

Special Investigations Involving U.S. Presidents and Their Admins Since 1973

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Report Commissioned by
the A-Mark Foundation

www.amarkfoundation.org

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Overview

Given the many discussions and theories about Special Counsel Robert S. Mueller's investigation of possible collusion among President Donald J. Trump, his presidential campaign and Russia in the 2016 U.S. presidential election, the A-Mark Foundation commissioned this report on such special investigations involving presidents and those close to them.

This report, while commenting on the appointment of the first special prosecutor investigation,¹ initiated by President Ulysses S. Grant in 1875, for some historical perspective, effectively begins with the Watergate investigation of President Richard M. Nixon in 1973. The report concludes with the current ongoing investigation of Trump's 2016 presidential campaign.

Our criteria for the special investigations of the eight presidents [Barack H. Obama and his administration were not investigated] versus the investigations in the Appendix are as follows:

The eight special investigations beginning in 1973 are investigations by special prosecutors/independent counsels/special counsels that began with possible offence(s) tied directly or indirectly to the president in office, and the investigation of President Gerald R. Ford which began with the investigation of President Nixon; the 22 special investigations in the Appendix are either prior to 1973, or when the investigations seemingly involved personal behavior or actions not tied directly or indirectly to administration business or action.

Excluded in this work entirely are investigations of presidents and their administrations when they did not involve a *Special Prosecutor, Independent Counsel or Special Counsel*, such as the impeachment of President Andrew Johnson on Feb. 24, 1868, that occurred in the House of Representatives.²

¹ Sarah Pruitt, "The Whiskey Ring and America's First Special Prosecutor," History.com, May 18, 2017

² "President Andrew Johnson impeached," History.com, accessed on March 28, 2018

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I. Summary: U.S. Presidential Special Prosecutor / Independent Counsel / Special Counsel Investigations 1973 to 2018 (still open)

The first president involved in a special investigation was President Ulysses S. Grant in 1875 who appointed John B. Henderson, then fired him, then appointed James Brodhead in the Whiskey Ring Scandal. “Though Grant was not suspected, his private secretary, Orville E. Babcock, was indicted in the conspiracy but was acquitted after Grant testified to his innocence.”³ The cost of investigation⁴ was \$1,442,672.72 in 2017 dollars.⁵

The following is a chart of special investigations starting with Watergate in 1973.

	U.S. President in Office During Investigation	U.S. President / Admin Involved in Investigation	Subject of Special Prosecutor / Independent Counsel / Special Counsel Investigations	Number of Days of Investigation, Dates Started and Ended	Total Cost of Investigation [Daily cost]
	A.	B.	C.	D.	E.
1.	Nixon	Nixon	Watergate: Investigation initiated after agents of the Committee to Re-Elect the President were convicted of	The Nixon/Ford investigations ran from May 19, 1973, ⁶ to June 20, 1977, ⁷ for a total of 1,464⁸ days.	The total cost of the Nixon/Ford investigations ⁹ in March 13, 2017, dollars was \$47,094,590.10.¹⁰

³ “Whiskey Ring,” Britannica.com, accessed on March 28, 2018

⁴ The original cost of the investigation was \$65,684.85, according to the *St. Louis Republican*, which was re-published in the *Washington Law Reporter*, page 42, March 24, 1876

⁵ Calculated online at in2013dollars.com on March 28, 2018, “Inflation data from 1665 to 1912 is sourced from a historical study conducted by political science professor Robert Sahr at Oregon State University.”

⁶ George Lardner, Jr., “Cox Is Chosen as Special Prosecutor,” *WashingtonPost.com*, May 19, 1973

⁷ “Final report / Watergate Special Prosecution Force,” online at Babel.hathitrust.org, June 1977

⁸ Total number of days for investigations calculated online: <https://www.timeanddate.com/date/duration.html>

⁹ Total costs are from a White House Office of Communication note from June 7, 1974.

¹⁰ Calculated by USInflationCalculator.com on March 21, 2018. The “US Inflation Calculator uses the latest US government CPI data published on March 13 to adjust for inflation and calculate the cumulative inflation rate through February 2018.” Calculated for last year of investigation, 1977.

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	U.S. President in Office During Investigation	U.S. President / Admin Involved in Investigation	Subject of Special Prosecutor / Independent Counsel / Special Counsel Investigations	Number of Days of Investigation, Dates Started and Ended	Total Cost of Investigation [Daily cost]
	A.	B.	C.	D.	E.
			breaking into the DNC headquarters in the Watergate building.		[\$32,168.44/day]
2.	Ford	Ford	Watergate special prosecutor also investigated alleged misuse of political contributions by President Gerald R. Ford.	Linked to Watergate investigation in #1	Linked to Watergate investigation in #1
3.	Carter	Carter	Peanut Warehouse: An inquiry was initiated to investigate loans from the National Bank of Georgia to the Carter family business that may have been used to fund Carter's 1976 campaign.	The Carter investigation ran from March 23, 1979, ¹¹ to Oct. 16, 1979, ¹² for a total of 208 ¹³ days.	The total cost of the Carter investigation in March 13, 2017, dollars was \$1,215,471.07 . ¹⁴ [\$5,843/day]

¹¹ Paul J. Curran, Special Counsel, "Investigation of Carter's Warehouse and the National Bank of Georgia Report to the Congress of the United States," Folder Citation: Collection: Office of Staff Secretary; Series: Presidential Files; Folder: 10/16/79 [1]; Container 135, JimmyCarterLibrary.gov, Oct. 16, 1979

¹² Paul J. Curran, Special Counsel, "Investigation of Carter's Warehouse and the National Bank of Georgia Report to the Congress of the United States," Folder Citation: Collection: Office of Staff Secretary; Series: Presidential Files; Folder: 10/16/79 [1]; Container 135, JimmyCarterLibrary.gov, Oct. 16, 1979

¹³ Total number of days for investigations calculated online: <https://www.timeanddate.com/date/duration.html>

¹⁴ Calculated by USInflationCalculator.com on March 21, 2018. The "US Inflation Calculator uses the latest US government CPI data published on March 13 to adjust for inflation and calculate the cumulative inflation rate through February 2018."

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	U.S. President in Office During Investigation	U.S. President / Admin Involved in Investigation	Subject of Special Prosecutor / Independent Counsel / Special Counsel Investigations	Number of Days of Investigation, Dates Started and Ended	Total Cost of Investigation [Daily cost]
	A.	B.	C.	D.	E.
4.	Reagan / H.W. Bush	Reagan	Iran-Contra Affair: Inquiry initiated when it was exposed that the U.S. government was assisting Nicaraguan contra rebels, and selling arms to Iran.	The Reagan investigation ran from Dec. 19, 1986, ¹⁵ to Aug. 4, 1993, ¹⁶ for a total of 2,420¹⁷ days.	The total cost of the Reagan investigation in March 13, 2017, dollars was \$81,098,533.51.¹⁸ [\$33,511.79/day]
5.	H.W. Bush	H.W. Bush	BNL Investigation: An inquiry was initiated into "the Bush Administration's handling of a billion-dollar bank-fraud case involving illegal loans to Iraq." ¹⁹	The H.W. Bush investigation ran from Oct. 16, 1992, ²⁰ to Dec. 8, 1992, ²¹ for a total of 54²² days.	The total cost of the H.W. Bush investigation in March 13, 2017, dollars was \$650,611.03.²³ [\$12,048.35/day]

¹⁵ "Records of Lawrence Walsh relating to Iran/Contra," NationalArchives.gov, accessed on March 21, 2018

¹⁶ "53. The Iran-Contra Report, August 4 1993 [Excerpts]," The Encyclopedia of Middle East Wars, Page 161

¹⁷ Total number of days for investigations calculated online: <https://www.timeanddate.com/date/duration.html>

¹⁸ Calculated by USInflationCalculator.com on March 21, 2018. The "US Inflation Calculator uses the latest US government CPI data published on March 13 to adjust for inflation and calculate the cumulative inflation rate through February 2018."

¹⁹ Elaine Sciolino, "ATTORNEY GENERAL NAMES PROSECUTOR IN IRAQ-LOANS CASE," NYTimes.com, Oct. 17, 1992

²⁰ Ronald J. Ostrow and Douglas Frantz, "Ex-Judge to Investigate Iraq Loans : Probe: Frederick Lacey of New Jersey will explore role of Justice Department and CIA in scandal. Democrats criticize attorney general's plan.," Articles.LATimes.com, Oct. 17, 1992

²¹ Times Wire Service, "Counsel Wraps Up Report on Iraq Loan Case Investigation," Articles.LATimes.com, Dec. 9, 1992

²² Total number of days for investigations calculated online: <https://www.timeanddate.com/date/duration.html>

²³ Calculated by USInflationCalculator.com on March 21, 2018. The "US Inflation Calculator uses the latest US government CPI data published on March 13 to adjust for inflation and calculate the cumulative inflation rate through February 2018."

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	U.S. President in Office During Investigation A.	U.S. President / Admin Involved in Investigation B.	Subject of Special Prosecutor / Independent Counsel / Special Counsel Investigations C.	Number of Days of Investigation, Dates Started and Ended D.	Total Cost of Investigation [Daily cost] E.
6.	Clinton / W. Bush	Clinton	Whitewater: The initial investigation was to look into the Clinton's Arkansas land-deal investments while Bill Clinton was governor.	The Clinton investigations ran from Jan. 20, 1994, ²⁴ to March 23, 2004, ²⁵ for a total of 3,716²⁶ days.	The total cost of the Clinton investigations in March 13, 2017, dollars was \$83,358,502.05.²⁷ [\$22,432.32/day]

²⁴ "Whitewater Timeline," Academic.Brooklyn.cuny.edu

²⁵ GAO report number GAO-04-1014, "Financial Audit: Independent and Special Counsel Expenditures for the Six Months Ended March 31, 2004," online at GAO.gov, Sept. 30, 2004

²⁶ Total number of days for investigations calculated online: <https://www.timeanddate.com/date/duration.html>

²⁷ Calculated by USInflationCalculator.com on March 21, 2018. The "US Inflation Calculator uses the latest US government CPI data published on March 13 to adjust for inflation and calculate the cumulative inflation rate through February 2018."

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	U.S. President in Office During Investigation	U.S. President / Admin Involved in Investigation	Subject of Special Prosecutor / Independent Counsel / Special Counsel Investigations	Number of Days of Investigation, Dates Started and Ended	Total Cost of Investigation [Daily cost]
	A.	B.	C.	D.	E.
7.	W. Bush	W. Bush	Plamegate: An inquiry was initiated into the leak of CIA agent Valerie Plame's identity after she was identified by name in a syndicated column. High-level George W. Bush admin officials were investigated, the vice president's chief of staff was prosecuted, then pardoned by Bush.	The W. Bush investigation ran from Dec. 30, 2003, ²⁸ to Dec. 11, 2007, ²⁹ for a total of 1,443³⁰ days.	The total cost of the W. Bush investigation in March 13, 2017, dollars was \$3,050,079.58.³¹ [\$2,113.70/day]

²⁸ Department of Justice Press Conference transcript, "Appointment of special prosecutor to oversee investigation into alleged leak of CIA agent identity and recusal of Attorney General Ashcroft from the investigation," online at FAS.org, Dec. 30, 2003

²⁹ "On December 11, 2007 the administration official dropped his appeal of his convictions. This matter is now concluded for all practical purposes, but the office of special counsel will continue for limited purposes, such as responding to Congressional requests for information," according to a GAO Report dated March 2008 titled "FINANCIAL AUDIT: Special Counsel Expenditures for the Six Months Ended September 30, 2007."

³⁰ Total number of days for investigations calculated online: <https://www.timeanddate.com/date/duration.html>

³¹ Calculated by USInflationCalculator.com on March 21, 2018. The "US Inflation Calculator uses the latest US government CPI data published on March 13 to adjust for inflation and calculate the cumulative inflation rate through February 2018."

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	U.S. President in Office During Investigation	U.S. President / Admin Involved in Investigation	Subject of Special Prosecutor / Independent Counsel / Special Counsel Investigations	Number of Days of Investigation, Dates Started and Ended	Total Cost of Investigation [Daily cost]
	A.	B.	C.	D.	E.
8.	Trump	Trump	An inquiry was initiated to investigate alleged ties between President Trump's campaign and Russian officials in the 2016 presidential election.	The Trump investigation began on May 17, 2017. ³² As of April 3, 2018, so far, a total of 322³³ days.	The total cost of the Trump investigation in March 13, 2017, dollars was \$6,759,695.³⁴ This cost covers May 17, 2017, to Sept. 30, 2017, a total of 137 days of DOJ expenditure reporting. [\$49,340.84/day]

1. There have been nine presidential administrations since the beginning of Watergate to the date of this report, from Nixon to Trump. The only presidential administration that was not part of an investigation by a special prosecutor/independent counsel/special counsel was that of President Barack H. Obama.
2. Since 1973, Presidents Gerald R. Ford and Barack H. Obama did not have a special investigation started during their administration. The investigation of Ford was part of the Watergate investigation started in the Nixon administration.

