central | 8 | 2 | 2 | 0 | 0 | 3 | 24 | 3 | 4 | 3 | 4 | 53 |
| Illinois, Southern | 4 | 2 | 0 | 0 | 0 | 2 | 0 | 7 | 2 | 0 | 0 | 17 |
| Indiana, Northern | 5 | 3 | 7 | 2 | 3 | 0 | 4 | 8 | 4 | 8 | 9 | 53 |
| Indiana, Southern | 0 | 0 | 7 | 2 | 3 | 0 | 3 | 5 | 13 | 17 | 7 | 57 |
| Iowa, Northern | 0 | 1 | 0 | 1 | 0 | 1 | 3 | 3 | 6 | 2 | 2 | 14 |
| Iowa, Southern | 0 | 1 | 0 | 1 | 0 | 1 | 3 | 3 | 6 | 2 | 5 | 22 |
| Kansas | 0 | 3 | N/A | 7 | 0 | 3 | 9 | 9 | 10 | 7 | 9 | 57 |
| Kentucky, Eastern | 5 | 5 | 12 | 5 | 4 | 0 | 7 | 3 | 8 | 5 | 4 | 58 |
| Kentucky, Western | 2 | 2 | 0 | 2 | 5 | 1 | 0 | 2 | 10 | 5 | 6 | 35 |
| Louisiana, Eastern | 6 | 7 | 8 | 13 | 4 | 19 | 9 | 4 | 7 | 6 | 18 | 101 |
| Louisiana, Middle | 0 | 1 | 1 | 3 | 2 | 5 | 0 | 2 | 2 | 5 | 7 | 28 |
| Louisiana, Western | 0 | 10 | 2 | 0 | 2 | 0 | 0 | 4 | 6 | 5 | 5 | 34 |

| | <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> | <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | <u>1987</u> | <u>1988</u> | <u>TOTAL</u> |
|-------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
| Maine | 2 | 2 | 3 | 0 | 0 | 1 | 1 | 2 | 5 | 0 | 4 | 20 |
| Maryland | 20 | 11 | 11 | 3 | 2 | 10 | 8 | 14 | 5 | 27 | 31 | 142 |
| Massachusetts | 7 | 5 | 6 | 7 | 11 | 8 | 17 | 9 | 35 | 12 | 49 | 166 |
| Michigan, Eastern | 1 | 7 | 3 | 10 | 16 | 18 | 21 | 7 | 43 | 20 | 11 | 157 |
| Michigan, Western | 1 | 0 | 0 | 2 | 4 | 2 | 3 | 6 | 5 | 5 | 3 | 31 |
| Minnesota | 0 | 2 | 0 | 0 | 0 | 6 | 3 | 2 | 8 | 12 | 9 | 42 |
| Mississippi, Northern | 3 | 2 | 4 | 6 | 4 | 0 | 0 | 8 | 13 | 13 | 12 | 65 |
| Mississippi, Southern | 5 | 0 | 4 | 9 | 7 | N/A | 20 | 1 | 1 | 21 | 17 | 85 |
| Missouri, Eastern | 1 | 1 | 2 | 2 | 4 | 1 | 1 | 12 | 6 | 13 | 12 | 55 |
| Missouri, Western | 0 | 0 | 0 | 0 | 1 | 9 | 8 | 1 | 9 | 6 | 3 | 37 |
| Montana | 0 | 0 | 1 | 0 | 0 | 4 | 4 | 0 | 5 | 6 | 5 | 25 |
| Nebraska | 0 | 0 | 7 | 0 | 0 | 1 | 6 | 8 | 4 | 5 | 9 | 40 |
| Nevada | 1 | 3 | 0 | 2 | 0 | 2 | 1 | 9 | 2 | 3 | 3 | 26 |
| New Hampshire | 2 | 0 | 0 | 3 | 7 | 1 | 1 | 3 | 2 | 0 | N/A | 19 |
| New Jersey | 15 | 9 | 25 | 8 | 16 | 30 | 14 | 6 | 7 | N/A | N/A | 130 |
| New Mexico | 1 | 4 | 0 | 2 | 6 | 8 | 3 | 3 | 8 | 3 | 2 | 40 |
| New York, Northern | 2 | 0 | 0 | 0 | 0 | N/A | 2 | 11 | 14 | 14 | 15 | 58 |
| New York, Southern | 3 | 33 | 17 | 30 | 36 | 49 | 64 | 108 | 35 | 63 | 39 | 477 |
| New York, Eastern | 7 | 1 | 22 | 11 | 11 | 14 | 28 | 35 | 17 | 10 | 82 | 238 |
| New York, Western | 1 | 5 | 6 | 1 | 0 | 5 | 13 | 1 | 5 | 11 | 11 | 59 |
| North Carolina, Eastern | 1 | 1 | N/A | 2 | 7 | 8 | 16 | 5 | 0 | 3 | 8 | 51 |
| North Carolina, Western | 0 | 0 | 0 | 2 | 0 | 6 | 13 | 9 | 3 | 3 | 3 | 39 |

