

**REPORT TO CONGRESS
ON THE ACTIVITIES AND OPERATIONS
OF THE
PUBLIC INTEGRITY SECTION
FOR 2013**



**Public Integrity Section
Criminal Division
United States Department of Justice**

**Submitted Pursuant to
Section 603 of the Ethics in Government Act of 1978**

INTRODUCTION

This Report to Congress is submitted pursuant to the Ethics in Government Act of 1978, which requires the Attorney General to report annually to Congress on the operations and activities of the Justice Department's Public Integrity Section. The Report describes the activities of the Public Integrity Section during 2013. It also provides statistics on the nationwide federal effort against public corruption during 2013 and over the previous two decades.

The Public Integrity Section was created in 1976 in order to consolidate in one unit of the Criminal Division the Department's oversight responsibilities for the prosecution of criminal abuses of the public trust by government officials. Section attorneys prosecute selected cases involving federal, state, or local officials, and also provide advice and assistance to prosecutors and agents in the field regarding the handling of public corruption cases. In addition, the Section serves as the Justice Department's center for handling various issues that arise regarding public corruption statutes and cases.

An Election Crimes Branch was created within the Section in 1980 to supervise the Department's nationwide response to election crimes, such as voter fraud and campaign-financing offenses. The Director of Election Crimes reviews all major election crime investigations throughout the country and all proposed criminal charges relating to election crime.

During the year, the Section maintained a staff of approximately twenty-five attorneys, including experts in extortion, bribery, election crimes, and criminal conflicts of interest. The section management included: Jack Smith, Chief; Raymond N. Hulser, Principal Deputy Chief; Peter M. Koski, Deputy Chief; David V. Harbach, Deputy Chief; Eric G. Olshan, Deputy Chief; and Richard C. Pilger, Director, Election Crimes Branch.

Part I of the Report discusses the operations of the Public Integrity Section and highlights its major activities in 2013. Part II describes significant cases prosecuted by the Section in 2013. Part III presents nationwide data regarding the national federal effort to combat public corruption from 1994 through 2013.

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PART I

OPERATIONAL RESPONSIBILITIES OF THE PUBLIC INTEGRITY SECTION

A. RESPONSIBILITY FOR LITIGATION

The work of the Public Integrity Section focuses on public corruption, that is, crimes involving abuses of the public trust by government officials. Most of the Section's resources are devoted to investigations involving alleged corruption by government officials and to prosecutions resulting from these investigations. Decisions to undertake particular matters are made on a case-by-case basis, given Section resources, the type and seriousness of the allegation, the sufficiency of factual predication reflecting criminal conduct, and the availability of federal prosecutive theories to reach the conduct.

Cases handled by the Section generally fall into one of the following categories: recusals by United States Attorneys' Offices, sensitive cases, multi-district cases, referrals from federal agencies, and shared cases. These categories are discussed below.

1. Recusals by United States Attorneys' Offices

The vast majority of federal corruption prosecutions are handled by the local United States Attorney's Office for the geographic district where the crime occurred, a fact demonstrated by the statistical charts in Part III of this Report. At times, however, it may be inappropriate for the local United States Attorney's Office to handle a particular corruption case.

Public corruption cases tend to raise unique problems of public perception that are generally absent in more routine criminal cases. An investigation of alleged corruption by a government official, whether at the federal, state, or local level, or someone associated with such an official, always has the potential of becoming a high-profile case simply because its focus is on the conduct of a public official. In addition, these cases are often politically sensitive because their ultimate targets tend to be politicians or government officials appointed by politicians.

A successful public corruption prosecution requires both the appearance and the reality of fairness and impartiality. This means that a successful corruption case involves not just a conviction but public perception that the conviction was warranted, not the result of improper motivation by the prosecutor, and is free of conflicts of interest. In a case in which the local conflict of interest is substantial, the local office is removed from the case by a procedure called recusal. Recusal occurs when the local office either asks to step aside, or is asked to step aside by Department headquarters, as primary prosecutor. Federal cases involving corruption allegations in which the conflict is substantial are

usually referred to the Public Integrity Section either for prosecution or direct operational supervision.

Allegations involving possible crimes by federal judges almost always require recusals of the local offices for significant policy, as well as practical, reasons. Having the case handled outside the local offices eliminates the possible appearance of bias, as well as the practical difficulties and awkwardness that would arise if an office investigating a judge were to appear before the judge on other matters. Thus, as a matter of established Department practice, federal judicial corruption cases generally are handled by the Public Integrity Section.

Similar concerns regarding the appearance of bias also arise when the target of an investigation is a federal prosecutor, a federal investigator, or other employee assigned to work in or closely with a particular United States Attorney's Office. Thus, cases involving United States Attorneys, Assistant United States Attorneys (AUSAs), or federal investigators or employees working with AUSAs in the field generally result in a recusal of the local office. These cases are typically referred to the Public Integrity Section.

2. Sensitive and Multi-District Cases

In addition to recusals, the Public Integrity Section handles other special categories of cases. At the request of the Assistant Attorney General for the Criminal Division, the Section handles cases that are highly sensitive and cases that involve the jurisdiction of more than one United States Attorney's Office.

Cases may be sensitive for a number of reasons. Because of its importance, a particular case may require close coordination with high-level Department officials. Alternatively, the case may require substantial coordination with other federal agencies in Washington. The latter includes cases involving classified information that require careful coordination with intelligence agencies. Sensitive cases may also include those that are so politically controversial on a local level that they are most appropriately handled in Washington.

In addition to sensitive cases, this category encompasses multi-district cases, that is, cases involving allegations that cross judicial district lines and, as a result, fall under the jurisdiction of two or more United States Attorneys' Offices. In these cases, the Section occasionally is asked to coordinate the investigation among the various United States Attorneys' Offices, to handle a case jointly with one or more United States Attorney's Office, or, when appropriate, to assume operational responsibility for the entire case.

3. Federal Agency Referrals

In another area of major responsibility, the Section handles matters referred directly by federal agencies concerning possible federal crimes by agency employees. The Section reviews these allegations to determine whether an investigation of the matter is warranted and, ultimately, whether the matter should be prosecuted.