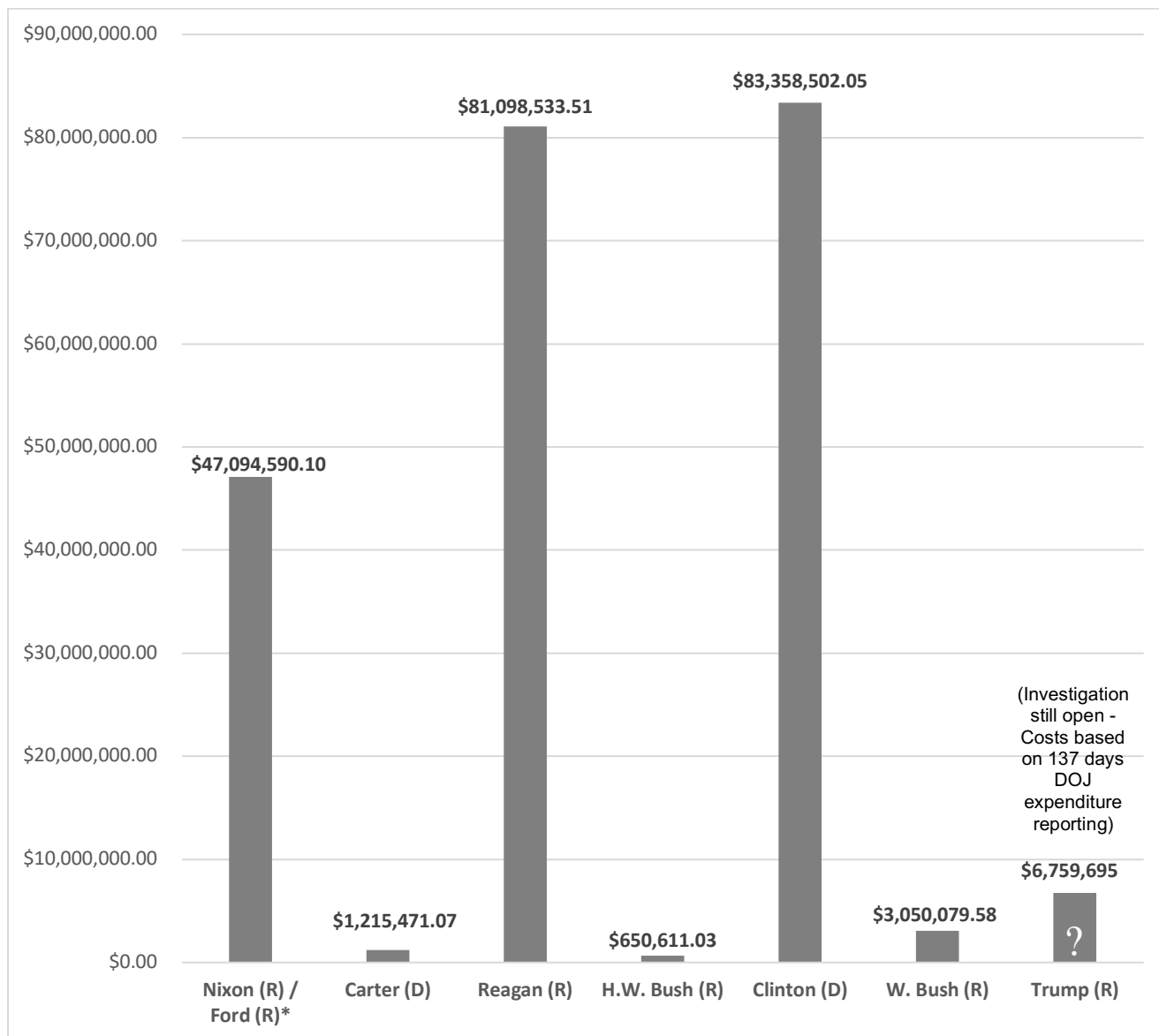
³² "Special Counsel's Office: Related Court Documents," United States Department of Justice website Justice.gov, accessed on March 21, 2018

³³ Total number of days for investigations calculated online: <https://www.timeanddate.com/date/duration.html>

³⁴ Calculated by USInflationCalculator.com on March 21, 2018. The "US Inflation Calculator uses the latest US government CPI data published on March 13 to adjust for inflation and calculate the cumulative inflation rate through February 2018."

II. Charts of Summary Metrics

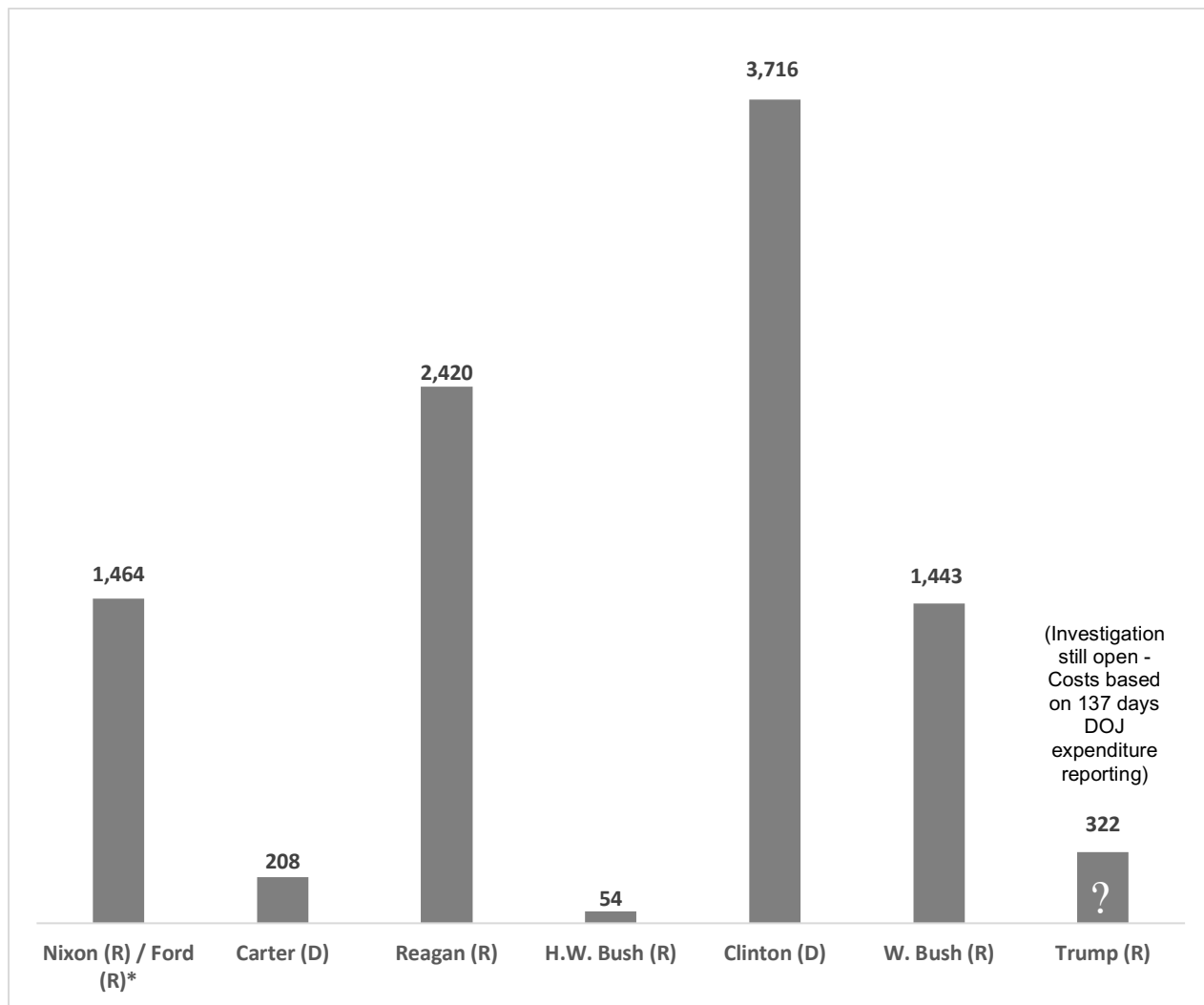
1. Chart: Total Cost of Each Investigation in 2017 Dollars



*The Watergate investigation continued into the administration of Gerald R. Ford Jr., who was also investigated during the investigation of Nixon, after President Richard M. Nixon resigned. The amount shown for Nixon/Ford is the combined total found for the entire Watergate investigation across the two administrations.

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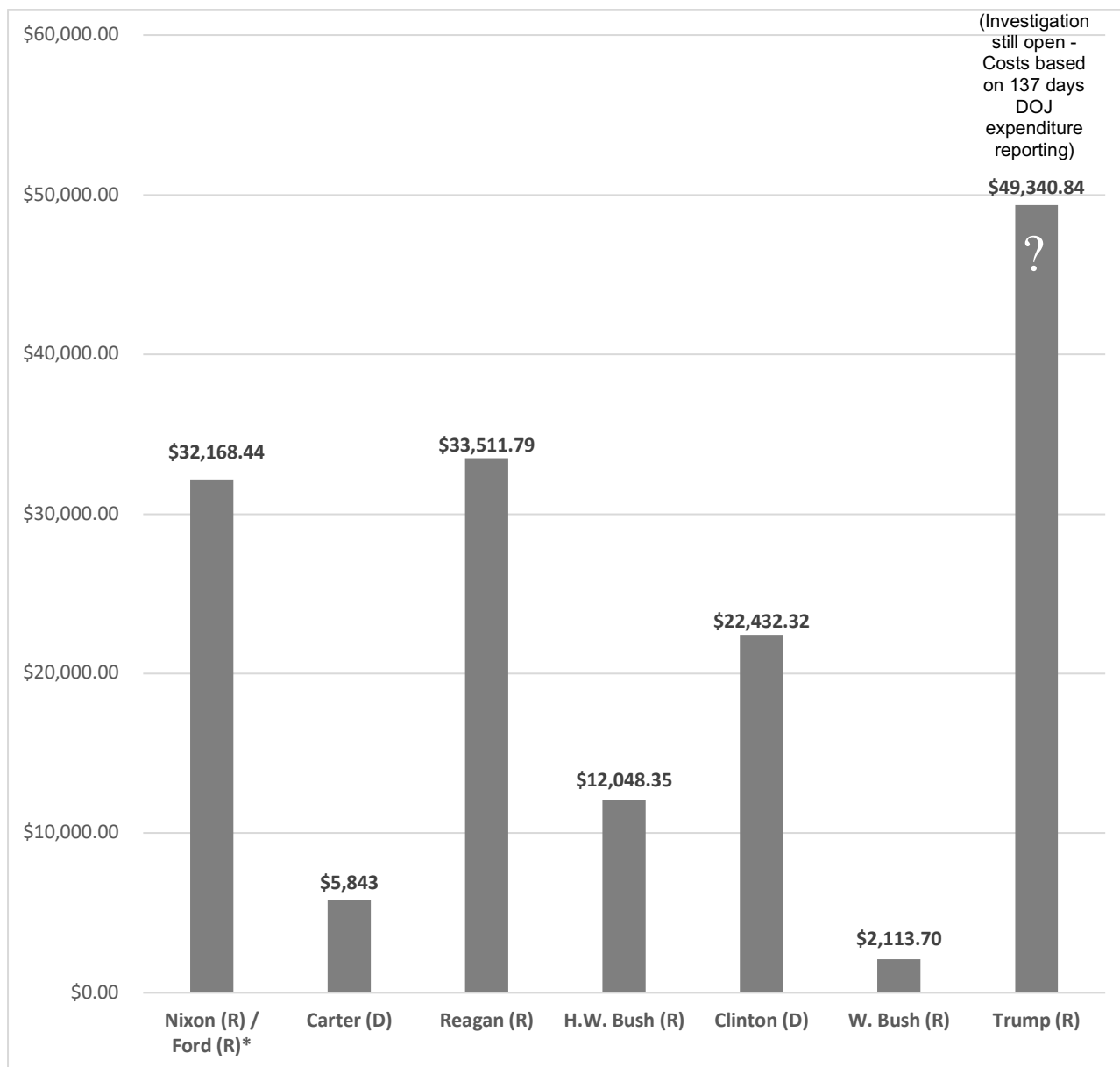
2. Chart: Total Number of Days of Each Investigation



**The Watergate investigation continued into the administration of Gerald R. Ford Jr., who was also investigated during the investigation of Nixon, after President Richard M. Nixon resigned. The days of investigation shown for Nixon/Ford are the combined total found for the entire Watergate investigation across the two administrations.*

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3. Chart: Cost Per Day of Each Investigation in 2017 Dollars



**The Watergate investigation continued into the administration of Gerald R. Ford Jr., who was also investigated during the investigation of Nixon, after President Richard M. Nixon resigned. The amount shown per day of investigation for Nixon/Ford is the combined total found for the entire Watergate investigation across the two administrations.*

III. A Summary of the Differences Among the Titles Special Prosecutor / Independent Counsel / Special Counsel

The titles for those tasked with conducting special investigations involving presidents and their administrations are sometimes used interchangeably in the media and other resources, but there is a difference among the official titles “Special Prosecutor,” “Independent Counsel” and “Special Counsel.”

This is a brief summary of the history behind the titles for those investigations and how each is appointed and does not delve into the details of the many steps that take place before a special investigation is initiated, such as an internal Department of Justice or FBI investigation or a conclusion by a congressional committee that recommends a more thorough investigation.