| | <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> | <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | <u>1987</u> | <u>1988</u> | <u>TOTAL</u> |
|------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
| North Carolina, Middle | * | 0 | 0 | 0 | 0 | 1 | 6 | 5 | 11 | 7 | 5 | 35 |
| North Dakota | 0 | 1 | 0 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 6 | 11 |
| Ohio, Northern | 6 | 12 | 3 | 2 | 3 | 11 | 17 | 21 | 22 | 27 | 19 | 143 |
| Ohio, Southern | 7 | 21 | 10 | 2 | 0 | 4 | 10 | 16 | 7 | 21 | 29 | 127 |
| Oklahoma, Northern | 0 | 0 | 0 | 2 | 8 | 1 | 1 | 1 | 0 | 0 | 0 | 13 |
| Oklahoma, Western | 4 | N/A | 5 | 51 | 44 | 25 | 33 | 4 | 1 | 0 | 1 | 168 |
| Oklahoma, Eastern | 0 | 5 | 3 | 9 | 13 | 14 | 9 | 1 | 0 | 2 | 3 | 59 |
| Oregon | 1 | 0 | 0 | 0 | 0 | 6 | 8 | 3 | 1 | 2 | 0 | 21 |
| Pennsylvania, Eastern | 13 | 11 | 8 | 4 | 4 | 19 | 35 | 25 | 23 | 39 | 48 | 229 |
| Pennsylvania, Middle | 16 | 3 | 6 | 16 | 13 | 25 | 16 | 9 | 5 | 4 | 6 | 119 |
| Pennsylvania, Western | 12 | 7 | N/A | 4 | 7 | 3 | 12 | 6 | 5 | 4 | 7 | 67 |
| Puerto Rico | 0 | N/A | 0 | 0 | 1 | 2 | 10 | 16 | 6 | 7 | 10 | 52 |
| Rhode Island | 0 | N/A | 0 | 4 | 0 | 2 | 8 | 1 | 1 | 6 | 2 | 24 |
| South Carolina | 8 | 10 | 11 | 25 | 8 | 22 | 9 | 14 | 29 | 15 | 28 | 179 |
| South Dakota | 0 | 2 | 0 | 0 | 0 | 2 | 11 | 3 | 14 | 6 | 3 | 41 |
| Tennessee, Eastern | 0 | 2 | 1 | 0 | 5 | 15 | 5 | 3 | 5 | 4 | 4 | 44 |
| Tennessee, Middle | 2 | 3 | 0 | 8 | 5 | 2 | 1 | 10 | 5 | 4 | 8 | 48 |
| Tennessee, Western | 3 | 5 | 7 | 7 | 4 | 85 | 12 | 28 | 7 | 16 | 20 | 194 |
| Texas, Northern | 4 | 7 | 5 | 5 | 15 | 9 | 7 | 2 | 11 | 12 | 15 | 92 |
| Texas, Southern | 6 | 6 | 1 | 0 | 1 | 11 | 12 | 2 | 14 | 7 | 23 | 83 |
| Texas, Eastern | 3 | N/A | 3 | 19 | 11 | 8 | 4 | 5 | 3 | 5 | 8 | 69 |
| Texas, Western | 0 | N/A | 3 | 6 | 8 | 11 | 21 | 8 | 0 | 7 | 3 | 68 |

* = District did not exist

| | <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> | <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | <u>1987</u> | <u>1988</u> | <u>TOTAL</u> |
|-------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
| Utah | 2 | 1 | N/A | 4 | 0 | 5 | 0 | 7 | 2 | 1 | N/A | 22 |
| Vermont | 1 | 0 | N/A | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| Virgin Islands | 0 | 0 | 0 | 1 | 2 | 1 | 1 | 0 | 0 | 2 | 0 | 7 |
| Virginia, Eastern | 1 | 1 | 1 | 13 | 13 | N/A | 3 | 0 | 25 | 38 | 30 | 125 |
| Virginia, Western | 1 | 0 | 0 | 5 | 0 | 3 | 3 | 0 | 0 | 2 | 3 | 17 |
| Washington, Eastern | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| West Virginia, Northern | 1 | 3 | 1 | 0 | 0 | 0 | 2 | 2 | 1 | 0 | 0 | 10 |
| West Virginia, Southern | 6 | 3 | N/A | 0 | 3 | 2 | 12 | 6 | 7 | 5 | 9 | 53 |
| Wisconsin, Eastern | 2 | 0 | 1 | 2 | 11 | 13 | 10 | 7 | 1 | 13 | 7 | 67 |
| Wisconsin, Western | 0 | 1 | 1 | 0 | 0 | 5 | 0 | 1 | 2 | 6 | 2 | 18 |
| Wyoming | 0 | 0 | 0 | 0 | 0 | 2 | 1 | 0 | 1 | 0 | 2 | 6 |