

## SEN. MITCH MCCONNELL

Sen. Mitch McConnell (R-KY) is a fourth-term senator from Kentucky. He is the minority leader in the 110<sup>th</sup> Congress and sits on the Senate Appropriations Committee. Senator McConnell's ethics issues stem from earmarks he has inserted into legislation for clients of his former chief of staff, lobbyist Gordon Hunter Bates, in exchange for campaign contributions as well as the misuse of his nonprofit McConnell Center for Political Leadership at the University of Louisville.

### **Gordon Hunter Bates and the Bates Capitol Group LLC**

Gordon Hunter Bates served as Sen. McConnell's chief legal counsel and then-chief of staff from 1997 to 2002.<sup>1</sup> After a 2003 lawsuit ended his bid for lieutenant governor of Kentucky he opened a lobbying firm, Bates Capitol Group LLC (Bates Capitol).<sup>2</sup> Mr. Bates' business has been aided by his connection to Sen. McConnell. Rusty Thompson, a Versailles, Kentucky tobacco farmer and board member of the Burley Tobacco Cooperative, a Bates Capitol client, said that Sen. McConnell told him "you need to hire Hunter Bates, I can work with Hunter Bates."<sup>3</sup> The Bates Capitol Group has employed other former staffers of Sen. McConnell including: Holly Piper, wife of Sen. McConnell's chief of staff Bill Piper and a former Sen. McConnell aide herself, Patrick Jennings and Lesley Elliot.<sup>4</sup> Bates Capitol clients include: E-Cavern, Voice for Humanity, Appriss Inc. and Boardpoint LLC, all of which have received earmarks thanks to Sen. McConnell. In addition, the senator rewrote legislation to help another Bates Group client, UPS Inc. All of these companies have made substantial contributions to Sen. McConnell's campaigns.

#### E-Cavern

In tandem with the University of Louisville and the University of Kentucky, E-Cavern has been attempting to build an underground computer data storage center near the Louisville Airport.<sup>5</sup> E-Cavern unsuccessfully lobbied the Kentucky congressional delegation to support

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<sup>1</sup> <http://www.batescapitol.com/bio.htm> (Exhibit 1).

<sup>2</sup> John Cheves, A Lucrative Connection: Lobbyist's Close Ties To Senator Pay Off For Them Both And Client, *Lexington Herald-Leader*, October 22, 2006 (Exhibit 2).

<sup>3</sup> Id.

<sup>4</sup> Cheves, *Lexington Herald-Leader*, Oct. 22, 2006; Matt Kelley and Peter Eisler, Relatives Have 'Inside Track' In Lobbying for Tax Dollars; No Laws Prevent Family Members From Trying To Influence Lawmakers Or Top Congressional Staffers, *USA Today*, October 17, 2006 (Exhibit 3).

<sup>5</sup> Cheves, *Lexington Herald-Leader*, Oct. 22, 2006; Senator McConnell Secures Over \$13 Million In Funding For Transit Project In Kentucky, *US Fed News*, November 18, 2005 (Exhibit 4).

this project for three years before hiring Bates Capitol in 2003.<sup>6</sup> Soon after E-Cavern hired Bates Capitol, Sen. McConnell earmarked \$1 million for the underground project in the fiscal year (FY) '05 Omnibus Appropriations Conference Report.<sup>7</sup> In 2005, Sen. McConnell inserted an additional \$1.5 million earmark for E-Cavern into the FY '06 Transportation, Judiciary and Housing and Urban Development Appropriations Conference Report.<sup>8</sup> In 2006, Sen. McConnell earmarked \$1 million for E-Cavern in the FY '07 Transportation, Treasury, and Housing and Urban Development Appropriations bill.<sup>9</sup> In July of 2007, Sen. McConnell took credit for another \$1 million earmark for the E-Cavern project in the FY '08 Senate Financial Services and General Government Appropriations bill.<sup>10</sup>

Between July 2003 and December 2006, E-Cavern paid Bates Capitol \$460,000 for lobbying.<sup>11</sup> In August of 2005, E-Cavern president Mark Roy and executive James Philpolt each contributed \$1,000 to the McConnell Senate Committee.<sup>12</sup> Between August of 2004 and August of 2006, Mr. Philpolt and Mr. Roy donated \$8,500 to the McConnell Senate Committee and Sen. McConnell's leadership PAC, the Bluegrass Committee.<sup>13</sup> Neither executive had donated to Sen. McConnell prior to hiring Bates Capitol.<sup>14</sup>

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<sup>6</sup> Cheves, *Lexington Herald-Leader*, Oct. 22, 2006.

