

United States Senate

SELECT COMMITTEE ON ETHICS
HART SENATE OFFICE BUILDING, ROOM 220
SECOND AND CONSTITUTION AVENUE, NE
WASHINGTON, DC 20510-6425

February 13, 2008

The Honorable Larry E. Craig
United States Senate
Washington, DC 20510

Public Letter of Admonition

Dear Senator Craig:

In response to improper conduct by you reflecting upon the United States Senate, the Select Committee on Ethics of the United States Senate issues this public letter of admonition to you pursuant to Section 2(d)(3) of Senate Resolution 338, 88th Congress, 2nd Session (1964), as amended by Senate Resolution 222, 106th Cong., 1st Session (1999) and its Supplementary Procedural Rules, Rule 3(g)(2).

The Committee's action in this matter addresses your conduct in connection with your June 11, 2007, arrest at the Minneapolis-St. Paul International Airport and your August 2007 guilty plea in the State of Minnesota, County of Hennepin, Fourth Judicial District, and your conduct related and subsequent thereto, as discussed more fully below. The Committee bases its action on the following determinations:

- Through your accurate, voluntary and intelligent guilty plea, you were convicted in August 2007 of disorderly conduct, a misdemeanor, occurring on June 11, 2007, in a men's public restroom at the Northstar Crossing in the Lindbergh Terminal of Minneapolis-St. Paul International Airport. The Committee accepts as proven your guilty plea and all matters set forth in your guilty plea, including your statements therein: that you reviewed the arrest report and/or complaint relating to the charges against you; that on June 11, 2007, at the Minneapolis-St. Paul International Airport restroom you engaged in conduct which you "knew or should have known tended to arouse alarm or resentment [in] others which conduct was physical (versus verbal) in nature"; that at the time of your plea you made no claim that you were innocent of the charge to which you entered a guilty plea; and that you entered your guilty plea freely and voluntarily.
- Following your arrest on June 11, 2007, you showed the arresting officer a business card that identified you as a United States Senator and stated to the officer, in words or substance, "What do you think about that?" Under the circumstances present at that time, you knew or should have known that a reasonable person in the position of the arresting officer could view your action and statement as an improper attempt by you to use your position and status as a United States Senator to receive special and favorable treatment.

- Although, in our view, you committed the offense to which you pled guilty and you entered your plea knowingly, voluntarily and intelligently, it appears you are attempting to withdraw your plea in significant part because your initial calculation that you could avoid public disclosure of, and adverse public reaction to, this matter by pleading guilty proved wrong. Even if an attempt to withdraw a guilty plea under the circumstances present in this case is a course that a defendant in the State of Minnesota *may take*, by the standards within this Committee's jurisdiction it is a course that a United States Senator *should not take*. Your claims to the court, through counsel, to the effect that your guilty plea resulted from improper pressure or coercion, or that you did not, as a legal matter, know what you were doing when you pled guilty, do not appear credible.

We consider your attempt to withdraw your guilty plea to be an attempt to evade the legal consequences of an action freely undertaken by you – that is, pleading guilty – and, as such, to be conduct contrary to the injunction of Paragraph 2 of the Code of Ethics for Government Service, which provides that any person in Government service, in this case a United States Senator, should “[u]phold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.”

- Construing Senate Rule 38.2, which prohibits the conversion of campaign funds to personal use, the *Senate Ethics Manual* states that “Members, officers or employees may pay legal expenses incurred in connection with their official duties with funds of a Senator’s principal campaign committee, *but only if such payment is approved by the Committee.*” (Emphasis added.) It appears that you have used over \$213,000 in campaign funds to pay legal (and, apparently, “public relations”) fees in connection with your appeal of your criminal conviction and in connection with the preliminary inquiry before the Committee in this matter. It appears that some portion of these expenses may not be deemed to have been incurred in connection with your official duties, either by the Committee or by the Federal Election Commission (which has concurrent jurisdiction with the Committee on the issue of conversion of a Senator’s campaign funds to personal use). However, without here reaching the issue of what portion of your legal expenses in this matter may be payable with funds of your principal campaign committee, it is clear that you never sought the Committee’s approval, as required, to use campaign funds for these purposes. You should also take careful note that the Committee will consider any further use of your campaign funds for legal expenses without the Committee’s approval to be conduct demonstrating your continuing disregard of ethics requirements.

The conduct to which you pled guilty, together with your related and subsequent conduct as set forth above, constitutes improper conduct reflecting discreditably on the Senate and through this letter the Select Committee on Ethics, on behalf of and pursuant to authority granted by the United States Senate, publicly admonishes you for that conduct.

This public admonition of you, and the determinations on which it is based, concludes a preliminary inquiry in which the Committee reviewed and considered allegations, information, evidence and arguments present to it from a number of sources, including complaints, the public record and your responses, albeit through your counsel, to the Committee’s specific written

inquiries.

As your counsel has previously questioned the Committee's jurisdiction in this matter we note that the investigative authority of the Committee, and the disciplinary authority of the Senate over its Members, is broad. Senate Resolution 338, as amended, makes it the duty of the Select Committee on Ethics to "receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, violations of the Senate Code of Official Conduct, and violations of rules and regulations of the Senate relating to the conduct of individuals in the performance of their duties as Members of the Senate, or as officers or employees of the Senate, and to make appropriate findings of fact and conclusions with respect thereto . . ." S. Res. 338, 88th Cong., 2d. Sess. (1964), as amended by S. Res. 110, 95th Cong., 1st Sess. (1977). "S. Res. 338 gives the Committee the authority to investigate Members who engage in 'improper conduct which may reflect upon the Senate,' regardless of whether such conduct violates a specific statute, Senate Rule, or regulation." *Senate Ethics Manual*, 2003 ed., at page 432. The Committee has stated that the Senate "may discipline a Member for any misconduct, including conduct or activity which does not directly relate to official duties, when such conduct unfavorably reflects on the institution as a whole." *Senate Ethics Manual*, 2003 ed., at page 13. The Committee has jurisdiction over your conduct in this matter.

The Committee's determination to publicly admonish you in this matter is independent of, and will be unaffected by, any subsequent decisions by the courts on your challenge of your guilty plea. In addition, this letter of admonition addresses only your conduct in connection with your arrest at the Minneapolis-St. Paul International Airport and your August 2007 guilty plea, and your conduct related and subsequent thereto as discussed above.

The Select Committee on Ethics resolves this matter through your public admonition so that, on behalf of the United States Senate, it may make known clearly that the conduct to which you pled guilty, together with the related and subsequent conduct discussed in this letter, is improper conduct which has reflected discreditably on the Senate.

Sincerely,



Barbara Boxer
Chairman



Mark Pryor, Member



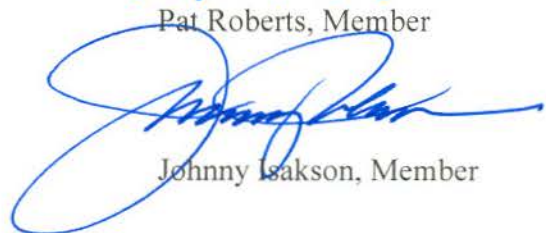
Ken Salazar, Member



John Cornyn
Vice Chairman



Pat Roberts, Member



Johnny Isakson, Member