Prior to reform in 1978, presidents themselves were among the officials able to appoint and fire special investigators, such as President Ulysses S. Grant who appointed two and fired one during the “Whiskey Ring” scandal.³⁵ Those investigators held the title of “Special Prosecutor.” In Watergate, Attorney General-designate Elliot L. Richardson³⁶ appointed the special prosecutor and when President Richard M. Nixon initiated the firing of the special prosecutor through the attorney general’s office, Richardson resigned.³⁷

After Watergate, the method for choosing a special prosecutor was changed so that the president could not fire the person working on the investigation. The Ethics in Government Act of 1978, initially meant to last for five years, was enacted. Under the rules of this statute, a three-judge panel assigned to the U.S. Court of Appeals for the District of Columbia³⁸ was now responsible for appointing a special prosecutor who would be independent from reprisal by the

³⁵ Sarah Pruitt, “The Whiskey Ring and America’s First Special Prosecutor,” History.com, May 18, 2017

³⁶ George Lardner, Jr., “Cox Is Chosen as Special Prosecutor,” WashingtonPost.com, May 19, 1973

³⁷ Jeffrey Frank, “Comey’s Firing Is—and Isn’t—Like Nixon’s Saturday Night Massacre,” May 9, 2017

³⁸ PUBLIC LAW 95-521—OCT. 26, 1978, 95th Congress, 92 Stat. 1824, online at Senate.gov, Oct. 26, 1978

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White House. Although the attorney general could not choose the investigator, they could still apply for the appointment of a special prosecutor under the statute.³⁹

The title of special prosecutor was retained until the subcommittee on Oversight of Government Management “proposed that the name ‘special prosecutor’ be changed to ‘independent counsel’ to remove the pejorative connotation of the investigation.”⁴⁰ In the Ethics in Government Act Amendments of 1982, “Special Prosecutor” was officially changed to “Independent Counsel.”⁴¹

Even though an independent counsel could now be appointed independent from the executive branch, attorneys general on at least two occasions directly appointed investigators who served as “Special Counsel,” which was still a viable choice under the statute and did not require approval by the three-judge panel.

An independent counsel could only be terminated by the attorney general, other than “impeachment and conviction,” for “good cause, physical or mental disability ... or any other condition that substantially impairs the performance of such independent counsel’s duties.”⁴²

The 1978 statute was amended, allowed to expire, and reauthorized over two decades until it finally expired in 1999. As of the date of this report, the current title for the investigator appointed for special investigations involving the White House directly or indirectly, like Robert Mueller’s investigation into the Trump campaign/Russia collusion, is “Special Counsel.”

³⁹ PUBLIC LAW 95-521—OCT. 26, 1978, 95th Congress, 92 Stat. 1824, online at [Senate.gov](https://www.senate.gov), Oct. 26, 1978

⁴⁰ “Special Prosecutor Provisions of Ethics In Government Act of 1978,” A Report Prepared by the Subcommittee on Oversight of Government Management of the Committee on Governmental Affairs United States Senate, 97th Congress, 1st Session, online at [NCJRS.com](https://www.ncjrs.com), October 1981

⁴¹ PUBLIC LAW 97-409—Jan. 3, 1983, 97th Congress, 96 stat. 2039, [GPO.gov](https://www.gpo.gov), Jan. 3, 1983

⁴² US Code, “28 U.S. Code § 596 - Removal of an independent counsel; termination of office,” [Law.Cornell.edu](https://www.law.cornell.edu), accessed on March 26, 2018

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IV. Special Prosecutor / Independent Counsel / Special Counsel Investigations Involving U.S. Presidents and their Admins

1. Richard M. Nixon: Watergate

Start / End [# of Days] A.	Total Cost of Investigation B.	Name of Investigator / Title C.	Appointed By D.
5/19/1973 ⁴³ / 10/20/1973 ⁴⁴ [155]	\$6,795,000 ⁴⁵	Archibald Cox / First Special Prosecutor of the Watergate Special Prosecution Force [WSPF]	Attorney General- designate Elliot L. Richardson
11/5/1973 ⁴⁶ / 10/25/1974 ⁴⁷ [355]	July 1, 1974, to June 30, 1976 \$4,848,000 ⁴⁸	Leon Jaworski / Second Special Prosecutor after Cox fired by Nixon	Acting Attorney General Robert H. Bork⁴⁹
10/26/1974 ⁵⁰ / 10/1/1975 ⁵¹ [341]	\$11,643,000 for both Nixon and Ford admin investigations	Henry S. Ruth Jr. / Third Special Prosecutor after Jaworski	Attorney General William B. Saxbe⁵²

⁴³ George Lardner, Jr., "Cox Is Chosen as Special Prosecutor," WashingtonPost.com, May 19, 1973

⁴⁴ "IN RE SUBPOENA TO NIXON," Cite as 360 F.Supp. 1 (1973), Law.Justia.com, Aug. 29, 1973

⁴⁵ The data for the "best estimates of the Watergate cost," White House note, Office of Communications, NixonLibrary.com, June 7, 1974

⁴⁶ "Watergate Special Prosecution Force: Report," online at Archive.org, undated, accessed on March 21, 2018

⁴⁷ "Watergate Special Prosecution Force: Report," online at Archive.org, undated, accessed on March 21, 2018

⁴⁸ Total from "Watergate Appropriations During Ford Administration," chart in Section IV of this report

⁴⁹ "Bork Chooses Jaworski As Watergate Prosecutor," TheCrimson.com, Nov. 2, 1973

⁵⁰ "Watergate Special Prosecution Force: Report," online at Archive.org, undated, accessed on March 21, 2018

⁵¹ "Final report / Watergate Special Prosecution Force," online at Babel.hathitrust.org, June 1977

⁵² *The Courier-Journal* text online at Newspapers.com, Oct. 24, 1974

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Start / End [# of Days]	Total Cost of Investigation	Name of Investigator / Title	Appointed By
A.	B.	C.	D.
10/17/1975 ⁵³ / 6/20/1977 ⁵⁴ [613] The Nixon investigations ran from May 19, 1973, to June 20, 1977, for a total of 1,464⁵⁵ days.	The total cost of the Nixon investigations in March 13, 2017, dollars was \$47,094,590.10. ⁵⁶	Charles F. C. Ruff / Fourth and Final Special Prosecutor of the WSPF	Sworn in by Attorney General Edward H. Levi⁵⁷

1. Summary of the Investigation

- a. After agents of the Committee to Re-Elect the President (CRP) broke into the Democratic National Committee headquarters in the Watergate building on June 17, 1972, and were convicted of “conspiracy, burglary, and wiretapping charges,”⁵⁸ allegations that high-level Nixon Administration officials might be connected eventually led to the establishment of the Watergate Special Prosecution Force from May 25, 1973, the same day Archibald Cox was sworn in,⁵⁹ to June 20, 1977,⁶⁰ the firing of the first of four special prosecutors referred to as the “Saturday Night Massacre,”⁶¹ and the subsequent resignation of President Richard M. Nixon.

⁵³ “Final report / Watergate Special Prosecution Force,” online at Babel.hathitrust.org, June 1977

⁵⁴ “Final report / Watergate Special Prosecution Force,” online at Babel.hathitrust.org, June 1977

⁵⁵ Total number of days for investigations calculated online: <https://www.timeanddate.com/date/duration.html>

⁵⁶ Calculated by USInflationCalculator.com on March 21, 2018. The “US Inflation Calculator uses the latest US government CPI data published on March 13 to adjust for inflation and calculate the cumulative inflation rate through February 2018.”

⁵⁷ Jerry Oppenheimer, “Special Prosecutor Was Just Fading Away When ...” *The Washington Star*, online at FordLibraryMuseum.gov, Digitized from Box 53 of the Philip Buchen Files at the Gerald R. Ford Presidential Library, item dated Oct. 3, 1996

⁵⁸ “Watergate Special Prosecution Force: Report,” online at Archive.org, undated, accessed on March 21, 2018

⁵⁹ Federal Register, Volume 38, Number 106, June 4, 1973, online at LOC.gov, Page 14688, accessed on March 21, 2018

⁶⁰ “Final report / Watergate Special Prosecution Force,” online at Babel.hathitrust.org, June 1977

⁶¹ Andrew Cohen, “The Sad Legacy of Robert Bork,” TheAtlantic.com, Dec. 19, 2012

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2. Special Prosecutor/Independent Counsel/Special Counsel

- a. Archibald Cox – First Special Prosecutor of the Watergate Special Prosecution Force
- b. Leon Jaworski – Second Special Prosecutor after Cox fired by Nixon
- c. Henry S. Ruth Jr. – Third Special Prosecutor after Jaworski
- d. Charles F. C. Ruff – Fourth and final Special Prosecutor of the Watergate Special Prosecution Force

3. Dates of Investigation

- a. START (of Watergate investigation) – On May 19, 1973 - Attorney General-designate⁶² Elliot L. Richardson appointed Archibald Cox Watergate special prosecutor.⁶³ On May 25, 1973,⁶⁴ Richardson establishes Office of Watergate Special Prosecution Force and sets out "Duties and Responsibilities of the Special Prosecutor."⁶⁵ Those duties included “full authority” in several matters including investigation of “allegations involving the President.”
- b. END (Cox Investigation) – The Cox investigation ended on Oct. 20, 1973.⁶⁶ Prior to the firing, on July 23, 1973, Cox, acting on behalf of the June 1972 grand jury, issued a subpoena to Nixon⁶⁷ for tapes and documents.⁶⁸ On Oct. 19, 1973, Nixon ordered that Cox “seek no further litigation” but on Oct. 20, Cox refused the president’s request and was fired by Acting Attorney General Robert Bork, referred to as the “Saturday Night Massacre.”⁶⁹ The Watergate Special Prosecution Force was taken over by the Department of Justice Criminal Division.⁷⁰ On Nov.

⁶² George Lardner, Jr., “Cox Is Chosen as Special Prosecutor,” *WashingtonPost.com*, May 19, 1973

⁶³ George Lardner, Jr., “Cox Is Chosen as Special Prosecutor,” *WashingtonPost.com*, May 19, 1973

⁶⁴ Federal Register, Volume 38, Number 106, June 4, 1973, online at *LOC.gov*, Page 14688, accessed on March 21, 2018

⁶⁵ Federal Register, Volume 38, Number 106, June 4, 1973, online at *LOC.gov*, Page 14688, accessed on March 21, 2018

⁶⁶ “Final report / Watergate Special Prosecution Force,” online at *Babel.hathitrust.org*, June 1977

⁶⁷ “IN RE SUBPOENA TO NIXON, Cite as 360 F.Supp. 1,” online at *Law.Justia.com*, Aug. 29, 1973

⁶⁸ “Watergate [files]: Battle for the Tapes – Timeline,” *FordLibraryMuseum.gov*, accessed on March 21, 2018

⁶⁹ Andrew Cohen, “The Sad Legacy of Robert Bork,” *TheAtlantic.com*, Dec. 19, 2012

⁷⁰ “Final report / Watergate Special Prosecution Force,” online at *Babel.hathitrust.org*, June 1977

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- 1, 1973, Bork announced the second special prosecutor, and re-established the Watergate Special Prosecution Force on Nov. 2, 1973.⁷¹
- c. START (Jaworski investigation) – On Nov. 5, 1973,⁷² Leon Jaworski resumed the investigation.⁷³ On August 8, 1974, Nixon addressed the nation with intent to resign.⁷⁴ On August 9, 1974, Nixon resigned.⁷⁵
 - d. END (Jaworski investigation) – Oct. 25, 1974,⁷⁶ was Jaworski’s effective date of his resignation that he announced on Oct. 12, 1974.⁷⁷ A third special prosecutor took over.
 - e. START (Ruth investigation) – On Oct. 26, 1974,⁷⁸ Henry S. Ruth Jr., succeeded Jaworski.⁷⁹
 - f. END (Ruth investigation) – On Oct. 1, 1975,⁸⁰ Ruth leaves and Charles F. C. Ruff was named fourth special prosecutor.⁸¹
 - g. START (Ruff investigation) – On Oct. 17, 1975, Ruff was sworn in as part-time director.⁸² During his time as special prosecutor, Ruff conducted an investigation into alleged misuse of political contributions by President Ford, and on Oct. 14, 1976, Ruff concluded that there was no evidence of wrongdoing.⁸³
 - h. END of WATERGATE TASK FORCE – On June 20, 1977, Ruff finished his service as the last special prosecutor of the Watergate Special Prosecution Force and issued a final report dated June 1977.⁸⁴

⁷¹ “Department of Justice. Watergate Special Prosecution Force. 5/25/1973-6/20/1977,” Catalog.Archives.gov, accessed on March 29, 2018

⁷² “Watergate Special Prosecution Force: Report,” online at Archive.org, undated, accessed on March 21, 2018

⁷³ “Watergate Special Prosecution Force: Report,” online at Archive.org, undated, accessed on March 21, 2018

⁷⁴ Andrew Glass, “Nixon announces intention to resign, Aug. 8, 1974,” Politico.com, Aug. 8, 2017

⁷⁵ Matt Schudel, “Henry S. Ruth, special prosecutor during Watergate probe, dies at 80,” WashingtonPost.com, March 24, 2012

⁷⁶ “Watergate Special Prosecution Force: Report,” online at Archive.org, undated, accessed on March 21, 2018