<sup>7</sup> Sen. McConnell Secures Funding For E-Cavern Project, *US Fed News*, November 22, 2004 (Exhibit 5).

<sup>8</sup> Cheves, *Lexington Herald-Leader*, Oct. 22, 2006; *States News Service*, Nov. 18, 2005.

<sup>9</sup> Congress Passes Transportation, Treasury, Housing, And Urban Development Appropriations Measure, *US Fed News*, June 17, 2006 (Exhibit 6).

<sup>10</sup> Senator McConnell Secures Funding For Two University Of Kentucky Financial Services Projects, *States News Service*, July 12, 2007 (Exhibit 7).

<sup>11</sup> Bates Capitol Group, LLC, Lobbying Reports, Year End 2003 through Year End 2006 (Exhibit 8).

<sup>12</sup> McConnell Senate Committee, FEC Form 3, October Quarterly Report 2005, October 14, 2005, pp. 270, 282 (Exhibit 9).

<sup>13</sup> Bluegrass Committee, FEC Form 3, October Quarterly Report 2004, October 15, 2004, p. 156 (Exhibit 10); McConnell Senate Committee, FEC Form 3, October Quarterly Report 2005, October 14, 2005, pp. 270, 282 (*See* Exhibit 9); Bluegrass Committee, FEC Form 3, October Quarterly Report 2006, October 13, 2006, pp. 87, 93, 94 (Exhibit 11). Notably, Mark Roy's contributions to the Bluegrass Committee were designated Earmarked Intermediary Out (EIO), meaning they were passed along by Sen. McConnell's Bluegrass Committee to another political committee.

<sup>14</sup> The FEC's website, [www.fec.gov](http://www.fec.gov), lists no contributions by Mark Roy or James Philpolt to Sen. McConnell prior to August 2004.

### Boardpoint LLC

Boardpoint LLC hired Bates Capitol in early 2004, paying between \$280,000 and \$290,000 in lobbying fees through December 2006.<sup>15</sup> In December of 2005, Sen. McConnell announced a \$2.1 million earmark from the Department of Defense for Accella Learning, a division of Boardpoint, to create an “intelligent tutoring system” for medical personnel.<sup>16</sup> Just two months earlier, Boardpoint Director Joe Coons donated \$2,100 to the McConnell Senate Committee.<sup>17</sup>

### Voice for Humanity

Voice for Humanity is a non-profit organization<sup>18</sup> originally formed by two Lexington businessmen to spread the word of Christ throughout the world.<sup>19</sup> Their mission changed however when they began receiving federal funding in 2004 thanks to earmarks introduced by Sen. McConnell in his role as chair of the Senate Appropriations Subcommittee on Foreign Operations.<sup>20</sup> The company now creates small audio devices that are sent to third world countries to play messages promoting democracy and warning about the dangers of HIV/AIDS.<sup>21</sup>

Voice for Humanity hired Bates Capitol in July 2003, paying the lobbying firm between \$240,000 and \$260,000 in lobbying fees between 2003 and 2006.<sup>22</sup> In October 2003, Sen. McConnell delivered a speech on the Senate floor praising Voice for Humanity.<sup>23</sup> Between 2003 and December 2005, Sen. McConnell steered \$8.3 million in federal funds to the organization

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<sup>15</sup> The Bates Capitol Group LLC, Lobbying Report, Mid Year 2004 through Year End 2006 (Exhibit 12).

<sup>16</sup> McConnell Secures \$95 million In Funding for Kentucky in FY'06 DOD Appropriations Bill, *States News Service*, December 22, 2005 (Exhibit 13).

<sup>17</sup> McConnell Senate Committee FEC Form 3, Year End Report 2005, January 1, 2006, p. 15 (Exhibit 14).

<sup>18</sup> Voice for Humanity, IRS 2005 Form 990, October 27, 2006 (Exhibit 15).

<sup>19</sup> Linda B. Blackford, Voice For Humanity Finds Friendly Ears In Washington, *Lexington Herald Leader*, December 18, 2005 (Exhibit 16).

<sup>20</sup> Id.

<sup>21</sup> Id.

