

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

April 3, 2018

Report Commissioned by  
the A-Mark Foundation

[www.amarkfoundation.org](http://www.amarkfoundation.org)

## Special Investigations Involving U.S. Presidents Since 1973

### 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,<sup>1</sup> 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.<sup>2</sup>

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

<sup>2</sup> "President Andrew Johnson impeached," History.com, accessed on March 28, 2018

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## Special Investigations Involving U.S. Presidents Since 1973

### 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.”<sup>3</sup> The cost of investigation<sup>4</sup> was \$1,442,672.72 in 2017 dollars.<sup>5</sup>

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, <sup>6</sup> to June 20, 1977, <sup>7</sup> for a total of <b>1,464<sup>8</sup> days.</b>	The total cost of the Nixon/Ford investigations <sup>9</sup> in March 13, 2017, dollars was <b>\$47,094,590.10.<sup>10</sup></b>

<sup>3</sup> “Whiskey Ring,” Britannica.com, accessed on March 28, 2018

<sup>4</sup> 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

<sup>5</sup> 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.”

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

<sup>7</sup> “Final report / Watergate Special Prosecution Force,” online at [Babel.hathitrust.org](http://Babel.hathitrust.org), June 1977

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

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

<sup>10</sup> Calculated by [USInflationCalculator.com](http://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.

## Special Investigations Involving U.S. Presidents Since 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.
			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, <sup>11</sup> to Oct. 16, 1979, <sup>12</sup> for a total of 208 <sup>13</sup> days.	The total cost of the Carter investigation in March 13, 2017, dollars was <b>\$1,215,471.07</b> . <sup>14</sup>  [\$5,843/day]

<sup>11</sup> 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

<sup>12</sup> 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

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

<sup>14</sup> 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, <sup>15</sup> to Aug. 4, 1993, <sup>16</sup> for a total of <b>2,420<sup>17</sup> days.</b>	The total cost of the Reagan investigation in March 13, 2017, dollars was <b>\$81,098,533.51.<sup>18</sup></b>  [\$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." <sup>19</sup>	The H.W. Bush investigation ran from Oct. 16, 1992, <sup>20</sup> to Dec. 8, 1992, <sup>21</sup> for a total of <b>54<sup>22</sup> days.</b>	The total cost of the H.W. Bush investigation in March 13, 2017, dollars was <b>\$650,611.03.<sup>23</sup></b>  [\$12,048.35/day]

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

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

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

<sup>18</sup> 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."

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

<sup>20</sup> 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

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

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

<sup>23</sup> 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."

## Special Investigations Involving U.S. Presidents Since 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.
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, <sup>24</sup> to March 23, 2004, <sup>25</sup> for a total of <b>3,716<sup>26</sup> days.</b>	The total cost of the Clinton investigations in March 13, 2017, dollars was <b>\$83,358,502.05.<sup>27</sup></b>  [\$22,432.32/day]

<sup>24</sup> "Whitewater Timeline," Academic.Brooklyn.cuny.edu

<sup>25</sup> 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

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

<sup>27</sup> 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."

## Special Investigations Involving U.S. Presidents Since 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.
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, <sup>28</sup> to Dec. 11, 2007, <sup>29</sup> for a total of <b>1,443<sup>30</sup> days.</b>	The total cost of the W. Bush investigation in March 13, 2017, dollars was <b>\$3,050,079.58.<sup>31</sup></b>  [\$2,113.70/day]

<sup>28</sup> 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

<sup>29</sup> "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."

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

<sup>31</sup> 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. <sup>32</sup> As of April 3, 2018, so far, a total of <b>322<sup>33</sup> days.</b>	The total cost of the Trump investigation in March 13, 2017, dollars was <b>\$6,759,695.<sup>34</sup></b>  This cost covers May 17, 2017, to Sept. 30, 2017, a total of <b>137 days</b> 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.

