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United States Senate

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

September 5, 2007

The Honorable Mitch McConnell
Republican Leader
United States Senate
Washington, DC 20510

Dear Senator McConnell:

The Select Committee on Ethics has received the August 29, 2007, letter regarding Senator Larry E. Craig signed by you, Senator Trent Lott, Senator Jon Kyl, Senator Kay Bailey Hutchison and Senator John Ensign. In your letter you note that Senator Craig "pled guilty in a Minnesota state court to Disorderly Conduct following certain publicly reported actions in the Minneapolis-St. Paul International Airport in June of this year." You state further in your letter that "[t]his is a serious matter, and we request that Senate Select Committee on Ethics review the incident and subsequent legal proceedings."

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

The Committee has also previously noted, however, that, as a general matter, it does not retain enforcement jurisdiction concerning former Members, Officers or employees of the Senate. In past matters the Committee has closed inquiries where the subject of the inquiry has resigned or otherwise concluded his or her Senate service.

On September 1, 2007, Senator Craig announced his intent to resign from the Senate, effective September 30.

The Committee has reached no conclusions regarding the matter referenced in your letter.

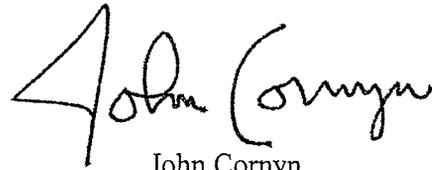
Pending Senator Craig's resignation, the Committee will continue to review this matter.

Thank you for your letter.

Sincerely,



Barbara Boxer
Chairman



John Cornyn
Vice Chairman