Agency referrals of possible employee wrongdoing are an important part of the Section's mission. The Section works closely with the Offices of Inspector General (OIGs) of the executive branch agencies, as well as with other agency investigative components, such as the Offices of Internal Affairs and the Criminal Investigative Divisions. In addition, the Section invests substantial time in training agency investigators in the statutes involved in corruption cases and the investigative approaches that work best in these cases. These referrals from the various agencies require close consultation with the referring agency's investigative component and prompt prosecutive evaluation.

4. Requests for Assistance/Shared Cases

The final category of cases in which the Section becomes involved is cases that are handled jointly by the Section and a United States Attorney's Office or other component of the Department. At times, the available prosecutorial resources in a United States Attorney's Office may be insufficient to undertake sole responsibility for a significant corruption case. In this situation the local office may request the assistance of an experienced Section prosecutor to share responsibility for prosecuting the case. On occasion, the Section may also be asked to provide operational assistance or to assume supervisory responsibility for a case due to a partial recusal of the local office. Finally, the Public Integrity Section may be assigned to supervise or assist with a case initially assigned to another Department component.

B. SPECIAL SECTION PRIORITIES

In addition to the general responsibilities discussed above, in 2013 the Public Integrity Section continued its involvement in a number of additional priority areas of criminal law enforcement.

1. Election Crimes

One of the Section's law enforcement priorities is its supervision of the Justice Department's nationwide response to election crimes. The prosecution of all forms of election crime is a high Departmental priority, and headquarters' oversight in this area is designed to ensure that the Department's nationwide response to election crime matters is

uniform, impartial, and effective. In 1980, the Election Crimes Branch was created within the Section to handle this supervisory responsibility.

The Election Crimes Director oversees the Department's handling of all election crime allegations other than those involving federal voting rights, which are handled by the Civil Rights Division. Specifically, the Director provides advice and guidance on three types of election crime cases: (1) vote frauds, such as vote buying and absentee ballot fraud; (2) campaign-financing crimes, most notably under the Federal Election Campaign Act (FECA); and (3) patronage crimes, such as political shakedowns and misuse of federal programs for political purposes. Vote frauds and campaign-financing offenses are the most significant, and most common, types of election crimes.

The election-related work of the Section and its Election Crimes Branch falls into the following categories:

a. Consultation and Field Support. Under long-established Department procedures, the Section's Election Crimes Director reviews all major election crime investigations, including all proposed grand jury investigations and FBI full-field investigations, and all election crime charges proposed by the various United States Attorneys' Offices for legal and factual sufficiency. (United States Attorneys' Manual 9-85.210.) The Branch is also often consulted before a United States Attorney's Office opens a preliminary investigation into a vote fraud allegation, although this is not required.

In the area of campaign-financing crimes, Department procedures require consultation with headquarters before any investigation, including a preliminary investigation, is commenced by a United States Attorney's Office. U.S.A.M. 9-85-210. The increased coordination with the Section at the initial stage of a criminal investigation of a FECA matter enables the Department to coordinate, when necessary, with another federal agency, the Federal Election Commission, which has civil enforcement authority over FECA violations.

The Section's consultation responsibility for election matters includes providing advice to prosecutors and investigators regarding the application of federal criminal laws to vote fraud, patronage crimes, and campaign-financing crimes, and the most effective investigative techniques for particular types of election offenses. In addition, the Election Crimes Director helps draft election crime charges and other pleadings when requested.

The majority of the Director's consultations are in the following two categories: vote fraud, also known as election fraud or ballot fraud; and campaign financing crimes arising under the FECA. During 2013, the Director assisted in evaluating allegations, helping to structure investigations, and drafting charges for United States Attorneys' Offices around the country in these areas of law enforcement.

b. Litigation. Section attorneys investigate and prosecute selected election crimes, either by assuming total operational responsibility for the case or by handling the case jointly with a United States Attorney's Office or other Department component.

c. District Election Officer Program. The Director also assists in implementing the Department's long-standing District Election Officer (DEO) Program. This Program is designed to ensure that each of the Department's 94 United States Attorneys' Offices has a trained prosecutor available to oversee the handling of election crime matters within the district and to coordinate district responses with Department headquarters regarding these matters.

The DEO Program involves appointing an Assistant United States Attorney in each federal district to serve a two-year term as a DEO and providing periodic training for the DEOs in the handling of election crime and voting rights matters.

The DEO Program is also a crucial feature of the Department's nationwide Election Day Program, which takes place during the federal general elections held in November of even-numbered years. The Election Day Program ensures that federal prosecutors and investigators are available both at Department headquarters in Washington, DC, and in each district to receive complaints of election irregularities while the polls are open. As part of the Program, press releases are issued in Washington, DC, and in each district before the November federal elections that advise the public of the Department's enforcement interests in deterring and prosecuting election crimes and protecting voting rights. The press releases also provide contact information for the DEOs, local FBI officials, and Department officials in the Criminal and Civil Rights Divisions at headquarters, who may be contacted on Election Day by members of the public who have complaints of possible vote fraud or voting rights violations.

d. Inter-Agency Liaison with the Federal Election Commission. The Election Crimes Director is the formal liaison between the Justice Department and the Federal Election Commission (FEC), an independent federal agency that shares enforcement jurisdiction with the Department over willful violations of the Federal Election Campaign Act (FECA). The FEC has exclusive civil jurisdiction over all FECA violations, while the Department has exclusive criminal jurisdiction over FECA crimes.

e. Inter-Agency Liaison with the Office of Special Counsel. The Director also serves as the Department's point of contact with the United States Office of Special Counsel (OSC). The OSC has jurisdiction over noncriminal violations of the Hatch Act, 5 U.S.C. §§ 1501-1509, 7321-7326, which may also involve criminal patronage crimes that are within the Department's jurisdiction.

2. Conflicts of Interest Crimes

“Conflicts of interest” is a wide-ranging and complex area of law, with many layers of administrative and oversight responsibility. Moreover, the federal criminal conflicts of interest laws overlap to some extent with the sometimes broader ethics restrictions imposed by civil statutes, agency standards of conduct, Presidential orders, and, in the case of attorneys, bar association codes of conduct.