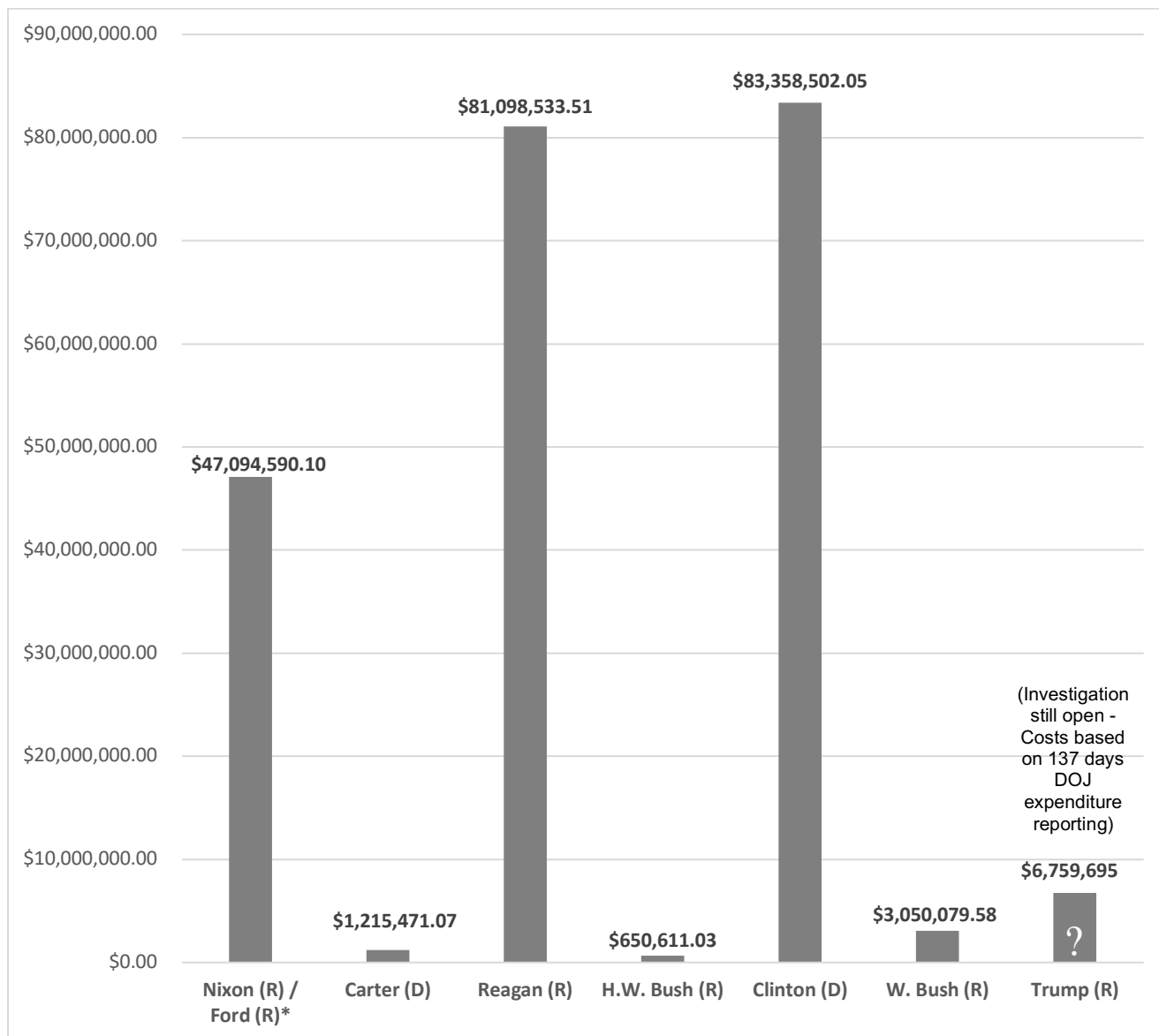
<sup>32</sup> "Special Counsel's Office: Related Court Documents," United States Department of Justice website Justice.gov, accessed on March 21, 2018

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

<sup>34</sup> 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

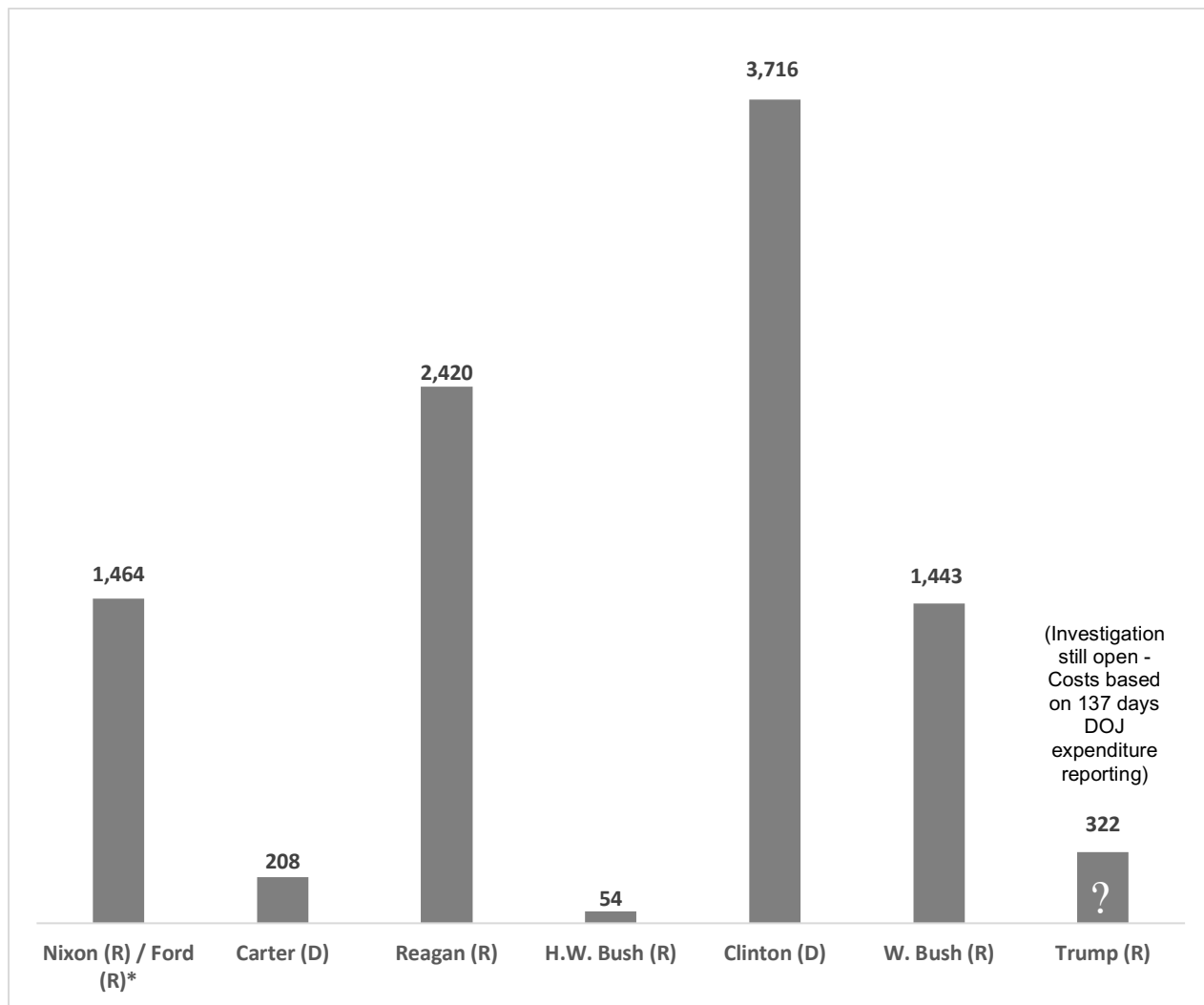
### 1. Chart: Total Cost of Each Investigation in 2017 Dollars



