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The Cover-Up is More Damaging than the Sin: Sexual Scandals at the Cabinet and Sub-Cabinet Levels

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THE COVER-UP IS MORE DAMAGING THAN THE SIN:
SEXUAL SCANDALS AT THE CABINET AND
SUB-CABINET LEVELS

by

Craig Korpela

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Submitted to the
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Craig Korpela
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CHAPTER I

INTRODUCTION TO THE STUDY

In Anglo-American history from the Magna Carta to the Declaration of Independence, accountability in government stands as a rallying point for reformers. During the debate over the 1787 Constitution, Alexander Hamilton in Federalist #77 promoted the new constitution based on many safeguards, one being Senate approval of executive nominees. Democracy, Hamilton insisted, could be further safeguarded by senatorial oversight of Cabinet or sub-Cabinet removals. The first Congress responded decisively to the question regarding the executive power to remove a subordinate—it was vested solely in the president (McDonald, 1994). While the Senate never received the power to review dismissals, presidents have been cognizant of Congress’ oversight powers when handling scandals.1 Concerned about holding a political appointee

1 Conflict between the executive and Congress arose during the post-Civil War period and resulted in the Tenure-of-Office Act of 1867, by which the Senate would control the dismissal of Cabinet officers. However, the pre-1867 status quo was re-established with Congressional action in 1869 (Hiindsale, 1910) and the act was eventually repealed in 1887 (Morganston, 1929).
accountable, an executive must take into consideration many different factors including agency leadership, morale, and the nature of the scandal, lest the foibles of a Cabinet or sub-Cabinet official be brought into the political arena of the agency or nation.

With the proposition of the president as moral exemplar, perhaps the most difficult scandal that a president or president-elect must deal with is that which involves the private life of his Cabinet or sub-Cabinet officer. Though founded by the Puritans, our nation has been intrigued and horrified by sexual scandals since its inception. While closely intertwined with the political process, religious values are an important part of the mix of values faced by presidents throughout our history. Accusations or well-founded proof of sexual indiscretion against a qualified individual must cause a president pause.

A sex scandal presents a president with a new set of issues including sexual harassment, blackmail and the protection of the private life of a Cabinet secretary or under-secretary. Sexual indiscretion during tenure in office is usually treated as a serious breach of the barrier between "public" and "private," which typically results in the loss of a presidential appointee. Of interest in this research are the factors that influence the development of a sex
scandal as it relates to a United States Cabinet secretary or under-secretary, accused or guilty of sexual indiscretion.

Significance of Study

Inherent in governmental sex scandals are larger administrative ethical standards and the imprecise boundary between what is a "private" and a "public" act. For elected officials, there is at least the hope that voters can decide on the appropriate boundary. How shall high ethical standards be applied in an imperfect world that requires able administrators to promote the "public good?" By studying past practitioners' decision-making processes, perhaps insights may be gained into historical trends in ethics at the highest levels of democratic governance.

Since sex scandals will not fade from the democratic arena, a multitude of practical lessons may inform future decision-makers. Studying how a president, or Cabinet secretary or under-secretary manages the ramifications of an indiscretion provides a number of important insights into what this researcher identifies as "scandal management." Lessons to be learned from studying scandal management include administrative techniques for dealing with the fallout of the private behavior of an important actor, scandal as
leverage in administrative competition, the impact of congressional responses
to sexual indiscretions in the executive branch, and the (potential) impact of
public opinion on the management of the scandal.

In *Thinking in Time*, Richard Neustadt and Ernest May (1986) discuss the
practical nature of analyzing historical events in order to inform contemporary
public executives about decision-making. A study of scandal management will
inform managers about the process of scandal, the types of external pressures
that will impact executive organizations, and the types of pressures from within
the organization. According to Andrew George and Andrew Bennett (2005),
policymakers can use a descriptive model “to make more discriminating
diagnoses of emerging situations” (p. 237).

Phases and factors that describe sex scandals may also inform other
fields of administration. Crisis management in the business field may profit
from a study of governmental executives embroiled in scandal. Non-profit
organizations may benefit from a discussion of the importance of public
opinion in response to scandal.

John Summers (2000) indicates that there has been no history of
government sex scandals—developing variables related to this topic would
contribute to such an enterprise. This research will contribute to a greater
understanding of sex scandals in government, as well as focus on some of the impact of attitudes and mores have had on government sex scandals over the past 200 years.

Statement of Problem

What factors influence the process involving a United States Executive Cabinet or sub-Cabinet official who is accused of sexual indiscretion? While historians and political scientists have identified many of the variables that have impacted scandals of particular secretaries or under-secretaries, they have not developed nuanced phases and factors that constitute a sex scandal. By exploring the tenures of Henry Cisneros, John Eaton, Alexander Hamilton and Sumner Welles, a greater understanding of the variables involved in the process will be reached. For the purposes of this study, the following definitions shall be employed:

- *sexual indiscretion* shall be defined as “sexual behavior at variance with the mores of a society” (Woolf et al., 1977);
- *accused* shall be defined as to charge with a fault or offense;
- a *Cabinet or sub-Cabinet official* is an individual who serves at the pleasure of the president after being nominated and confirmed by the Senate; and
scandal is defined as a real, or alleged, non-systemic, non-corruption, episodic act(s) which results in damage to the reputation of a secretary or under-secretary and the community. The scandal process shall be defined by exogenous and endogenous acts during a period of time, beginning with the exposure or allegation of the sexually indiscreet behavior and ending with the resignation of the executive due to matters related to the indiscretion or successful cover-up of the matter.

Research Questions

The aim of this research into the sex scandal process at the Cabinet and sub-Cabinet levels is to answer the following questions:

• What is the general sequence of events that makes up a sex scandal at this level?

• What factors impact the development of a scandal?

Answers to these questions will be developed by exploring (a) the related scandal literature; (b) the historical literature related to the indiscretions of Secretary of the Treasury Alexander Hamilton, Secretary of War John Eaton, and Under-Secretary of State Sumner Welles; and (c) original research into the relatively recent and under-researched indiscretions of Secretary of Housing and Urban Development Henry Cisneros. In order to familiarize the reader with the group of three aforementioned cases, the following are brief sketches of these historical cases.
While holding the office of secretary of the treasury from 1789 until 1795, Alexander Hamilton was alleged to have benefited from improper financial dealings. An informal congressional delegation confronted the secretary of the treasury. Hamilton’s exculpatory evidence included proofs of his own affair with a married woman and payments for her husband’s silence. Convinced of Hamilton’s innocence and shocked by revelations of his private indiscretions, the congressmen promised to keep Hamilton’s secret.

Allegations of sexual indiscretion were leveled against Senator John Eaton before he joined Andrew Jackson’s Cabinet. With the approval of Jackson, Senator Eaton had married a highly controversial social figure, Margaret Timberlake, on January 1, 1829. Ostracized by Washington elites for her behavior as a barmaid and activities with Eaton while her husband was at sea, Margaret had become a friend of Andrew Jackson who welcomed her into the White House. Having ignored the advice to exclude Eaton from his government, Jackson defended John and Margaret against allegations of sexual indiscretion before his Cabinet. The Eatons were rejected by Cabinet members’ wives and a crucial member of Jackson’s own family, Emily. Mrs. Emily Jackson Donelson was the wife of Andrew, the president’s stepson. Andrew served as Jackson’s personal secretary. Jackson would eventually banish Emily to
Tennessee. Injected into the poisoned environment was presidential succession politics—Secretary of State Martin Van Buren successfully supplanted Vice President John C. Calhoun as Jackson's expected successor. Having developed a close political and personal relationship with the president, Van Buren engineered the resignation of the whole Cabinet in April of 1831.

After serving President Franklin D. Roosevelt for seven years, career diplomat Sumner Welles' reputation suffered a severe blow—allegations of homosexual solicitation. After an F.B.I. investigation ordered by F.D.R., denials from Welles and a number of attempts to pressure the president into firing the under-secretary, Roosevelt successfully resisted the removal of Sumner. Almost three years later, Secretary of State Cordell Hull delivered an ultimatum to Roosevelt which resulted in Welles' formal resignation on September 25, 1943. Welles, Eaton, and Hamilton's cases provide a small, but diverse set of scandal variables that drive this undertaking.

The content of this research is organized in the following manner:

- The three case studies summarized above and the relevant scandal literature will form the basis to develop a scandal model (Chapter II).

- With the lessons of history and the literature guiding the researcher, an exploration of the Henry Cisneros affair is conducted (Chapter III).
• A comparison of the original phases and factors to the Cisneros case will determine whether modifications are necessary (Chapter IV).

This author anticipates refined scandal phases and factors to emerge, describing a previously unexplored area of administration.
CHAPTER II

LITERATURE REVIEW

Understanding Cabinet and sub-Cabinet level sex scandals requires an exploration of presidential appointees within the larger societal and governmental framework. While a scant amount of literature focuses on indiscretion at the Cabinet and sub-Cabinet levels in the United States, other areas may contribute to the development of a model focused on sexual indiscretion. This review begins with other scandal processes, sex scandals, institutional competition, executive decision-making as it contributes to an understanding of sex scandals and finally a proposal of larger moral issues impacting decision-making at the highest level of government.

Political Scandal

Political scientists contribute a wide variety of variables to the understanding of how scandals develop exogenously and endogenously. The following authors contribute the basic framework upon which more expansive works will be added. At the personal level, Garment (1991) sums up what is transpiring in many contemporary cases of scandal by observing that
individuals in Washington may subconsciously reconstruct the events (questionable behaviors) that occur, eventually leading to a conscious effort at cover-up. Moodie (1989) identifies three major requirements for a scandal: a messenger, channels for the transmission of the message, and an audience or public that considers the story scandalous. Moodie notes that the messenger(s) may be from different areas of the government, and it may take some time before the parts of the scandal are put together. Williams (1998) discusses how other controversies such as Travelgate, sales of pork futures, and events surrounding the suicide of Vincent Foster contributed to the scandal environment of the Clinton White House. The lessons of other scandals may impact how actors behave, i.e., learning from Watergate, Attorney General Edwin Meese's decision to staunch the hemorrhage of Iran-Contra by insisting on an investigation based on the president's need to be protected from a cover-up (Williams, 1998). Jimenez (2004) confirms the importance of the press's attitude toward the ruling party and the political strength of opposing parties during the Spanish socialist scandals of the 1990s.

According to Markovits and Silverstein (1988), political scandals have actors and plot outlines that are virtually interchangeable. Occurring during a relatively "quiet" period, a scandal flares for a relatively brief period. An
individual acting in what may be perceived as the best interests of the country is characterized as a violator of the public trust. At the outset, the scandal is limited to the “transgressor” and the immediate “victim” until the efforts of a third party, possibly the “purifier,” expose it. A purifier may be a political party, the media, investigatory committees, etc. Characterizing the next stage is the publicizing of the behavior and demands for punishment and restitution. Once the transgressor has been punished, reforms are instituted that will ensure repetition of the scandal and “quiet” is restored, the cycle is complete (Markovits & Silverstein, 1988).

Theodore Lowi (2004) provides an alternative framework for understanding the steps that a political scandal follows. According to Lowi, a scandal is a “commodity” that carries certain value.

It exists as guilty knowledge that has a certain value to its possessor, and its release is like any traded commodity, a calculated risk. These are calculated risks shaped by the political environment, just as risky business decisions are shaped by the estimates of probability of success conditioned by the general economic environment. And, as with the economic marketplace, the political marketplace fluctuates, even if not in a regular cyclical pattern. (p. 70)

The most likely consumers of the “guilty knowledge” are the allies and potential allies of the political players who possess the information (Lowi, 2004). Sharing such scandalous information with the public is regarded as a
means to invigorate one's supporters and rally legislators to a cause, or suppress the opposition's voters, demoralize their party, or weaken the leadership of the party of whom the guilty knowledge is concerned (Lowi, 2004).

Lowi identifies three stages through which a scandal passes: exposure, denial, and investigation. As a valuable political commodity from the outset, scandal gains in value when a not-entirely-truthful denial is offered to the exposer or the press (Lowi, 2004). “Investigation (Lowi argues) is an end in itself, because it is sustained, institutionalized or formalized exposure that can shrink power without assassination” (p. 79). The process is given further definition by “substantive” and “procedural” dimensions for each phase. The substantive dimension of “exposure” is the revelation of the moral breach, while the procedural dimension includes a cover-up that occurs during the murky, accusatory period when controvertible proof has not been offered. Lowi makes the apt observation that it is the cover-up characteristic of this dimension that makes it politically explosive, note the Watergate scandal. “Denial” reaches its procedural dimension when constitutional procedures are accessed, for example the grand jury testimony by President Clinton as a part of the Paula Jones v. William Jefferson Clinton proceedings. The procedures following
President Clinton's unwillingness to resign exemplify the extreme measures—independent counsel investigations, congressional hearings, impeachment proceedings, and a Senate impeachment trial—to which a party will resort when it is pessimistic about reaching its public policy goals.

Lowi's analysis "plays out" the scandal as a commodity analogy with the conclusion that the marketplace for scandal is at its strongest when one party is concerned about its electoral opportunities. Having reached a pessimistic conclusion, a party may pass the commodity along to the media. Lowi argues that the media is the messenger, and while it may influence the scandal message to a degree, rarely does it become more important than what it is reporting. While Lowi suggests a scandal process, other political scientists have developed other exogenous and endogenous factors describing scandal.

In Robert Williams' *Political Scandal in the U.S.A.* (1998), the author agrees with Lowi with regard to two distinct phases of a scandal—the breach of accepted norms and the ensuing effort to cover-up or minimize the breach. The "dance of scandal," as Williams refers to it, is composed of the following steps:

- allegation, denial, exposure, inquiry, cover-up, fresh allegations, further inquiries and sometimes even a conclusion. During the "dance," questions are posed and, if unanswered, they heighten a sense of scandal. If answered, the answers provide new facts to check and rebut.
The search goes deeper and backward in time to look at the accused's record. (p. 12)

With reference to Watergate, Williams makes the following observations about forces involved in scandals: the idiosyncracies of the key players, ideological conflict, institutional confrontation, and partisan rivalries. Beginning in one institutional location and picked up by the press and other institutions, "the scandal develops momentum, it multiplies and diversifies. In one sense, institutions compete for the heart of the scandal"—press, courts, prosecutors (p. 33). Individuals and institutions cannot contain the haphazard unfolding of the scandal, nor the multiple story lines being developed. "Each player pursues its own institutional logic and priorities. Each feeds on the revelations unearthed by others that, collectively, undermine the inadequacies and half-truths of official denials" (Williams, 1998, p. 34). Williams identifies the dynamics of official Congressional committees involved with investigating scandal, as well as public response, and concludes his commentary about Watergate by stating that it should not be held up as a framework for all future political scandals.

Once a scandal has become public, Sherman (1989) suggests a framework for understanding the process. Crucial to understanding the development of a
scandal is the interplay between the indiscreet individual and his or her opponents. An effort to mobilize the press is aimed at clearly portraying the behavior as indicative of personal moral corruption thereby stigmatizing the individual in the minds of the public. A defense of the individual may come in certain types of "attacks." From studies of police scandals at the local level, Sherman premises his stages as follows:

Police departments are trusted organizationally to control the conduct of their members. Failures of internal control are betrayals of that trust. If the organization does not show any interest in controlling its members' deviance, then the organization itself appears to be corrupt. . . . Scandal is a public act of labeling an actor's identity, a ceremony of status degradation. (p. 890)

Sherman's stages consistently occur, but not always in the same sequence and sometimes repeating themselves. The following are the stages.

Revelation. A shroud of secrecy is torn by new information and is sometimes characterized as accidental. The breach that usually suggests a larger phenomenon is typically caused by a conflict within the circle of secrecy. The revelation may have come about because of conflict over organizational goals.

Publication. While the original sources of the information rarely have the resources to publicize it, they may have the contacts to inform the press. Decision makers within newspapers must judge the behavior corrupt, and once
the threshold for publishing the first article has been reached, subsequent articles are routine.