The Public Integrity Section’s work in the conflicts area falls into the following categories:

a. Criminal Referrals from Federal Agencies and Recusals. The Section’s criminal enforcement role comes into play with respect to a narrow group of conflicts of interest matters, namely, those that involve possible misconduct proscribed by one of the federal conflicts of interest statutes, 18 U.S.C. §§ 203-209. These crimes are prosecuted either by a United States Attorney’s Office or by the Public Integrity Section. Conflicts of interest matters are often referred to the Section by the various federal agencies. If investigation of a referral is warranted, the Section coordinates the investigation with the Inspector General for the agency concerned, the FBI, or both. If prosecution is warranted, the Section prosecutes the case. If a civil remedy may be appropriate in lieu of criminal prosecution, the Section or the Inspector General may refer the case to the Civil Division of the Department of Justice for its review.

b. Coordination. The Public Integrity Section works with the United States Office of Government Ethics (OGE) to coordinate conflicts of interest issues with OGE and other executive branch agencies and offices. The purpose of this coordination is to ensure that the overall legislative and enforcement efforts in this area are both complementary and consistent. OGE has broad jurisdiction over noncriminal conduct by executive branch personnel, as well as the authority to provide guidance concerning the coverage of the federal criminal conflicts of interest statutes. The Section’s coordination with OGE ensures that consistent guidance is provided with respect to the overlapping criminal, civil, and administrative interests implicated by the statutory and regulatory restrictions on federal personnel.

C. LEGAL AND TECHNICAL ASSISTANCE

1. Training and Advice

The Public Integrity Section is staffed with specialists who have considerable experience investigating and prosecuting corruption cases. Section attorneys participate in a wide range of formal training events for federal prosecutors and investigators. They are also available to provide informal advice on investigative methods, charging decisions, and trial strategy in specific cases.

The Section also conducts a public corruption seminar, usually held annually, at the National Advocacy Center. Speakers at this seminar typically include both the Section's senior prosecutors and Assistant United States Attorneys from the field who have handled significant corruption cases. The seminars provide training for federal prosecutors regarding the statutes most commonly used in corruption cases, guidance in the use of the complex and difficult investigative techniques necessary to investigate government corruption, and advice from experienced prosecutors on conducting corruption trials.

2. Advisor to the Integrity Committee of the Council of Inspectors General on Integrity and Efficiency

Pursuant to the Inspector General Reform Act of 2008, Pubo L. No. 110-409, 122 Stat. 4302 (Oct. 14, 2008), the Public Integrity Section serves as a legal advisor to the Integrity Committee of the Council of Inspectors General on Integrity and Efficiency (CIGIE). The CIGIE is a body composed of the Inspectors General of the various agencies of the executive branch of the federal government. The Integrity Committee of the CIGIE is charged with handling allegations against Inspectors General and senior members of their staff.

In addition, the Integrity Committee is charged with establishing policies and procedures to ensure consistency in conducting administrative investigations. The Committee's procedures, drafted with the assistance of the Public Integrity Section, provide a framework for the investigative function of the Committee. Allegations of wrongdoing by Inspectors General and their senior staff are initially reviewed by the Public Integrity Section for potential criminal prosecution. In noncriminal matters, the procedures guide the Committee's discretion to investigate the alleged misconduct and to report on its findings. The Public Integrity Section also advises the Integrity Committee on matters of law and policy relating to its investigations.

3. Legislative Activities

An important responsibility of the Public Integrity Section is the review of proposed legislation that may affect, directly or indirectly, the investigation and prosecution of public officials and those who seek to corrupt these officials. The Section is often called upon to comment on legislation proposed by Congress, by the Administration, or by other departments of the executive branch; to draft or review testimony for congressional hearings; and to respond to congressional inquiries concerning legislative proposals. On occasion, the Section drafts legislative proposals relating to various corruption matters.

4. Case Supervision and General Assistance

Public corruption cases are often controversial, complex, and highly visible. These factors may warrant Departmental supervision and review of a particular case. On occasion Section attorneys are called upon to conduct a careful review of a sensitive public corruption case, evaluating the quality of the investigative work and the adequacy of any proposed indictments. Based on its experience in this area, the Section can often identify tactical or evidentiary problems early on and either provide needed assistance or, if necessary, assume operational responsibility for the prosecution.

The Section also has considerable expertise in the supervision of the use of undercover operations in serious corruption cases. The Section serves on the FBI's Criminal Undercover Operations Review Committee. A number of the Section's senior prosecutors have experience in the practical and legal problems involved in such operations and have the expertise to employ this sensitive investigative technique effectively and to advise law enforcement personnel on its use.

5. International Advisory Responsibilities

The Public Integrity Section actively participates in the area of international law enforcement. The Section regularly provides briefings and training on United States public corruption issues to visiting foreign delegations and continues the efforts of the United States to assist foreign countries in their quest to combat public corruption and election crime in their respective countries. This assistance includes participation in international proceedings and coordination with other components of the Justice Department and the State Department on the Administration's positions in this area.

Section experts continue to address visiting foreign officials in investigations and prosecutions of public corruption. These presentations are generally conducted under the auspices of the State Department's Foreign Visitor Program and the Justice Department's Office of Overseas Prosecutorial Development Assistance and Training. During 2013, the Section made presentations to officials from Armenia, Bosnia-Herzegovina, Bulgaria, Croatia, Czech Republic, Germany, Indonesia, Jordan, Republic of Macedonia, Serbia, Slovenia, Tanzania, Ukraine, and Zambia.

PART II

PUBLIC INTEGRITY SECTION INDICTMENTS AND PROSECUTIONS IN 2013

INTRODUCTION

As described in Part I, the Public Integrity Section's role in the prosecution of public corruption cases ranges from sole operational responsibility for the entire case to approving an indictment or to providing advice on the drafting of charges. Part II of the Report provides examples of noteworthy public corruption cases for which the Section had either sole or shared operational responsibility during 2013.

The descriptions of the Section's significant cases for calendar year 2013 are separated into categories, based on the branch or level of government affected by the corruption. Election crime cases are grouped separately. Unrelated cases in each category are separated by triple lines.