\*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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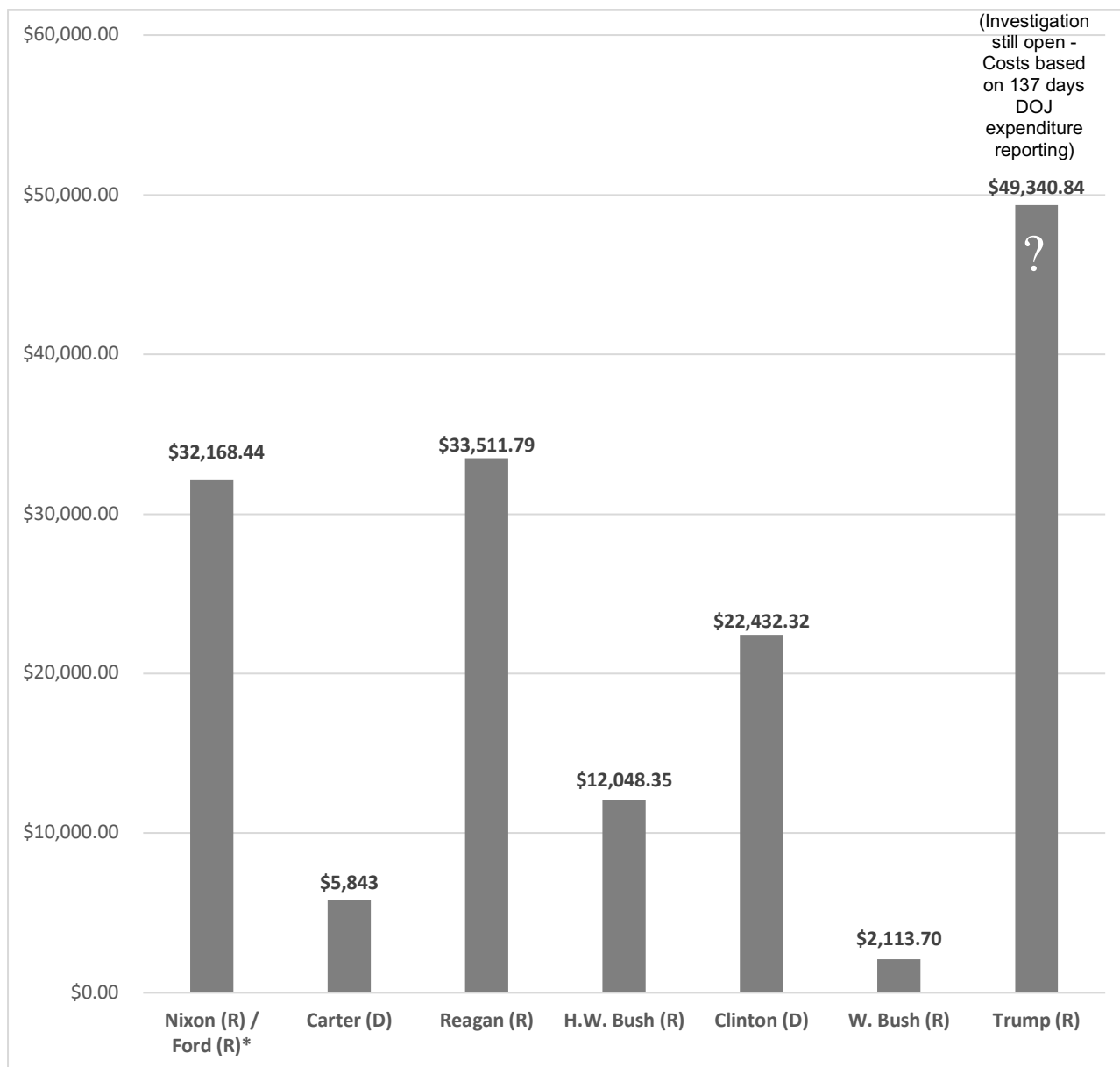
### 2. Chart: Total Number of Days of Each Investigation



*\*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.<sup>35</sup> Those investigators held the title of “Special Prosecutor.” In Watergate, Attorney General-designate Elliot L. Richardson<sup>36</sup> 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.<sup>37</sup>

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 Columbia<sup>38</sup> was now responsible for appointing a special prosecutor who would be independent from reprisal by the

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

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

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

<sup>38</sup> PUBLIC LAW 95-521—OCT. 26, 1978, 95<sup>th</sup> 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.<sup>39</sup>

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.”<sup>40</sup> In the Ethics in Government Act Amendments of 1982, “Special Prosecutor” was officially changed to “Independent Counsel.”<sup>41</sup>

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.”<sup>42</sup>

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.”