Defense. Individuals with access and sharing common interest in the defense of the department may choose to attack through the media. The assault on the revelations may be without concern for the veracity of the original allegations or with regard to the legitimacy of the way in which the charges were made. Charged with general allegations of corruption, departmental individuals argue that there are just a few rotten apples in the department and may attempt to shut down the revelations through control of information, i.e., intimidation of witnesses.

Dramatization. Facts are used to imply general corruption that should be a cause for public concern. "This process has two levels: the level of fact and the level of symbol" (Jimenez, 2004, p. 1115). The first level deals with the basic details of the scandal, whereas the symbolic level provides societal relevance.

Prosecution. Administrative machinery, whether prosecutor, ethics department, grand jury et al., begin the review process of behavior, so as to determine issues of legality.

Stigmatization. According to Sherman (1989), "The conditions of an audience labeling a police department as corrupt are the conditions of a
successful, punitive scandal” (p. 909). In order for the stigmatization to occur, the public must perceive the agency as lacking oversight ability with regard to its workers, news breakers must be credible and representatives of the community must portray the gravity of the offenses.

Sherman's discussion of police scandals provides a useful guide in understanding how a sex scandal might progress and what might be necessary in order to defend a secretary or under-secretary.

Institutional Competition

An area of the literature that may be helpful in understanding the development of sex scandals is decision-making at the national level, particularly in the area of bureaucratic politics. In their discussion of the development of foreign policy, Allison and Halperin (1972) identify compromise, conflict and bargaining between various officials as mechanism by which final policy decisions are reached. Clifford (1990) modifies the bureaucratic politics paradigm of decision-making by noting that a president may manage the process by setting the ground rules and working with his own key players. While concerned about making good international policy, organizations and leadership find that “threats to interests from rival
organizations, or competing political groups, are far more real than threats from abroad” (Allison & Halperin, 1972, p. 58). Regardless of the president’s efforts, these larger policy administrative conflicts and domestic politics may in fact lead to the darker side of competition, i.e., in order to further an agency’s policy goals, charges of sexual indiscretion may be used to undermine the position of a competing executive or lead to a secretary or under-secretary’s resignation.

Ginsberg and Shefter (1999) argue that parties in the last 30 years, which are unwilling to engage in full competition at the polls to stop opponents, resort to using institutions—Congress or the presidency—under their control or access to the press or courts (through the special prosecutor) to disrupt rivals. According to Garment, the “new” special prosecutor law may in fact be an over-reaction to the scandals, and are destroying good servants who are not threats to the Constitution, i.e., institutional competition has created a “monster.” The Independent Council Act, according to Fisher (1999), is a necessity because of the conflict of interest inherent in a Justice Department investigation of other executives. Fisher concludes that the majority of counsels have “successfully” completed their responsibilities, and future appointees must act professionally, without appearance of conflict of interest, and expeditiously carry out his or her responsibilities.
Sex Scandal Literature

Gastor’s (1988) analysis of the Profumo Affair in Britain identifies important factors in the development of a sex scandal. Included in the analysis were:

- contemporary sexual mores;
- press behavior;
- “placement” of the affair as a symbol of British decline;
- the significance of breaking the rules when lying to the elected body—in this case Gaster states that John Profumo was acting outside the rules of class and political discourse;
- additional constraints on the party in power through the behavior of the “loyal” opposition;
- executive responsibility;
- administrative competition between members of the ruling party;
- civil servants’ agendas;

2 In 1963, the brief extra-marital relationship between British Secretary of State for War John Profumo and a showgirl, Christine Keeler, became public. The situation was further complicated because of Keeler’s relationship with Yevgeny Ivanov, the senior naval attaché at the Soviet Embassy in London.
• in place of the American use of due process, the British sense of fairness gives the accused complete deference unless proof of guilt arises; and

• even though Profumo had not broken any laws and was not subject to any criminal sanctions, he submitted to community values (resigning his position) that he had always supported.

Dunn (2000) identified two contrasting strategies for scandal management that President Clinton employed. In a successful effort to mitigate the Chinese espionage scandal, the president admitted error, altered policies, removed workers, opened his administration to investigators, and blamed previous administrations for mistakes. When President Clinton faced the Whitewater and various sex scandals, he employed a different strategy. Like President Nixon during the Watergate scandal, Clinton followed a fivefold strategy of (1) filing lawsuits and appeals in order to avoid cooperation with investigators, (2) using the gravitas of office, the president denied a sexual relationship with Monica Lewinsky, (3) attacking the opposition for conspiring to remove him from office, (4) deflecting criticism by initiating new programs that serve the public, and (5) diminishing the degree of his misbehavior when finally admitting responsibility.

Through an analysis of the President Clinton/Monica Lewinsky affair, Gordon (2001) further develops Dunn's factors by focusing on the public's
varying judgments of Clinton’s behavior, the addition of alleged pre-presidential sexual indiscretion, and the addition of the special prosecutor to the administrative competition.

Smith’s (2003) analysis of presidential rhetoric during the President Clinton/Monica Lewinsky sex scandal provides a helpful process guide as well as general communications efforts employed by a president. The author’s six rhetorical phases of the scandal included discussion of how accusations and defenses impacted the main actors’ strategic choices, public opinion, and congressional votes.

Smith’s phase one includes allegation, denial and evasion. Included in the discussion of this phase is the history of sex scandals as part of President Clinton’s reputation—while it had concerned the public, it had also given candidate Clinton name recognition—the public was aware that they had elected an individual with marital problems. This author believes that this could also be extended to the arena of a Cabinet secretary or under-secretary that is nominated and confirmed.

In phase two, prosecutors, reporters and pundits set out to refute the president’s denial in what Smith refers to as a feeding frenzy. President Clinton’s opponents needed to keep the public’s focus on misdeeds, but the
dismissal of Paula Jones' case reduced the "frenzy." With the great deal of emphasis on his sexual indiscretions, the public continued to give him strong job approval ratings overall, regardless of the media's continued focus. The public's perception that Special Prosecutor Kenneth Starr was an individual whose mission was to destroy Clinton favored his presidency. Likewise, the public perception of the investigator and the behavior of the press may well be important in determining the post-scandal outcome of a Cabinet secretary or under-secretary.

Phase three is characterized as the moment of truth in which the president admitted wrongdoing, apologized, requested privacy so that he could repair the damage done to his family, attacked the politically motivated prosecutors who were prying into personal lives, and said that he needed to return to the business of the nation.

Phase four is characterized by the determination of presidential opponents to proceed with an impeachment hearing that the public opposed by a huge margin.

Phase five is characterized by a mid-term electoral judgment (which usually results in the sitting president losing seats) that resulted in the public repudiating the pro-impeachment party.
Phase six focuses on impeachment and trial. With their constituents supporting removal and general polls showing opposition to the use of impeachment against the president, House Republicans pressed their interpretation of the facts and the Constitution by voting for articles of impeachment. The requisite two-thirds majority was not obtainable because the senators were moved by the punishment already meted out to the president and their belief that he had not committed a political crime against the state. The people did not feel that they needed protection from the president and were concerned about the potentially destabilizing effect of impeachment on the Office of the Presidency, and the alienation of the American people from their government. However unlikely, the constitutional process outlined by Smith may be used against a secretary or under-secretary, but this does not preclude congressional or public responses that may be similar to what happened to President Clinton.

Smith concludes that there are certain rhetorical problems that presidents fall into during scandals. Perhaps the most important aspect of the phases put forth by Smith is the degree to which behavior does not “square” with the past rhetoric of the president. In this case, Clinton had previously stated that he had problems in his own marriage, which he believed was part of
a privacy zone, and the public had supported him regardless of his relationship with Gennifer Flowers. The president’s continuing rhetoric, according to Smith, did not however square with the fact that he did have an intimate relationship with Monica Lewinsky, but Clinton’s stance on it being a part of his personal life resonated with the public. President Clinton’s rhetorical crisis did not deepen because he did not lose a portion of his core constituency, partly because Monica Lewinsky reportedly initiated the encounters. Smith concludes that Clinton’s crisis was due to the fact that his fate was in the hands of the opposition party. Smith’s commentary on the rhetorical crisis that President Clinton faced offers insight into what an appointed executive might face when dealing with a sexual indiscretion.

Managing Sex Scandals

Sherman (1989) provides an interesting interpretation of the literature regarding “revelation” of a scandal. “The revelation stage of scandal is the one most often interpreted as accidental, explained as a ‘mistake’ in the organizational strategies for controlling information about deviance” (p. 896). How should organizations respond to this mistake?
The field of crisis management provides insights into the development of sexual scandals and how executives deal with the topic. In “Public Relations” (Marconi, 2004), the author identifies three risky strategies in times of crisis management: putting a positive spin on it, having “no comment,” and doing nothing while hoping it blows over. According to Marconi, ignoring the needs of the stakeholder should be avoided by a policy of acknowledging the problem, dealing with it, and returning to the mission of the company. The author identifies three stages of crisis management: before the first indications of a crisis, at the first indication of crisis and after a crisis. “Building trust and being honest” is key to developing a rapport with the stakeholders during the initial stage. Details “at the first indication of crisis” suggest the following:

- designate one person to be the spokesperson;
- define and release your side of the story to the public first, so that those responsible can lead the discussion;
- present the executive in the larger context in terms of positive contributions;
- keep people within the organization informed;
- be honest and responsive by continuing to communicate the message of “making it right.”
After the worst of the crisis has been managed, it is important to remain visible and accessible, active in community efforts in order to regain any lost stature. A few comments bring forth the importance of a track record—if the company is rotten to the core, a complete makeover may be necessary. The track record of a company, like that of an executive, suggests how an executive who goes public with the indiscretions before entering office may lessen the impact of the bad news, à la the Monica Lewinsky scandal.

Barton (2001) identifies managers who have unsuccessfully managed a crisis as more likely to use these experiences in order to approach the next situation. Using the Bay of Pigs fiasco and the Cuban Missile Crisis as examples, Barton cites Graham Allison's analysis of each crisis as being shaped by assumptions, evidence and options. An executive who focuses on the central issue among competing possibilities and uses all of the tools at their disposal results in the skillful handling of the crisis. Unlike President Kennedy, Barton believes that as an executive, President Clinton (a) misjudged the seriousness of the allegations, (b) was overwhelmed with other international issues (unfocused), (c) failed to receive enough options from a variety of people, and (d) attempted to bury the affair rather than acknowledge it. “Clinton failed the litmus test of crisis management: respond quickly, tell the truth, and make it
right” (Barton, 2001, p. 53). During the initial news about Monica Lewinsky and the president, Clinton, according to Barton, “personified a case study of a manager in denial” (p. 79).

Cultural Underpinnings

Key to understanding the development of a sex scandal are the moral values and issues which act as a backdrop, or anchors, to many of the actors and institutions. Markovits and Silverstein (1988) state:

What is considered scandal at one point in history is considered normal in another . . . political careers in the United States have been severely impeded, sometimes destroyed by even the suggestion of sexual adventure on the part of the politicians concerned. The shared experiences of one generation produce a set of beliefs and norms of behavior inevitably unique to that generation. (p. 3)

Dunn (2000) asserts, “To be successful, presidents need a firm grasp of moral questions. How well they lead the country and how history assesses their performance depend on their handling of moral issues” (Dunn, 2000, p. 1).

Dunn identifies the following factors as influential in determining what issues emerge at a given time and how presidents react:

- cultural conflict in an adversarial society—a culture war between forces of moral relativity and certainty;
• the intersection of moral character and moral issues—varying moral interpretations and decisions by the president with regard to certain moral issues, i.e., support or opposition to abortion, etc.;

• the press and presidential morality—choices by the mainstream press to report on the moral behavior of the president;

• presidential strategies during moral combat—steps by the chief executive to handle scandal;

• ideology—varying values-based visions of the future lead to confrontation over the moral character of the opposition plans;

• religion's moral lens—citizens of the United States see events through a moral lens;

• public policy's moral cloak—dressing up public policy initiatives as moral imperatives by a "moral" administration;

• popular expectations impacted by personal shortcomings of a president;

• the constitutional cultivation of moral issues—inherent in our system are opportunities for the press, parties, and various branches of government to investigate moral issues;

• historical revisionism and presidential greatness—the historical record will impact the moral legacy of the president;

• the national debate about moral decline—a discussion of the historical moral trends and the part that the president plays;

• personal versus public policy morality—the belief that the personal life of a president is not of significance as compared with the morality of his policies; and
• contrary definitions of morality—competing systems provide different definitions of morality.

The factors mentioned above are particularly important in understanding the decision-making of a president when dealing with allegations of sexual indiscretion against a secretary or under-secretary. However, with decision-making spread throughout the executive department, it can be argued that each of the above factors impact Cabinet and sub-Cabinet administrators. With decentralized moral decision-making in the upper reaches of the administration, a sexually indiscreet secretary or under-secretary faces a number of possible processes.

Sexual Scandal Phases Literature

Methodology

While the literature provides many of the significant factors in the development of sex scandals at the Cabinet secretary or under-secretary level, a nuanced set of phases and factors that incorporates these variables and explores the subtleties is non-existent. Gamson (2004) notes in his work on the influence of prostitution and the elite that every sex scandal has its own idiosyncratic cast of characters and particular history. Likewise, sexual indiscretion by a Cabinet...
secretary or under-secretary will have its own properties, but the underlying context and processes will remain the same. Following a brief discussion of the type of experimental approach are various factors that seem to be of significance in the development of a sex scandal. In order to develop more sensitive phases and factors describing a sexual scandal, variables from the literature will be compiled (see Figures 1–4) and then compared to a case study.

The historical case study serves as the methodological foundation for developing the phases and factors of a sex scandal. In order to develop phases and factors of this nature, a qualitative rather than quantitative approach is necessary for two reasons: (1) a large enough sample size of Cabinet or under-secretaries cannot be located, and (2) a qualitative inquiry is likely to be more nuanced. Driving this research is the need to know “why” a scandal may progress, and a case study, according to Yin (1989), is particularly suited to providing the richness of data required to explain the phenomenon. George and Bennett (2005) list the benefits of case studies as identifying variables and mechanisms at work. An instrumental case study will be used because it focuses on the insights that reflect on an overall theory or phenomenon, rather than just focusing on the case (Stake, 1994). For the purposes of this study, a
collective case study provides a greater, more nuanced understanding through a larger sample population (Stake, 1994).

Buttressing any study should be a careful sampling of a population, but in the case of sex scandals at the Cabinet and sub-Cabinet level historical sources do not provide the statistically ideal. Contemporary exposures of the Kennedy and Clinton scandals may lead readers to expect that a large population of sexually indiscrete Cabinet or under-secretaries as well as documentation to prove scandalous behavior exists. Inherent in this expectation is the assumption that sexual indiscretion is concomitant with the charisma and ambition to become federal executives. However, impeding the documentation of such peccadillos are executives' (and others') attempts to suppress sexual scandals and impersonal forces that result in the complete loss of some of the historical data. The historical literature, while filled with mentions of presidents' extra-marital dalliances, showcases few fully developed Cabinet or sub-Cabinet level sexual scandals. Contemporary interest has been focused on President Jefferson in particular. While people whispered about the striking similarities in appearance of secretary of state Thomas Jefferson and the child of his slave Sally Hemings, the scandal developed only when Jefferson became chief executive. This author would be speculating regarding cultural and
historical reasons that explain why it had not developed during Jefferson's Cabinet service or why F.B.I. Director J. Edgar Hoover's careful record keeping regarding the sexual behaviors of elites throughout much of the 20th Century led to few fully disclosed and documented Cabinet and sub-Cabinet scandals. Thorough scholarship and archival efforts have resulted in the emergence of a convenience sample of three—Alexander Hamilton, John Eaton, and Sumner Welles—being available for the construction of this sex scandal model. These cases do not provide a sample that would fully explicate sexual scandals in a single historical period, nor do they provide an example from each period of American history. However, the aforementioned scandals provide important components for the development of phases that describe sex scandals.