FEDERAL JUDICIAL BRANCH

The Public Integrity Section has sole responsibility for the investigation and prosecution of federal judges due to the potential appearance issues that might arise if a local United States Attorney's Office were to investigate an allegation of wrongdoing by a judge before whom that United States Attorney's Office appears on a regular basis. The investigation of allegations of criminal wrongdoing in the federal judicial branch is a very sensitive matter. These investigations may involve intrusions into pending federal cases, cooperation from parties or witnesses who are appearing before the court, or potential disruption of the normal judicial process. In addition, the Section must coordinate closely with supervisory judges and the Administrative Office of United States Courts to facilitate the assignment of magistrates and judges from outside of the judicial district to handle requests during the investigation, such as grand jury supervision, or applications for warrants or electronic surveillance. The Public Integrity Section has developed substantial experience and expertise in these matters over the years. During 2013, the Section brought no cases involving the federal judicial branch.

FEDERAL LEGISLATIVE BRANCH

The Public Integrity Section plays a central role in the effort to combat corruption in the federal legislative branch. These cases raise unique issues of inter-branch comity, and they are always sensitive given the high-profile stature of elected officials. The Section has developed substantial expertise regarding the unique protections provided to Members of Congress and their staff by the Speech or Debate Clause, as set forth in Article I of the Constitution, and has worked closely and effectively with House and Senate counsel and the Ethics Committees in both houses. In addition to handling its own cases, the Section routinely provides advice and guidance to prosecutors across the country regarding these sensitive investigations. During 2013, the Section handled two trials involving the legislative branch, which are described below.

United States v. Richard Renzi and James Sandlin, District of Arizona

In June of 2013, after a five-week trial, former United States Congressman Richard G. Renzi was convicted of 17 felony offenses, including conspiracy, honest services wire fraud, extortion under color of official right, racketeering, money laundering, and making false statements to insurance regulators. His co-defendant, James Sandlin, was convicted of 13 felony offenses, including conspiracy, honest services wire fraud, extortion under color of official right, and money laundering.

The charges stemmed from a scheme in which Renzi extorted two private landowners who were seeking his support for federal land exchange legislation. Renzi threatened the first landowner that he would not support his proposed land exchange unless the landowner first purchased property from Sandlin, who owed Renzi over \$700,000. After the first victim refused, Renzi threatened a second land owner with the same demand. The second landowner purchased Sandlin's property for approximately \$2.6 million, and Renzi received approximately \$733,000 from Sandlin during the same period.

Renzi was also convicted of committing insurance fraud from 2001 to 2003, at which time he diverted premiums from his own insurance company to fund his first campaign for Congress. To conceal his actions, Renzi subsequently sent false letters to insurance customers and provided false statements to various state regulators who were investigating his activities.

Renzi was sentenced to 36 months in prison, and Sandlin was sentenced to 18 months in prison.

United States v. Tomsha-Miguel, Eastern District of California

On February 26, 2013, tax consultant Susan Tomsha-Miguel was convicted by a jury of impersonating a staff member for California Congressman Dennis Cardoza. Tomsha-Miguel used Congressman Cardoza's letterhead to draft a letter from a fictitious congressional staff member, and then sent the letter to her client to convince the client that she was handling his tax issues effectively. Tomsha-Miguel was sentenced to probation.

FEDERAL EXECUTIVE BRANCH

The Public Integrity Section frequently receives allegations of corruption in the executive branch from federal law enforcement agencies, including the FBI, the Inspectors General for the various departments and agencies, and United States military investigators. These matters involve a careful balancing of the requirements of a criminal investigation and the operational needs of the executive offices involved. During 2013, the Section handled a number of cases involving executive branch corruption, several of which are described below.

Marine Corps Logistics Base, Middle District of Georgia

The Public Integrity Section conducted an extensive investigation involving corruption at the Marine Corps Logistics Base (MCLB) in Albany, Georgia. During 2013, seven defendants were convicted in connection with the investigation.

In January 2013, Thomas Cole and Fredrick Simon, who operated companies that were awarded contracts for machine products at MCLB, pled guilty to bribery in connection with a scheme to pay bribes to Michelle Rodriguez, a supply technician in the maintenance center. Rodriguez pled guilty to bribery in February 2013 for her role in the scheme. Rodriguez was sentenced to 70 months in prison, Cole was sentenced to 46 months in prison, and Simon was sentenced to 32 months in prison.

In February 2013, Shelby Janes, the former inventory control manager of the distribution management center, pleaded guilty to receiving bribes related to the theft of heavy equipment from the base, resulting in a loss to the government of over \$1 million.

In May 2013, Mitchell Potts, the former Traffic Office Supervisor for the Defense Logistics Agency (DLA), and Jeffrey Philpot, the former Lead Transportation Assistant in the Traffic Office, pleaded guilty to receiving bribes related to a scheme to funnel freight hauling business to a local transportation company resulting in the loss of millions of dollars to the United States government.

In October 2013, Kelli Durham, a former employee of an Albany-based trucking company and freight transportation broker, pleaded guilty to conspiracy to commit wire fraud related to a scheme to overcharge the Department of Defense for transportation services rendered through DLA. This scheme led to massive over-billing of the government and losses in excess of \$7 million.

United States v. Sylvester and Maria Zugrav, District of Utah

On February 26, 2013, Florida businessman Sylvester Zugrav pled guilty to conspiracy to commit bribery in connection with a substantial bribery and fraud scheme involving sensitive federal procurement contracts at the U.S. Air Force Foreign Materials Acquisition Support Office (FMASO) at Hill Air Force Base, in Ogden, Utah. Zugrav's spouse, Maria Zugrav, pled guilty to misprision of a felony for her role in the scheme.

Sylvester paid Jose Mendez, a procurement program manager at the base, over \$180,000 in bribe payments and agreed to pay more than \$1 million in additional bribes for assistance in obtaining contracts with FMASO. The payments, made between 2008 and 2011, were concealed via Federal Express shipments, in-person cash payments and gifts, as well as electronic wire transfers to a bank account in Mexico. For his role in the scheme, Mendez previously pled guilty to bribery, conspiracy, and procurement fraud.

United States v. Lustyik, Southern District of New York and District of Utah

Robert G. Lustyik, a former FBI special agent, and two co-defendants were indicted on August 2, 2013, in the Southern District of New York for engaging in a bribery scheme in which Lustyik solicited and received cash payments in exchange for retrieving confidential, internal law enforcement information and documents about a prominent individual in Bangladesh. Lustyik and his co-conspirators, Johannes Thaler and Rizve Ahmed, a/k/a "Caesar," were charged with conspiracy and bribery.