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

<sup>40</sup> “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, 97<sup>th</sup> Congress, 1<sup>st</sup> Session, online at [NCJRS.com](https://www.ncjrs.com), October 1981

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

<sup>42</sup> 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 <sup>43</sup> / 10/20/1973 <sup>44</sup> [155]	\$6,795,000 <sup>45</sup>	<b>Archibald Cox</b> / First Special Prosecutor of the Watergate Special Prosecution Force [WSPF]	<b>Attorney General- designate Elliot L. Richardson</b>
11/5/1973 <sup>46</sup> / 10/25/1974 <sup>47</sup> [355]	July 1, 1974, to June 30, 1976  \$4,848,000 <sup>48</sup>	<b>Leon Jaworski</b> / Second Special Prosecutor after Cox fired by Nixon	<b>Acting Attorney General Robert H. Bork<sup>49</sup></b>
10/26/1974 <sup>50</sup> / 10/1/1975 <sup>51</sup> [341]	\$11,643,000 for both Nixon and Ford admin investigations	<b>Henry S. Ruth Jr.</b> / Third Special Prosecutor after Jaworski	<b>Attorney General William B. Saxbe<sup>52</sup></b>

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

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

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

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

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

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

<sup>49</sup> "Bork Chooses Jaworski As Watergate Prosecutor," TheCrimson.com, Nov. 2, 1973

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

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

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

## Special Investigations Involving U.S. Presidents Since 1973

Start / End [# of Days]	Total Cost of Investigation	Name of Investigator / Title	Appointed By
A.	B.	C.	D.
10/17/1975 <sup>53</sup> / 6/20/1977 <sup>54</sup> [613]  The Nixon investigations ran from May 19, 1973, to June 20, 1977, for a total of <b>1,464<sup>55</sup> days.</b>	The total cost of the Nixon investigations in March 13, 2017, dollars was <b>\$47,094,590.10.</b> <sup>56</sup>	<b>Charles F. C. Ruff</b> / Fourth and Final Special Prosecutor of the WSPF	<b>Sworn in by Attorney General Edward H. Levi<sup>57</sup></b>

### 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,”<sup>58</sup> 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,<sup>59</sup> to June 20, 1977,<sup>60</sup> the firing of the first of four special prosecutors referred to as the “Saturday Night Massacre,”<sup>61</sup> and the subsequent resignation of President Richard M. Nixon.

<sup>53</sup> “Final report / Watergate Special Prosecution Force,” online at [Babel.hathitrust.org](http://Babel.hathitrust.org), June 1977

<sup>54</sup> “Final report / Watergate Special Prosecution Force,” online at [Babel.hathitrust.org](http://Babel.hathitrust.org), June 1977

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

<sup>56</sup> Calculated by [USInflationCalculator.com](http://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.”

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

<sup>58</sup> “Watergate Special Prosecution Force: Report,” online at [Archive.org](http://Archive.org), undated, accessed on March 21, 2018

<sup>59</sup> Federal Register, Volume 38, Number 106, June 4, 1973, online at [LOC.gov](http://LOC.gov), Page 14688, accessed on March 21, 2018

<sup>60</sup> “Final report / Watergate Special Prosecution Force,” online at [Babel.hathitrust.org](http://Babel.hathitrust.org), June 1977

<sup>61</sup> Andrew Cohen, “The Sad Legacy of Robert Bork,” [TheAtlantic.com](http://TheAtlantic.com), Dec. 19, 2012



## Special Investigations Involving U.S. Presidents Since 1973

### 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-designate<sup>62</sup> Elliot L. Richardson appointed Archibald Cox Watergate special prosecutor.<sup>63</sup> On May 25, 1973,<sup>64</sup> Richardson establishes Office of Watergate Special Prosecution Force and sets out "Duties and Responsibilities of the Special Prosecutor."<sup>65</sup> 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.<sup>66</sup> Prior to the firing, on July 23, 1973, Cox, acting on behalf of the June 1972 grand jury, issued a subpoena to Nixon<sup>67</sup> for tapes and documents.<sup>68</sup> 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.”<sup>69</sup> The Watergate Special Prosecution Force was taken over by the Department of Justice Criminal Division.<sup>70</sup> On Nov.