⁷⁷ “Final report / Watergate Special Prosecution Force,” online at Babel.hathitrust.org, June 1977

⁷⁸ “Watergate Special Prosecution Force: Report,” online at Archive.org, undated, accessed on March 21, 2018

⁷⁹ “Watergate Special Prosecution Force: Report,” online at Archive.org, undated, accessed on March 21, 2018

⁸⁰ “Final report / Watergate Special Prosecution Force,” online at Babel.hathitrust.org, June 1977

⁸¹ “Final report / Watergate Special Prosecution Force,” online at Babel.hathitrust.org, June 1977

⁸² “Final report / Watergate Special Prosecution Force,” online at Babel.hathitrust.org, June 1977

⁸³ Nicholas Horrock, “Prosecutor Reports No Violation By Ford On Political Funds,” NYTimes.com, Oct. 15, 1976

⁸⁴ “Final report / Watergate Special Prosecution Force,” online at Babel.hathitrust.org, June 1977

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4. Conclusion

- a. Sept. 8, 1974 - President Gerald Ford issued Nixon a full pardon.⁸⁵
- b. Oct. 26, 1978 - The Watergate investigation prompted a reform in appointments of special prosecutors in independent counsel investigations in the Ethics in Government Act of 1978.⁸⁶

"This ultimately became known as United States Office of the Independent Counsel, and was used for major investigations like Iran-Contra during the Reagan years and Whitewater during the Clinton years, which ultimately led to Clinton's impeachment."⁸⁷

"Since then, 21 special investigations have been launched, with seven leading to convictions and five still active [1999]. The total cost passed \$166 million through the last fiscal year."⁸⁸

- c. The reform act expired in 1999:

"Congress in 1978 passed a law in the wake of Watergate that allowed the appointment of 'independent counsel' by a three-judge panel of a Washington, D.C. appeals court at the request of the attorney general, but the law had five-year sunset provisions and was ultimately allowed to expire in 1999, according to the Congressional Research Service."⁸⁹

⁸⁵ "Richard Nixon's Resignation Letter And Gerald Ford's Pardon," ArchivesFoundation.org

⁸⁶ Jim Mokhiber, "A Brief History of the Independent Counsel Law," PBS Frontline, PBS.org, May 1998

⁸⁷ Alana Abramson, "Robert Mueller Was Just Named a Special Counsel. What's That?," Time.com, May 17, 2017

⁸⁸ "From Watergate to Whitewater: History of the independent counsel," CNN.com, June 30, 1999

⁸⁹ Phil Helsel, "'Special Counsel' Less Independent Than Under Expired Watergate-Era Law," NBCNews.com, May 17, 2017

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5. Cost of Investigation

- a. The Watergate investigation cost \$6.5 million or more, according to the *Washington Post* article titled “Watergate Cost Tops \$6 Million,” May 21, 1974.⁹⁰
- “ ‘The White House office does not maintain accounting or other records which would permit us to obtain precise information on the costs incurred on Watergate,’ GAO said. To make its estimate, GAO said, it examined White House payroll records and interviewed staff members to determine the percentage of their time devoted to Watergate.”
- b. The costs for the “best estimates of the Watergate cost,”⁹¹ according to a June 7, 1974, White House memo from the Office of Communication, the data breaks down to these categories (approximately \$400,000 is noted for White House Legal Staff):

	Staff Members	Lawyers	Funds
Senate Watergate Committee	42 (the Earvin committee had a staff of 92 at its peak)	17	\$2 million
House Judiciary Committee	100	43	\$1.17 million
Special Prosecutor’s Office	80	38	\$2.8 million
Grand Juries	N/A	N/A	\$225,000
GSA Audit of Nixon Homes	N/A	N/A	\$100,000
GAO Audit of Nixon Homes	N/A	N/A	\$100,000
White House Legal Staff (listed separately)	21	13	\$400,000
Total			\$6,795,000 million

⁹⁰ Article scanned and posted on JFK.hood.edu, hood.edu is the web address for Hood College in Maryland, and the copy of the article is part of The Harold Weisberg Archive, Digital Collection

⁹¹ White House Office of Communications, NixonLibrary.gov, June 7, 1974

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- c. According to the “Watergate Special Prosecution Force Report” Charter Documents in Appendix J:

“Budget. The Special Prosecutor will be provided with such funds and facilities to carry out his responsibilities as he may reasonably require. He shall have the right to submit budget requests for funds, positions, and other assistance, and such requests shall receive the highest priority.”⁹²

⁹² “Watergate Special Prosecution Force: Report,” online at Archive.org, undated, accessed on March 21, 2018

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2. Gerald R. Ford Jr.: Continuation of Watergate

The Watergate investigation continued into the administration of Gerald R. Ford Jr. after Nixon resigned. The following special prosecutors overlapped into the Ford administration from the Nixon administration.

Start / End [# of Days] A.	Total Cost of Investigation B.	Name of Investigator / Title C.	Appointed By D.
11/5/1973 ⁹³ / 10/25/1974 ⁹⁴ [355]		Leon Jaworski / Second Special Prosecutor after Cox fired by Nixon	Acting Attorney General Robert H. Bork ⁹⁵
10/26/1974 ⁹⁶ / 10/1/1975 ⁹⁷ [341]		Henry S. Ruth Jr. / Third Special Prosecutor after Jaworski	Attorney General William B. Saxbe ⁹⁸
10/17/1975 ⁹⁹ / 6/20/1977 ¹⁰⁰ [613] Linked to Watergate investigation in #1	Linked to Watergate investigation in #1	Charles F. C. Ruff / Fourth and Final Special Prosecutor of the WSPF	Sworn in by Attorney General Edward H. Levi ¹⁰¹

⁹³ “Watergate Special Prosecution Force: Report,” online at Archive.org, undated, accessed on March 21, 2018

⁹⁴ “Watergate Special Prosecution Force: Report,” online at Archive.org, undated, accessed on March 21, 2018

⁹⁵ “Bork Chooses Jaworski As Watergate Prosecutor,” TheCrimson.com, Nov. 2, 1973

⁹⁶ “Watergate Special Prosecution Force: Report,” online at Archive.org, undated, accessed on March 21, 2018

⁹⁷ “Final report / Watergate Special Prosecution Force,” online at Babel.hathitrust.org, June 1977

⁹⁸ *The Courier-Journal* text online at Newspapers.com, Oct. 24, 1974

⁹⁹ “Final report / Watergate Special Prosecution Force,” online at Babel.hathitrust.org, June 1977

¹⁰⁰ “Final report / Watergate Special Prosecution Force,” online at Babel.hathitrust.org, June 1977

¹⁰¹ Jerry Oppenheimer, “Special Prosecutor Was Just Fading Away When ...” *The Washington Star*, online at FordLibraryMuseum.gov, Digitized from Box 53 of the Philip Buchen Files at the Gerald R. Ford Presidential Library, item dated Oct. 3, 1996

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1. Summary of the Investigation

- a. Although Watergate started under the Nixon administration and was initiated against President Nixon, the investigation extended into the Ford administration. On Oct. 17, 1975, Charles F.C. Ruff was sworn in as part-time director, and he was the last of four special prosecutors on the Watergate investigation.¹⁰² During his time as special prosecutor, Ruff conducted an investigation into alleged misuse of political contributions by Ford, and on Oct. 14, 1976, Ruff concluded that there was no evidence of wrongdoing.¹⁰³

2. Cost of Investigation

- a. During the Ford administration, the following amount was found to be appropriated for the Watergate investigation:¹⁰⁴

Watergate Appropriations During Ford Administration	
July 1, 1974 to June 1975 appropriations ¹⁰⁵	\$2,804,000
July 1, 1975 - June 30, 1976 appropriations ¹⁰⁶	\$2,044,000
Total	\$4,848,000

¹⁰² "Final report / Watergate Special Prosecution Force," online at Babel.hathitrust.org, June 1977

¹⁰³ Nicholas Horrock, "Prosecutor Reports No Violation By Ford On Political Funds," *NYTimes.com*, Oct. 15, 1976

¹⁰⁴ For the year 1977, when the Watergate investigation concluded: "In addition to funds provided under this Act, unobligated balances from the amount appropriated for the Watergate Special Prosecution Force in 1976 shall remain available until September 30, 1977." Public Law 94-362, July 14, 1976

¹⁰⁵ Public Law 93-433, Oct. 5, 1974

¹⁰⁶ Public Law 94-121, Oct. 21, 1975

Special Investigations Involving U.S. Presidents Since 1973

3. James E. Carter: Carter Peanut Warehouse

Start / End [# of Days] A.	Total Cost of Investigation B.	Name of Investigator / Title C.	Appointed By D.
3/23/1979 ¹⁰⁷ / 10/16/1979 ¹⁰⁸ The Carter investigation ran from March 23, 1979, to Oct. 16, 1979, for a total of 208 ¹⁰⁹ days.	\$360,000 ¹¹⁰ The total cost of the Carter investigation in March 13, 2017, dollars was \$1,215,471.07. ¹¹¹	Paul J. Curran / Special Counsel	Attorney General Griffin Bell appointed a special counsel and was rebuked for not seeking an independent counsel for the investigation

1. Summary of the Investigation

- a. The Carter Peanut Warehouse, partially owned by President James E. Carter, was investigated and exonerated in 1979 for allegations that National Bank of Georgia loans made to the Carter family business¹¹² were “questionable” and some may have been used to fund the 1976 Carter presidential campaign.¹¹³ Attorney General Griffin Bell’s decision to appoint a “Special Counsel” instead of an independent

¹⁰⁷ Paul J. Curran, Special Counsel, “Investigation of Carter’s Warehouse and the National Bank of Georgia Report to the Congress of the United States,” Folder Citation: Collection: Office of Staff Secretary; Series: Presidential Files; Folder: 10/16/79 [1]; Container 135, JimmyCarterLibrary.gov, Oct. 16, 1979

¹⁰⁸ Paul J. Curran, Special Counsel, “Investigation of Carter’s Warehouse and the National Bank of Georgia Report to the Congress of the United States,” Folder Citation: Collection: Office of Staff Secretary; Series: Presidential Files; Folder: 10/16/79 [1]; Container 135, JimmyCarterLibrary.gov, Oct. 16, 1979

¹⁰⁹ Total number of days for investigations calculated online: <https://www.timeanddate.com/date/duration.html>

¹¹⁰ John F. Berry and Ted Gup, “Inquiry Clears Carter Family’s Peanut Business,” WashingtonPost.com, Oct. 17, 1979

¹¹¹ Calculated by USInflationCalculator.com on March 21, 2018. The “US Inflation Calculator uses the latest US government CPI data published on March 13 to adjust for inflation and calculate the cumulative inflation rate through February 2018.”

¹¹² Sen. Ted Stevens, “Ethics in Government: A View From the Senate,” online at ScholarlyCommons.law.hofstra.edu, Hofstra Law Review, Volume 16, Issue 2, Article 2, 1988, accessed on March 21, 2018

¹¹³ Walter Pincus, “Special Prosecutors: Looking Back 15 Years,” WashingtonPost.com, Jan. 9, 1994

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“Special Prosecutor”¹¹⁴ under the Ethics in Government Act of 1978,¹¹⁵ passed in response to President Nixon’s firing of the first Watergate special prosecutor, was questioned by members of Congress. Sen. Robert C. Byrd said the public, the press and Congress “must be certain that Mr. Curran is given the requisite independence,”¹¹⁶ and Sen. Charles H. Percy said it was “troublesome that he could be fired by the Attorney General without cause and with no legal recourse.”¹¹⁷ In April, Curran was given full “prosecuting authority”¹¹⁸ similar to the Watergate special prosecutors.

2. Special Prosecutor/Independent Counsel/Special Counsel

a. Paul J. Curran - Special Counsel

3. Dates of Investigation

- a. START – March 23, 1979,¹¹⁹ is the start date Curran cited in his report on the investigation, while a United States Department of Justice news release stated that Bell announced the appointment on March 20, 1979.¹²⁰
- b. END – On Oct. 16, 1979,¹²¹ Curran presented his report¹²² to President of the Senate Walter F. Mondale.