Determining specific phase components was accomplished by a thorough review of available original documents as well as secondary sources. However, when original documents were not available, a careful reading of the secondary literature was conducted in order to determine the scandal process as well as the "variables" inherent in each scandal. Ideally, an adequate supply of historical documents would be available to historians in order to make informed decisions, but in these cases each historiography provides opportunities and drawbacks for this research. While Alexander Hamilton's life
has been carefully documented by many historians, unfortunately the only first-hand account of Alexander Hamilton's extra-marital dalliance was his own, post-Treasury, publication that was intended to protect his reputation. Secondhand accounts come in the form of Secretary of State Thomas Jefferson's brief notes or accusations in partisan newspapers, but do not provide data that suggests a different scandal process than that which is laid out by the Treasury secretary—whether guilty of speculation or not, the Treasury secretary was forced to defend himself to a congressional delegation by providing information of his own sexually indiscreet behavior. The case of John Eaton is the anomaly of the three cases—rich in documents that have been carefully reviewed by many historians, including experts on Jackson's administration. While a compilation of official Jackson documents related to the Eaton affair does not exist, historians have consistently provided documentation and interpretations that provide essentially the same scandal process and variables which composed John Eaton and Margaret Timberlake's scandal. As will be evident during the review of the secondary literature found in Appendix A, there are numerous authors who have provided short descriptions of the Welles scandal. However, the basis for this author's scandal process and variables regarding Sumner Welles are the thorough, recent works—based on personal
and professional documents—of Benjamin Welles (1997) and Irwin Gellman (1995) as well as the work of Gentry (1991), who provided corroboration of the scandal process and the involvement of F.B.I. Director J. Edgar Hoover. Gellman was responsible for the collection of governmental documents regarding the interaction of the three main actors—Roosevelt, Hull, and Welles; the collection of documents can be found at the Franklin D. Roosevelt Library. Benjamin Welles, the late under-secretary’s son, gathered State Department documents, private correspondences, and interviews with Welles’ intimates not previously compiled. While the above author’s works and documents do not allow the precision of firsthand historical research, the historical literature’s outlines and secondary literature do allow this author to synthesize the phases of a sexual scandal.

While other qualitative methodologies, such as a grounded model theory approach, may be just as useful, the magnitude of an effort to evaluate thousands of historical documents should be reserved for a larger, more indepth treatment of all of the cases. In this research, three instrumental case studies gleaned from the secondary literature form the basis for the phases and factors that are then compared to research focused on another case study.
From the aforementioned historical cases and literature, the general progress of a sex scandal is depicted and described in Figures 1–4 by the "actors" and operationalizing variables. The following text is the underpinning of this author's predictive description of sex scandals at the Cabinet and sub-Cabinet level.

**Phase 1: The Individual and the Alleged Behavior**

According to Pika and Norman (1996), presidents may choose individuals for Cabinet and sub-Cabinet posts for many different reasons including technical expertise, clientele or ethnic group identification, political experience, and pre-tenure friendship. While these factors are determinants of Cabinet choices and may impact the overall development of a sexual indiscretion scandal, the historical literature suggests that there are other significant pre-scandal variables (see Figure 1, Phase 1). These pre-scandal variables are familial relationships, the relationship between the president and the accused, the relationships between the accused and fellow executives, and the relationships between the accused and members of Congress. While each relationship can be further classified according to three different categories—political, professional, and personal—as well as the intensity of each, they are
Cabinet Secretary or Under-Secretary
Alleged Sexually Indiscrete Behavior

(Information received by messenger)

Emergence of “Sexual Indiscretion”
History

Operationalizing Variables

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Significant to the first phase, as well as subsequent phases of scandal model, are the alternate paths by which actors are impacted by other actors, events and context. A Cabinet or sub-Cabinet executive behaves in ways that are subject to allegations of sexual impropriety. Arising from the past may be allegations of sexual indiscretion. With or without the knowledge of a third party’s discovery of the alleged impropriety, the secretary or under-secretary proceeds with their responsibilities.

**Figure 1.** Cabinet Secretary or Under-Secretary Scandal Flow Chart: Phase 1 – The Alleged Behavior.
After providing information of alleged indiscretion to various institutional representatives, a messenger(s) may continue to be an actor in the process. Institutional representatives may choose to investigate the allegations and/or transmit the allegations to other institutional actors. Such an investigation may produce a record that may be “used” in the future. Oversight responsibilities may result in a presentation of the information to the secretary or under-secretary. Investigatory reporting by the press may lead to release of the story, thereby leading to pressures for a “full” investigation.

Figure 2. Cabinet Secretary or Under-Secretary Scandal Flow Chart: Phase 2 – The Unfolding.
After a secretary or under-secretary's explanation of events, an exoneration, resignation or cover-up may occur with the approval of the senior executive involved. News of the decision may be transmitted to any of the other institutional actors, and result in inaction, an investigation, or transmission to others or the press. Competing actors may force another investigation and/or plead their case with the president for the resignation of the offender. Choosing to cover-up or deny the results, the president may face the release of the story to the press and public. In the next phase, the president deals with the impact of the denial or cover-up.

Figure 3. Cabinet Secretary or Under-Secretary Scandal Flow Chart: Phase 3 – The Explanation and Investigation.
Figure 4: With the statutory power to continue a Cabinet executive’s tenure, a president decides to retain an executive. The repercussions may be reduced morale, pressure from competing elites, expenditures of political capital, and/or reduced public support, possibly leading to electoral losses. The length of the secretary or under-secretary’s tenure is usually determined by any number of factors, including a president’s skills, policy and political disputes, etc., but its conclusion is usually determined by a precipitating event.

Figure 4. Cabinet Secretary or Under-Secretary Scandal Flow Chart:
Phase 4 – Inter-Executive and Congressional Competition.
not necessarily mutually exclusive. In the historical literature, various analysts provide antecedents for understanding the development of a sexual indiscretion scandal.

*Secretary or Under-Secretary Traits*

*Familial relationships.* The relationship between spouses, as well as extended family, before and after the advent of a sexual indiscretion may be pivotal in the development of a scandal. Whether the woman (or man) is firmly grounded as a protector of the marriage, or not, may have significant consequences to the scandal sequence. If the marriage has been unstable due to indiscretion and/or marital discord, a petition for divorce may quickly ensue thereby breaking the news to the public and quickening the pace of the scandal process. Parents or mother and father-in-laws of the sexually indiscrimate spouse may choose to speak out about rumors thereby intensifying the pressure on the spouse and provide public support for airing of the scandal. In each of the historical case studies, historians find a stable marriage.

Alexander Hamilton's account relates the story of a bored, but happily married middle-aged man who succumbs to the temptation that accompanies celebrity. There is no indication in the historical record that Mrs. Hamilton was
aware of the infidelity, nor any other member of the extended family (Mitchell, 1976).

John Eaton and Margaret Timberlake were to a great extent responsible for the scandal that arose around them. While John Eaton was a friend of John Timberlake and saw nothing wrong with his wife keeping the company of the senator, Eaton and Margaret ignored the societal prohibitions against a single man escorting a married woman to social events or an exhibition of socially suspect behavior such as being seen visiting on the front porch of her family's inn. With the death of Margaret's husband, they become dedicated husband and wife with common, Washingtonian enemies. Mr. and Mrs. William O'Neale (Margaret’s parents) were good friends with Senator Eaton for many years, and they welcomed the marriage of Margaret to John (Marszalek, 1997).

In a time period when getting a divorce inflicted a serious wound on an executive's reputation, Welles was released from his diplomatic service for the Coolidge administration because of the marital schism with his wife, Esther. He was happily married to his second wife, Mathilde, although there were occasional disagreements over Welles' alcohol consumption and the amount of time that the secretary was working (Gellman, 1995; Welles, 1997).
**Relationship with the president.** The relationship between Washington and Hamilton dated back to the Revolution when Hamilton served as an important aide-de-camp to Washington. Brookheiser (1996) and Flexner (1969) argue that Hamilton thought of Washington as a father figure. Indeed, it may be reasoned that George and Martha Washington must have looked on with pride as Hamilton courted and married Betsy Shuyler. But the thrill of working for General Washington must have waned when the general exhibited fits of rage and profanity (Flexner, 1969; McDonald, 1979). Besides the young man’s disdain for some of his commander in chief’s behavior, Hamilton disliked his sense of dependence on the general (McDonald, 1979). Resigning because of an argument with Washington, Hamilton was finally assigned (by Washington) to a frontline command at the Battle of Yorktown. He had finally gained “fame,” but the formality in the relationship with Washington did not “break” until 1788 (Flexner, 1969; McDonald, 1979). McDonald argues that even after Hamilton’s resignation, Washington showed greater affection toward Hamilton than was reciprocated by the latter. Washington showed great trust during the development of the financial system, and according to Flexner (p. 247), “admired the man who had proposed them.”
Herbert Sloan (2004) identifies President Washington's criteria for choosing his first Cabinet; it included a candidate's support for the new Constitution, service to the country during the Revolution, and what he thought were the traits of "best characters." From February 1777 until February 1781, Washington could not have been more aware of his aide-de-camp's administrative talents. Demanding administrative perfection (Freeman, 2001), Washington rapidly made the brilliant young aide what we would refer to as his chief of staff (Flexner, 1969), handling some of the general's most sensitive diplomatic missions. Perhaps General Washington was unaware of Hamilton's authorship of some of the Federalist Papers, but Hamilton's work to shore up tax collection under the Articles of Confederation and adopt the new Constitution in New York could not have been missed.

Throughout the Cabinet's early service for the president, Washington insisted on receiving opinions on all policy matters from all of the secretaries. According to McDonald (1979), it was Washington's intent to steer the middle ground between his department heads. But as each of the major public policy questions was considered, he sided with Hamilton—even in the case of the national bank legislation that the president had initially opposed. Not only did Hamilton succeed on the domestic front, but he also advised (in some cases in
direct opposition to Secretary of State Jefferson) the president regarding particular foreign policy initiatives. While Washington did not publicly endorse the Treasury's financial policies as the reason for the rising prosperity, Flexner (1969) argues that President Washington thought it an elegant system that "hacked away at the bonds of the American financial giant" (p. 247).

The policy successes of Hamilton, with the support of Washington, had a chilling effect on the secretary of the treasury's relationship with the secretary of state. Repeated successful forays into his policy domain by Hamilton must have been disheartening for Jefferson. In conversations with President Washington, Jefferson, who felt the Revolution was being undone (Ellis, 2001), attacked Hamilton's financial system as a corrupting influence and attempted to wrest the mint and the post offices for State Department control. Resorting to the use of the press beginning in 1791, particularly the National Gazette, Jefferson and his colleagues accused Hamilton of favoring plutocracy, aristocracy, monarchy and corruption by a "monied phalanx." Washington, according to Flexner (1969), felt little inclination to believe the doomsaying claims of Secretary Jefferson.

While Secretary Hamilton worked with majorities in the Congress to successfully pass the new financial machinery of state into law, the
philosophical and political brother of Jefferson, Senator James Monroe, must have been every bit as frustrated at the opposition's inability to stop the corruption of the revolution by the "monied phalanx."

**Relationship with fellow executives.** While not mutually exclusive, a personal, professional or political relationship between a president and secretary or under-secretary may impact the development of a scandal. Senator John Eaton and President Andrew Jackson provide an example of the importance of a combination of all three types of relationships. According to Marszalek (1997) and Pollack (1931), the relationship between John Eaton and Andrew Jackson goes back to 1808 when the two men started down a path that included friendship, military collegiality, and political collaboration that led to the peak of political success. Burke (2001) states:

Major Eaton was an old friend of General Jackson, whom he had known since he was a lad of 18 when he first came to Tennessee. . . . Young Eaton married first Myra Lewis, whose sister had married Major William B. Lewis. These girls were wards of General Jackson, which made the bond of friendship all the more closer. (p. 135)

L. Phillips (1974) and other Jackson biographers report the strengthening of the relationship between Jackson and Eaton through Eaton's coauthoring of Jackson's biography, speaking in the U.S. Senate about the virtues of Rachel Jackson who was suffering from character assassination, counseling Rachel and
Andrew during the campaign, and coordinating a non-stop victorious national election effort from 1925 until 1928. As a freshman U.S. Senator in 1823, Jackson, who stayed at the Franklin House with John Eaton, developed a strong affinity for the proprietors, Mr. and Mrs. O'Neale, and the Timberlake family, particularly Mrs. Margaret Timberlake, the daughter of Mr. and Mrs. O'Neale. After the death of Mr. Timberlake, Eaton sought out Jackson's advice with regard to proposing marriage to Margaret Timberlake. Dismissing the rumors of marital infidelity by Eaton and Timberlake and the year-long mourning period before remarriage, Jackson advised Eaton to marry her. Assured of Jackson's endorsement of his nuptials, Eaton and Timberlake wed.

The relationship between Secretary Eaton and other Cabinet members became quickly apparent. Competitions over policy and Cabinet positions suggested difficulties for Eaton, who some opposed before confirmation. According to Alexander (1935) and James (1937), Jackson's Cabinet secretaries, Branch, Berrien, and Ingham, were Calhoun's men who shared many similar political values. Latner (1979) argues that it was access to the president and the tariff promoted by Eaton and Van Buren (Calhoun opposed it) that created acrimony. Later in the administration, it would be presidential succession politics that would further the development of scandal.
Eaton’s 10 years of service in the U.S. Senate must have brought him a certain degree of political stature and support, and his close political relationship with Jackson insured his confirmation. While Senator Eaton failed to secure Congressional financial aid to Mr. Timberlake, a naval purser who incurred heavy losses due to military run-ins with the British Navy, this researcher has not uncovered documents suggestive of a negative or positive relationship between Congress and Secretary Eaton.

**Relationship with Congress.** As a child, Sumner Welles was a member of Eleanor and Franklin Roosevelt’s wedding party. Later, Welles would ask Roosevelt for support in joining the foreign service. It was not until 1931, when F.D.R. was a second-term Governor of New York and presumptive frontrunner for the Democratic presidential nomination, that Welles offered his expertise on South and Central America, indicating that he would actually become involved in the future candidate’s efforts (Gellman, 1995; Welles, 1997). Other than these two occasions, secondary sources do not report the development of a “personal” relationship between the two men.

Impressed by Welles’ thinking about hemispheric issues, particularly his contribution to the Good Neighbor Policy, F.D.R. started the career diplomat on a meteoric rise. Appointed assistant secretary for Latin America in early April
of 1933 (Gellman, 1995; Welles, 1997), Welles was quickly reassigned to a crisis in Cuba with non-intervention as a guiding principle. After his Cuban mediation efforts, Welles received assignments to deal with Panama Canal issues, Mexican relations, and the Chaco Border War between Bolivia and Paraguay as under-secretary of state for Latin American affairs. As a member of Secretary of State Hull’s delegation to the Buenos Aires Conference in late 1936, Welles' fluent command of Spanish and experience with post World War I Latin American affairs helped in developing a consultative process between the U.S. and the Latin American nations, by which hemispheric security would be insured in the future. In May of 1937, Welles was promoted to the position of under-secretary of state, and F.D.R. put him in charge of reorganizing the State Department.

By appointing his “own” men and reassigning those hostile to his philosophy, Sumner Welles ruffled a few feathers, including those of the secretary. With Hull’s approval, Welles presided over the day-to-day operations, thereby gaining control over the State Department apparatus (Gellman, 1995; Welles, 1997). Welles’ position was not without its challenges, partly due to the existing environment within the agency and administrative philosophy of F.D.R. Regarded as a conservative institution dominated by
wealthy, Catholic elites from the Northeast, F.D.R. felt the State Department opposed his New Deal. Many in the State Department were opposed to Roosevelt’s efforts to re-establish relations with the atheistic Soviet Union, as well as the non-interventionist Good Neighbor Policy. Welles’ reassignment of diplomats and restructuring of the various divisions within the department did not set well with a staid organization that did not respond quickly to worldwide events (Gellman, 1995; Welles, 1997).

Perhaps the most important change was the way in which F.D.R. dealt with executive agencies and advisors. In the case of the State Department, Roosevelt wanted to be his own foreign policy chief. Wann (1968) and Gellman (1995) identify this choice as partially emanating from the need to be the center of all decision-making. According to Burns (1956) and Dallek (1979), F.D.R. divided the various departments, including the State Department, by creating rivalries that would require his direct involvement. Herzstein (1989) described the situation between his foreign policy advisors as one in which F.D.R. needed the support from the politically powerful Hull, but honed his ideas using his advisors in the White House, as well as the State Department. After his first few heady trips to the Oval Office and presiding over the day-to-day affairs of the
State Department, Welles may not have anticipated the administrative nightmare of being Roosevelt’s man in the State Department.