<sup>22</sup> The Bates Capitol Group LLC Lobbying Report, Year End 2003 through Year End 2006 (Exhibit 17).

<sup>23</sup> Blackford, *Lexington Herald Leader*, Dec.18, 2005.

from the State Department for devices to be sent to Afghanistan and Nigeria.<sup>24</sup> A program evaluation conducted by USAID found that the organization's programs produced mixed results.<sup>25</sup> Nevertheless, Sen. McConnell recommended an additional \$15 million for Voice for Humanity to extend its work into Iran and North Korea.<sup>26</sup>

Voice for Humanity founder Michael Kane never contributed to Sen. McConnell's campaigns before the senator began earmarking for the organization,<sup>27</sup> but in 2004 donated \$1,000 to Sen. McConnell's leadership PAC, and in 2005 donated \$4,200 to his campaign committee.<sup>28</sup> Voice for Humanity director Samuel Mitchell, who like Mr. Kane previously had not contributed to Sen. McConnell's campaigns,<sup>29</sup> has contributed a total of \$9,600 to the McConnell Senate Committee and to Sen. McConnell's joint fund-raising committee, the McConnell Majority Committee.<sup>30</sup>

### *Appriss Inc.*

Appriss Inc. is a Louisville based company that sells communication technology to law enforcement and owns VINE, the National Victim Notification Network.<sup>31</sup> VINE is the largest data network providing victim notification systems in the country.<sup>32</sup> Appriss has been providing

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<sup>24</sup> Id.

<sup>25</sup> Id.

<sup>26</sup> Cheves, *Lexington Herald-Leader*, Oct. 22, 2006.

<sup>27</sup> The FEC's website, [www.fec.gov](http://www.fec.gov), lists no contributions by Michael Kane to Sen. McConnell prior to July 2004.

<sup>28</sup> Bluegrass Committee, FEC Form 3, October Quarterly Report 2004, October 15, 2004, p. 119 (Exhibit 18). Notably, this contribution was marked EIO; McConnell Senate Committee, FEC Form 3, July Quarterly Report 2006, July 14, 2006, p. 40 (Exhibit 19).

<sup>29</sup> No contributions of Samuel Mitchell to Sen. McConnell could be discovered on the website, [www.fec.gov](http://www.fec.gov), prior to March 2007.

<sup>30</sup> McConnell Senate Committee, FEC Form 3, April Quarterly Report 2007, April 13, 2007, pp. 223, 331 (Exhibit 20); McConnell Majority Committee, FEC Form 3, April Quarterly Report 2007, April 12, 2007, p. 107 (Exhibit 21).

<sup>31</sup> Cheves, *Lexington Herald-Leader*, Oct. 22, 2006.

<sup>32</sup> <http://www.appriss.com/sitedocs/VINECutSheet.pdf> (Exhibit 22).

technology such as VINE since 1994.<sup>33</sup> VINE data network technology did not become widely used, however, until after Appriss hired Bates Capitol.<sup>34</sup>

After Appriss hired Bates Capitol in 2004, Sen. McConnell praised Appriss in a 2004 news conference.<sup>35</sup> Between 2004 and 2006, Appriss paid Bates Capitol \$320,000.<sup>36</sup> During the same period, Sen. McConnell sat on a small Senate budget negotiations team that earmarked \$17 million in the Department of Justice's budget to purchase victim notification systems.<sup>37</sup> Between January and September 2006, four states signed contracts to use VINE and Appriss expected to add six more state-wide contracts by the end of 2006.<sup>38</sup> The increase in VINE contracts can be attributed to the increase in federal funding earmarked for victim-notifications programs.<sup>39</sup>

Since 2004, ApprissPAC as well as individual Appriss employees and their spouses have contributed \$55,000 to Sen. McConnell's leadership PAC, joint fundraising committee, and campaign committee.<sup>40</sup> Dating back to 1997, Appriss CEO Douglass Cobb and his wife, Gena Cobb, have contributed \$29,000 to Sen. McConnell: \$12,000 between 1997 and 2002, \$6,000 in

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<sup>33</sup> <http://www.appriss.com/> (Exhibit 23).

<sup>34</sup> Sarah Jeffords, Appriss Adds Contracts, Products, Workers, *Business First of Louisville*, September 25, 2006 (Exhibit 24).

<sup>35</sup> Cheves, *Lexington Herald-Leader*, Oct. 22, 2006.