The indictment charges that Lustyik conspired with his friend, Thaler, to solicit cash payments from Thaler's associate, Ahmed, in exchange for confidential, internal law enforcement documents and information that Lustyik accessed through his position at the

FBI. Ahmed, a native of Bangladesh, sought the information as a means to locate and harm the prominent Bangladeshi individual and others.

Former special agent Lustyk is also charged with bribery, conspiracy, and obstruction of justice for a separate scheme in the District of Utah. At the end of 2013, Lustyk was pending trial in both districts.

United States Military Recruiting Bonus Fraud

The Public Integrity Section has been spearheading the investigation and prosecution of schemes to obtain fraudulent bonuses in military recruiting programs across the country through fraud, identity theft, and corruption. The results in 2013 included the following:

- Eight former soldiers in the Army and Texas National Guard pleaded guilty or were sentenced in the Western District of Texas on charges, including conspiracy, bribery, wire fraud, obstruction of justice, and aggravated identity theft.
- Six current and former members of the Texas National Guard pleaded guilty and eight others were indicted in the Southern District of Texas on charges, including bribery, conspiracy, wire fraud, and aggravated identity theft in the Southern District of Texas.
- A retired Colonel and a former Sergeant in the New Mexico National Guard were indicted in the District of New Mexico on charges of conspiracy, wire fraud, and aggravated identity theft.

STATE AND LOCAL GOVERNMENT

The Public Integrity Section plays a major role in combating corruption at all levels of government, including corruption relating to state or local public officials. The following are examples of corruption cases handled by the Section involving state and local officials in 2013.

United States v. Ahmad, et al., Southern District of Ohio

On December 23, 2013, the former Deputy Treasurer for the State of Ohio, Amer Ahmad, pleaded guilty to bribery and conspiracy in connection with a scheme in which Ahmad solicited and accepted over \$500,000 in bribes from broker Douglas Hampton in exchange for the award of lucrative brokerage services business. The bribes were funneled through a landscaping business operated by Joseph Chiavaroli, and through attorney and lobbyist Mohammed Alo. In August 2013, Hampton pled guilty to conspiracy to commit bribery and Chiavaroli pleaded guilty to money laundering conspiracy. On December 20, 2013, Alo pleaded guilty to honest services fraud for his role in the scheme.

United States v. Josue Becceril-Ramos and Abimael Arroyo Cruz, District of Puerto Rico

On May 29, 2013, former Puerto Rico police officer Abimael Arroyo-Cruz was convicted by a jury of bribery, extortion, and conspiracy for his role in a scheme to obtain \$50,000 in exchange for arranging the dismissal of a local firearm and drug prosecution. Midway through trial, co-defendant Josue Becerril-Ramos, also a former police officer, pleaded guilty for his role in the bribery and extortion scheme. On November 18, 2013, Arroyo was sentenced to 63 months in prison, and Becerril was sentenced to 60 months in prison.

United States v. Cole and Killian, Eastern District of Tennessee

On September 12, 2013, the former Mayor of South Pittsburg, Tennessee, James Michael Killian, and co-conspirator Robert Cole pleaded guilty to operating an illegal gambling business out of a convenience store owned by Killian. Killian and Cole also admitted running an illegal sports betting ring.

FEDERAL ELECTION CRIMES

As described in Part I, during 2013 the Public Integrity Section continued its nationwide oversight of the handling of election crime investigations and prosecutions.

Set forth below are examples of the Section's 2013 casework in this area.

United States v. Danielczyk and Biagi, Eastern District of Virginia

On February 26, 2013, William P. Danielczyk, the chairman of Galen Capital Corporation, and Eugene R. Biagi, Galen's corporate secretary, pled guilty to illegally reimbursing \$186,600 in contributions to the Senate and Presidential campaign committees of a candidate for federal office. On May 31, 2013, Danielczyk was sentenced to 28 months in prison, and Biagi was sentenced to probation.

United States v. Odom, Northern District of Florida

Jay Odom, a Florida resident, pled guilty on February 12, 2013, to causing false statements to the Federal Election Committee in connection with unlawful contributions to the campaign committee of a presidential candidate. Odom admitted that he solicited employees of his business and their family members to make the maximum allowable contributions to the presidential campaign committee. In return, Odom used personal funds to reimburse the donations, totaling \$23,000. On April 23, 2014, Odom was sentenced to six months in prison.

United States v. Whittemore, District of Nevada

On May 29, 2013, following a two-week trial, F. Harvey Whittemore, a Nevada lawyer and lobbyist, was convicted of making more than \$130,000 in illegal campaign contributions to a Senate campaign committee in 2007, and causing false statements to be made to the Federal Election Commission. In an effort to fulfill a campaign contribution promise to a U.S. Senator, Whittemore concealed unlawful donations to the Senator's re-election campaign by making them through dozens of family members, employees, and their spouses. On September 30, 2013, Whittemore was sentenced to two years in prison and fined \$133,400.

PART III

NATIONWIDE FEDERAL PROSECUTIONS OF CORRUPT PUBLIC OFFICIALS

INTRODUCTION

The tables in this section of the Report reflect data that is compiled from annual nationwide surveys of the United States Attorneys' Offices and from the Public Integrity Section.

As discussed in Part I, most corruption cases are handled by the local United States Attorney's Office in the district where the crime occurred. However, on occasion outside prosecutors are asked either to assist the local office on a corruption case, or to handle the case entirely as a result of recusal of the local office due to a possible conflict of interest. The figures in Tables I through III include all public corruption prosecutions within each district, including cases handled by the United States Attorneys' Offices and the Public Integrity Section.*

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*Prior to 2012, Tables I through III included cases only from the United States Attorneys' Offices.