When President Roosevelt decided to awaken the American public to the international dangers present, he enlisted the aid of Welles, who contributed to the Charlottesville speech on arms limitations and abolition of trade barriers (Welles, 1997). With the call to “quarantine” aggressors in an October 5, 1937 speech in Chicago, F.D.R. felt the wrath of the public and no support from his Cabinet, including Hull. At F.D.R.’s request, Welles developed a two-part peace proposal that Hull rejected; in the same month, Roosevelt is reported to have said the White House “would have to take away the ball from Hull” (Gellman, 1995, p. 151). Having developed a close working relationship with F.D.R. dating back to the Cuban assignment, Welles reached the international stage acting as his personal fact-finder to Europe in February 1940. The high profile mission, according to Gellman (1995), contributed to Secretary Hull’s feeling that his under-secretary was “usurping his authority and was becoming the president’s closest foreign affairs advisor.”

Congressional relations and connections may impact the development of a scandal. Welles was confirmed with no difficulty, but only after F.D.R. smoothed the way by appointing a politically connected rival, R. Walton
Moore, to the office of counselor to the State Department. In an isolationist
country, perhaps the lack of a Congressional political base and his close
identification with the president’s pro-internationalist stance may be a key to
the development of the scandal (Gellman, 1995).

_traits of indiscretion_

What are the descriptive variables that provide a better understanding of
the nature of a sexual indiscretion? The following summaries provide clues to
understanding the key elements of sex scandals.

The details of the affair between Alexander Hamilton and Maria
Reynolds were self-reported by the Secretary of the Treasury in an effort to
refute charges of financial impropriety. Hamilton reports that he began an affair
with Mrs. Reynolds in July of 1791, paid James Reynolds “hush” money
beginning in December of 1791, and broke off the affair in December of 1792.
Boyd et al. (1952–1970) conclude that Hamilton’s proofs of an affair were
forgeries, but many eminent historians including Chernow (2004), McDonald
(1979), Hendrickson (1976), Cresson (1946), Rogow (1998), Cooke (1986),
Hamilton (1911) et al. formed opinions in favor of Hamilton. The incomplete
nature of the historical record does not preclude an extra-marital affair and
financial speculation on Hamilton’s part. Limited by the possible ways in which an individual might hide illegitimate income, the state of Hamilton’s finances tends to support the secretary’s claims of innocence (Fleming, 1999).

A widower, Senator John Eaton began living in the O’Neale boardinghouse in Washington, D.C. in 1818. While residing at the house, he befriended the proprietors, the O’Neales, including their daughter Margaret Timberlake, the wife of naval purser John Timberlake. Mrs. Timberlake continued to work in the family’s boardinghouse (Marszalek, 1997; Pollack, 1931). Margaret Timberlake’s past reputation and current behavior was not in keeping with contemporary standards of the place of women, primarily that she should be so bold in the world of men at the boardinghouse (Marszalek, 1997; Pollack, 1931). From 1821 until 1828 (when Mr. Timberlake died at sea), Senator John Eaton and Margaret Timberlake acted in what was regarded as socially unacceptable behavior—Eaton escorted Margaret Timberlake to social gatherings and conducted himself inappropriately at the boardinghouse (James, 1937; Marszalek, 1997; L. Phillips, 1974; Pollack, 1931). Washington’s elite, who included Margaret Bayard Smith and others that wielded significant political power (Allgor, 2000), ostracized and lobbied against the nomination of Eaton.
In the early morning hours of September 18, 1940, an intoxicated Under-Secretary of State Sumner Welles retired to his sleeping accommodations on the presidential train returning to Washington from Alabama. Ringing for coffee, an exposed Welles offered money for sex from the porter, John Stone (Gentry, 1991). When Stone rejected the under-secretary's advance, a successive number of other porters were indirectly propositioned by Welles. Roosevelt's Secret Service Chief Whiteside was summoned to the scene, and when Welles came out of his berth to get the coffee, he inquired as to the reason for Whiteside's presence (Gellman, 1995).

Nature of alleged behavior. While the “run of the mill” sexually indiscreet behavior is sufficient to precipitate the resignation of a secretary or under-secretary, the nature, i.e., group sex or sodomy, of the alleged indiscrete behavior may hasten the process. Revelations of suggested deviant sexual practices, even in the case of consenting, married, heterosexual partners may be enough to impact the development of a sex scandal. Note the recent “flap” over the sexual interests of the Illinois senatorial candidate Jack Ryan who wanted to take his wife, Jerri, to a sexually explicit club. Until recently, sodomy between consenting adults was illegal in many states.
Timing of the alleged behavior. This variable is significant in that past sexually alleged or admitted behaviors impact a secretary or under-secretary. The accusations against Senator John Eaton, as well as those against Mrs. Margaret Timberlake who would become his wife, had a similar impact. Because of a secretary or under-secretary's notoriety, it appears that any sexual indiscretion, as well as the repercussions of the liaison, will follow the executive into office.

Time becomes relevant with regard to scandalous behavior when it reflects a lack of judgment. Poor impulse control may also be evident when indiscretions occur episodically. Aware of his bisexual proclivities, Welles should have been careful about choosing the time and place for engaging in drunken behavior that would lead to inappropriate actions. After spending so much time socializing and flaunting his relationship with Mrs. Margaret Timberlake, had John Eaton chosen not to marry her, the whole affair would have been forgotten as a bachelor's behavior with a "commoner." In any other historical period, Alexander Hamilton's extended, expensive affair with a married woman would have drawn harsh criticism.

Marital status of individuals. An executive may be judged differently if during his or her "single" life a sexual indiscretion occurred. In this pool of
cases studies, the historical record suggests that Alexander Hamilton and Sumner Welles were both married during the time leading up to and including their nomination. In the case of Senator Eaton, historians report the societal elite’s mortification at a man’s decision to marry his consort.

The marital status of the individual involved in the indiscretion may compound the problems of the future nominee. Responsibility for such a breach of another marriage is a violation of a societal institution. Maria Reynolds and Margaret Timberlake were married. The historical record does not provide the marital status of the male porters allegedly propositioned by Welles on F.D.R.’s presidential train.

Gender of individuals. The Puritan traditions of this country still hold great currency. During colonial times, an individual tried and convicted of sodomy with a member of the same sex was hung. Until recently, state laws provided penalties, sometimes prison sentences, for homosexual acts, including solicitation of another of the same gender. The relatively recent case of President Johnson’s aide Walter Jenkins shows the degree to which homosexual solicitation by someone close to the oval office was not defended in the press and immediately removed from his position. More recently, President Clinton’s ambassadorial nominee to the Netherlands was rejected for his gender
preference. While the American Psychiatric Association removed homosexuality from its list of disorders in the 1970s, homosexual relations remain somewhat of a political taboo. Previously thought to be a security risk due to the threat of blackmail, an individual such as Representative Barney Frank may openly discuss his sexual preference and still be re-elected.

Allegations of bisexual behavior on the part of Sumner Welles never did arise during the vetting process, but the blatant violation of taboos against homosexual behavior did directly impact the development of the scandal.

*Legality of behavior.* With changes regarding homosexuality, consensual relations between adults do not violate the law unless they break other statutes such as solicitation. Sexual relations with a minor violates another societal taboo. A non-consensual act may result in allegations of rape. While prosecution may not follow the behavior, the fact that such allegations exist may directly impact the confirmation hearings as well as future proceedings. The enforcement of Virginia's homosexual solicitation statute would have definitely had an impact on the development of the Sumner Welles sex scandal.

*Legal record of behavior.* A legally documented criminal offense may result in a paper trail that will surface before, during, or after confirmation hearings. Press and legal scrutiny may follow the assumption of office. Affidavits were
collected after Sumner Welles’ behavior, but no sworn testimony was collected by the F.B.I.

*Third party involvement.* Third parties may exist in the form of an individual who has knowledge of the affair, but will not use it until it is politically advantageous, much as Lowi’s (2004) commoditizing of scandalous knowledge. Not to be neglected are nefarious acts by individuals interested in extorting a secretary or under-secretary. Community-wide condemnation of indiscretion may cause continued criticism and political fallout well into the administration. Perhaps no other case study exemplifies this principle than Senator John Eaton and Margaret Timberlake.

*Number of alleged cases.* A track record of sexual indiscretion may in fact have a politically immunizing effect. Americans believe in forgiving individuals who have admitted their mistakes, as was the case with President Clinton. As a function of the fair play concept in our culture, the willingness to forgive may have its limitations, i.e., the unwillingness of the people’s representatives to confirm an openly homosexual ambassador. President Clinton’s ambassadorial nominee to the Netherlands, James Hormell, was openly gay and was rejected as a result.
Related issues. A multitude of other factors may influence the development of a scandal. Because of the multifaceted nature of any scandalous behavior, not every ramification can be anticipated. The impact of any indiscrete sexual behavior may result in illegitimate children, emotional scarring, blackmail, and secret financial deals. In a Washington society dominated by an elite already prejudiced against Mrs. Timberlake, rumors of an illegitimate, still-born child fathered by Senator Eaton plagued the administration (Marszalek, 1997). Not limited to blackmail, financial dealings such as support payments may have ramifications after the affair has ended.

Social mores. According to Webster's New Collegiate Dictionary (Woolf et al., 1977), chastity is defined as abstention from unlawful sexual intercourse, abstention from all sexual intercourse, or purity in conduct or intention. The aforementioned definition is, however, subject to varying societal interpretations. While the expectation of strict chastity is the Judeo-Christian benchmark for public officials, penalties for a breach have not always occurred. Garment (1991) accurately frames scandal:

Whether an act makes for scandal does not depend on the deed’s intrinsic nature alone. It depends just as heavily on what happens when other people learn about the act and judge it against a set of shared values. The sin that shocks no one . . . is no scandal. An act that affronts
the moral sensibilities, or pretensions of its audience may cause a scandal even if it is in reality no sin. (p. 14)

The origins of the interest in personal life, according to Summers (2000), can be found in two important traditions: American republicanism and evangelical Protestantism.

American republicanism . . . regarded solid moral character as a sin qua non of good government. Repudiating older, hierarchical notions of authority and service, Republicans made personal virtue a foundation of representation and insisted that only persons of exemplary rectitude should occupy positions of power. For without personal integrity, leaders could hardly withstand the temptation of corruption and the pursuit of narrow self-interest. (p. 828)

Evangelical Protestants noted that human governance is “plainly recognized in the Bible as a part of the moral government of God”; therefore, they promoted the idea that self-rule would become impossible without virtuous leaders (Summers, 2000, p. 829). The mass participation of the 19th century insisted on transparency, only secrecy would allow usurpers to succeed (Summers, 2000). When these two traditions are combined with popular participation in a competitive system, indiscretion is likely to be communicated.

The cultural norms vary depending on the time period in which the indiscretion occurred. From the ultra-conservative roles expected of men and women in the Eaton case to the laissez faire attitude of the congressmen in the
Alexander Hamilton/Maria Reynolds affair, the slide rule of societal attitudes has varied significantly. Flexner (1969) completes our understanding of Washington's views on extra-marital affairs as discussed by Washington in a letter to a particularly flirtatious Mrs. Eliza Powell after retirement: "George implied that he would not have been concerned at being found in adultery, but only at having 'betrayed the confidence of a lady'" (p. 367). If President Washington's values were representative of the men of the time, which Rothman (2004) suggests, the congressional investigators' decision to not report the indiscretion is understandable.

Societal expectations played a significant role in the case of John Eaton. Not only was his wife's public behavior at the O'Neale's boardinghouse tavern questioned, but she allowed herself to be seen with Eaton in public in a socially inappropriate manner. In addition, the couple broke the customary yearlong mourning period before re-marriage and, reportedly, Margaret bore Eaton's illegitimate child. Eaton's appointment and tenure were only saved by Jackson's belief in his innocence (Marszalek, 1997; L. Phillips, 1974; Pollack, 1931). Attitudes about homosexual behavior varied at the time of Sumner Welles' sexual indiscretion. In the state of Virginia, laws demanded fines and/or prison time for propositioning an individual of the same sex. Individual
attitudes varied, and in Welles' case, President Roosevelt was reportedly inclined to forgive the behavior of an individual under the influence of alcohol (Welles, 1997).

Since polling data are not available to determine public attitudes toward sexual indiscretion among presidential Cabinet officers, the following is a brief survey of secondary literature with regard to the public's attitudes regarding sexual indiscretion and public executives—the citizenry's disposition might be gauged by looking to the behaviors of individuals and events in the political, public policy, elite or populous arenas.

While the public's attitude regarding sexual indiscretion during the age of Jackson is discussed in-depth later in this research, Collins' (1999) survey of American gossip and politics provides interesting observations about the state of citizens' attitudes, and in particular the status of homosexuality in the political realm. Collins observes that "the national morality relaxes and stiffens," and the "public is doomed to be shocked, hardened, and then reborn into hopeful innocence, over and over" (p. 10). According to Collins, the bachelor status of President James Buchanan did not spark a discussion of his sexual preference by the Washington elite, and the newspapers or records of political stump speeches do not contain accusations of him being a "sodomite,"
the label of the time. "Buchanan was protected by the fact that society thought homosexuality was so awful that it could only be committed by the dregs of society," equated with unnatural acts like bestiality (Collins, 1999, p. 53).

In "Sex, Scandal, and Suffrage in the Gilded Age," Klotter (1980) remarks that "the sexual habits of politicians had long been of interest to Americans" (p. 243), citing Alexander Hamilton's and Jefferson's affairs. Klotter states that in an era when openly proclaimed sexual morality was the cornerstone of public welfare, an increased interest in sensationalism and more widespread communication in the post-Civil War period stimulated publication of scandal. According to Klotter, trials of individuals like Henry Ward Beecher contributed to the public's disillusionment with its leaders. The record about the public's views on sexual indiscretion and eligibility to hold office are not monolithic, considering the election of Grover Cleveland, who supported an illegitimate child.

According to Klotter (1980), the case of the estranged lover, Madeline Pollard, of Congressman William Breckinridge is instructive about the attitude of the public. Her 1893 suit for breach of contract—a broken promise of marriage—was brought against Breckinridge, who publicly promoted good morals with statements like the following: "‘chastity is the foundation, the
cornerstone of human society.' On such chastity rested the stability of
governments, for 'pure homes make pure government'" (p. 229). After giving
birth to two children, a pregnant Pollard received a promise of marriage from
Breckinridge. Pollard's situation was complicated by the death of the
Congressman's wife and his subsequent secret remarriage to another woman;
these nuptials caused her to sue for breach of contract since no seduction law
existed in the District of Columbia. The public airing of the sex scandal's details
resulted in a jury award of $15,000 to Pollard. In Breckinridge's subsequent
Kentucky re-election campaign, he faced two opponents and lost a close race.

The Pollard/Breckinridge affair, which had begun in 1884, and the
subsequent trial "came at a time of heightened public interest in morality"
Morality and Social Control, 1868-1900*, Klotter identifies the existence of the
"new (national) abolitionists," promoting equal standards of morality for the
sexes and elevated personal morals. In Breckinridge's district, the new
abolitionists' voice was heard in the same publication that had published the
congressman's articles. "A Lexington paper noted that Breckinridge was under
attack by everyone from 'preacher to prostitute'" (p. 236). In the press, letters to
the editors by vote-less women instructed young men who supported
Breckinridge to stay away from the opposition's daughters and threatened to boycott merchants. "Other women used the opportunity to appeal for a woman's ballot to insure defeat of the man 'who has plunged the poisoned [sic] stiletto into the heart of virtue'" (Klotter, 1980, p. 240).