<sup>36</sup> The Bates Capitol Group LLC, Lobbying Report, Mid Year 2004 through Year End 2006 (Exhibit 25).

<sup>37</sup> Cheves, *Lexington Herald-Leader*, Oct. 22, 2006.

<sup>38</sup> Jeffords, *Business First of Louisville*, Sept. 25, 2006.

<sup>39</sup> Id.

<sup>40</sup> Appriss Inc. PAC, FEC Form 3, April Quarterly Report 2007, April 16, 2007, p. 8 (Exhibit 26); Bluegrass Committee, FEC Form 3, April Quarterly Report 2004, April 15, 2004, pp. 6, 10 (Exhibit 27); Bluegrass Committee, FEC Form 3, October Quarterly Report 2004, October 15, 2004, pp. 11, 73, 74, 83 (Exhibit 28). All 2004 contributions but the Appriss PAC contribution to the Bluegrass Committee were marked EIO; Bluegrass Committee, FEC Form 3, July Quarterly Report 2006, July 14, 2006, pp. 29, 30 (Exhibit 29). Both 2006 contributions to the Bluegrass Committee were marked EIO; McConnell Majority Committee, FEC Form 3, April Quarterly Report 2007, April 12, 2007, pp. 33, 42, 115, 133, 164, 169 (Exhibit 30); McConnell Senate Committee, FEC Form 3, October Quarterly Report 2005, October 14, 2005, pp. 122, 173, 243, 278, 291, 330, 331 (Exhibit 31); McConnell Senate Committee, FEC Form 3, April Quarterly Report 2007, April 13, 2007, pp. 259, 395, 422 (Exhibit 32).

2003, and \$11,000 since early 2004.<sup>41</sup> Appriss director David Grissom donated \$5,000 to Sen. McConnell's Bluegrass Committee in 2003 and donated \$3,000 to the McConnell Senate Committee in 2005.<sup>42</sup>

### UPS

UPS has been a Bates Capitol client since 2003, having paid the firm \$320,000 as of the end of 2006.<sup>43</sup> In 2004, Sen. McConnell lobbied President Bush to include the UPS pension fund in a bill that allowed large employers to delay pension fund contributions for two years because of stock market losses.<sup>44</sup> The UPS PAC contributed \$10,000 to the McConnell Senate Committee between July 2004 and August 2005<sup>45</sup> and the company has donated \$400,000 to the McConnell Center for Political Leadership at the University of Louisville.<sup>46</sup>

### **The McConnell Center for Political Leadership**

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<sup>41</sup> Bluegrass Committee, FEC Form 3, Year-End Report 1997, January 30, 1998, p. 4 (Exhibit 33); Bluegrass Committee, FEC Form 3, Mid-Year Report 1999, July 30, 1999, p. 7 (Exhibit 34); Bluegrass Committee, FEC Form 3, Year-End Report 2003, January 30, 2004, p. 54 (Exhibit 35); Bluegrass Committee, FEC Form 3, October Quarterly Report 2004, October 15, 2004, pp. 73, 74 (Exhibit 36); Bluegrass Committee, FEC Form 3, October Quarterly Report 2006, October 13, 2006, pp. 29, 30 (Exhibit 37); McConnell Majority Committee, FEC Form 3, April Quarterly Report 2007, April 12, 2007, p. 33 (Exhibit 38); McConnell Senate Committee, FEC Form 3, Year-End Report 2001, January 31, 2002, p. 23 (Exhibit 39); McConnell Senate Committee, FEC Form 3, July Quarterly Report 2003, July 15, 2003, p. 1 (Exhibit 40); McConnell Senate Committee, FEC Form 3, October Quarterly Report 2005, October 14, 2005, p. 173 (Exhibit 41).

<sup>42</sup> Churchill Downs Incorporated Conducts 2007 Annual Meeting, *Business Wire*, June 28, 2007 (Exhibit 42); Bluegrass Committee, FEC Form 3, Mid-Year Report 2003, July 15, 2003, p. 9 (Exhibit 43); McConnell Senate Committee, FEC Form 3 October Quarterly Report 2005, October 14, 2005, p. 291 (Exhibit 44).

<sup>43</sup> The Bates Capitol Group LLC, Lobbying Report, Mid Year 2003 through Year End 2006 (Exhibit 45).

<sup>44</sup> Cheves, *Lexington Herald-Leader*, Oct. 22, 2006.