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

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

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

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

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

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

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

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

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

## Special Investigations Involving U.S. Presidents Since 1973

- 1, 1973, Bork announced the second special prosecutor, and re-established the Watergate Special Prosecution Force on Nov. 2, 1973.<sup>71</sup>
- c. START (Jaworski investigation) – On Nov. 5, 1973,<sup>72</sup> Leon Jaworski resumed the investigation.<sup>73</sup> On August 8, 1974, Nixon addressed the nation with intent to resign.<sup>74</sup> On August 9, 1974, Nixon resigned.<sup>75</sup>
  - d. END (Jaworski investigation) – Oct. 25, 1974,<sup>76</sup> was Jaworski’s effective date of his resignation that he announced on Oct. 12, 1974.<sup>77</sup> A third special prosecutor took over.
  - e. START (Ruth investigation) – On Oct. 26, 1974,<sup>78</sup> Henry S. Ruth Jr., succeeded Jaworski.<sup>79</sup>
  - f. END (Ruth investigation) – On Oct. 1, 1975,<sup>80</sup> Ruth leaves and Charles F. C. Ruff was named fourth special prosecutor.<sup>81</sup>
  - g. START (Ruff investigation) – On Oct. 17, 1975, Ruff was sworn in as part-time director.<sup>82</sup> 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.<sup>83</sup>
  - 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.<sup>84</sup>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Special Investigations Involving U.S. Presidents Since 1973

### 4. Conclusion

- a. Sept. 8, 1974 - President Gerald Ford issued Nixon a full pardon.<sup>85</sup>
- 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.<sup>86</sup>

"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."<sup>87</sup>

"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."<sup>88</sup>

- 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."<sup>89</sup>

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

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

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

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

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

## Special Investigations Involving U.S. Presidents Since 1973

### 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.<sup>90</sup>
- “ ‘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,”<sup>91</sup> 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):

	<b>Staff Members</b>	<b>Lawyers</b>	<b>Funds</b>
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
<b>Total</b>			<b>\$6,795,000 million</b>

<sup>90</sup> 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

<sup>91</sup> White House Office of Communications, NixonLibrary.gov, June 7, 1974

## Special Investigations Involving U.S. Presidents Since 1973

- 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.”<sup>92</sup>

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<sup>92</sup> “Watergate Special Prosecution Force: Report,” online at [Archive.org](https://www.archive.org), undated, accessed on March 21, 2018

## Special Investigations Involving U.S. Presidents Since 1973

### 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 <sup>93</sup> / 10/25/1974 <sup>94</sup> [355]		<b>Leon Jaworski</b> / Second Special Prosecutor after Cox fired by Nixon	<b>Acting Attorney General Robert H. Bork</b> <sup>95</sup>
10/26/1974 <sup>96</sup> / 10/1/1975 <sup>97</sup> [341]		<b>Henry S. Ruth Jr.</b> / Third Special Prosecutor after Jaworski	<b>Attorney General William B. Saxbe</b> <sup>98</sup>
10/17/1975 <sup>99</sup> / 6/20/1977 <sup>100</sup> [613]  Linked to Watergate investigation in #1	Linked to Watergate investigation in #1	<b>Charles F. C. Ruff</b> / Fourth and Final Special Prosecutor of the WSPF	<b>Sworn in by Attorney General Edward H. Levi</b> <sup>101</sup>

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

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

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

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

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

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

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

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

<sup>101</sup> 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

## Special Investigations Involving U.S. Presidents Since 1973

### 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.<sup>102</sup> 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.<sup>103</sup>

### 2. Cost of Investigation

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

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

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<sup>102</sup> "Final report / Watergate Special Prosecution Force," online at [Babel.hathitrust.org](http://Babel.hathitrust.org), June 1977

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

<sup>104</sup> 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

<sup>105</sup> Public Law 93-433, Oct. 5, 1974

<sup>106</sup> 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 <sup>107</sup> / 10/16/1979 <sup>108</sup>  The Carter investigation ran from March 23, 1979, to Oct. 16, 1979, for a total of 208 <sup>109</sup> days.	\$360,000 <sup>110</sup>  The total cost of the Carter investigation in March 13, 2017, dollars was \$1,215,471.07. <sup>111</sup>	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 business<sup>112</sup> were “questionable” and some may have been used to fund the 1976 Carter presidential campaign.<sup>113</sup> Attorney General Griffin Bell’s decision to appoint a “Special Counsel” instead of an independent

<sup>107</sup> 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

<sup>108</sup> 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

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

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

<sup>111</sup> 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.”

<sup>112</sup> 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

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



## Special Investigations Involving U.S. Presidents Since 1973

“Special Prosecutor”<sup>114</sup> under the Ethics in Government Act of 1978,<sup>115</sup> 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,”<sup>116</sup> 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.”<sup>117</sup> In April, Curran was given full “prosecuting authority”<sup>118</sup> 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,<sup>119</sup> 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.<sup>120</sup>
- b. END – On Oct. 16, 1979,<sup>121</sup> Curran presented his report<sup>122</sup> to President of the Senate Walter F. Mondale.

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

<sup>115</sup> “Public Law 95-521” of Oct. 26, 1978, 95<sup>th</sup> 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

<sup>116</sup> “Congressional Record – Senate,” March 22, 1979, Page 5943

<sup>117</sup> “Congressional Record – Senate,” March 22, 1979, Page 5943

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

<sup>119</sup> 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

<sup>120</sup> 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

<sup>121</sup> 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

<sup>122</sup> 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

## Special Investigations Involving U.S. Presidents Since 1973

### 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.”<sup>123</sup>

- 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.]”<sup>124</sup>

### 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.”<sup>125</sup>

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

<sup>124</sup> 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

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

## Special Investigations Involving U.S. Presidents Since 1973

### 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 <sup>126</sup> / 8/4/1993 <sup>127</sup>  The Reagan investigation ran from Dec. 19, 1986, to Aug. 4, 1993, for a total of <b>2,420<sup>128</sup> days.</b>	\$47,873,400 <sup>129</sup>  The total cost of the Reagan investigation in March 13, 2017, dollars was <b>\$81,098,533.51.</b> <sup>130</sup>	<b>Lawrence Walsh</b> / Independent Counsel / Special Prosecutor	<b>A three-judge panel</b> 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."<sup>131</sup>

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

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

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

<sup>129</sup> “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

<sup>130</sup> 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.”