During the 20th century, public policy decisions (administratively and legally), elections, and other social phenomenon suggest the maturation of the public's attitudes about sexual indiscretion. Public policy efforts indicate concern with sexual indiscretion. In 1920, Congress passed legislation making moral turpitude a reason for removal from office (Morganston, 1929). "A depraved or shameful act" is the definition of "turpitude," according to the 1955 Random House American College Dictionary (p. 1309). Congress' attempt to make the Comptroller General and the Assistant Comptroller General removable by concurrent resolutions of the houses caused a veto by President Wilson on constitutional grounds (Morganston, 1929, p. 69). While public policy decisions may have reflected a maturation of decision-makers, this was not necessarily the case with public attitudes about sexual indiscretion during the World War I era until the Vietnam War. During this period, Collins (1999) suggests that with the aid of press that was disinterested in the personal lives of the politicians, "voters, if they chose, could easily convince themselves that the
people running their government were faithful spouses and temperate drinkers, paragons whose public images were in perfect accord with their private behavior,” and did not want to hear about the personal lives of their leaders (p. 11).

With national security in mind, President Eisenhower promulgated Executive Order 10450 in 1953. Individuals would not be eligible for important posts if they (a) “exhibited behaviors, activities or associations which tend to show that the individual is not reliable or trustworthy”; (b) provide “any deliberate misrepresentation, falsifications, or omissions of material facts”; or (c) provide “any facts which furnish reason to believe that the individual may be subject to coercion, influence, or pressure that may cause the person to act contrary to the best interests of the national security” (Barrett, 1997, p. 4). While Eisenhower’s executive order would have been related to problems with national security during the Cold War, it may also have been in response to the efforts of conservative Republicans to equate homosexual behavior with unpatriotic behavior (Collins, 1999). The issuance of Executive Order 12356 by Ronald Reagan in 1982 represented another effort at insuring high ethical criteria for executive nominees who would be privy to national security information (Barrett, 1997, p. 6).
In the realm of homosexual indiscretion, a shift in the public's attitude may have been impacted by the 1974 decision by the American Psychiatric Association to remove homosexual behavior from its list of mental disorders. Likewise, the decriminalizing of homosexual acts in subsequent Supreme Court cases, in particular the court's reversal of its 1984 *Bower v. Hardwick* by *Lawrence v. Texas*, showing the degree to which the public policy process has brought the decriminalizing of sexual acts out of marriage into a politically more acceptable state. The public's opinion has not jelled if we consider the case of President Clinton's June 5, 1999 recess appointment of an openly gay James Hormel as U.S. ambassador to Luxembourg because of Senate Republican resistance, whereas Representative Barney Frank was returned to office after the revelations of his behavior with a male staffer.

At the turn of the century, Americans satisfied with President Clinton's job performance and familiar with the president's sexual indiscretions did not favor his removal from office as a result of lying about his personal affairs to a grand jury. At the polls following the impeachment efforts, the Republicans who were responsible for trying the president lost seats in the Congress. Americans in the 20th century seem to have made a decision about their national
executives' sexual indiscretions, but this does not discount Lowi's (2004) statement that opponents may use scandal as a metaphorical assassin's bullet.

Disposition of intimates. The motivations of the principal actors are perhaps the most important of all early variables in terms of determining the disposition of a scandal. The "private" does not become public, or stay private, without motivation. A porter mentioned in the Welles case study filed a grievance over the scandal. Perhaps the progression of an indiscrete relationship from the sharing of the most intimate or a pregnancy, and then the callous disregard of such a "connection" may cause a rupture in the relationship, thereby providing the motivation for exposure of the indiscretion.

In Figure 1, this author notes the reception of the message by the messenger. The secrecy surrounding the scandalous behavior has been broken.

Phase 2: The Unfolding

Messenger

In Figure 2, the messenger(s) transmits news of the scandal to an institutional representative. The institutional representative may move forward with an investigation or transmit this information to another institutional representative, the press, or the public. A message transmitted by the
messenger may lead to the revelation of the sexual indiscretion or related issues. The following are summaries of the Phase 2 portion of the case studies.

While being held on charges of fraud related to Revolutionary war bonds, James Reynolds produced documents that suggested to an informal contingent of congressmen that Alexander Hamilton was engaging in improper financial transactions. Before proceeding to President Washington with their indictment of the treasury secretary, Senator James Monroe and Representatives Abraham Venable and Frederick Muhlenberg thought it proper to allow Hamilton to defend himself. On December 15, 1792, when three congressmen armed with a few pieces of paper called on him to inquire about his relationship with James Reynolds, Hamilton's professional reputation was in danger.

In February 1829, Jackson defended the morality of his secretary of war nominee from charges by Colonel Nathan Towson, as well as his wife. After two ministers and others made charges of infidelity against the Eatons, Jackson had the charges investigated. Allgor (2000), Burke (2001), Pollack (1931), Marszalek (1997), and Phillips (1974) contend that Jackson's support and defense of Margaret Eaton eminated from the president's intense loyalty to his friends, the belief in their innocence, and the political smearing of Rachel
Jackson's reputation during the campaign. Jackson felt that the attacks from political opponents in Washington caused her fatal heart attack, and the president felt it was his obligation to defend Margaret just as he had tried to defend his wife. Jackson did not need an explanation from the man who married his friend, Margaret.

In the immediate aftermath, Ernest Norris, president of the Southern Railway, ordered all who were privy to the cases to be quiet, not write anything down and not talk with anyone except for the proper authorities (Hack, 2004). According to Benjamin Welles, one of the porters, S. C. Mitchell, was transferred to the White House to keep him quiet. However, the events of that morning were not to be stonewalled. Gentry (1991) and T. Morgan (1985) report that one of the porters filed a complaint with the Southern Railway Company and affidavits in the matter had been filed with the company. Welles (1997) identifies Felix Belair as a Time Magazine correspondent who learned of the event within 24 hours from a number of Pullman employees.

Rumors about Welles' behavior reached the White House, and Hoover's F.B.I. was tasked with determining the validity of the charges on January 3, 1941. On January 29, 1941, Hoover briefed the president regarding the factual basis for the charges and informed him of former Ambassador to France
Christian Bullitt's "spreading" of the accusations about Welles (Friedel, 1990; Gellman, 1995; Gentry, 1991; Ward, 1995; Welles, 1997).

*Public/Private individual.* Either directly involved with the scandal or a receptor of secondhand information, the messenger(s) may or must move forward with the information. The characteristics of the messenger—public or private—are significant because of the discretion that the public actor may exercise after the indiscrete behavior occurs.

*Documentation.* An individual who is arrested and charged with an offense will result in a public record that cannot be stifled and the case must move to trial. Likewise, a grievance filed on behalf of a worker, as in the case of Sumner Welles, may also proceed through an open hearing. In either situation, the credibility of the scandal is impacted when documentation exists.

*Number of purveyors.* The number of messengers may only be significant when the likelihood of keeping the indiscretion "localized" is eliminated. The number of messengers may also be significant in that the story will not be lost with the death of a few individuals.
Institutional Representatives

Investigation. With an awareness of allegations, an executive may choose, or be obliged by departmental regulation, to investigate.

Transmission. While the age of electronic media has greatly sped up the development of scandal, the more traditional “word of mouth” scandal may be filed away by a department executive, the Congress or in the hands of the president. Or, there may not be a file regarding the accusations developed immediately. Lowi’s (2004) theory of the commoditizing of scandal material is probably important with regard to this since an administrator may see no value to developing a case or transmitting it to another actor. In the case of Secretary Eaton, it was to the advantage of the political and social elite to attempt to derail a political opponent as well as remove an unworthy individual from the Cabinet. In the case of Sumner Welles, President Roosevelt was satisfied with the F.B.I. report as well as the necessity of retaining Welles as his man in the State Department. The president’s executive discretion in both of these cases trumped all other competing interests.
Investigation. Press involvement may be crucial in this case as a conduit to the public with the information regarding a scandal or leading to an official investigation into accusations. On the other hand, the press may choose not to investigate. Public knowledge of accusations may lead to pressure on the government to conduct an investigation or face electoral consequences.

Transmission. Depending on the intensity of the indiscretion and public receptivity, the press may choose not to report on the topic or continue to cover the story after it has been released.

Public opinion. Public knowledge of accusations may lead to pressure on the government to conduct an investigation.

Elections. The scandal process may be accelerated by upcoming elections if polling suggests electoral consequences for retaining an indiscrete executive.

Phase 3: Explanation and Investigation

As previously noted, after a secretary or under-secretary’s explanation of events, an acquittal, resignation or cover-up may occur with the approval of the
senior executive involved. News of the decision may be transmitted to any of
the other institutional actors, and result in inaction, an investigation, or
transmission to others or the press. Competing actors may force another
investigation and/or plead their case with the president for the resignation of
the offender. Choosing to cover-up or deny the results, the president may face a
resulting release of the story to the press and public. Illustrative of this phase
are the following case studies synopses.

Confronted with the destruction of his public reputation and the
integrity of the country's financial system, Hamilton provided proof that all
financial transactions between himself and Mr. James Reynolds had been to
ensure Hamilton's continued sexual liaison with Maria as well as James' silence
regarding the affair. A number of the congressmen were shocked. The
congressmen left the secretary with the promise that all charges of professional
malfeasance and knowledge of private impropriety would not become public
matters. For reasons unrelated to the Reynolds affair, Hamilton resigned his
post on January 31, 1795—the treasury secretary had grown tired of the vitriolic
political attacks and realized that the political environment would not support
additional programs.
After two ministers and others made charges of infidelity against the Eatons, Jackson had the charges investigated. Conversations between the interested parties finally led to a presidential defense of John and Margaret Eaton at a September 10, 1829 Cabinet meeting. Postmaster General Barry and Secretary of State Van Buren supported the president and the Eatons, whereas Calhoun, Berrien, Branch, and Ingham came convinced of their guilt. Under intense pressure from Jackson, Reverend J. N. Campbell declined to admit Margaret's innocence or previous misstatements, but cleared Secretary Eaton of misconduct.

Intent on retaining Welles, Roosevelt defended his decision (Gentry, 1991; Welles, 1997). On April 23, 1941, Bullitt, who coveted Welles' job, confronted the president over Welles' scandalous behavior stating that not only were there national political liabilities, with F.D.R. being "soft" on homosexuals, but that the under-secretary was open to criminal prosecution and blackmail, a rupture or deterioration in Welles' relationship with Cordell Hull, and problems with diplomatic morale when Welles handled issues of transfer and appointments (Gellman, 1995). The president acknowledged the truth of the allegations, argued that not a paper in the country would publish such a story, nor would anyone prosecute Welles, and insisted that the
assignment of a mature bodyguard to Welles would prevent future indiscretions (Gellman, 1995; T. Morgan, 1985). Bullitt threatened resignation over Welles' continued employment, but it only brought about a mission to the Middle East where he could not spread rumors, rather than a firing of Welles (Gellman, 1995; Gentry, 1991).

In the meantime, the two principals at the State Department denied any wrong doing by Welles, at least for the moment. The under-secretary heard the rumors and indicated to Attorney General Biddle that there was no truth to the accusations (Gellman, 1995; Gentry, 1991; Welles, 1997). Gentry speculates that Hull must have learned of the accusations against Welles during the spring of 1941. Gellman stated that Hull still considered them false in April of 1942 after discussing the issue with the president and Welles, but was making contingency plans just in case.

An explanation of the accused's behavior may result in the submission of a resignation, an acquittal or successful cover-up thereby ending the process. The case involving Alexander Hamilton "fits" this exit from the scandal process.

While the story of Alexander Hamilton's "run-in" with the informal congressional committee is rather quaint, the reader should not discount the
decision-making powers of a few influential legislators. The power to convene hearings and begin an investigation, particularly by a “friendly” Congress, would have a tremendous impact on the development of a scandal, likewise, the decision to not follow such a course.

If a resignation, successful cover-up or acquittal does not occur, an explanation may bring about (a) another investigation; (b) a threat of an investigation; or (c) a refusal to investigate by a president, secretary or under-secretary. President Jackson was pleased with the results of an investigation and issued a denial of any sexual indiscretion. Secretary Hull was satisfied by Welles’ denial, and did not begin a State Department investigation. While the case studies show decisions in the proximate period of the first arising of the scandal, this does not preclude the ability of a president, secretary, or under-secretary to ask for an investigation at a later date.

The circulation of the secretary or under-secretary’s explanation, a decision to investigate or not investigate, and a cover-up or denial may result in an uncontested tenure. An investigation may acquit the accused, but if the secretary or under-secretary’s tenure is still contested, then competition may occur between actors within the executive and legislative branches (see Figure 4).
Phase 4: Inter-Executive and Congressional Competition

The basis for understanding the final outcome of the scandal process appears to be the change, or lack thereof, in the relationships between the actors, as well as any change in the political environment. In an environment that is characterized by actors who may use knowledge of indiscretion to their benefit, at what point does a compromised executive lose their value? Figure 4 illustrates the multifaceted aspects of relationships during the scandal process.

While historians identify various root issues as the cause for the resignation of John Eaton and Sumner Welles (see Appendix A for the diverse opinion regarding the Welles cases), the following case studies illustrate the essential, as well as complex stories of the “end game” in the scandal process:

Some of the elite women of Washington would not socialize with Margaret Eaton or her friends, and according to societal expectations, their husbands—various representatives, senators and Cabinet officers—were expected not to tell their wives with whom to socialize (James, 1937; Marszalek, 1997; L. Phillips, 1974; Pollack, 1931). Allgor (2000) describes Margaret as fitting “The Courtesan” role that came in direct conflict with the existing role of women in the capitol. The shunning of an immoral woman, regardless of her husband’s Cabinet status, was expected.
In the aftermath of the Cabinet defense of Margaret and John Eaton, the president’s disgust with the behavior of some of his Cabinet members led to the end of Cabinet meetings, but not the ostracism of the couple or those who would socialize with Margaret.

According to Marszalek (1997) and Latner (1979), Jackson’s early support for Eaton was reinforced by his perception that Clay was opposed to Eaton, thereby intending to discredit his administration. Jackson felt Clay continued to oppose his administration as he had opposed his election to the presidency in 1824 with the “corrupt bargain.” But it was not just Clay who stood to benefit from an embattled Eaton. Jackson concluded that his vice president, John Calhoun, stood to benefit from a discredited Eaton and his ally, Van Buren.

Other political factors were at work. According to Alexander (1935) and James (1937), Jackson’s Cabinet secretaries, Branch, Berrien and Ingham, were Calhoun’s men who shared many similar political values, and, Latner (1979) argues, it was access to the president and the tariff promoted by Eaton and Van Buren that created acrimony.

Eaton’s continued tenure served the presidential aspirations of Secretary of State Van Buren, who sought to remove John Calhoun from the supposed position of presidential succession. Jackson was expected to serve one term, but
larger policy issues and presidential ambitions held by Van Buren would play a role in dividing the Cabinet members. Martin Van Buren used the Eatons and the season of Cabinet parties to drive a wedge between the president and Calhoun. According to Marszalek (1997), Alexander (1935), Schlesinger (1943), and Phillips (1974), Van Buren, in an effort to discredit the secretaries and the absent Calhoun, whose wife had snubbed Margaret, arranged for a series of parties given by himself and foreign ambassadors. The snubbing of Margaret at each of the events outraged the president and, not surprisingly, drew him closer to the attentive Martin Van Buren.

In January of 1830, Jackson, through an emissary, threatened to fire the three Cabinet members—Ingham, Berrien and Branch—unless they invited Margaret and John to their parties and paid a formal visit to the Eatons. Refusing to instruct their wives to do such a thing, the Cabinet officers let it be known that they would rather be fired than intrude upon their wives' social prerogatives. Jackson backed down, but had a formal meeting during which he requested that the Cabinet members stop any slanders against Margaret and John. In February, a party was thrown at which all Cabinet wives were present and civil to Secretary and Mrs. Eaton. Jackson requested harmony among the
Cabinet officers and felt that the three had been put on notice about the degree
to which he would defend John and Margaret Eaton.

provide key information about the lengths to which Andrew Jackson supported
Mr. and Mrs. Eaton by the way that he dealt with his own family. Having lost
his wife Rachel shortly before taking the oath of office, Jackson depended on his
niece and nephew, Mr. and Mrs. Andrew Jackson Donelson, as “family” in the
White House. The degree to which Jackson cared about his stepson can be
noted by Jackson’s oversight of the young man’s military and legal education.
Emily served as his hostess, and his stepson worked as the president’s personal
secretary. Because of his Revolutionary War experiences during which he
became an orphan, losing his mother and brother, Jackson was intensely loyal
to family and close friends, but any signs of disloyalty did not bode well for a
transgressor (Curtis, 1976).