TABLE I
NATIONWIDE FEDERAL PROSECUTIONS
OF PUBLIC CORRUPTION
IN 2013

| Federal Officials | |
|--------------------------|-----|
| Charged | 337 |
| Convicted | 315 |
| Awaiting Trial | 113 |

| State Officials | |
|------------------------|-----|
| Charged | 133 |
| Convicted | 119 |
| Awaiting Trial | 68 |

| Local Officials | |
|------------------------|-----|
| Charged | 334 |
| Convicted | 303 |
| Awaiting Trial | 149 |

| Others Involved | |
|------------------------|-----|
| Charged | 330 |
| Convicted | 300 |
| Awaiting Trial | 169 |

| Totals | |
|----------------|-------|
| Charged | 1,134 |
| Convicted | 1,037 |
| Awaiting Trial | 499 |

TABLE II

**PROGRESS OVER THE LAST TWO DECADES:
FEDERAL PROSECUTIONS BY
OF PUBLIC CORRUPTION**

| | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 |
|--|-------|-------|------|-------|-------|-------|-------|-------|-------|-------|
| FEDERAL OFFICIALS | | | | | | | | | | |
| Charged | 571 | 527 | 456 | 459 | 442 | 480 | 441 | 502 | 478 | 479 |
| Convicted | 488 | 438 | 459 | 392 | 414 | 460 | 422 | 414 | 429 | 421 |
| Awaiting Trial as of 12/31 | 124 | 120 | 64 | 83 | 85 | 101 | 92 | 131 | 119 | 129 |
| STATE OFFICIALS | | | | | | | | | | |
| Charged | 99 | 61 | 109 | 51 | 91 | 115 | 92 | 95 | 110 | 94 |
| Convicted | 97 | 61 | 83 | 49 | 58 | 80 | 91 | 61 | 132 | 87 |
| Awaiting Trial as of 12/31 | 17 | 23 | 40 | 20 | 37 | 44 | 37 | 75 | 50 | 38 |
| LOCAL OFFICIALS | | | | | | | | | | |
| Charged | 248 | 236 | 219 | 255 | 277 | 237 | 211 | 224 | 299 | 259 |
| Convicted | 202 | 191 | 190 | 169 | 264 | 219 | 183 | 184 | 262 | 119 |
| Awaiting Trial as of 12/31 | 96 | 89 | 60 | 118 | 90 | 95 | 89 | 110 | 118 | 106 |
| PRIVATE CITIZENS INVOLVED IN PUBLIC CORRUPTION OFFENSES | | | | | | | | | | |
| Charged | 247 | 227 | 200 | 292 | 364 | 302 | 256 | 266 | 249 | 318 |
| Convicted | 182 | 188 | 170 | 243 | 278 | 306 | 242 | 261 | 188 | 241 |
| Awaiting Trial as of 12/31 | 95 | 91 | 80 | 106 | 128 | 89 | 109 | 121 | 126 | 139 |
| TOTALS | | | | | | | | | | |
| Charged | 1,165 | 1,051 | 984 | 1,057 | 1,174 | 1,134 | 1,000 | 1,087 | 1,136 | 1,150 |
| Convicted | 969 | 878 | 902 | 853 | 1,014 | 1,065 | 938 | 920 | 1,011 | 868 |
| Awaiting Trial as of 12/31 | 332 | 323 | 244 | 327 | 340 | 329 | 327 | 437 | 413 | 412 |

TABLE II (continued)

| | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | Totals |
|--|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|
| FEDERAL OFFICIALS | | | | | | | | | | | |
| Charged | 424 | 445 | 463 | 426 | 518 | 425 | 422 | 412 | 381 | 337 | 9,088 |
| Convicted | 381 | 390 | 407 | 405 | 458 | 426 | 397 | 392 | 369 | 315 | 7,856 |
| Awaiting Trial as of 12/31 | 98 | 118 | 112 | 116 | 117 | 107 | 103 | 110 | 108 | 113 | ✕ |
| STATE OFFICIALS | | | | | | | | | | | |
| Charged | 111 | 96 | 101 | 128 | 144 | 93 | 168 | 93 | 100 | 133 | 1,990 |
| Convicted | 81 | 94 | 116 | 85 | 123 | 102 | 108 | 143 | 78 | 119 | 1,761 |
| Awaiting Trial as of 12/31 | 48 | 51 | 38 | 65 | 61 | 57 | 105 | 41 | 68 | 68 | ✕ |
| LOCAL OFFICIALS | | | | | | | | | | | |
| Charged | 268 | 309 | 291 | 284 | 287 | 270 | 296 | 282 | 319 | 334 | 5,146 |
| Convicted | 252 | 232 | 241 | 275 | 246 | 257 | 280 | 276 | 295 | 303 | 4,521 |
| Awaiting Trial as of 12/31 | 105 | 148 | 141 | 127 | 127 | 148 | 146 | 127 | 135 | 149 | ✕ |
| PRIVATE CITIZENS INVOLVED IN PUBLIC CORRUPTION OFFENSES | | | | | | | | | | | |
| Charged | 410 | 313 | 295 | 303 | 355 | 294 | 298 | 295 | 278 | 330 | 5,574 |
| Convicted | 306 | 311 | 266 | 249 | 302 | 276 | 251 | 296 | 318 | 300 | 4,933 |
| Awaiting Trial as of 12/31 | 168 | 136 | 148 | 179 | 184 | 161 | 200 | 191 | 144 | 169 | ✕ |
| TOTALS | | | | | | | | | | | |
| Charged | 1,213 | 1,163 | 1,150 | 1,141 | 1,304 | 1,082 | 1,184 | 1,082 | 1,078 | 1,134 | 21,319 |
| Convicted | 1,020 | 1,027 | 1,030 | 1,014 | 1,129 | 1,061 | 1,036 | 1,107 | 1,060 | 1,037 | 19,071 |
| Awaiting Trial as of 12/31 | 419 | 453 | 439 | 487 | 489 | 473 | 554 | 469 | 455 | 499 | ✕ |