¹¹⁴ People Staff, “G.O.P. Doubters Aside, Peanut Case Prosecutor Paul Curran Has the Courage of His Convictions,” People.com, April 9, 1979

¹¹⁵ “Public Law 95-521” of Oct. 26, 1978, 95th Congress, cited as “Ethics in Government Act of 1978.” Title VI, Chapter 39 is titled “Special Prosecutor” and states that the Attorney General may terminate the “Special Prosecutor” “only for extraordinary impropriety, physical disability, mental incapacity, or any other condition that substantially impairs the performance of such special prosecutor’s duties.” Online at Law.UPenn.edu, accessed on March 21, 2018

¹¹⁶ “Congressional Record – Senate,” March 22, 1979, Page 5943

¹¹⁷ “Congressional Record – Senate,” March 22, 1979, Page 5943

¹¹⁸ “Collection: Office of Staff Secretary; Series: Presidential Files,” WaPo.com, April 9, 1979

¹¹⁹ Paul J. Curran, Special Counsel, “Investigation of Carter’s Warehouse and the National Bank of Georgia Report to the Congress of the United States,” Folder Citation: Collection: Office of Staff Secretary; Series: Presidential Files; Folder: 10/16/79 [1]; Container 135, JimmyCarterLibrary.gov, Oct. 16, 1979

¹²⁰ U.S. Department of Justice News Release, Collection: Office of Staff Secretary; Series: Presidential Files; Folder: 3/20/79 [1]; Container 110, JimmyCarterLibrary.gov, March 20, 1979

¹²¹ Paul J. Curran, Special Counsel, “Investigation of Carter’s Warehouse and the National Bank of Georgia Report to the Congress of the United States,” Folder Citation: Collection: Office of Staff Secretary; Series: Presidential Files; Folder: 10/16/79 [1]; Container 135, JimmyCarterLibrary.gov, Oct. 16, 1979

¹²² Paul J. Curran, Special Counsel, “Investigation of Carter’s Warehouse and the National Bank of Georgia Report to the Congress of the United States,” Folder Citation: Collection: Office of Staff Secretary; Series: Presidential Files; Folder: 10/16/79 [1]; Container 135, JimmyCarterLibrary.gov, Oct. 16, 1979

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4. Conclusion

- a. From the “White House Statement on the Findings of a Special Investigation” dated Oct. 16, 1979:

“...We said from the very beginning of the investigation that no moneys were diverted ... an[d] the report shows our statements were absolutely correct. We also said from the beginning that we would cooperate fully with the investigation, and the report shows we did exactly that.”¹²³

- b. Curran, in his Oct. 16, 1979, report, noted that the president could have faced penalty for false statements made during his deposition:

“On September 5, 1979 in the White House, I and my staff conducted a four hour deposition under oath of President Jimmy Carter.* [Footnote: Jimmy Carter was subject to prosecution under Title 18, United States Code, Section 1001 and 1623 for any false statements made during the course of his deposition.]”¹²⁴

5. Cost of Investigation

- a. \$162,809 is the cost of the investigation reported by “FY 2008 Performance Budget Independent Counsel Congressional Justification,” from Justice.gov, accessed on March 21, 2018.
- b. This report uses the cost reported in a WashingtonPost.com article dated Oct. 17, 1979: “Curran estimated that the investigation cost the government about \$360,000.”¹²⁵

¹²³ Public Papers of the Presidents of the United States, Jimmy Carter, 1979 ... Book II – June 23 to December 31, 1979, Books.Google.com

¹²⁴ Paul J. Curran, Special Counsel, “Investigation of Carter’s Warehouse and the National Bank of Georgia Report to the Congress of the United States,” report online at JimmyCarterLibrary.gov, Folder Citation: Collection: Office of Staff Secretary; Series: Presidential Files; Folder: 10/16/79 [1]; Container 135, accessed on March 21, 2018

¹²⁵ John F. Berry and Ted Gup, “Inquiry Clears Carter Family’s Peanut Business,” WashingtonPost.com, Oct. 17, 1979

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4. Ronald W. Reagan: Iran-Contra

Start / End [# of Days] A	Total Cost of Investigation B.	Name of Investigator / Title C.	Appointed By D.
12/19/1986 ¹²⁶ / 8/4/1993 ¹²⁷ The Reagan investigation ran from Dec. 19, 1986, to Aug. 4, 1993, for a total of 2,420¹²⁸ days.	\$47,873,400 ¹²⁹ The total cost of the Reagan investigation in March 13, 2017, dollars was \$81,098,533.51. ¹³⁰	Lawrence Walsh / Independent Counsel / Special Prosecutor	A three-judge panel of the U.S. Court of Appeals for the District of Columbia for independent counsels

1. Summary of the Investigation

a. According to the National Archives, “Records of Lawrence Walsh”:

"In October and November 1986, two secret U.S. Government operations were publicly exposed, potentially implicating Reagan administration officials in illegal activities: the provision of assistance to the military activities of Nicaraguan contra rebels during an October 1984 to October 1986 prohibition on such aid, and the sale of U.S. arms to Iran in contravention of stated U.S. policy and in possible violation of arms-export controls. In late November 1986, Reagan administration officials announced that some of the proceeds from the sale of U.S. arms to Iran had been diverted to the contras."¹³¹

¹²⁶ “Records of Lawrence Walsh relating to Iran/Contra,” NationalArchives.gov, accessed on March 21, 2018

¹²⁷ “53. The Iran-Contra Report, August 4 1993 [Excerpts],” The Encyclopedia of Middle East Wars, Page 161

¹²⁸ Total number of days for investigations calculated online: <https://www.timeanddate.com/date/duration.html>

¹²⁹ “CRS Report for Congress: Independent Counsels Appointed Under the Ethics in Government Act of 1978, Costs and Results of Investigations,” Congressional Research Service (CRS) report from EveryCRSreport.com, digital.library.unt.edu, Updated June 8, 2006

¹³⁰ Calculated by USInflationCalculator.com on March 21, 2018. The “US Inflation Calculator uses the latest US government CPI data published on March 13 to adjust for inflation and calculate the cumulative inflation rate through February 2018.”

¹³¹ “Records of Lawrence Walsh relating to Iran/Contra,” NationalArchives.gov, accessed on March 21, 2018

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2. Special Prosecutor/Independent Counsel/Special Counsel

- a. Lawrence Walsh - Independent Counsel / Special Prosecutor

3. Dates of Investigation

- a. START – Dec. 19, 1986¹³²

"The 'Front Door' investigation, started by Federal Bureau of Investigation in November [26] of 1986, was transferred when Lawrence Walsh was appointed Independent Counsel on December 19, 1986."¹³³

- b. END – On Aug. 4, 1993,¹³⁴ Lawrence Walsh submitted his final report to the House of Representatives.¹³⁵ In the final report¹³⁶ Walsh wrote: “The criminal investigation of [then Vice President George H.W.] Bush was regrettably incomplete.” President H.W. Bush had pardoned many defendants in the Iran-Contra investigation. In Chapter 27 of the final report, Walsh said of Reagan:

“It was concluded that President Reagan's conduct fell well short of criminality which could be successfully prosecuted. Fundamentally, it could not be proved beyond a reasonable doubt that President Reagan knew of the underlying facts of Iran/contra that were criminal or that he made criminal misrepresentations regarding them.”

¹³² “Records of Lawrence Walsh relating to Iran/Contra,” NationalArchives.gov, accessed on March 21, 2018

¹³³ “Records of Lawrence Walsh relating to Iran/Contra,” NationalArchives.gov, accessed on March 21, 2018

¹³⁴ “53. The Iran-Contra Report, August 4 1993 [Excerpts],” The Encyclopedia of Middle East Wars, Books.Google.com, Page 161

¹³⁵ “53. The Iran-Contra Report, August 4 1993 [Excerpts],” The Encyclopedia of Middle East Wars, Books.Google.com, Page 161

¹³⁶ Lawrence E. Walsh, Independent Counsel, “Final Report Of The Independent Counsel For Iran/Contra Matters: Volume I: Investigations and Prosecutions,” FAS.org, Aug. 4, 1993

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4. Conclusion

- a. In 1987, a requirement was made for tracking expenditures:

"In 1987, Public Law 100-202 established a permanent, indefinite appropriation within Justice to fund expenditures by independent counsels. Independent counsels are required to report their expenditures from the appropriation for each 6-month period in which they have operations."¹³⁷

- b. March 16, 1988 – Indictments:

"On March 16, 1988, the grand jury handed down a 23 count indictment against [John] Poindexter, [Oliver] North, [Albert] Hakim, and Richard Secord."¹³⁸

- c. Dec. 24, 1992 – Bush pardons:

"On December 24, 1992, President George H.W. Bush granted pardons to six defendants in the Iran-Contra Affairs. The defendants were Elliott Abrams, a former assistant secretary of state for Central America; former National Security Adviser Robert McFarlane; former CIA officials Duane Clarridge, Alan Fiers, and Clair George; and former Secretary of Defense Caspar Weinberger."¹³⁹

5. Cost of Investigation

- a. \$47,873,400 was the reported cost of the investigation according to "CRS Report for Congress: Independent Counsels Appointed Under the Ethics in Government Act of 1978, Costs and Results of Investigations."¹⁴⁰

¹³⁷ "FINANCIAL AUDIT: Independent Counsel Expenditures for the Six Months Ended September 30, 1997," GAO.gov, March 1998

¹³⁸ "Records of Lawrence Walsh relating to Iran/Contra," NationalArchives.gov, accessed on March 21, 2018

¹³⁹ "Understanding the Iran-Contra Affairs: The 1992 Pardons," Brown.edu, accessed on March 24, 2018

¹⁴⁰ "CRS Report for Congress: Independent Counsels Appointed Under the Ethics in Government Act of 1978, Costs and Results of Investigations," Congressional Research Service (CRS) report from EveryCRSreport.com, digital.library.unt.edu, Updated June 8, 2006.

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5. George H.W. Bush: BNL Scandal/Iraqgate

Start / End [# of Days] A.	Total Cost of Investigation B.	Name of Investigator / Title C.	Appointed By D.
10/16/1992 ¹⁴¹ / 12/8/1992 ¹⁴² The H.W. Bush Investigation ran from Oct. 16, 1992, to Dec. 8, 1992, for a total of 54 ¹⁴³ days.	\$372,392 ¹⁴⁴ The total cost of the H.W. Bush investigation in March 13, 2017, dollars was \$650,611.03. ¹⁴⁵	Frederick B. Lacey Special Counsel / Independent Counsel	Attorney General William P. Barr

1. Summary of the Investigation

- a. In an investigation also known as “Iraqgate”¹⁴⁶ or “Iraq-gate,”¹⁴⁷ on Oct. 16, 1992, Attorney General William P. Barr appointed retired federal judge Frederick B. Lacey “to investigate the Bush Administration's handling of a billion-dollar bank-fraud case involving illegal loans to Iraq.”¹⁴⁸ In December, “Lacey was named special counsel in charge of investigating both matters, and he determined that no federal crime had been committed in either case.”¹⁴⁹

¹⁴¹ Ronald J. Ostrow and Douglas Frantz, “Ex-Judge to Investigate Iraq Loans : Probe: Frederick Lacey of New Jersey will explore role of Justice Department and CIA in scandal. Democrats criticize attorney general's plan.,” *Articles.LATimes.com*, Oct. 17, 1992

¹⁴² Times Wire Service, “Counsel Wraps Up Report on Iraq Loan Case Investigation,” *Articles.LATimes.com*, Dec. 9, 1992

¹⁴³ Total number of days for investigations calculated online: <https://www.timeanddate.com/date/duration.html>

¹⁴⁴ “Summary of U.S. Department of Justice expenses for the investigation by Special Counsel Frederick B. Lacey of the conduct of the U.S. Department of Justice relating to the Banca Nazionale Del Lavoro,” dated April 6, 1993, printed in the *Congressional Record-House*, June 8, 1993, Page 12135

¹⁴⁵ Calculated by USInflationCalculator.com on March 21, 2018. The “US Inflation Calculator uses the latest US government CPI data published on March 13 to adjust for inflation and calculate the cumulative inflation rate through February 2018.”

¹⁴⁶ “Iraqgate,” according to a *WashingtonPost.com* article by Richard Harwood of April 16, 1994, titled “The Myth of Iraqgate,” was a term coined by *U.S. News & World Report*.

¹⁴⁷ The Editors of *Encyclopaedia Britannica*, “Iraqgate,” *Britannica.com*, accessed on March 21, 2018

¹⁴⁸ Elaine Sciolino, “ATTORNEY GENERAL NAMES PROSECUTOR IN IRAQ-LOANS CASE,” *NYTimes.com*, Oct. 17, 1992

¹⁴⁹ Sonam Sheth, “Obama is the only president since Nixon who didn't face an independent investigation,” *BusinessInsider.com*, Oct. 23, 2017

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2. Special Prosecutor/Independent Counsel/Special Counsel

- a. Frederick B. Lacey - Special Counsel / Independent Counsel

3. Dates of Investigation

- a. START – Oct. 16, 1992¹⁵⁰
- b. END – Dec. 8, 1992¹⁵¹

4. Conclusion

"Mr. Barr's refusal to seek a judicially appointed prosecutor in the case involving the Atlanta branch of the Banca Nazionale del Lavoro followed the recommendation of Frederick B. Lacey, his own counsel. Judge Lacey had submitted a two-volume report that found 'no reasonable grounds to believe further investigation is warranted with respect to the matters involved here.' Calls Accusations 'Nonsense' "¹⁵²

5. Cost of Investigation

- a. \$372,392¹⁵³ according to the "Summary of U.S. Department of Justice expenses for the investigation by Special Counsel Frederick B. Lacey of the conduct of the U.S. Department of Justice relating to the Banca Nazionale Del Lavoro," reported in the Congressional Record-House, June 8, 1993.