<sup>45</sup> United Parcel Service Inc. PAC, FEC Form 3, August Monthly Report 2004, August 19, 2004, p. 151 (Exhibit 46); United Parcel Service Inc. PAC, FEC Form 3, September Monthly Report 2005, September 19, 2005, p. 331 (Exhibit 47).

<sup>46</sup> Mark Pitsch, Foundation Releases Donor List; U Of L Includes McConnell Center Gifts, *The Courier-Journal*, December 14, 2004 (Exhibit 48).

The McConnell Center for Political Leadership was founded by Sen. McConnell in 1991<sup>47</sup> as a non-profit organization for which the senator raises funds.<sup>48</sup> The University of Louisville Foundation was sued by the *Courier Journal* of Louisville, Kentucky because the center insisted on maintaining the anonymity of its donors.<sup>49</sup> In November 2004, a Kentucky court ordered the foundation to release the names of corporate donors, including donations made to the McConnell Center.<sup>50</sup> Sen. McConnell and the University of Louisville Foundation had maintained that donors' identities were kept confidential at the request of donors, although an official from at least one corporate donor, Toyota Motor Manufacturing of North America, said, "Toyota's never made any secret of our contribution to the McConnell program."<sup>51</sup> Two of the largest donors to the McConnell Center are Ashland Inc. and UPS, which have donated \$500,000 and \$400,000 respectively.<sup>52</sup> Some donations to the McConnell Center have been delivered to Sen. McConnell's Capitol Hill office.<sup>53</sup>

### Acceptance of a Bribe

Federal law prohibits public officials from directly or indirectly demanding, seeking, receiving, accepting, or agreeing to receive or accept anything of value in return for being influenced in the performance of an official act.<sup>54</sup> It is well-settled that accepting a contribution to a political campaign can constitute a bribe if a *quid pro quo* can be demonstrated.<sup>55</sup>

If, as it appears, Sen. McConnell accepted donations to his campaign and political action committees in direct exchange for earmarking federal funds to clients of Bates Capitol, he may have violated the bribery statute. Similarly, if he provided legislative assistance in return for contributions to the McConnell Center he may have violated the bribery statute.

### Honest Services Fraud

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<sup>47</sup> <http://louisville.edu/mcconnellcenter/about/> (Exhibit 49).

<sup>48</sup> The Money Funnels, *www.kentucky.com*, October 15, 2006 (Exhibit 50).

<sup>49</sup> Pitsch, *The Courier-Journal*, Dec. 14, 2004.

<sup>50</sup> Id.

<sup>51</sup> Id.

<sup>52</sup> Id.

<sup>53</sup> *www.kentucky.com*, Oct. 15, 2006.

<sup>54</sup> 18 U.S.C. § 201(b)(2)(A).

<sup>55</sup> McCormick v. U.S., 500 U.S. 257, 273 (1991); United States v. Biaggi, 909 F.2d 662, 605 (2d Cir. 1990), *cert. denied*, 499 U.S. 904 (1991).

Federal law prohibits a member of Congress from depriving his constituents, the United States Senate, and the United States of the right of honest service, including conscientious, loyal, faithful, disinterested, unbiased service, performed free of deceit, undue influence, conflict of interest, self-enrichment, self-dealing, concealment, bribery, fraud and corruption.<sup>56</sup> By using his position as a member of Congress to financially benefit clients of a lobbying firm owned by his former staff member, Sen. McConnell may be depriving his constituents, the United States Senate and the United States of his honest services in violation of 18 U.S.C. § 1341.

### *Illegal Gratuity*

The illegal gratuity statute prohibits a public official from directly or indirectly demanding, seeking, receiving, accepting, or agreeing to accept anything of value personally for or because of any official act performed or to be performed by such official.<sup>57</sup> In considering this statute, the Supreme Court has held that a link must be established between the gratuity and a specific action taken by or to be taken by the government official.<sup>58</sup>

If a link is established between Sen. McConnell's actions to earmark funds for clients of Bates Capitol and the campaign donations and donations made to his PAC by Bates Capitol's clients, or if a link is established between contributions made to the McConnell Center and legislative assistance provided by Sen. McConnell, Sen. McConnell would be in violation of 18 U.S.C. § 201(c)(1)(B).