TABLE III

**UNITED STATES ATTORNEYS' OFFICES
FEDERAL PUBLIC CORRUPTION CONVICTIONS
BY DISTRICT OVER THE PAST DECADE**

| U.S. Attorney's Office | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | Totals |
|-------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|---------------|
| Alabama, Middle | 7 | 9 | 11 | 8 | 3 | 5 | 1 | 9 | 8 | 9 | 70 |
| Alabama, Northern | 4 | 17 | 33 | 39 | 17 | 18 | 11 | 14 | 13 | 12 | 178 |
| Alabama, Southern | 2 | 0 | 7 | 5 | 0 | 5 | 3 | 0 | 1 | 2 | 25 |
| Alaska | 0 | 1 | 3 | 15 | 8 | 1 | 9 | 4 | 4 | 2 | 47 |
| Arizona | 9 | 48 | 16 | 32 | 20 | 19 | 16 | 18 | 34 | 40 | 252 |
| Arkansas, Eastern | 18 | 4 | 8 | 8 | 4 | 2 | 11 | 7 | 12 | 4 | 78 |
| Arkansas, Western | 0 | 0 | 2 | 0 | 1 | 1 | 6 | 1 | 3 | 0 | 14 |
| California, Central | 22 | 42 | 36 | 55 | 41 | 43 | 29 | 27 | 39 | 19 | 353 |
| California, Eastern | 39 | 30 | 18 | 13 | 9 | 15 | 12 | 20 | 4 | 4 | 164 |
| California, Northern | 14 | 3 | 4 | 2 | 3 | 2 | 3 | 3 | 7 | 3 | 44 |
| California, Southern | 2 | 10 | 7 | 6 | 5 | 9 | 0 | 2 | 39 | 37 | 117 |
| Colorado | 8 | 11 | 4 | 3 | 4 | 14 | 6 | 6 | 9 | 3 | 68 |
| Connecticut | 8 | 24 | 11 | 17 | 5 | 2 | 4 | 0 | 8 | 13 | 92 |
| Delaware | 5 | 2 | 7 | 5 | 7 | 1 | 1 | 2 | 3 | 5 | 38 |
| District of Columbia | 33 | 15 | 25 | 22 | 66 | 28 | 41 | 39 | 47 | 18 | 334 |
| Florida, Middle | 10 | 13 | 39 | 28 | 51 | 30 | 18 | 24 | 25 | 20 | 258 |
| Florida, Northern | 2 | 5 | 17 | 19 | 3 | 27 | 13 | 3 | 9 | 8 | 106 |
| Florida, Southern | 78 | 24 | 27 | 22 | 12 | 12 | 21 | 13 | 28 | 21 | 258 |
| Georgia, Middle | 4 | 7 | 3 | 0 | 7 | 3 | 0 | 11 | 11 | 9 | 55 |
| Georgia, Northern | 9 | 21 | 6 | 7 | 15 | 21 | 32 | 32 | 27 | 11 | 181 |
| Georgia, Southern | 0 | 4 | 0 | 1 | 2 | 1 | 5 | 2 | 4 | 7 | 26 |
| Guam & NMI | 9 | 5 | 2 | 0 | 3 | 6 | 3 | 5 | 1 | 2 | 36 |
| Hawaii | 14 | 4 | 5 | 1 | 2 | 1 | 0 | 3 | 2 | 0 | 32 |

TABLE III (continued)

| U.S. Attorney's Office | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | Totals |
|-------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|---------------|
| Idaho | 3 | 1 | 1 | 1 | 1 | 1 | 0 | 3 | 6 | 4 | 21 |
| Illinois, Central | 14 | 3 | 6 | 8 | 6 | 6 | 0 | 2 | 1 | 6 | 52 |
| Illinois, Northern | 22 | 51 | 30 | 28 | 43 | 47 | 46 | 30 | 36 | 45 | 378 |
| Illinois, Southern | 6 | 20 | 2 | 6 | 7 | 5 | 6 | 9 | 7 | 18 | 86 |
| Indiana, Northern | 13 | 9 | 5 | 15 | 9 | 10 | 4 | 4 | 25 | 15 | 109 |
| Indiana, Southern | 4 | 5 | 4 | 9 | 5 | 8 | 8 | 2 | 7 | 8 | 60 |
| Iowa, Northern | 1 | 3 | 0 | 0 | 0 | 0 | 0 | 2 | 1 | 1 | 8 |
| Iowa, Southern | 1 | 1 | 2 | 9 | 9 | 4 | 11 | 1 | 3 | 2 | 43 |
| Kansas | 5 | 3 | 0 | 2 | 5 | 4 | 5 | 9 | 8 | 4 | 45 |
| Kentucky, Eastern | 27 | 10 | 23 | 33 | 22 | 22 | 28 | 25 | 19 | 12 | 221 |
| Kentucky, Western | 1 | 4 | 4 | 6 | 6 | 19 | 6 | 13 | 13 | 3 | 75 |
| Louisiana, Eastern | 29 | 26 | 26 | 29 | 26 | 20 | 26 | 29 | 29 | 20 | 260 |
| Louisiana, Middle | 0 | 8 | 13 | 6 | 3 | 10 | 4 | 13 | 4 | 5 | 66 |
| Louisiana, Western | 1 | 4 | 10 | 7 | 10 | 14 | 25 | 9 | 19 | 25 | 124 |
| Maine | 2 | 3 | 4 | 4 | 8 | 5 | 1 | 4 | 2 | 2 | 35 |
| Maryland | 28 | 17 | 36 | 21 | 39 | 32 | 21 | 58 | 26 | 47 | 325 |
| Massachusetts | 17 | 15 | 28 | 29 | 19 | 28 | 27 | 19 | 13 | 22 | 217 |
| Michigan, Eastern | 17 | 11 | 13 | 7 | 20 | 7 | 14 | 18 | 17 | 19 | 143 |
| Michigan, Western | 13 | 11 | 12 | 5 | 13 | 11 | 16 | 6 | 0 | 0 | 87 |
| Minnesota | 9 | 3 | 6 | 3 | 7 | 13 | 6 | 8 | 0 | 6 | 61 |
| Mississippi, Northern | 9 | 5 | 5 | 18 | 13 | 13 | 9 | 4 | 9 | 11 | 96 |
| Mississippi, Southern | 5 | 0 | 2 | 7 | 4 | 2 | 15 | 13 | 0 | 7 | 55 |
| Missouri, Eastern | 4 | 8 | 12 | 12 | 22 | 16 | 11 | 10 | 11 | 10 | 116 |
| Missouri, Western | 6 | 13 | 8 | 8 | 9 | 8 | 14 | 4 | 10 | 0 | 80 |
| Montana | 7 | 1 | 8 | 0 | 8 | 7 | 10 | 5 | 2 | 5 | 53 |