¹⁵⁰ Elaine Sciolino, "Attorney General Names Prosecutor in Iraq-Loans Case," NYTimes.com, Oct. 17, 1992

¹⁵¹ Times Wire Service, "Counsel Wraps Up Report on Iraq Loan Case Investigation," Articles.LATimes.com, Dec. 9, 1992

¹⁵² David Johnston, "U.S. Will Not Seek New Investigation on Loans to Iraq," NYTimes.com, Dec. 10, 1992

¹⁵³ "Summary of U.S. Department of Justice expenses for the investigation by Special Counsel Frederick B. Lacey of the conduct of the U.S. Department of Justice relating to the Banca Nazionale Del Lavoro," dated April 6, 1993, printed in the Congressional Record-House, June 8, 1993, Page 12135

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6. William J. Clinton: Whitewater

Start / End [# of Days] A.	Total Cost of Investigation B.	Name of Investigator / Title C.	Appointed By D.
<p>The Clinton investigations ran from Jan. 20, 1994, to March 23, 2004, for a total of 3,716¹⁵⁴ days.</p> <p>1/20/1994¹⁵⁵ / 10/6/1994¹⁵⁶ [260]</p>	\$6,073,000 ¹⁵⁷	<p>Robert Fiske / Special Counsel</p> <p>(succeeded by Starr and left the investigation on Oct. 6, 1994)</p>	<p>Attorney General Janet Reno appointed Fiske, making him ineligible to continue his post when an independent counsel was requested</p>
<p>8/5/1994¹⁵⁸ / 10/18/1999¹⁵⁹ [1,901]</p>	\$55,105,992 ¹⁶⁰ for the Starr, Ray, Thomas investigations.	<p>Kenneth Starr / First independently appointed Independent Counsel</p>	<p>A three-judge panel of the U.S. Court of Appeals for the District of Columbia for independent counsels selected Starr</p>

¹⁵⁴ Total number of days for investigations calculated online: <https://www.timeanddate.com/date/duration.html>

¹⁵⁵ "Whitewater Timeline," Academic.Brooklyn.cuny.edu, accessed on March 24, 2018

¹⁵⁶ "GAO/AIMD – 97-24R – Independent Counsels," GAO.gov, Dec. 20, 1996 ["Kenneth W. Starr was appointed August 5, 1994 ... After completing a transition of operations ... Fiske terminated his appointment on October 6, 1994."]

¹⁵⁷ "GAO/AIMD – 97-24R – Independent Counsels: Independent Counsels Schedule of Expenditures For the Period 6/11/85 – 3/31/96," GAO.gov, Dec. 20, 1996

¹⁵⁸ "GAO/AIMD – 97-24R – Independent Counsels," online at GAO.gov, Dec. 20, 1996

¹⁵⁹ "Starr cites 'intense politicization' in resigning post," CNN.com, Oct.18, 1999

¹⁶⁰ "FY 2008 Performance Budget Independent Counsel Congressional Justification," online at Justice.gov, as of Aug. 1, 2006

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Start / End [# of Days] A.	Total Cost of Investigation B.	Name of Investigator / Title C.	Appointed By D.
10/18/1999 ¹⁶¹ / 3/12/2002 ¹⁶² [877]	Total cost of the Whitewater investigation was \$61,178,992	Robert W. Ray / Second Independent Counsel	A three-judge panel ¹⁶³ of the U.S. Court of Appeals for the District of Columbia for independent counsels
3/12/2002 ¹⁶⁴ / 3/23/2004 ¹⁶⁵ [743]	The total cost of the Clinton investigation in March 13, 2017, dollars was \$83,358,502.05. ¹⁶⁶	Julie F. Thomas / Third and Final Independent Counsel	Sworn in after Ray resigned ¹⁶⁷

¹⁶¹ “New Independent Counsel Prosecutor Robert Ray was sworn in today to replace Kenneth Starr as the independent counsel investigating the president and the first lady. Judge Starr resigned recently. Mr. Ray spoke briefly with reporters.” C-SPAN.com, Oct. 18, 1999

¹⁶² GAO report number GAO-04-1014, “Financial Audit: Independent and Special Counsel Expenditures for the Six Months Ended March 31, 2004,” online at GAO.gov, Sept. 30, 2004

¹⁶³ “The judges of the United States Court of Appeals for the District of Columbia Circuit’s Division for Appointing Independent Counsels,” according to the “Official Statement From Robert Ray on Whitewater,” ABCNews.go.com, Sept. 20, 2000

¹⁶⁴ GAO report number GAO-04-1014, “Financial Audit: Independent and Special Counsel Expenditures for the Six Months Ended March 31, 2004,” online at GAO.gov, Sept. 30, 2004

¹⁶⁵ GAO report number GAO-04-1014, “Financial Audit: Independent and Special Counsel Expenditures for the Six Months Ended March 31, 2004,” online at GAO.gov, Sept. 30, 2004

¹⁶⁶ Calculated by USInflationCalculator.com on March 21, 2018. The “US Inflation Calculator uses the latest US government CPI data published on March 13 to adjust for inflation and calculate the cumulative inflation rate through February 2018.”

¹⁶⁷ Terry Frieden, “Whitewater independent counsel Robert Ray resigns,” CNN.com, March 12, 2002

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1. Summary of the Investigation

- a. “Whitewater” is the blanket title for a series of investigations that started with “any possible violations of law relating in any way to President Clinton and the First Lady Hillary Rodham Clinton's relationship with Madison Guarantee Savings and Loan Association, the Whitewater Development Corporation, or Capital Management Services.”¹⁶⁸ Attorney General Janet Reno¹⁶⁹ appointed Robert B. Fiske, Jr. to lead the investigation, which also included the death of Vince Foster. Fiske found no link between Whitewater and Foster’s death.¹⁷⁰ When Clinton signed the Independent Counsel Reauthorization Act of 1994, a panel of judges independently chose Kenneth Starr to continue the Whitewater investigation that ultimately included “Travelgate” on March, 22, 1996¹⁷¹; Filegate, on June 21, 1996¹⁷²; and the Monica Lewinsky affair on Jan. 16, 1998.¹⁷³ President Bill Clinton was impeached on Dec. 19, 1998, in relation to the Lewinsky affair.¹⁷⁴

2. Special Prosecutor/Independent Counsel/Special Counsel

- a. Robert B. Fiske, Jr. – Attorney General-appointed Special Counsel
- b. Kenneth Starr – First Independent Counsel under the Independent Counsel Reauthorization Act of 1994
- c. Robert Ray – Independent Counsel after Starr stepped down
- d. Julie F. Thomas – Independent Counsel who succeeded Ray to close out Whitewater investigation¹⁷⁵

¹⁶⁸ “Independent Counsels Appointed Under the Ethics in Government Act of 1978, Costs and Results of Investigations,” online at EveryCRSreport.com, June 8, 2006

¹⁶⁹ “Fiske Named Special Counsel In Clinton Probe,” *Articles.ChicagoTribune.com*, Jan. 20, 1994

¹⁷⁰ “Clinton Vs. Starr: A 'Definitive' Account,” *Fresh Air, NPR.org*, Feb. 16, 2010

¹⁷¹ “Whitewater prosecutor to look into 'Travelgate,’” *CNN.com*, March 22, 1996

¹⁷² Linda Feldmann, “What's Behind Latest White House Scandal?: FBI Filegate,” *CSmonitor.com*, June 21, 1996

¹⁷³ “A Chronology: Key Moments In The Clinton-Lewinsky Saga,” *CNN.com*, accessed on March 21, 2018

¹⁷⁴ “1998: President Clinton impeached,” *History.com*, accessed on March 21, 2018

¹⁷⁵ “Independent Counsels Appointed Under the Ethics in Government Act of 1978, Costs and Results of Investigations,” online at EveryCRSreport.com, June 8, 2006

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3. Dates of Investigation

- a. START (Fiske investigation) – On Jan. 20, 1994, Fiske was appointed Whitewater special counsel at Clinton’s request on Jan. 12, 1994.¹⁷⁶ At a press briefing with Attorney General Janet Reno, where she announced Fiske’s appointment, Fiske defined his charter as broad, and may include other matters, including the death of Vince Foster, which Fiske concluded on July 1, 1994, was suicide.¹⁷⁷

“The specific language authorizes me to investigate whether any individuals or entities have committed a violation of any federal criminal law relating in any way to President William Jefferson Clinton's or Mrs. Hillary Rodham Clinton's relationships with Madison Guaranty Savings and Loan Association, Whitewater Development Corporation, or Capital Management Services.”¹⁷⁸

- b. END (Fiske investigation) – On Oct. 6, 1994, Fiske stepped away from the investigation. He had been replaced by Kenneth W. Starr on Aug. 5, 1994, after Clinton signed the Independent Counsel Reauthorization Act of 1994 and Reno was denied her request to have Fiske re-appointed “by a three-judge U.S. Court of Appeals.”¹⁷⁹ According to the court’s order, Fiske was replaced because he was appointed by the “incumbent Administration” and needed to be replaced for the “appearance of independence.”¹⁸⁰ During his tenure, Fiske conducted the first deposition “for a sitting president and first lady.”¹⁸¹
- c. START (Starr investigation) – On Aug. 5, 1994, Starr is appointed to continue the Whitewater investigation “by a three-judge U.S. Court of Appeals.”¹⁸²

¹⁷⁶ "Whitewater Timeline," Academic.Brooklyn.cuny.edu, accessed on March 21, 2018

¹⁷⁷ David Von Drehle and Howard Schneider, “Foster's Death a Suicide,” WashingtonPost.com, July 1, 1994

¹⁷⁸ Transcript, “Weekly Press Briefing With Attorney General and Robert B. Fiske Jr., Former U.S. Attorney General in New York and Independent Prosecutor – Designate Department of Justice,” CNN, Justice.gov, Jan. 20, 1994

¹⁷⁹ Associated Press, “Text of Order Appointing Starr,” Articles.LATimes.com, Aug. 6, 1994

¹⁸⁰ Associated Press, “Text of Order Appointing Starr,” Articles.LATimes.com, Aug. 6, 1994

¹⁸¹ “Chronology: From Hope, Arkansas to the White House,” PBS.org, accessed on March 21, 2018

¹⁸² Associated Press, “Text of Order Appointing Starr,” Articles.LATimes.com, Aug. 6, 1994

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- d. END (Starr investigation) / START (Ray investigation) – On Oct. 18, 1999, "Kenneth Starr steps down as independent counsel. Robert Ray, an experienced federal prosecutor, is sworn in as his successor."¹⁸³
- e. END (Ray investigation) / START (Thomas investigation) – On March 12, 2002, Ray resigned, and Julie F. Thomas became the last independent counsel on the Whitewater investigation.¹⁸⁴ On March 20, 2002,¹⁸⁵ Ray released his final report on Whitewater that exonerated the Clintons.¹⁸⁶
- f. END (Thomas investigation) – On March 23, 2004, the office was terminated.¹⁸⁷

4. Conclusion

- a. Oct. 8, 1998

"The House votes 258-176 to open an impeachment inquiry into the President, only the third such proceeding in U.S. history. Thirty-one Democrats join Republicans in voting for the inquiry."¹⁸⁸

- b. June 30, 1999 – The Independent Counsel law expires during the Whitewater/Lewinsky investigations.¹⁸⁹

"Now responsibility for investigating official misconduct reverts back to the Justice Department where it was during Watergate and before. The attorney general will have the power to both hire and fire special counsels."¹⁹⁰

"With the congressional impeachment proceedings against Clinton resulting from the Lewinsky investigation, it was the Democrats'

¹⁸³ "A Whitewater Chronology," WSJ.com, May 28, 2003

¹⁸⁴ GAO report number GAO-04-1014, "Financial Audit: Independent and Special Counsel Expenditures for the Six Months Ended March 31, 2004," online at GAO.gov, Sept. 30, 2004

¹⁸⁵ Pete Yost, "Final Whitewater report rips Clintons, but finds no evidence of wrongdoing," JournalTimes.com, March 21, 2002

¹⁸⁶ Pete Yost, "Final Whitewater report rips Clintons, but finds no evidence of wrongdoing," JournalTimes.com, March 21, 2002

¹⁸⁷ GAO report number GAO-04-1014, "Financial Audit: Independent and Special Counsel Expenditures for the Six Months Ended March 31, 2004," online at GAO.gov, Sept. 30, 2004

¹⁸⁸ "A Whitewater Chronology," WSJ.com, May 28, 2003

¹⁸⁹ "A Whitewater Chronology," WSJ.com, May 28, 2003

¹⁹⁰ "From Watergate to Whitewater: History of the independent counsel," CNN.com, June 30, 1999

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turn to rail against the independent counsel law, pointing to the fact that special investigations have no limits on cost, length and scope, and saying Starr was far overzealous in pursuing the Clintons."¹⁹¹

c. Jan. 19, 2001 – President Clinton admits making false statements and surrenders law license for five years.¹⁹²

d. Jan. 20, 2001

"Hours before ending his term in office, President Clinton issues 140 pardons. Included on the list is the Clintons' former Whitewater Development Co. partner, Susan McDougal."¹⁹³

5. Cost of Investigation

a. According to a WashingtonPost.com article, the Whitewater investigation total was \$70 million dollars.¹⁹⁴

b. The Independent Counsel FY 2008 Performance Budget sets the cost at \$55,105,992¹⁹⁵ for the Starr, Ray, Thomas investigations:

"Violation of any federal criminal law relating to what has become known as the 'Whitewater Affair', President Clinton's relationship with a former White House intern, the White House travel office, misuse of FBI files, and other matters -- several defendants involved."¹⁹⁶

c. Other estimates:

"According to reports by GAO, the cost of Independent Counsels Thomas', Ray's and Starr's portion of the investigation, through September 30, 2005, has been \$73,597,345. In addition, GAO has

¹⁹¹ "From Watergate to Whitewater: History of the independent counsel," CNN.com, June 30, 1999

¹⁹² "A Whitewater Chronology," WSJ.com, May 28, 2003

¹⁹³ "A Whitewater Chronology," WSJ.com, May 28, 2003

¹⁹⁴ Callum Borchers, "Special prosecutors are a big deal. Their results sometimes aren't." WashingtonPost.com, May 17, 2017

¹⁹⁵ "FY 2008 Performance Budget Independent Counsel Congressional Justification," Justice.gov, accessed on March 21, 2018

¹⁹⁶ "FY 2008 Performance Budget Independent Counsel Congressional Justification," Justice.gov, accessed on March 21, 2018

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reported that Robert B. Fiske, Jr., spent \$6,073,000, on the earlier 'Whitewater' investigation prior to Mr. Starr's appointment."¹⁹⁷

- d. For this report, the \$55,105,992 for the Starr, Ray, Thomas investigations was added to the \$6,073,000 investigation, for a total cost of \$61,178,992 for the Whitewater investigations.