When Margaret Eaton complained that Emily was not treating her
properly, the president distanced himself from his nephew and niece. For
months, the Donelsons had been snubbing Margaret and John. Marszalek
(1997), Burke (2001), Pollack, (1931), and Phillips (1974) et al. conclude that by
June of 1830, Jackson felt that the Donelsons were responsible for the mess in
Washington since they had not stood with him in defending the Eatons. Marszalek and Phillips conclude that in the fall of 1830, Jackson wanted Margaret and Emily to stay behind in Tennessee in order to reduce the political damage in Washington. After the return trip to Washington, Jackson admonished Donelson to ignore rumors, and the latter considered returning to Tennessee. In Washington, Jackson and Donelson continued to spar over the political nature of snubbing Margaret Eaton, and discussed Rachel's responsibilities as the president's hostess; Jackson thought Rachel should stay in Tennessee if she was not going to socialize with Margaret.

Marszalek (1997), Phillips (1974), and Watson (2004) argue that Jackson conflated the snubbing of the Eatons with other attacks on his reputation and administration. Floride Calhoun's snubbing of Margaret and John Eaton became just a part of Vice President Calhoun's duplicity toward the president as exemplified in the Seminole affair. During the summer of 1830, Jackson found out that Calhoun, while a member of the Monroe Administration, wanted to court-martial General Jackson for his behavior in Florida. Besides the flap over Florida, Calhoun's waving of the states' rights banner riled Jackson, and gained Van Buren additional support from Jackson for supporting Constitutional supremacy. According to Marszalek, the Seminole affair
continued to politically keep the Eaton affair off the front page. But in a U.S. House race in Tennessee, Margaret Eaton was portrayed as a "fallen" woman supported by the president; Jackson interpreted the use of the Eaton issues as part of a larger conspiracy formed against him by the vice president.

The president's resolve to support Mr. and Mrs. Eaton did not waver. Public opinion and the Eaton affair may not have been significant since Jackson was dedicated to the cause of defending his friends, but he must have realized the importance of keeping the public on his side. In February of 1831, Jackson went so far as to change his newspaper "mouthpiece" in order to promote his goals—Duff Green's Globe had turned on Jackson and Eaton, and Blair would promote the political viewpoint of the administration (Marszalek, 1997; L. Phillips, 1974, Pollack, 1931).

The Eatons were not passive actors in the conflict over the secretary's tenure. Margaret built relationships with Mr. and Mrs. Amos Kendall, an auditor in the Treasury Department and friend of President Jackson. Mrs. Eaton hoped to develop a relationship with Mr. William B. Lewis, Jackson's aide, so that his daughter might replace Emily Donelson as President Jackson's hostess (L. Phillips, 1974). In the summer of 1830, after Jackson had requested that the dissenting Cabinet members act civilly toward Margaret, she appealed directly...
to the president regarding Emily Donelson's rude behavior. The Eatons had realized that Jackson might fire the Cabinet, but the result was banishing Rachel to Tennessee (Marszalek, 1997; L. Phillips, 1974; Pollack, 1931).

The president still seemed dedicated to a working arrangement between the Eatons, himself, and the Donelsons as late as March of 1831. Burke (2001) and Marszalek (1997) discuss the efforts by Jackson's confidantes to develop a rapprochement between the Donelsons and Jackson so that the political liability of the Eatons would be reduced. However, the president's mood was soured by his nephew's social faux pas vis-à-vis a sick John Eaton. Instead of restoring the Donelsons to the White House, the president's nephew and niece were condemned for Donelson's unwillingness to visit an ill secretary—the result being a self-imposed exile in Tennessee. This continued antagonism toward Donelson may have been related to Jackson's disgust with Calhoun's recent charges with regard to the Seminole affair. Jackson's thinking that the Donelsons were a pawn of his enemies may have re-ignited his anger over the Eaton Affair and reinforced his support for the Eatons.

The fatal blow to Eaton's tenure was the tendering of Van Buren's resignation. Discussions within the administration regarding the loss of Van Buren led to Secretary Eaton's realization that the defense of his family was to
blame for the resignation of his esteemed colleague. Eaton's resolve to remain in office dissolved. Eaton officially left office on April 7, 1831; Van Buren followed on April 11 (Marszalek, 1997; L. Phillips, 1974; Pollack, 1931).

Burke (2001) concludes that President Jackson's willingness to accept the resignations may have been related to his longing for the return of his family to the White House. The absence of Emily Donelson had brought some peace, but the president had been without his hostess for eight months and personal secretary since early March. It was expected that they would not return until Andrew Jackson was willing to take them back, and it was Jackson, the family man, who was eating alone in some cases. Van Buren had sensed Jackson's frustration with the lack of a family and the ongoing political controversies. Realizing that his support of the Eatons in his political rivalry with Calhoun would be a political liability and wanting to provide an avenue by which the chief executive could ask for the resignation of the rest of the Cabinet, Van Buren gingerly resigned without destroying his relationship with a very loyal president. President Jackson finally chose a want of harmony over the battle over the Eatons (Alexander, 1935; Burke, 2001; Marszalek, 1997; L. Phillips, 1974; Pollack, 1931).
According to Gellman (1995) and Benjamin Welles (1997), a significant event occurs between the president, Secretary Hull, and Under-Secretary Welles during the Rio Conference in January 1942. In a fit of anger, Hull chastised Welles for not following instructions when negotiating the language in the final conference report regarding hemispheric relations with Germany. Welles disagreed strenuously and asked for a conference call with the president, who sided with the under-secretary. Benjamin Welles argues that Hull would never forgive the president and Welles for the decision. Gellman argues that Hull interpreted Welles' behavior to be a sign of disloyalty, and like Raymond Moley and George Peek, other officials before Welles, the under-secretary must be removed.

Benjamin Welles argues that the origins of Hull's anger toward Welles and the president dated back to the Cuban negotiations and the secretary's exclusion from the Atlantic Charter negotiations. However, Gellman adds a more detailed description of the administrative situation in which the president, Hull and Welles found themselves. President Roosevelt wanted to be his own secretary of state, control the apparatus and appointments of the State Department through Welles, and make all of the final decisions—in some cases without consulting Hull—by necessity, putting himself at odds with Hull. To
Roosevelt, Hull was the Southern Conservative who had connections with Congress so that any post war treaty similar to the League of Nations would be passed, but as an administrator, the president found him to be too cautious and unwilling, with the exception of negotiating reciprocal trade agreements, to be proactive.

In Welles, Roosevelt found a like-minded, energetic, proactive individual, an administrator who developed plans from general policy statements. Hull thought Welles, as well as the president, was too quick to act and unwilling to consult him on premature or impractical plans. Once Hull had determined that Welles must be fired, the existing administrative and political situation made it difficult. Having developed tuberculosis, which required extended periods of time away from his office, Hull was unable to be physically present when events were transpiring. The secretary of state needed Welles as a connection to a president who excluded him. Charged with running the day-to-day operations of the State Department, and responsible for Hemispheric relations and any other task that Roosevelt might ask him to do, a harried, compromised Sumner Welles attempted to serve two masters.

Gellman argues that the history between these men, particularly the president's unwillingness to support the secretary of state in matters dealing
with Welles, and Hull’s physical problems resulted in him lashing out at the president in the form of attacking a vulnerable under-secretary of state. Hull’s efforts to remove Welles would have to wait until the former’s physical condition improved. Shortly after the Rio Conference, Hull and his physician left for Miami where he spent almost three months (Gellman, 1995).

Hull and Welles’ relationship did not improve during the six months after the Rio Conference. According to Gellman (1995), Sumner, with the consent of the White House, made a speech as a trial balloon regarding the post world war peace. In June of 1942, after Welles’ trial balloon, Hull insisted that any speech had to be cleared through his office after that point in time. The secretary of state intimated to Breckinridge Long that he could no longer trust Welles who Hull believed was claiming White House approval for the speeches. Hull disagreed with the role that Welles was proposing for the United State after the war.

A series of events acted as markers in the progression of Hull actions vis-à-vis the accusations against Welles. On September 11, 1942, Hull confided in Breckenridge Long that he had investigated the rumors against Welles and believed them to be true (Gellman, 1995; Welles, 1997). On October 24, 1942, 25 months after Welles’ behavior on the Pullman car, Cordell met with J. Edgar
Hoover to see the F.B.I.'s report about the scandal (Gellman, 1995; Gentry, 1991; Welles, 1997). Admitting that an investigation had been conducted and the existence of a report, Hoover could not produce it without the president's approval (Gellman, 1995; Gentry, 1991; Welles; 1997). In early January, Hull had the charges against Welles investigated by a State Department security agent who provided the secretary with information from Luther Norris, vice president of Southern Railway (Welles, 1997). After expressing his concern to the president about Welles' scandalous behavior, Hull gained full knowledge of the investigation in February of 1943, reading the F.B.I. summaries at the White House (Gellman, 1995; Gentry, 1991). In the spring of 1943, Hull told the president that a criminal like Welles should not be tolerated in the American government, to which the president angrily denounced Bullitt's peddling of gossip (Gellman, 1995; Welles, 1997). On April 27, 1943, Senator Owen Brewster, at the behest of Bullitt and Secretary Hull, approached a tight-lipped J. Edgar Hoover about the Welles file; Brewster, an anti-New Dealer and member of the Truman Committee, could bring the problem up during committee deliberations (Gellman, 1995; Welles, 1997). Gellman reports that Biddle spoke to Truman and the Republican leadership and received assurance that they would not broach the topic. In June, Hull told the president that
everyone in the Senate knew about Welles, and it may make it difficult to get international agreements approved (Welles, 1997). F.D.R. refused to let Welles go, telling Biddle “why”—Welles was the “only one in the State Department who really knew what was going on” (Welles, 1997, p. 345).

Hull terminated Welles’ tenure through public and personal avenues. Using Arthur Krock at the New York Times, the State Department was described as a battlefield involving an underling who was trying to oust the secretary of state; the conflict was having deleterious impact on foreign policy.

On Monday, August 15, Secretary Hull issued an ultimatum at the White House—the president must make a choice between the services of Welles or himself. The under-secretary would be offered a roving ambassadorship to Latin America or an assignment to the Soviet and then retire. Confronting Hull, Welles was told that the president was worried that the homosexual charges would explode in the Congress and damage the State Department. The under-secretary chose to resign immediately, August 16, because of policy differences vis-à-vis Hull that would make Welles’ priorities in any position in the State Department difficult to achieve. In his letter of resignation, Welles offered to advise the president on foreign policy matters in the future and stated the reasons why his resignation was a necessity. Dating back to the post-Rio
Conference debacle between Welles and Hull, Sumner believed that Hull wanted him fired. With the press putting him at the center of the disputes within the diplomatic corps and Hull’s political ties in the Congress, he had become a political liability and the resignation had to be accepted (Gellman, 1995). The president continued to press Welles to accept a Moscow mission, but Sumner stated that Hull would veto any action that he might take. As a result, Roosevelt finally accepted his resignation on September 25 (Gellman, 1995; Welles, 1997). In the memoirs of Cordell Hull, the secretary of state specified his reasons for asking Welles to resign (see Appendix A).

**Accused Executive**

Does the role of the accused executive have an impact on the inter-executive and congressional competition that leads to the end of the scandal process?

*President. Since the executive serves at the pleasure of the president, the point at which the secretary or under-secretary becomes too great of a liability determines the end of the scandal process, regardless of the intensity of the political, professional, and/or personal relationship shared.*
Responsibilities. Even though Welles may have expanded his responsibilities in the State Department after the scandalous behavior and successfully implemented policies for Roosevelt, he had not become an indispensable member of F.D.R.’s foreign policy team.

Pro-active behavior. Regardless of Welles’ and Eaton’s efforts to reduce the status of their opponents and remain on good terms (friends in the case of Eaton and Jackson) with the chief executive, the political damage caused by retaining them outweighed the benefits.

Other Executive Actors

What roles do other executive actors play in the competition? Changes in personal, political, and/or administrative relationships may lead to conflicts that impact the development of a scandal. Separating these relationships in order to determine where the problem originated may be difficult.

Personal conflict. Illustrative of these relational changes is the shift in the relationship between Sumner Welles and Cordell Hull. Personality differences between a quick to act Welles and a deliberate Hull were exacerbated as political and administrative variables were added to their relationship over time. In another administrative environment, there may not have resulted in
such personal animus. While Vice President Calhoun's support of Floride's social rebuke of Margaret Eaton could be construed to be of a personal nature rather than a standard shunning of a social outcast, an illustration of a personal conflict could be found in the heavy handed manner by which John Eaton attempted to force the president's secretary to accept he and Margaret, and the subsequent personal problems that arose.

**Political conflict.** As Sumner Welles and Cordell Hull differed over the political issues surrounding treaty negotiations and the end of World War II, conflict between the two intensified. Not limited to the relational shifts between members of the same department, the Eaton controversy was intensified by other actors with different agendas, namely the political group surrounding John C. Calhoun.

**Administrative conflict.** An expression of different personalities and politics in many cases, administrative conflicts may grow out of the desire by the Cabinet secretary or under-Secretary to insist on personnel and procedures that promote their agenda. Administrators who did not measure up to Welles' standards were replaced or reassigned even if they were supported by Hull, causing conflict.
President

Tactics. In the intensely competitive environment of Washington, the president’s use of various tactics mentioned in the literature and case studies does not preclude other executive actors from employing similar tactics. Since the president is ultimately accountable to the voters, his choice to publicly fight for a minister or privately cover-up the matter are of great importance for the development of a scandal. Likewise, a competing actor, or actors, may choose to play their “cards,” i.e., Hull’s decision to initially ignore rumors, but then offer his resignation if Welles was not discharged.

Personal history. Andrew Jackson’s marital scandal that involved his nuptials with an already married woman, or Franklin Roosevelt’s history of sexual indiscretions suggests the importance of a president’s past. Through personal experience, a president gains an understanding of the foibles of others, and as a result may be quite tolerant of these indiscretions. Reportedly, F.D.R. believed that the behavior of an individual while intoxicated should not be held against them—perhaps it was a reflection of his own mistakes.

Legacy. While the Eaton affair was used to promote the aspirations of Martin Van Buren, the scandal process may impact the electability of the
president's chosen successor. A legacy of scandal may cause the president to change his approach to a scandal.

Press

Relationship. While other factors may impact the press release of news or public receptivity to scandal, an actor must have access to the public through outlets. In a competitive environment, a relationship is a necessary first step to using knowledge. Note Jackson's change to a "mouthpiece" more in-line with his political views.

Support/No support. A public consensus was never reached with regard to Sumner Welles' behavior because of the press' decision to support the President and his under-secretary thereby impacting the length of the under-secretary's tenure. The lack of support within the press had a profound impact on the Eaton situation.

Congress

Committee oversight. The scandal process may be hastened by the resolve of a majority opposition party in the Congress to capitalize on the indiscretion with oversight hearings. Public awareness is heightened and alerted to the seriousness of the indiscretion by the fact that Congress is looking into the
matter. Community response to hearings may speed or restrain the scandal process.

*Political capital.* In a competitive policy environment in which a president must use political support wisely to move policy through the legislative branch, the loss of support due to an undisclosed or public scandal may handicap future policy initiatives.

*Public*

A popular president battling for the honor of his secretary's wife is significant, but what is the long-term impact of the controversy on the attitude of the public with regard to the scandal? The public's election day decision when rival candidates with differing views on the scandal informs the president about the liability of keeping an administrator. Likewise, the threat of resignation and exposure of scandalous behavior leading up to elections may cause a president to pause, and reconsider the indiscrete executive's tenure. While the Eaton scandal was put to a vote by two congressional candidates who chose to openly support or oppose the president's choice of John Eaton, not all presidents would be willing to allow such a debate. In addition to the other motives attributed to Jackson's defense of the Eatons, Holt (1999) argues that
the controversy was an opportunity to attack the social pretensions of the social elites, and this assault solidified his support amongst the voters.