TABLE III (continued)

| U.S. Attorney's Office | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | Totals |
|-------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|---------------|
| Nebraska | 2 | 4 | 3 | 0 | 8 | 2 | 4 | 2 | 3 | 3 | 31 |
| Nevada | 0 | 0 | 3 | 4 | 0 | 7 | 4 | 6 | 6 | 2 | 32 |
| New Hampshire | 0 | 2 | 0 | 0 | 4 | 1 | 1 | 0 | 0 | 0 | 8 |
| New Jersey | 44 | 39 | 47 | 62 | 49 | 44 | 47 | 28 | 27 | 30 | 417 |
| New Mexico | 5 | 3 | 6 | 3 | 6 | 9 | 7 | 4 | 4 | 2 | 49 |
| New York, Eastern | 25 | 31 | 20 | 26 | 14 | 12 | 12 | 10 | 13 | 5 | 168 |
| New York, Northern | 16 | 11 | 9 | 7 | 10 | 2 | 3 | 3 | 5 | 1 | 67 |
| New York, Southern | 28 | 28 | 16 | 9 | 9 | 9 | 12 | 24 | 21 | 13 | 169 |
| New York, Western | 7 | 12 | 6 | 2 | 15 | 15 | 10 | 15 | 18 | 7 | 107 |
| North Carolina, Eastern | 18 | 2 | 20 | 18 | 4 | 4 | 9 | 10 | 4 | 10 | 99 |
| North Carolina, Middle | 0 | 3 | 2 | 5 | 1 | 3 | 7 | 1 | 0 | 2 | 24 |
| North Carolina, Western | 7 | 8 | 2 | 3 | 12 | 2 | 2 | 2 | 0 | 7 | 45 |
| North Dakota | 5 | 9 | 2 | 6 | 4 | 0 | 6 | 2 | 2 | 0 | 36 |
| Ohio, Northern | 32 | 28 | 31 | 37 | 29 | 49 | 65 | 28 | 16 | 8 | 323 |
| Ohio, Southern | 26 | 21 | 12 | 12 | 8 | 7 | 0 | 3 | 9 | 11 | 109 |
| Oklahoma, Eastern | 0 | 2 | 5 | 3 | 8 | 0 | 3 | 11 | 9 | 14 | 55 |
| Oklahoma, Northern | 0 | 2 | 3 | 3 | 3 | 12 | 2 | 2 | 5 | 3 | 35 |
| Oklahoma, Western | 4 | 17 | 10 | 3 | 11 | 10 | 9 | 11 | 12 | 5 | 92 |
| Oregon | 0 | 4 | 6 | 11 | 3 | 5 | 1 | 7 | 2 | 3 | 42 |
| Pennsylvania, Eastern | 26 | 26 | 30 | 19 | 15 | 20 | 23 | 23 | 30 | 29 | 241 |
| Pennsylvania, Middle | 12 | 19 | 27 | 16 | 16 | 16 | 25 | 7 | 7 | 0 | 145 |
| Pennsylvania, Western | 3 | 11 | 10 | 5 | 5 | 5 | 6 | 7 | 10 | 10 | 72 |
| Puerto Rico | 31 | 6 | 20 | 2 | 37 | 28 | 17 | 130 | 30 | 19 | 320 |
| Rhode Island | 2 | 4 | 2 | 1 | 2 | 1 | 3 | 8 | 2 | 8 | 33 |

TABLE III (continued)

| U.S. Attorney's Office | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | Totals |
|-------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|---------------|
| South Carolina | 8 | 0 | 3 | 4 | 8 | 7 | 2 | 11 | 2 | 5 | 50 |
| South Dakota | 2 | 3 | 13 | 4 | 11 | 8 | 9 | 8 | 9 | 3 | 70 |
| Tennessee, Eastern | 6 | 9 | 7 | 12 | 6 | 7 | 4 | 8 | 10 | 8 | 77 |
| Tennessee, Middle | 8 | 5 | 9 | 6 | 1 | 4 | 3 | 1 | 9 | 4 | 50 |
| Tennessee, Western | 16 | 22 | 19 | 24 | 5 | 10 | 14 | 8 | 12 | 18 | 148 |
| Texas, Eastern | 8 | 5 | 3 | 4 | 10 | 5 | 4 | 2 | 0 | 3 | 44 |
| Texas, Northern | 14 | 22 | 16 | 6 | 23 | 41 | 17 | 19 | 28 | 27 | 213 |
| Texas, Southern | 11 | 25 | 21 | 34 | 64 | 26 | 23 | 43 | 26 | 83 | 356 |
| Texas, Western | 27 | 17 | 9 | 11 | 15 | 27 | 27 | 24 | 47 | 53 | 257 |
| Utah | 0 | 6 | 1 | 7 | 5 | 3 | 1 | 2 | 1 | 3 | 29 |
| Vermont | 0 | 2 | 0 | 1 | 5 | 0 | 2 | 5 | 3 | 1 | 19 |
| Virgin Islands | 2 | 2 | 8 | 3 | 2 | 0 | 7 | 3 | 0 | 3 | 30 |
| Virginia, Eastern | 21 | 23 | 38 | 23 | 72 | 57 | 60 | 57 | 41 | 53 | 445 |
| Virginia, Western | 16 | 2 | 13 | 13 | 2 | 5 | 2 | 0 | 0 | 3 | 56 |
| Washington, Eastern | 3 | 6 | 1 | 4 | 5 | 0 | 0 | 2 | 0 | 0 | 21 |
| Washington, Western | 15 | 7 | 1 | 5 | 7 | 3 | 8 | 5 | 7 | 5 | 63 |
| West Virginia, Northern | 0 | 3 | 0 | 0 | 2 | 2 | 6 | 4 | 4 | 7 | 28 |
| West Virginia, Southern | 10 | 14 | 9 | 2 | 4 | 2 | 3 | 1 | 3 | 4 | 52 |
| Wisconsin, Eastern | 10 | 18 | 11 | 7 | 6 | 4 | 5 | 5 | 8 | 6 | 80 |
| Wisconsin, Western | 3 | 2 | 5 | 5 | 0 | 5 | 2 | 5 | 6 | 7 | 40 |
| Wyoming | 1 | 8 | 0 | 1 | 1 | 2 | 1 | 5 | 3 | 3 | 25 |