¹⁹⁷ "Independent Counsels Appointed Under the Ethics in Government Act of 1978, Costs and Results of Investigations - Updated June 8, 2006," online at Digital.Library.unt.edu, accessed on March 21, 2018

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7. George W. Bush: CIA Leak/Plamegate¹⁹⁸

Start / End [# of Days] A.	Total Cost of Investigation B.	Name of Investigator / Title C.	Appointed By D.
12/30/2003 ¹⁹⁹ / 12/11/2007 The W. Bush investigation ran from Dec. 30, 2003, to Dec. 11, 2007, for a total of 1,443²⁰⁰ days.	\$2.58 million ²⁰¹ The total cost of the W. Bush investigation in March 13, 2017, dollars was \$3,050,079.58. ²⁰²	Patrick Fitzgerald / Special Counsel / Special Prosecutor	Deputy Attorney General James Comey

1. Summary of the Investigation

- a. After CIA agent Valerie Plame was identified by name in a syndicated column,²⁰³ on Sept. 30, 2003, the Justice Department launched an investigation. On Dec. 30, 2003, Patrick J. Fitzgerald was appointed as special counsel to investigate the leak.²⁰⁴ High-level George W. Bush admin officials were investigated, and the investigation resulted in the prosecution of Vice President Richard B. Cheney’s Chief of Staff I. Lewis “Lacey” Libby, and Bush pardoning Libby.²⁰⁵

¹⁹⁸ Multiple sources for this description of the investigation including NBCnews.com, Time.com, RollingStone.com, and MotherJones.com

¹⁹⁹ Department of Justice Press Conference transcript, “Appointment of special prosecutor to oversee investigation into alleged leak of CIA agent identity and recusal of Attorney General Ashcroft from the investigation,” online at FAS.org, Dec. 30, 2003

²⁰⁰ Total number of days for investigations calculated online: <https://www.timeanddate.com/date/duration.html>

²⁰¹ “Leak probe cost \$2.6 million,” ChicagoTribune.com, April 1, 2008

²⁰² Calculated by USInflationCalculator.com on March 21, 2018. The “US Inflation Calculator uses the latest US government CPI data published on March 13 to adjust for inflation and calculate the cumulative inflation rate through February 2018.”

²⁰³ “Timeline: The CIA Leak Case,” NPR.org, July 2, 2007

²⁰⁴ Department of Justice Press Conference transcript, “Appointment of special prosecutor to oversee investigation into alleged leak of CIA agent identity and recusal of Attorney General Ashcroft from the investigation,” FAS.org, Dec. 30, 2003

²⁰⁵ “Cheney’s top aide indicted; CIA leak probe continues,” CNN.com, Oct. 29, 2005

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2. Special Prosecutor/Independent Counsel/Special Counsel

- a. Patrick Fitzgerald – Special / Counsel / Special Prosecutor

3. Dates of Investigation

- a. START – On Dec. 30, 2003, Deputy Attorney General James Comey announced the appointment of Patrick J. Fitzgerald as special counsel in charge of the “investigation into alleged leak of CIA agent identity.” Attorney General John Ashcroft had recused himself “based on the totality of the circumstances and the facts and evidence developed at this stage of the investigation,” according to Comey during a Dec. 30, 2003, Department of Justice press conference.²⁰⁶ On June 24, 2004, Fitzgerald questioned Bush for more than an hour, but Bush was not put under oath.²⁰⁷
- b. END – On Dec. 11, 2007, “the administration official [Libby] dropped his appeal of his convictions.”²⁰⁸

“The activities of the special counsel were, for all practical purposes concluded as of March 2008, but the office of the special counsel will continue for limited purposes, such as responding to congressional requests for information.”²⁰⁹

4. Conclusion

- a. On why he wouldn't issue a final report, in 2005 Fitzgerald said:

“I think what people may be confused about is that reports used to be issued by independent counsels. And one of the complaints about the independent counsel statute was that an ordinary citizen, when investigated, they're charged with a crime or they're not; they're not charged with a crime, people don't talk about it. Because

²⁰⁶ Department of Justice Press Conference transcript, “Appointment of special prosecutor to oversee investigation into alleged leak of CIA agent identity and recusal of Attorney General Ashcroft from the investigation,” FAS.org, Dec. 30, 2003

²⁰⁷ Susan Schmidt, “Bush Interviewed About CIA Leak: President Not Under Oath in Discussing Release of Covert Officer's Name,” WashingtonPost.com, June 25, 2004.

²⁰⁸ “On December 11, 2007 the administration official dropped his appeal of his convictions. This matter is now concluded for all practical purposes, but the office of special counsel will continue for limited purposes, such as responding to Congressional requests for information,” according to a GAO Report dated March 2008 titled “FINANCIAL AUDIT: Special Counsel Expenditures for the Six Months Ended September 30, 2007.”

²⁰⁹ “Audit of Special Counsel Expenditures for the 6 Months Ended March 31, 2008: GAO-08-1122R: Published: Sep 24, 2008. Publicly Released: Sep 24, 2008.”, GAO.gov, Sept. 24, 2008

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of the interest in making sure that -- well, there's an interest in independent counsels to making sure those investigations were done thoroughly but then people ended up issuing reports for people not charged. And one of the criticisms leveled was that you should not issue reports about people who are not charged with a crime. That statute lapsed. I'm not an independent counsel, and I do not have the authority to write a report, and, frankly, I don't think I should have that authority. I think we should conduct this like any other criminal investigation: charge someone or be quiet."²¹⁰

- b. Oct. 28, 2005 - Libby was indicted,²¹¹ and eventually sentenced to 30 months in prison on June 5, 2007, on obstruction of justice and resigned as Cheney's chief of staff.²¹² Bush commuted his sentence on July 2, 2007.²¹³ "The investigation also touched on presidential adviser Karl Rove."²¹⁴

5. Cost of Investigation

- a. \$2.58 million,²¹⁵ according to a ChicagoTribune.com article on April 1, 2008.

²¹⁰ "Transcript of Special Counsel Fitzgerald's Press Conference," WashingtonPost.com, Oct. 28, 2005

²¹¹ "Cheney's top aide indicted; CIA leak probe continues," CNN.com, Oct. 29, 2005

²¹² Nina Totenberg, "Lewis Libby Sentenced to 30 Months in Prison," NPR.org, June 5, 2007

²¹³ Kate Phillips, "Bush Commutes Libby's Sentence," NYTimes.com, July 2, 2007

²¹⁴ "Leak probe cost \$2.6 million," ChicagoTribune.com, April 1, 2008

²¹⁵ "Leak probe cost \$2.6 million," ChicagoTribune.com, April 1, 2008

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8. Donald J. Trump: Trump-Russia Collusion Probe

Start / End [# of Days] A.	Total Cost of Investigation B.	Name of Investigator / Title C.	Appointed By D.
5/17/2017 ²¹⁶ / ongoing	Investigation ongoing starting May 17, 2017 The cost of the investigation was \$6,759,695 so far through Sept. 30, 2017, a total of 137 days of official DOJ expenditure reporting.	Robert S. Mueller III / Special Counsel	Acting Attorney General Rod J. Rosenstein

1. Summary of the Investigation

- a. Acting Attorney General Rod J. Rosenstein appointed Robert S. Mueller III special counsel to conduct an investigation into, among other duties, “any links and/or coordination between the Russian government and individuals associated with the campaign of President Donald Trump...”²¹⁷

2. Special Prosecutor/Independent Counsel/Special Counsel

- a. Robert S. Mueller III – Special Counsel

3. Dates of Investigation

- a. START – On May 17, 2017, Robert S. Mueller III was appointed by Acting Attorney General Rod J. Rosenstein to serve as special counsel.²¹⁸
- b. END – Still in progress

²¹⁶ “Special Counsel’s Office: Related Court Documents,” United States Department of Justice website Justice.gov, accessed on March 21, 2018

²¹⁷ “Order No. 3915-2017: Appointment of Special Counsel to Investigate Russian Interference with the 2016 Presidential Election and Related Matters,” dated May 17, 2017, by Rod J. Rosenstein

²¹⁸ “Special Counsel’s Office: Related Court Documents,” Justice.gov, accessed on March 21, 2018

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4. Conclusion to Date,²¹⁹ from the United States Department of Justice website:

- a. *U.S. v. Michael T. Flynn* (1:17-cr-232, District of Columbia) Lieutenant General Michael T. Flynn (Ret.), of Alexandria, Va., pleaded guilty on Dec. 1, 2017, to making false statements to FBI agents, in violation of 18 U.S.C. 1001.
- b. *U.S. v. Paul J. Manafort, Jr.* (1:17-cr-201, District of Columbia) A federal grand jury in the District of Columbia returned a superseding indictment on Feb. 23, 2018, against Paul J. Manafort, Jr., 68, of Alexandria, Va. The superseding indictment contains five counts: conspiracy against the United States, conspiracy to launder money, unregistered agent of a foreign principal, false and misleading FARA statements, and false statements.
- c. *U.S. v. Richard W. Gates III* (1:17-cr-201, District of Columbia) Richard W. Gates III, 45, of Richmond, Va., pleaded guilty on Feb. 23, 2018, to a superseding criminal information that includes: count one of the indictment, which charges conspiracy against the United States, in violation of 18 U.S.C. 371 (which includes conspiracy to violate 26 U.S.C. 7206(1), 31 U.S.C. 5312 and 5322(b), and 22 U.S.C. 612, 618(a)(1), and 618(a)(2)), and a charge of making false statements to the Special Counsel's Office and FBI agents, in violation of 18 U.S.C. 1001. A status report with regard to sentencing was scheduled for May 14, 2018.
- d. *U.S. v. George Papadopoulos* (1:17-cr-182, District of Columbia) George Papadopoulos, of Chicago, Illinois, pleaded guilty on Oct. 5, 2017, to making false statements to FBI agents, in violation of 18 U.S.C. 1001. The case was unsealed on Oct. 30, 2017.
- e. On April 3, 2018, according to UPI.com:

“A federal judge in Washington, D.C., sentenced Dutch lawyer Alex van der Zwaan to 30 days in prison Tuesday for lying to investigators, the first punishment to be meted out in Robert Mueller's Russia investigation.”²²⁰

²¹⁹ “Special Counsel's Office: Related Court Documents,” United States Department of Justice website Justice.gov, accessed on March 21, 2018

²²⁰ Susan McFarland and Danielle Haynes, “Judge sentences Dutch lawyer to 30 days in Mueller probe,” UPI.com, 4/3/2018

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5. Cost of Investigation

- a. \$3,213,695 was the most recent reported cost of the Mueller part of the investigation, but additional costs include “DOJ [Department of Justice] component expenses.” The total for the investigation was \$6,759,695 from May 17, 2017, to Sept. 30, 2017.²²¹

Reporting Period	Special Counsel Cost to Date	Additional Costs of Investigation	Total Investigation Costs
May 17, 2017, to Sept. 30, 2017 ²²²	\$3,213,695	\$3,546,000 ²²³	\$6,759,695

- b. According to the Kelly Cohen WashingtonExaminer.com article “Trump budgets for special counsel Robert Mueller into next year,” on Feb. 18, 2018: “According to the Trump administration’s budget proposal for fiscal year 2019 released Monday, \$10 million is allocated for the special counsel’s [Mueller] office.”

[Note: Barack H. Obama was never the subject of a special investigation.

There have been nine presidential administrations since the beginning of Watergate to the date of this report, from Nixon to Trump. The only presidential administration that was not part of an investigation by a special prosecutor/independent counsel/special counsel was that of President Barack H. Obama.]

²²¹ “Special Counsel’s Office Statement of Expenditures, May 17, 2017 to September 30, 2017,” U.S. Department of Justice, Justice.gov, accessed on March 22, 2018

²²² “Special Counsel’s Office Statement of Expenditures, May 17, 2017 to September 30, 2017,” U.S. Department of Justice, Justice.gov, accessed on March 22, 2018

²²³ “Another \$3.5 million has separately been spent by law enforcement personnel working on the investigation but who do not directly report to Mueller, DOJ said.” Laura Jarrett, “Russia probe cost \$7 million over 5 months, DOJ says,” CNN.com, Dec. 5, 2017

V. Conclusion

If the time spent on three of the previous special investigations with the most days, 3,716 for Whitewater, 2,420 for Iran-Contra and 1,464 for Watergate, is any indication of time needed for a proper investigation, the Mueller investigation at 322 days as of the date of this report is in its early stages.