In order to test the above model, this author explored the original documents related to the development of Henry Cisneros' scandal. As the housing and urban development secretary for President Clinton, Cisneros dealt with charges related to personal indiscretion. Based on the aforementioned phases and factors, the following lines of questioning were pursued when reviewing documents:

- What was the context and nature of the sexual indiscretion? Was the indiscrete behavior followed by improper, unethical or unlawful efforts to withhold information?

- What actors were involved in the development of the scandal?

- What relationships existed that may have impacted the development of the scandal? Did these relationships change during the development of the scandal?

- What organizational mechanisms were used to hold the individual accountable?

- What role did the press and, by natural expression of its gatekeeping function, the public play in the development of the scandal?

After a careful review of these documents, scandal phases and factors were revised.
Limitations of Study

The limitations of this study are the following:

1. The fact that this sample is limited to Cabinet or sub-Cabinet officials in the United States of America political system impacts whether it can be generalized to other nations or U.S. states. The politics surrounding Parliamentary Cabinets may differ from politics of U.S. Cabinet appointees.

2. This convenience sample of four cases is not a representative sample of the larger population of accused Cabinet or sub-Cabinet officials, i.e., randomly choosing 15 different scandals from a population of 30 scandals would be more likely to provide a more accurate representation of the variables and phases of a sex scandal.

3. Like any exploration of the past, a limited supply of data is to be found in the existing documents, i.e., Alexander Hamilton’s self-reported scandalous behavior is not supported or disputed by "independent" documentation.

4. Exploration of historical events is limited by the researcher’s 21st century cultural lens, i.e., it is difficult to understand the nuances of an 18th century culture that would impugn the character of Margaret
(O'Neale) Eaton for expressing political attitudes and social commentary in the company of men.

5. Since the four case studies were chosen from different time periods, the variability of cultural change limits some comparisons, i.e., judging the public's response to the scandal outside of the nation's capitol would be difficult both qualitatively and quantitatively.

6. This aim of this research is to provide a description of the phases and factors of a sexual scandal and, as a result, does not provide prescriptions or solutions for individuals faced with such a situation.

7. In each of the case studies, the executive chose to stay in office or the president chose to retain the individual accused of sexual indiscretion as long as it was politically possible; we do not have a case study that deals with how an executive is quickly removed from office because this researcher was unable to find such a case.
CHAPTER III

HENRY CISNEROS SEXUAL SCANDAL

On January 21, 1993, the United States Senate confirmed Henry Cisneros as President William J. Clinton’s Secretary of Housing and Urban Development (H.U.D.). Secretary Cisneros’ list of accomplishments included receiving degrees from Harvard and George Washington University Henry, serving on the San Antonio City Council as mayor and councilman, raising three children with his wife Mary Alice and managing large pension plans. Armed with the knowledge of cities’ needs, Cisneros proposed reforms for H.U.D. programs. Seventeen months into his tenure, Cisneros’ previously aired, extra-marital relationship with Linda Medlar resurfaced. After alleging a breach of contract regarding Cisneros’ promised support payments, Medlar claimed that Cisneros had purposely misstated the levels of financial support to her during his F.B.I. confirmation background check. Attorney General Reno chose to seek an independent counsel to investigate the charges. With the support of President Clinton, Secretary Cisneros remained at his post and waited for final action by Independent Counsel David Barrett. At the end of President Clinton’s first term, Cisneros resigned.
The following is a recreation of the sex scandal, and many of the attendant ramifications, that impacted Secretary of Housing and Urban Development Henry Cisneros. Linda Medlar and Henry Cisneros’ sexual scandal adheres to the general phases of the author’s proposed phases and factors of a scandal, while providing new dimensions to particular variables. As mayor of the city of San Antonio, Cisneros’ affair with Linda Medlar was admitted to by the principals and reported by the press—fitting phase one, in which there is public acknowledgment of indiscretion before taking office as a secretary or under-secretary. Cisneros’ disclosure of support payments to Linda Medlar to the vetting committee and F.B.I. did not deter President William J. Clinton from naming Henry as his secretary of housing and urban development (H.U.D.) secretary—a case of a nominee admitting to indiscretion and financial support for his lover, and yet the president-elect supported the nominee regardless. When Secretary Cisneros failed to continue his financial support of Linda Medlar, she filed suit for breach of contract regarding support payments and on September 12, 1994, alleged on a national news program with documents and tapes for support that Cisneros had made misstatements to the F.B.I. regarding her support payments—fitting phase two, the messenger provided information about the multifaceted nature of the scandal to various
officials. After an explanation by Secretary Cisneros, the president showed support for his appointee. The law required, however, that Attorney General Janet Reno determine if the allegations warranted the appointment of an independent counsel to investigate the case. Attorney General Reno’s declaration that Cisneros had lied to the F.B.I. was followed by the appointment of a counsel on March 13, 1995, evoking a statement of innocence by Cisneros with a slight disclaimer that his statements to the F.B.I. may not have been exact, beginning phase three. Voicing support for Cisneros, President Clinton applauded the secretary’s job performance as well as frankness with regard to Medlar. Entering the investigation stage of phase three, Secretary Cisneros had little protection from the final decision of the OIC, but he did have the support of the president. After the appointment of Independent Counsel David Barrett to investigate the charges, Secretary Cisneros served the president for the rest of the first term, resigning in November 1996. While not a “part” of this author’s model, Barrett sought an indictment of citizen Cisneros in November of 1997 resulting in a plea bargain to a misdemeanor in 1998. In Cisneros’ case in particular, the cover-up was much worse than the indiscretion.

Much like the affairs of the past, the documents of the Cisneros/Medlar affair are limited in scope. While Linda Medlar may have appeared on national
television and the transcripts of the tapes may have been sent to many newspapers allowing reporters to have their own copies, the actual transcripts have not been preserved in institutions that made them available to this researcher. The courts in Lubbock and Washington have sealed the files of the related cases, a newspaper in San Antonio claimed proprietary information when this author asked for a copy, and a number of reporters have not been able to find copies that were in their files. While historians are naturally limited by the artifacts that are available, this research has been limited by

- Linda Medlar, who did not begin taping her conversations with Henry Cisneros until 1990, almost two years after the affair had begun, thereby reducing the actual artifacts available to researchers;
- Medlar, who edited and destroyed conversations; and
- the independent counsel's report, whose interest is in presenting a document that supports the decision to bring charges and does not have the interests of the research community in mind.

3 Unfortunately, this researcher was unable to obtain a copy of the F.B.I. manuscript or an edited manuscript that was sent to news outlets. As a result the basis of most of the following reconstruction of the Cisneros scandal process is based on Office of the Independent Counsel David Barett's report. Had the case progressed to the courtroom, Linda Medlar and Henry Cisneros would have been able to provide a better recreation of the scandal as well as the context for many of the recordings.
Because of the scarcity of documents that pertain to some areas of the scandal, this author relied on evidence and opinion supplied by the secondary literature. However, press clippings, journal articles, interviews and the independent counsel's report provide a fair representation of the phases through which the scandal proceeded, as well as the important variables of the scandal.

Phase 1: The Individual and the Alleged Behavior

What was the nature of the relationships between family members? The historical record contains a limited number of documents to establish the nature of the relationship between Mary Alice (Perez) Cisneros, Henry Cisneros, and their extended family. A generally positive portrayal of their family is found in the newspapers and a biography by Diehl and Jarboe (1985) shows the influence of political activism, public service, cultural and Catholic traditions that bound them together, but their marriage, it can be speculated, suffered as a result of these influences.

The origins of Henry Cisneros' political education can be found in the operations of the Romulo Munguia print shop that was only a few blocks from the home where George and Elvira brought their newborn, Henry, on June 11, 1947. Cisneros' grandparents, Romulo and Carolina Munguia, and their
children, Elvira, Guillermo, Rafael, and Ruben, were refugees from 1926 Mexican revolutionary politics. Escaping death during this volatile period, Romulo moved his family to San Antonio. In the United States, Romulo contributed to San Antonio’s La Prensa newspaper while Carolina helped launched a Spanish language radio station. Eventually, Carolina and Romulo launched an independent press that printed business and political materials. From the Munguia print shop, Romulo advised striking pecan-shelling workers and politicians in Texas as well as Mexico, and his children assisted in the operations and observed the political activities. As World War II was entering its final few months, Elvira was introduced to George Cisneros, a sergeant major whose family’s history went back to the earliest Spanish settlements in New Mexico. Within six months of their first date—following a local Spanish-American custom insisted upon by Romulo—George and Elvira wed. After mass on Sundays, the young couple and their children attended family gatherings at Henry’s grandparents home that included his uncles and cousins (Diehl & Jarboe, 1985).

The education of young Henry regarding “family” began during dinner table discussions, extended to his grandfather’s print shop, and perhaps most importantly by the example of his parents. Discussions at the dinner table were

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far ranging and free-wheeling debates that lasted well into the evening, building a sense of family. After completing the second grade, the Cisneroses decided that Henry could rise to the challenge of “skipping” a grade—the interest in stimulating young Cisneros was not just at Catholic school, but during the summer when Elvira Cisneros insisted that her children do work around the house, read and try creative activities. When Henry and his brother visited their grandfather’s shop not too far from the family home, they grew in awareness of San Antonio politics and the mechanics of campaigns. While working as a civil servant, Cisneros continued to contribute to his country and community by serving in the U.S. Army reserve and working to improve the delivery of city services. George’s dedication to the Air Force seems to have “rubbed off” on Henry who developed an interest in aircraft, participated in ROTC, and decided to apply to the Air Force Academy (Diehl & Jarboe, 1985). After failing to gain admission to the academy, Cisneros was admitted to Texas A&M.

According to Diehl and Jarboe (1985), Henry’s drive to succeed at Texas A&M was exemplified by a full daily schedule, only getting four to five hours of sleep, when he was excelling as a student, an active participant in many campus organizations and a member of the ROTC program. Through campus
opportunities, Henry’s horizons grew—he was able to meet elite in the Texas
business community, attend a conference of diverse students at West Point and
visit New York City. During the Texas A&M years, Henry showed a change in
interest from the military to urban affairs (Diehl & Jarboe, 1985).

In retrospect, George Cisneros felt that he taught Henry to lead by
example—family first, the importance of education, clean living, striving for
excellence and hard work (Wu, 1983), and Elvira emphasized the importance of
education and charitable actions (Obregon, 1982).

Raised in a Catholic household where everyone—nine children in all—
participated in the operations of the family’s grocery store, Mary Alice Perez’s
first memory of Henry Cisneros was when she was in eighth grade, and
participating as a model in a beauty show at her Catholic school—he was in the
audience sporting a big-ears-and-very-little-hair look. Fourteen-year-old
Henry’s first memory of 12-year-old Mary Alice was that she struck out
whenever she came up to bat in a baseball game. Mary Alice did not remember
striking out, but rather that Henry wanted to win and she was a team player.
The pair started dating with very strict rules set by their parents when Mary
Alice was 14 and attending an all girls school. Mary Alice remembered that
they went to football games and church events in groups because Henry did
not have a license to drive. While Henry attended Texas A&M, Mary Alice completed high school and took courses at San Antonio College (Diehl & Jarboe, 1985).

On June 1, 1969, Mary Alice, age 19, and Henry, age 21, were wed in a traditional ceremony at St. Agnes Catholic Church. They had become engaged during Henry’s senior year in college, but had postponed it when he received a full scholarship from the Texas Municipal League so that he could pursue a master’s degree in regional and urban planning at A&M. While pursuing his graduate degree, Henry had the opportunity to serve as assistant city manager of Bryan, Texas, but was hired in January of 1969 by the Model Cities Department in San Antonio as an assistant director. As Henry put a lot of time into his new job, Mary Alice realized that she did not want to be at home alone, so she interviewed successfully for a job at a bank (Diehl & Jarboe, 1985).

Cisneros’ experiences with the Model Cities Department made him realize that federal programs could not remedy the West Side’s employment and infrastructure problems. Elected officials with backgrounds in administration and finance were necessary to develop public policy that would aid under-developed neighborhoods. With this in mind, Cisneros applied successfully to George Washington University’s urban administration program
and planned to minor in finance. Taking a chance on only a few job leads in the nation’s capital, Henry and Mary Alice moved to Washington in January 1970. After managing to successfully obtain a student internship at the National League of Cities administration, Cisneros settled into a hectic schedule of coursework and administrative work. Mary Alice successfully interviewed for a job translating documents from Spanish to English at a bank. A business trip to Florida kept Henry from being present when Mary Alice gave birth to Theresa in the spring of 1971, two weeks before the due date—Henry’s brother George who was attending Georgetown University had to navigate the icy roads with his sister-in-law (Diehl & Jarboe, 1985).

After completing his doctoral coursework, Henry Cisneros successfully competed for a White House Fellows program where he was placed as an assistant to Health, Education, and Welfare Secretary, Elliott Richardson. The Richardsons included Mary Alice and Henry in a number of social activities including performances at the theater. From Richardson’s example Cisneros learned the basics of clothing styles as well as the value of a developed intellect and competence—the next job or elected office should not be on a professional’s mind, rather developing skills and understanding which will speak for themselves when people are looking for a candidate or employee. Richardson
emphasized the need for an electoral base of support outside of Washington rather than trying to climbing the ladder in Washington. Before returning to San Antonio, Cisneros applied for a $10,000 grant to attend Harvard University's John F. Kennedy School of Government where he obtained a second master's degree in public administration—the bona fides of a Harvard degree. As for Mary Alice, she managed to find a babysitter and take a job until the couple happily returned to San Antonio in 1974 (Diehl & Jarboe, 1985).

Upon returning to San Antonio, Henry Cisneros successfully interviewed for a teaching position at the University of Texas at San Antonio and worked to gain a slot on the ballot for the city council, beginning an energetic campaign—sometimes working 16-hour days (Diehl & Jarboe, 1985). The relentless effort to achieve and spend all the time necessary in order to successfully complete a task in college now began to express itself in his political life. Sworn in on May 1, 1975 after an impressive electoral tally,4 Henry set about a six-year campaign to become the mayor of San Antonio (Diehl & Jarboe, 1985). Mercedes Cisneros came into the world during the same year that

4 According to Watkins (1975), Cisneros out polled his closest competitor, Aleman, 45,622 to 19,724 votes. In a field of six candidates, none of the remaining candidates’ tallies broke 10,000 votes.
her father became a member of the city council. In an October 1977 interview, with a child in her lap, Mary Alice describes her life with an ambitious politician beginning with the unknown quantity that her husband was when they first got married—she thought he was going to be a manager, not a politician (V. Davidson, 1977). Her self-described mission was supporting Henry, whom she believed had the "talents and assets to help the community" (V. Davidson, 1977, p. 15-A). Included in her responsibilities were managing the family budget, house, cars and two children—she received support from her parents and in-laws with her duties (V. Davidson, 1977). Mary Alice’s handling of all of the family responsibilities was not the way they had planned it, but “that’s the way it turned out” (V. Davidson, 1977, p. 15-A). In the political realm, Mary Alice tried to help Henry’s constituents who called their home, represented Henry at meetings, talked to the press, cut ribbons or appeared at political events, and clipped newspaper articles for Henry; she hoped to be the First Lady of San Antonio (V. Davidson, 1977). From the available evidence, Mary Alice seemed to be the wife of a driven politician and she had to meet the challenges when he was not there to help her.

While Henry was busy with long days of work at city hall, teaching and traveling on the lecture circuit or attracting business to San Antonio, Mary Alice
attempted to maintain a sense of accomplishment in her life, as well as a sense of family life. Rather than worry about when Henry would be coming home, Mary Alice found a part-time secretarial job and fit college coursework into her schedule with the hope of becoming an elementary educator (V. Davidson, 1977).