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

## Special Investigations Involving U.S. Presidents Since 1973

### 2. Special Prosecutor/Independent Counsel/Special Counsel

- a. Lawrence Walsh - Independent Counsel / Special Prosecutor

### 3. Dates of Investigation

- a. START – Dec. 19, 1986<sup>132</sup>

"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."<sup>133</sup>

- b. END – On Aug. 4, 1993,<sup>134</sup> Lawrence Walsh submitted his final report to the House of Representatives.<sup>135</sup> In the final report<sup>136</sup> 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.”

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

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

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

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

<sup>136</sup> 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

## Special Investigations Involving U.S. Presidents Since 1973

### 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."<sup>137</sup>

- 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."<sup>138</sup>

- 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."<sup>139</sup>

### 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."<sup>140</sup>

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

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

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

<sup>140</sup> "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.

## Special Investigations Involving U.S. Presidents Since 1973

### 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 <sup>141</sup> / 12/8/1992 <sup>142</sup>  The H.W. Bush Investigation ran from Oct. 16, 1992, to Dec. 8, 1992, for a total of <b>54</b> <sup>143</sup> days.	\$372,392 <sup>144</sup>  The total cost of the H.W. Bush investigation in March 13, 2017, dollars was <b>\$650,611.03.</b> <sup>145</sup>	<b>Frederick B. Lacey</b> Special Counsel / Independent Counsel	<b>Attorney General William P. Barr</b>

#### 1. Summary of the Investigation

- a. In an investigation also known as “Iraqgate”<sup>146</sup> or “Iraq-gate,”<sup>147</sup> 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.”<sup>148</sup> 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.”<sup>149</sup>

<sup>141</sup> 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

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

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

<sup>144</sup> “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

<sup>145</sup> 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.”

<sup>146</sup> “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*.

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

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

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

## Special Investigations Involving U.S. Presidents Since 1973

### 2. Special Prosecutor/Independent Counsel/Special Counsel

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

### 3. Dates of Investigation

- a. START – Oct. 16, 1992<sup>150</sup>
- b. END – Dec. 8, 1992<sup>151</sup>

### 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' "<sup>152</sup>

### 5. Cost of Investigation

- a. \$372,392<sup>153</sup> 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.

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

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

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

<sup>153</sup> "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

## Special Investigations Involving U.S. Presidents Since 1973

### 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 <b>3,716</b><sup>154</sup> days.</p> <p>1/20/1994<sup>155</sup> / 10/6/1994<sup>156</sup> [260]</p>	\$6,073,000 <sup>157</sup>	<p><b>Robert Fiske</b> / Special Counsel</p> <p>(succeeded by Starr and left the investigation on Oct. 6, 1994)</p>	<p><b>Attorney General Janet Reno</b> appointed Fiske, making him ineligible to continue his post when an independent counsel was requested</p>
<p>8/5/1994<sup>158</sup> / 10/18/1999<sup>159</sup> [1,901]</p>	\$55,105,992 <sup>160</sup> for the Starr, Ray, Thomas investigations.	<p><b>Kenneth Starr</b> / First independently appointed Independent Counsel</p>	<p><b>A three-judge panel</b> of the U.S. Court of Appeals for the District of Columbia for independent counsels selected Starr</p>

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

<sup>155</sup> "Whitewater Timeline," Academic.Brooklyn.cuny.edu, accessed on March 24, 2018

<sup>156</sup> "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."]

<sup>157</sup> "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

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

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

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



## Special Investigations Involving U.S. Presidents Since 1973

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

<sup>161</sup> “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

<sup>162</sup> 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

<sup>163</sup> “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

<sup>164</sup> 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

<sup>165</sup> 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

<sup>166</sup> 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.”

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

## Special Investigations Involving U.S. Presidents Since 1973

### 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.”<sup>168</sup> Attorney General Janet Reno<sup>169</sup> 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.<sup>170</sup> 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, 1996<sup>171</sup>; Filegate, on June 21, 1996<sup>172</sup>; and the Monica Lewinsky affair on Jan. 16, 1998.<sup>173</sup> President Bill Clinton was impeached on Dec. 19, 1998, in relation to the Lewinsky affair.<sup>174</sup>

### 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 investigation<sup>175</sup>

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

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

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

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

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

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

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

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

## Special Investigations Involving U.S. Presidents Since 1973

### 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.<sup>176</sup> 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.<sup>177</sup>

“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.”<sup>178</sup>

- 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.”<sup>179</sup> 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.”<sup>180</sup> During his tenure, Fiske conducted the first deposition “for a sitting president and first lady.”<sup>181</sup>
- 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.”<sup>182</sup>