The metrics from the charts and information in this work suggest that the time and cost of the various presidential investigation doesn't follow any discernible or clear pattern. Given the complexities of some of the investigations, questions not covered in this report may emerge from it, such as:

- Was the \$83 million for the Clinton investigation too much or was the \$650,000 spent on the H.W. Bush investigation too little?
- Were the 3,716 days spent on the Clinton investigations more important to our country than the 1,443 days spent on the W. Bush investigation?
- Were all or some of the investigations politically motivated at the start?
- Were any of the investigations extended or underfunded or cut short for political reasons?
- Should the counsel on the investigations be investigated? If so, by whom?

We hope this report will add a bit of sunlight to the somewhat arcane world of special prosecutor / independent counsel / special counsel investigations.

Your thoughts, comments or criticisms of this report would be appreciated.

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VI. Appendix

The following is a list of the other 22 special investigations by a special prosecutor/independent counsel/special counsel that were not part of the research on the eight special investigations in this report; those investigations included possible offence(s) tied directly or indirectly to the president in office, and the investigation of President Gerald R. Ford which began with the investigation of President Nixon.

The 22 special investigations in this Appendix are either prior to 1973, or when the investigations seemingly involved personal behavior or actions not tied directly or indirectly to administration business or action.

U.S. Presidential Administration under which the Special Investigation Started		Summary of Special Prosecutor / Independent Counsel / Special Counsel investigations that are either prior to 1973, or when the investigations seemingly involved personal behavior or actions not tied directly or indirectly to administration business or action.
A.		B.
1.	Coolidge	1924: Teapot Dome Scandal: Inquiry into alleged improper federal oil reserve leases made during the Harding administration.
2.	Garfield	1881: President James A. Garfield appointed William A. Cook as special prosecutor/special counsel ²²⁴ to investigate alleged bribery of post office officials and postal routes, which was known as the Star Route Scandals. ²²⁵
3.	Roosevelt	1903: President Theodore Roosevelt appointed Charles J. Bonaparte and Holmes Conrad as special prosecutors to investigate alleged bribery involving post office officials . ²²⁶
4.	Roosevelt	1903: U.S. Attorney General Philander Knox appointed Francis J. Heney as special prosecutor to investigate alleged land fraud deals that became known as the Oregon Land Fraud Trials . ²²⁷

²²⁴ Benjamin Harris Brewster, "Testimony of Attorney-general Brewster ..." Books.Google.com

²²⁵ Callum Borchers, "Special prosecutors are a big deal. Their results sometimes aren't." WashingtonPost.com, May 17, 2017

²²⁶ Steven G. Calabresi and Christopher S. Yoo, "The Unitary Executive: Presidential Power from Washington to Bush," Books.Google.com

²²⁷ "What is a special counsel? Timeline of appointments," FoxNews.com, May 18, 2017

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U.S. Presidential Administration under which the Special Investigation Started		Summary of Special Prosecutor / Independent Counsel / Special Counsel investigations that are either prior to 1973, or when the investigations seemingly involved personal behavior or actions not tied directly or indirectly to administration business or action.
A.		B.
5.	Truman	1952: President Harry S. Truman appointed Special Assistant Attorney General Newbold Morris as special prosecutor ²²⁸ to look into corruption at the IRS , but Morris started with an investigation into Department of Justice officials, which resulted in his firing by Attorney General J. Howard McGrath. ²²⁹
6.	Carter	1979: A three-judge federal panel ²³⁰ appointed Arthur H. Christy as special prosecutor to investigate Hamilton Jordon , Carter's chief of staff, for alleged cocaine use. ²³¹
7.	Carter	1980: A three-judge federal panel appointed Gerald Gallinghouse as special prosecutor to investigate Timothy Kraft , Carter's national campaign manager, for alleged cocaine use. ²³²
8.	Reagan	1981: A three-judge federal panel appointed Leon Silverman as special prosecutor to investigate allegations of corruption against Secretary of Labor Raymond J. Donovan . ²³³
9.	Reagan	1984: A three-judge federal panel appointed Jacob A. Stein as special prosecutor to investigate alleged corruption by Edwin Meese , who was being considered for attorney general. ²³⁴

²²⁸ Donald C. Smaltz, "The Independent Counsel: A View From Inside," *Georgetown Law Journal*, July, 1998, 86 Geo. L.J. 2307, Vol. 86, Number 6 Symposium: The Independent Counsel Act: From Watergate to Whitewater and Beyond Reflections, online at GovInfo.Library.unt.edu

²²⁹ Richard H. Rovere, "Mr. Morris Goes to Washington," *The New Yorker*, April 19, 1952, online at NewYorker.com

²³⁰ "This three-judge panel, formally entitled the 'Division for the Purpose of Appointing Independent Counsels,' is better known today as simply the 'Special Division.'" Jim Mokhiber, "What is the Special Division?" PBS.org, accessed on April 2, 2018. "Although the Special Division is in no way involved with the judicial work of the D.C. Circuit, Congress created the Special Division as a 'division of the United States Court of Appeals for the District of Columbia...' according to "The Judicial Council for the District of Columbia Circuit ... In the Matter of a Charge of Judicial Misconduct or Disability Judicial Council Complaint No. 99-1," *Cadc.uscourts.gov*, filed March 24, 1999

²³¹ George Lardner Jr., Lee Lescaze, Edward Walsh, Martin Schram and John Kennedy, "Prosecutor Appointed in Jordan Case," *WashingtonPost.com*, Nov. 30, 1979

²³² Warren Brown, "Carter Aide Steps Down Amid Probe," *WashingtonPost.com*, Sept. 15, 1980

²³³ Selwyn Raab, "Lawyer Named U.S. Prosecutor In Donovan Case," *NYTimes.com*. "A version of this article appears in print on December 30, 1981, on Page A00001 of the National edition with the headline: Lawyer Named U.S. Prosecutor In Donovan Case."

²³⁴ Judi Hasson, "Former Watergate defense lawyer Jacob A. Stein was named....," *UPI.com*, April 2, 1984

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U.S. Presidential Administration under which the Special Investigation Started		Summary of Special Prosecutor / Independent Counsel / Special Counsel investigations that are either prior to 1973, or when the investigations seemingly involved personal behavior or actions not tied directly or indirectly to administration business or action.
A.		B.
10.	Reagan	1986: A three-judge federal panel appointed James C. McKay as independent counsel to investigate allegations of false testimony by Theodore Olson , a former assistant attorney general, regarding EPA documents. ²³⁵
11.	Reagan	1986: A three-judge federal panel appointed Whitney North Seymour Jr. as independent counsel to investigate allegations that Michael K. Deaver , former White House aide, was involved in improper lobbying practices. ²³⁶
12.	Reagan	1987: A three-judge federal panel appointed Carl S. Rauh as independent counsel ²³⁷ to investigate allegations involving the finances of Lawrence Wallace , former assistant attorney general. ²³⁸
13.	Reagan	1987: A three-judge federal panel appointed James McKay to investigate allegations of illegal lobbying by Lyn Nofziger , Reagan's former political director. ²³⁹
14.	H.W. Bush	1990: A three-judge federal panel appointed Arlin M. Adams as independent prosecutor to investigate allegations that Samuel Pierce , former HUD secretary, defrauded the government. ²⁴⁰

²³⁵ Philip Shenon, "Independent Counsel Is Named In Inquiry Over E.P.A. Documents," NYTimes.com. "A version of this article appears in print on April 25, 1986, on Page A00013 of the National edition with the headline: Independent Counsel Is Named In Inquiry Over E.P.A. Documents."

²³⁶ Howard Kurtz, "Ex-U.S. Attorney is Chosen to Head Deaver Investigation Justice Dept. Report on Allegations Released," WashingtonPost.com, May 30, 1986

²³⁷ "Carl S. Rauh," Carl Rauh Law Offices PLLC, RauhLaw.com, accessed on March 29, 2018

²³⁸ Associated Press, "Appointees Under Ethics Law," NYTimes.com, Archives for year 1988. "A version of this article appears in print on January 23, 1988, on Page 1001008 of the National edition with the headline: Appointees Under Ethics Law."

²³⁹ Leslie Maitland Werner, "Counsel Named In Nofziger Ethics Case," NYTimes.com. "A version of this article appears in print on February 3, 1987, on Page A00020 of the National edition with the headline: Counsel Named In Nofziger Ethics Case."

²⁴⁰ Philip Shenon, "Prosecutor Picked for Inquiry on Ex-H.U.D. Chief," NYTimes.com. "A version of this article appears in print on March 3, 1990, on Page 1001001 of the National edition with the headline: Prosecutor Picked for Inquiry on Ex-H.U.D. Chief."

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U.S. Presidential Administration under which the Special Investigation Started		Summary of Special Prosecutor / Independent Counsel / Special Counsel investigations that are either prior to 1973, or when the investigations seemingly involved personal behavior or actions not tied directly or indirectly to administration business or action.
A.		B.
15.	H.W. Bush	1992: A three-judge federal panel appointed Joseph E. DiGenova as independent counsel ²⁴¹ to investigate allegations that Janet G. Mullins , a H.W. Bush White House assistant, made false statements and an investigation into the search of Bill Clinton's passport files. ²⁴²
16.	Clinton	1994: A three-judge federal panel appointed Donald C. Smaltz as independent counsel to investigate allegations between Agriculture Secretary Michael Espy and Tyson Foods Inc. ²⁴³
17.	Clinton	1995: A three-judge federal panel appointed David M. Barrett as independent counsel to investigate allegations that Henry G. Cisneros , head of HUD, lied to the FBI. ²⁴⁴
18.	Clinton	1995: A three-judge federal panel appointed Daniel S. Pearson as independent counsel to investigate allegations of the illegal private financial dealings of Commerce Secretary Ronald H. Brown . ²⁴⁵
19.	Clinton	1996: A three-judge federal panel appointed Ralph I. Lancaster as special prosecutor to investigate allegations of bribery by Secretary of Labor Alexis Herman . ²⁴⁶
20.	Clinton	1996: A three-judge federal panel appointed Curtis Emery von Kann as independent counsel ²⁴⁷ to investigate allegations of improper fund-raising by Eli J. Segal when he was head of Americorps. ²⁴⁸

²⁴¹ "The Snagged Passport Inquiry," WashingtonPost.com, July 12, 1993

²⁴² Robert Pear, "Bush Aide Accused Of Lying In Inquiry On Clinton Search," NYTimes.com. "A version of this article appears in print on December 22, 1992, on Page A00001 of the National edition with the headline: Bush Aide Accused Of Lying In Inquiry On Clinton Search."

²⁴³ David Johnston, "Panel Names Chief Counsel For Inquiry In Espy Case," NYTimes.com. "A version of this article appears in print on September 10, 1994, on Page 1001006 of the National edition with the headline: Panel Names Chief Counsel For Inquiry In Espy Case."

²⁴⁴ David Johnston, "Lawyer Linked to 80's HUD Scandal Is Named to Investigate Housing Chief," NYTimes.com. "A version of this article appears in print on May 25, 1995, on Page B00010 of the National edition with the headline: Lawyer Linked to 80's HUD Scandal Is Named to Investigate Housing Chief."

²⁴⁵ Robert L. Jackson, "Ex-Prosecutor to Probe Ronald Brown Finances : Ethics: Special counsel Daniel Pearson will examine if commerce secretary filed inaccurate disclosure reports." LATimes.com, July 7, 1995

²⁴⁶ "Private Attorney Chosen To Investigate Alexis Herman," CNN.com, March 26, 1998

²⁴⁷ "Testimony of Honorable Curtis Emery von Kann Before the Senate Committee on Governmental Affairs," online PDF titled vonKann.pdf at Homeland Security & Governmental Affairs website, Senate.gov, dated Feb. 24, 1999

²⁴⁸ Associated Press, "Investigation Clears Former Clinton Aide," NYTimes.com, Dec. 20, 1997

Special Investigations Involving U.S. Presidents Since 1973

U.S. Presidential Administration under which the Special Investigation Started A.		Summary of Special Prosecutor / Independent Counsel / Special Counsel investigations that are either prior to 1973, or when the investigations seemingly involved personal behavior or actions not tied directly or indirectly to administration business or action. B.
21.	Clinton	1998: A three-judge federal panel appointed Carol Elder Bruce as independent counsel to investigate allegations that Interior Secretary Bruce E. Babbitt ²⁴⁹ made false statements regarding an Indian casino request. ²⁵⁰
22.	Clinton	1999: Attorney General Janet Reno appointed John C. Danforth ²⁵¹ as special counsel to “head a review into events surrounding the assault on the Branch Davidian compound in Waco, Texas. ” ²⁵²

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²⁴⁹ “Carol Elder Bruce,” Murphy & McGonigle, mmlawus.com, accessed on March 29, 2018

²⁵⁰ Robert L. Jackson and Ronald J. Ostrow, “Special Counsel Named in Babbitt Probe,” March 20, 1998

²⁵¹ David Johnston, “Ex-Senator Picked By Reno To Head New Waco Inquiry,” NYTimes.com, Sept. 9, 1999

²⁵² News Release, “Attorney General Reno Selects Former Senator John Danforth As Special Counsel To Head Waco Review,” Justice.gov, Sept. 9, 1999