### *5 U.S.C. § 7353*

A provision of the Ethics Reform Act of 1989, 5 U.S.C. § 7353, prohibits members of the Congress, officers, and employees from asking for anything of value from a broad range of people, including "anyone seeking official action from, doing business with, or . . . conducting activities regulated by the individual's employing entity; or whose interests may be substantially affected by the performance or nonperformance of the individual's official duties."

If Sen. McConnell sought campaign contributions from either Bates Capitol or any of the organizations for which he inserted earmarks, including E-Cavern, Boardpoint, Voice for Humanity or Appriss, Inc., in exchange for those earmarks, he may have violated 5 U.S.C. § 7353. Similarly, if he sought contributions for the McConnell Center in return for legislative assistance, Sen. McConnell may have violated 5 U.S.C. § 7353.

### *5 C.F.R. § 2635.702(a)*

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<sup>56</sup> 18 U.S.C. § 1341.

<sup>57</sup> 18 U.S.C. § 201(c)(1)(B).

<sup>58</sup> United States v. Sun-Diamond Growers of Cal., 526 U.S. 398 (1999).

5 C.F. R. § 2635.702(a) prohibits government employees, including members of the Senate from “taking any official actions for the prospect of personal gain for themselves or anyone else.” Specifically, 5 C.F.R. § 2635.702(a), issued by the U.S. Office of Government Ethics for the Executive Branch, provides:

An employee shall not use or permit use of his Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person . . . to provide any benefit, financial or otherwise, to himself or to friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity.

By funneling federal funds to clients of Bates Capitol, the lobbying firm of his former aide, Gordon Hunter Bates, Sen. McConnell may have dispensed special favors in violation of 5 C.F.R. § 2635.702(a).

#### *Senate Rules Prohibiting Improper Conduct*

The Senate Ethics Manual provides that “[c]ertain conduct has been deemed by the Senate in prior cases to be unethical and improper even though such conduct may not necessarily have violated any written law, or Senate rule or regulation. Such conduct has been characterized as “improper conduct which may reflect upon the Senate.”<sup>59</sup> This rule is intended to protect the integrity and reputation of the Senate as a whole.<sup>60</sup> The Ethics Manual explains that “improper conduct” is given meaning by considering “generally accepted standards of conduct, the letter and spirit of laws and Rules. . .”<sup>61</sup>

In 1991, the Senate Select Committee on Ethics concluded that Senator Alan Cranston had engaged in improper conduct which reflected on the Senate by “engaging in an impermissible pattern of conduct in which fund raising and official activities were substantially linked.”<sup>62</sup> Although the committee found that none of Senator Cranston’s activities violated any particular law or Senate rule, the committee nonetheless found Senator Cranston’s conduct

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<sup>59</sup> *Improper Conduct Reflecting Upon the Senate and General Principles of Public Service*, Senate Ethics Manual, Appendix E, p. 432.

<sup>60</sup> Id.

<sup>61</sup> Id. at 433; *see also* fn. 10 citing a 1964 investigation into the activities of Bobby Baker, then Secretary to the Majority of the Senate, the Committee on Rules and Administration, which stated, “It is possible for anyone to follow the ‘letter of the law’ and avoid being indicted for a criminal act, but in the case of employees of the Senate, they are expected, and rightly so, to follow not only the ‘letter’ but also the ‘spirit’ of the law.” S. Rep. No. 1175, 88<sup>th</sup> Cong., 2d Sess. 5 (1964).

<sup>62</sup> Senate Ethics Manual, p. 434.

“violated established norms of behavior in the Senate, and was improper conduct that reflects upon the Senate . . .<sup>63</sup> As a result, the committee issued a reprimand to Senator Cranston.<sup>64</sup>

In addition, the Senate Select Committee on Ethics’ Rules specifically list the Code of Ethics for Government Service as a source for committee jurisdiction.<sup>65</sup> The code states that a person in government service should “never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.”<sup>66</sup>

If Sen. McConnell accepted campaign contributions or contributions to the McConnell Center from companies such as E-Cavern, Boardpoint, Voice for Humanity, Appriss and UPS in return for legislative assistance, he may have engaged in improper conduct which reflects upon the Senate.

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<sup>63</sup> Id. at 435.

<sup>64</sup> Id.

<sup>65</sup> Id. at 436.

<sup>66</sup> Id. (*citing* H. Con. Res. 175, 85<sup>th</sup> Cong., 2d Sess., July 11, 1958 (72 Stat. B12)).