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<sup>176</sup> "Whitewater Timeline," Academic.Brooklyn.cuny.edu, accessed on March 21, 2018

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

<sup>178</sup> 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

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

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

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

<sup>182</sup> 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."<sup>183</sup>
- 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.<sup>184</sup> On March 20, 2002,<sup>185</sup> Ray released his final report on Whitewater that exonerated the Clintons.<sup>186</sup>
- f. END (Thomas investigation) – On March 23, 2004, the office was terminated.<sup>187</sup>

### 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."<sup>188</sup>

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

"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."<sup>190</sup>

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

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<sup>183</sup> "A Whitewater Chronology," WSJ.com, May 28, 2003

<sup>184</sup> 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

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

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

<sup>187</sup> 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

<sup>188</sup> "A Whitewater Chronology," WSJ.com, May 28, 2003

<sup>189</sup> "A Whitewater Chronology," WSJ.com, May 28, 2003

<sup>190</sup> "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."<sup>191</sup>

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

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."<sup>193</sup>

### 5. Cost of Investigation

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

b. The Independent Counsel FY 2008 Performance Budget sets the cost at \$55,105,992<sup>195</sup> 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."<sup>196</sup>

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

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

<sup>192</sup> "A Whitewater Chronology," WSJ.com, May 28, 2003

<sup>193</sup> "A Whitewater Chronology," WSJ.com, May 28, 2003

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

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

<sup>196</sup> "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."<sup>197</sup>

- 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.

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<sup>197</sup> "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](http://Digital.Library.unt.edu), accessed on March 21, 2018

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### 7. George W. Bush: CIA Leak/Plamegate<sup>198</sup>

Start / End [# of Days]  A.	Total Cost of Investigation  B.	Name of Investigator / Title  C.	Appointed By  D.
12/30/2003 <sup>199</sup> / 12/11/2007  The W. Bush investigation ran from Dec. 30, 2003, to Dec. 11, 2007, for a total of <b>1,443<sup>200</sup> days.</b>	\$2.58 million <sup>201</sup>  The total cost of the W. Bush investigation in March 13, 2017, dollars was <b>\$3,050,079.58.</b> <sup>202</sup>	<b>Patrick Fitzgerald /</b> Special Counsel / Special Prosecutor	<b>Deputy Attorney General James Comey</b>

#### 1. Summary of the Investigation

- a. After CIA agent Valerie Plame was identified by name in a syndicated column,<sup>203</sup> 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.<sup>204</sup> 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.<sup>205</sup>

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

<sup>199</sup> 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

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

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

<sup>202</sup> 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.”

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

<sup>204</sup> 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

<sup>205</sup> “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.<sup>206</sup> On June 24, 2004, Fitzgerald questioned Bush for more than an hour, but Bush was not put under oath.<sup>207</sup>
- b. END – On Dec. 11, 2007, “the administration official [Libby] dropped his appeal of his convictions.”<sup>208</sup>

“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.”<sup>209</sup>

### 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

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<sup>206</sup> 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

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

<sup>208</sup> “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.”

<sup>209</sup> “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."<sup>210</sup>

- b. Oct. 28, 2005 - Libby was indicted,<sup>211</sup> and eventually sentenced to 30 months in prison on June 5, 2007, on obstruction of justice and resigned as Cheney's chief of staff.<sup>212</sup> Bush commuted his sentence on July 2, 2007.<sup>213</sup> "The investigation also touched on presidential adviser Karl Rove."<sup>214</sup>

### 5. Cost of Investigation

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

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

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

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

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

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

<sup>215</sup> "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 <sup>216</sup> / ongoing	Investigation ongoing starting May 17, 2017  The cost of the investigation was <b>\$6,759,695</b> so far through Sept. 30, 2017, a total of <b>137 days</b> of official DOJ expenditure reporting.	<b>Robert S. Mueller III /</b> Special Counsel	<b>Acting Attorney General Rod J. Rosenstein</b>

#### 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...”<sup>217</sup>

#### 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.<sup>218</sup>
- b. END – Still in progress

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

<sup>217</sup> “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

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

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### 4. Conclusion to Date,<sup>219</sup> 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.”<sup>220</sup>

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

<sup>220</sup> 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.<sup>221</sup>

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

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<sup>221</sup> “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

<sup>222</sup> “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

<sup>223</sup> “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.

## Special Investigations Involving U.S. Presidents Since 1973

### 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	<b>1924:</b> Teapot Dome Scandal: Inquiry into alleged improper <b>federal oil reserve leases</b> made during the Harding administration.
2.	Garfield	<b>1881:</b> President James A. Garfield appointed William A. Cook as special prosecutor/special counsel <sup>224</sup> to investigate alleged bribery of <b>post office officials</b> and postal routes, which was known as the Star Route Scandals. <sup>225</sup>
3.	Roosevelt	<b>1903:</b> President Theodore Roosevelt appointed Charles J. Bonaparte and Holmes Conrad as special prosecutors to investigate alleged bribery involving <b>post office officials</b> . <sup>226</sup>
4.	Roosevelt	<b>1903:</b> U.S. Attorney General Philander Knox appointed Francis J. Heney as special prosecutor to investigate alleged land fraud deals that became known as the <b>Oregon Land Fraud Trials</b> . <sup>227</sup>

<sup>224</sup> Benjamin Harris Brewster, "Testimony of Attorney-general Brewster ..." Books.Google.com

