

## Public Corruption Problem

Representative Bigshot wrote a letter of recommendation to Riverside Medical College for Mel Piston's daughter, only to withdraw it after Piston refused to make campaign contributions. As part of the investigation of Rep. Bigshot and Lloyd Cash, his campaign manager, the FBI reviewed Rep. Bigshot's personal bank account records and found \$5,000 cash deposits into the account on three different occasions over the past 2 years. In each instance, the deposit came within a week of Rep. Bigshot sending a letter to the Dean of Riverside Medical College recommending an applicant from outside his district for admission. The FBI interviewed the parents of these applicants, and they all stated they gave Cash a contribution for Rep. Bigshot's campaign committee, but none can recall the amount of the contribution or whether it was in cash. Rep. Bigshot's campaign disclosure forms list the parents as contributors, but the amount of each contribution was not listed, even though that is required by state law. The bank records for Cash's personal bank account do not show any cash deposits around the time of the deposits into Rep. Bigshot's account.

As part of the investigation, the prosecutor issued subpoenas issued for the financial records of the three families who made payments to Cash for letters of recommendation. The account records for one family show two \$5,000 cash withdrawals the day after Rep. Bigshot sent a letter recommending their son for admission to Riverside Medical College. A stock brokerage statement for the second applicant's parents shows a stock sale generating proceeds of \$13,450, a wire transfer of \$12,000 to a personal bank account, and two \$6,000 cash withdrawals in the next three days at two different branches after Rep. Bigshot's recommendation letter. The FBI locates the third contributor, who moved to Florida a year earlier. He states that he gave Cash \$10,000 in cash to get his son admitted to Riverside Medical College, and that Cash told him at the time that "if anybody starts asking questions, just say that you don't remember how much you gave to the campaign." The father does not remember what account he got the \$10,000 from, and that he closed all his accounts, including a number of business accounts, before moving to Florida and discarded the records because the transaction was a few years ago. The FBI cannot locate records for all of his accounts. In a second round of interviews, the parents of the other two applicants maintain that they do not recall the amount of their campaign contributions, and that Cash never told them how to respond to questions about their contributions if asked.

1. *As the prosecutor assigned to the case, you have been asked to draft charges for public corruption violations. Assume that the "contributor" in Florida and Piston, the victim in the prior attempted Hobbs Act extortion, will testify for the government. Do you have sufficient evidence to establish a public corruption case?*
2. *Assume that the parents of the two other applicants maintain their story that they do not recall the amount of the campaign contributions. Can you charge them with a public corruption offense to "encourage" them to cooperate?*