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

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

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

## Special Investigations Involving U.S. Presidents Since 1973

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	<b>1952:</b> President Harry S. Truman appointed Special Assistant Attorney General Newbold Morris as special prosecutor <sup>228</sup> to look into corruption at <b>the IRS</b> , but Morris started with an investigation into Department of Justice officials, which resulted in his firing by Attorney General J. Howard McGrath. <sup>229</sup>
6.	Carter	<b>1979:</b> A three-judge federal panel <sup>230</sup> appointed Arthur H. Christy as special prosecutor to investigate <b>Hamilton Jordon</b> , Carter's chief of staff, for alleged cocaine use. <sup>231</sup>
7.	Carter	<b>1980:</b> A three-judge federal panel appointed Gerald Gallinghouse as special prosecutor to investigate <b>Timothy Kraft</b> , Carter's national campaign manager, for alleged cocaine use. <sup>232</sup>
8.	Reagan	<b>1981:</b> A three-judge federal panel appointed Leon Silverman as special prosecutor to investigate allegations of corruption against Secretary of Labor <b>Raymond J. Donovan</b> . <sup>233</sup>
9.	Reagan	<b>1984:</b> A three-judge federal panel appointed Jacob A. Stein as special prosecutor to investigate alleged corruption by <b>Edwin Meese</b> , who was being considered for attorney general. <sup>234</sup>

<sup>228</sup> 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

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

<sup>230</sup> "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

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

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

<sup>233</sup> 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."

<sup>234</sup> 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	<b>1986:</b> A three-judge federal panel appointed James C. McKay as independent counsel to investigate allegations of false testimony by <b>Theodore Olson</b> , a former assistant attorney general, regarding EPA documents. <sup>235</sup>
11.	Reagan	<b>1986:</b> A three-judge federal panel appointed Whitney North Seymour Jr. as independent counsel to investigate allegations that <b>Michael K. Deaver</b> , former White House aide, was involved in improper lobbying practices. <sup>236</sup>
12.	Reagan	<b>1987:</b> A three-judge federal panel appointed Carl S. Rauh as independent counsel <sup>237</sup> to investigate allegations involving the finances of <b>Lawrence Wallace</b> , former assistant attorney general. <sup>238</sup>
13.	Reagan	<b>1987:</b> A three-judge federal panel appointed James McKay to investigate allegations of illegal lobbying by <b>Lyn Nofziger</b> , Reagan's former political director. <sup>239</sup>
14.	H.W. Bush	<b>1990:</b> A three-judge federal panel appointed Arlin M. Adams as independent prosecutor to investigate allegations that <b>Samuel Pierce</b> , former HUD secretary, defrauded the government. <sup>240</sup>

<sup>235</sup> 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."

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

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

<sup>238</sup> 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."

<sup>239</sup> 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."

<sup>240</sup> 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	<b>1992:</b> A three-judge federal panel appointed Joseph E. DiGenova as independent counsel <sup>241</sup> to investigate allegations that <b>Janet G. Mullins</b> , a H.W. Bush White House assistant, made false statements and an investigation into the search of Bill Clinton's passport files. <sup>242</sup>
16.	Clinton	<b>1994:</b> A three-judge federal panel appointed Donald C. Smaltz as independent counsel to investigate allegations between Agriculture Secretary <b>Michael Espy</b> and Tyson Foods Inc. <sup>243</sup>
17.	Clinton	<b>1995:</b> A three-judge federal panel appointed David M. Barrett as independent counsel to investigate allegations that <b>Henry G. Cisneros</b> , head of HUD, lied to the FBI. <sup>244</sup>
18.	Clinton	<b>1995:</b> A three-judge federal panel appointed Daniel S. Pearson as independent counsel to investigate allegations of the illegal private financial dealings of Commerce Secretary <b>Ronald H. Brown</b> . <sup>245</sup>
19.	Clinton	<b>1996:</b> A three-judge federal panel appointed Ralph I. Lancaster as special prosecutor to investigate allegations of bribery by Secretary of Labor <b>Alexis Herman</b> . <sup>246</sup>
20.	Clinton	<b>1996:</b> A three-judge federal panel appointed Curtis Emery von Kann as independent counsel <sup>247</sup> to investigate allegations of improper fund-raising by <b>Eli J. Segal</b> when he was head of Americorps. <sup>248</sup>

<sup>241</sup> "The Snagged Passport Inquiry," WashingtonPost.com, July 12, 1993

<sup>242</sup> 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."

<sup>243</sup> 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."

<sup>244</sup> 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."

<sup>245</sup> 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

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

<sup>247</sup> "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

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

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U.S. Presidential Administration under which the Special Investigation Started <b>A.</b>		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>B.</b>
21.	Clinton	<b>1998:</b> A three-judge federal panel appointed Carol Elder Bruce as independent counsel to investigate allegations that Interior Secretary <b>Bruce E. Babbitt</b> <sup>249</sup> made false statements regarding an Indian casino request. <sup>250</sup>
22.	Clinton	<b>1999:</b> Attorney General Janet Reno appointed John C. Danforth <sup>251</sup> as special counsel to “head a review into <b>events surrounding the assault on the Branch Davidian compound in Waco, Texas.</b> ” <sup>252</sup>

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

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

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

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