By 1978, Mary Alice (in an interview) described Henry’s frenetic schedule as having a “horrendous” impact on their young family, but Henry responded, “I think Mary Alice understands . . . the sense of mission I have . . . and I am grateful for the free rein she has given me to do what I must so long as I remain moral, ethical, faithful and honest about the mission” (Jones, 1998, p. 5). The article did not develop the topic any further, and Cisneros’ statement suggests that Mary Alice wanted Cisneros to be a politician with high standards.

When Henry joined the 1981 mayoral race, Mary Alice was an integral part of the campaign staff (Diehl & Jarboe, 1985). Polling well, Cisneros won, and then again in 1983, by receiving 9 out of 10 votes. Priding himself on attention to detail in the development of a more robust San Antonio, Mayor Cisneros’ schedule of meetings led to missed meetings with constituents, et al.,
and 14- and 16-hour days that kept him away from his family, as well as a reduction in the time necessary to teach (Diehl & Jarboe, 1985).

The press put emphasis on the low pay of the councilmen and the sacrifice of the Cisneros family income, which was decreased by $340 per month because of a state law that did not allow an individual to draw a paycheck from two different Texas institutions. By 1984, Henry's busy schedule courting businesses for San Antonio, forced him to reduce his teaching load by 40% at University of Texas at San Antonio which most likely reduced his salary of $25,080 to approximately $15,000 (McCrory, 1983). Henry promised Mary Alice that he would bring home $1,500 a month in speaking honoraria (Wood, September 2, 1984). Mary Alice likely felt more fulfilled when she was able to work outside of their home and a great deal of pride when her salary, as a public relations counselor, boosted their income with an additional $16,080, composing anywhere from one-quarter to one-third of the family earnings (McCrory, 1983). The family income was augmented by two events. Switching to Trinity College allowed him to collect a $4,040 salary from the city in 1984 (Diehl & Jarboe, 1985). By mid 1984, Cisneros' honoraria had brought in $10,050—this was a result of rejecting nine out of 10 invitations to speak; the range being from $500 to $2,000 (Wood, June 24, 1984). Henry Cisneros'
reputation was worth 20% of their family income in the mid 1980s, and it would most likely climb after being considered by Democrat Walter Mondale for the vice presidential slot.

During Mayor Cisneros' second term, he, with the help of his administrative assistant Ms. Hernandez, attempted to wrest time from his schedule in order to keep a semblance of a family life. Henry and Mary Alice jogged together whenever possible. He attempted to spend time with his parents by stopping at their home when out jogging. In order to maintain a healthy family dynamic, they ate at family friendly restaurants, jogged together when possible, took short vacations to the Gulf of Mexico for some beach time, attended mass on a regular basis, and visited grandparents on holidays or whenever possible—attempting to keep a routine (Diehl & Jarboe, 1985).

In the period around his fourth election as mayor in 1987, Cisneros attempted to set a moral standard for city employees as well as publicly affirm the importance of Mary Alice. When an Express-News article revealed that city manager Fox took a trip to Puerto Vallarta with the ex-wife of a city manager and suggested that it was causing administrative problems, Cisneros criticized the city manager publicly ("Is There a Dark, Moody Side to Cisneros?" 1987): "A man is entitled to his private life, but if that's the particular private life he
wants, he might be making a choice of that private life over his job” (O’Connell & Silverman, 1988, p. 1). The mayor almost asked for the city manager’s resignation, even though the public felt (according to the news report) that what two consenting adults do in their spare time is their own business (“Is There a Dark, Moody Side” 1987). Two months after Cisneros had begun his relationship with Linda Medlar (Jones, 1998), he was able to affirm (in the May edition of Esquire) his special relationship with his wife and how, “There are other women who are more statuesque and have other qualities, but I’ve always been particularly susceptible to that kind of excitement she generates” (Gonzalez, 1987, p. 1-B).

During the final two months of Mary Alice’s pregnancy, Henry—still at work at 7 p.m.—received a call from his wife. She was experiencing bleeding, and by the time he came home, an ambulance had already arrived. The prognosis for the baby was good, but Mary Alice’s doctor recommended bed rest until the baby was born. Henry shifted his priorities from city duty to domestic duty, making Theresa and Mercedes breakfast and then delivering them to school (Jarboe, 1987).

The actual state of their marriage may be deduced by the amount of time required by the mayor’s job as well as differences in personalities (O’Connell &
Silverman, 1988) and later described as “the fundamental problem is dramatic personality problems—two good people on different roads” (Wood, October 15, 1988, p. 12-A). Before the breaking of the sex scandal story, Mary Alice sought advice several times from Attorney Pat Maloney regarding divorce (Thompson, October 14, 1988). Later, Henry Cisneros stated that the problems within their marriage “are long standing and one could make the case, perhaps, that they should have been dealt with a long time ago . . . a fatal error” (Martinez & Tackett, 1988, p. 10-A). Mayor Cisneros and his wife had fought for years and their alienation increased when she turned to fundamentalist Christianity (Maraniss, 1988; Jones, 1998); “he had earlier admitted that coming home nights to hear his wife’s religious friends praying up a storm on the ground floor was not that sweet and easy on his ears” (Thompson, October 16, 1988, p. 3-A). The resentment may have grown when John Paul—the son that Henry always wanted, but Mary Alice wanted nothing to do with because of the hassle of diapers and rearing another child—came along (Maraniss, 1988). The June 10 birth of his son and the infant’s heart defect caused him to put any statewide political plans on hold and alter his schedule, except for paid speeches, in order to help out with the care of John Paul. Noting that he could not of necessity withdraw completely, Cisneros felt that he had to deal with San Antonio
Symphony labor issues, Hemisfair plaza redevelopment, acquifer issues and his Alamodome presentation to the city council (Martinez, 1987). Without his attention, he felt that these projects could become political liabilities" (Canty & Martin, 1987). It can be surmised that while Cisneros' decision to not begin a campaign statewide away from his family was important to the survival of his marriage, perhaps the most important aspect of it was the shutting down of his political action committee, the Committee for Texas Progress, located in Austin (Canty, 1987). Established in May of 1987 with the goal of involving Cisneros in state politics, its executive director was Linda Medlar (Canty, 1987). According to Gugliotta (1994), Medlar's employment was terminated because Mary Alice had gained knowledge of their affair.

In retrospect, Cisneros saw his situation, when he had grown enamored of Linda, as a clash between everything he had been taught by his parents and Catholicism as duty in conflict with the freedom he would experience with the inspiration and joy of his muse (Maraniss, 1988). In a January 1989 interview with Marie Brenner of Vanity Fair, Cisneros said that his "spirit was broken" (p. 47), but this relationship (with Medlar)—he had other extra-marital relationships—was "different" (p. 48).
He (Cisneros) had become baffled by a marriage that had seemed preordained to him as a child. . . . “Mary Alice and I have nothing in common anymore . . . I begged her to go back to school and she wouldn’t. Instead she became a born-again Christian.” (Brenner, 1989, p. 48)

“Look at my life. I married young. It was not a good match or a happy one. The Catholic strictures are binding. They are part of having to live in my grandfather’s house. You don’t leave the West Side. You don’t betray the family. . . . Mary Alice thinks I have turned away from God, and this at the root of my problems. She has become a born-again Christian, and in the morning I wake up to Jesus tapes and at night that’s what I go to sleep with! . . . (Mary Alice told him that) because I have been living the sinner’s life I have, I was only offered 12 and a half minutes on the platform (at the Democratic National Convention).” (Brenner, 1989, pp. 50–51).

“When I was in graduate school, I fell deeply in love with a Canadian girl who was studying city planning. Mary Alice and I were already married and I decided I had had enough of being burdened by my background. That night I went to bed and I had a dream that my baby daughter, Theresa, was hit by a car on my way to church. Can you believe that? But there it was. And I decided after that dream that I would have to live my life like a priest. I would have to devote myself to a cause and a city.” (Brenner, 1989, p. 51)

Unlike the closed-lip, pithy public figures of the past, Henry Cisneros had invited the public into the conflicts of his upbringing and his marriage. The press had treated him well as many of these articles suggest, but it is not hard to imagine how difficult it must have been keeping a family and career together.

What was the nature of the relationship between President Clinton and Henry Cisneros? According to Pika and Norman (1996), Henry Cisneros, the Mayor of
San Antonio, was chosen by President-elect Clinton for his Hispanic background and political experience. Implied in Pika and Norman’s analysis is Romero’s (1997) reference to Cisneros’ doctorate in urban planning, as well as practical experience in helping to rebuild San Antonio as selling points to the president-elect. President Clinton confirms Pika and Norman’s analysis and adds that he and Cisneros were friends before Henry’s nomination (Clinton, 2004). In a recent interview (Boswell, 2003), Henry Cisneros discussed his pre-H.U.D. secretarial relationship with then Governor Bill Clinton as consisting of getting to know the Arkansan when introducing him to conventions in San Antonio in 1983 and 1985. Clinton’s appreciation of Cisneros’ work in San Antonio resulted in subsequent invitations to Arkansas that included a speech in Hot Springs, interactions with Hillary Rodham Clinton, and visits to the governor’s mansion. The political relationship between Clinton and Cisneros must have been strengthened by what Jones (1998) and Gugliotta (1994) characterized as Cisneros’ hard work for Clinton’s election. Cisneros’ service on the president-elect’s transition team may have increased the likelihood of him being offered a position in the Cabinet.

The nature of the working and personal relationship between President Clinton and Secretary Cisneros is not mentioned by Clinton in his
autobiography. Even after Linda Medlar filed suit and appeared on "Inside Edition," we may be able to gauge President Clinton's attitude about Secretary Cisneros' "value" by the fact that Henry was invited to serve on a group of 12 to 15 political advisors and Cabinet officers that Clinton put together after the 1994 Republican takeover of the Congress to discuss its political ramifications (Boswell, 2003). During these meetings, Cisneros felt that he developed a close relationship with Clinton; Henry noted that, "I'm sure he has a close relationship with about 10,000 people and I was fortunate be one of them" (Boswell, 2003). We do, however, get a peak into the private assessment of President Clinton by Cisneros in the transcripts of the taped conversations with Linda Medlar. DeParle (1994) reports from the transcripts of Medlar and Cisneros' conversations that the secretary felt Clinton was a difficult man to work for—very indecisive, and Davidson (1994) reports that Cisneros makes the general statement about Clinton, "There are a lot of personal qualities about Clinton that are troublesome for those who would work with him" (Express News, p. 5A). Like any professional executive, Cisneros wanted clear guidance from the chief executive; this, however, does not shed a great deal of light on their relationship other than a need for patience.
What type of relationship did Henry Cisneros have with members of Congress before and after his move to Washington as H.U.D.? The relationship with members of Congress most likely began in 1977 when Councilman Cisneros was elected to the board of directors of the National League of Cities and increased as he worked to protect funding for cities. The board of directors and the advisory council were expected to comment—some of the members would testify before Congress—on the national urban policy that was being developed at the time, specifically how federal funds were to be apportioned between northern and southern cities ("2 from S.A. Decide Where Fed Funds Go," 1977). Efforts to modify early proposals by the Reagan Administration regarding block grants and other domestic programs (Weser, April 18, 1981; June 6, 1981) no doubt raised Cisneros' profile with the Democratically controlled Congress. When Cisneros was elected as president of the National League of Cities on December 11, 1985, he pledged to lobby Congress in a continued defense of federal grants to cities (S. Phillips, 1985).

It is likely that the closest relationship that Cisneros may have had in Congress was with Henry Gonzalez, who represented San Antonio in Congress—the need for communication between the two must have resulted in a working relationship at the least. The level of political support by Gonzalez...
dates back to Cisneros' first run for mayor, when Gonzalez repudiated his son's decision to support a candidate other than Cisneros (Diehl & Jarboe, 1985).

During the 1984 election period, when he was one of Walter Mondale's potential vice presidential running mates and spoke at the Democratic National Convention, Cisneros reported an unwillingness to run for office beyond his position—he expressed an interest in serving for perhaps another three terms, acknowledging the fact that he would not have a political base or experience in Congress (Diehl & Jarboe, 1985). But he was willing to work with members of his own party within Texas who held congressional seats, co-chairing Senator Lloyd Bentsen's 1987 re-election campaign. In 1987, Bentsen is quoted as saying, "(Henry is) one of the real stars in our party—not just in Texas, but nationally;" and a candidate for a democratic White House's Cabinet (Cantu, 1987, p. 60).

Democrats and Republicans did not grill Cisneros during the confirmation process. This may have been out of a sense of decorum since Cisneros had already suffered embarrassment over the scandal, as well as the

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5 Whether it was Henry's influence with Senator Bentsen and/or Linda Medlar's talent as a fundraiser that got her a job with Bentsen's re-election campaign (Canty, 1987) is open for conjecture.
fact that many of the senators had suffered embarrassing scandals (see Cisneros' comments later in this manuscript).

The 1994 takeover of Congress by the Republicans changed the dynamic of governing. No longer were the peoples' representatives friendly to a vigorous government. Instead, Republicans were interested in eliminating H.U.D. (Martin, April 16, 1995), thereby setting up a natural antagonism between the secretary and members of the Congress.

What type of relationship did Cisneros have with other executives before and after entering the service of Clinton? The secondary literature is silent on the relationship between Cisneros and other executives, and the relationship between Andrew Cuomo and himself, as well as other administrators. Did he work with other Cabinet chiefs to further his goals for H.U.D.? What type of relationship did he have with Attorney General Janet Reno?

Unlike the case of Sumner Welles or Alexander Hamilton, Henry Cisneros' case of sexual indiscretion arises and is documented before he assumed the Secretary of Housing and Urban Development post, and it is the attendant factors, namely support payments to his lover during the interim of service in San Antonio and the Cabinet that are the focus of this case study.
What were the traits of the alleged indiscretion? The traits of the indiscretion appear to be rather concrete and rather typical of a man and woman who violate their marriage vows in an indiscrete, consenting, heterosexual relationship that turned out to be damaging to children, parents, family, and friends. In March of 1987, Henry Cisneros and Mrs. Linda Jones Medlar during a fundraising trip to New York broke their marital vows. Hired in 1986, Mrs. Medlar was the executive director of Cisneros' PAC, Committee for Texas Progress (Canty, 1987). After the affair had begun, according to Medlar, she and Cisneros saw each other when they could (Gugliotta, 1994).

Three months into their affair, Cisneros' son, John Paul, was born with heart defects, including the lack of an atrium (Maraniss, 1988). According to Medlar,

Henry was devastated, not only because of his son . . . but also because we had to figure out how to encompass John Paul into our future plans. . . . He thought there was a way to do it . . . being a private person for a while, spending as much time as he could with John Paul, and he and Mary Alice coming to some sort of agreement. (Gugliotta, 1994, p. 4)

Cisneros needed to make a calculation that would take into consideration his political future, his love for Linda Medlar, his marriage and John Paul's problems, which Henry thought could be a message from God to mend his ways (Gugliotta, 1994).
Gugliotta (1994) states that Cisneros, without Medlar's knowledge, began talking with newspaper reporters and others almost immediately about the woman whom he loved, each reporter sworn to secrecy. While bringing the pair a year and a half of protection from the public's eye, Cisneros' confessions came to the attention of Mary Alice. According to Medlar, Mary Alice insisted that she be fired when Henry, citing John Paul's needs, removed himself from a 1990 gubernatorial or senatorial run in August 1987. Maraniss (1988), on the other hand, does not mention this early effort, but states:

From the moment he announced in August, 1987 that he (Cisneros) was taking himself out of the 1990 races for senator or governor, Cisneros began a calculated effort to explain his situation to the San Antonio news establishment in off-the-record meetings. Many of Cisneros' friends said his purpose was clear, "he was trying to co-opt the entire press corps," said a city hall associate. (Casey, 1988; Maraniss, 1988, p. 1-C)

Cisneros discussed his problems with the publisher of the San Antonio Express-News, the editorial board of the San Antonio Light, and many of the reporters, hoping to immunize himself through the media stricture, emphasizing that as long as it was not impacting his performance, then his private life was off limits (Maraniss, 1988).

At city hall, Cisneros was criticized by coworkers for sharing his story of indiscretion with "2,500 of your closest friends," thinking that the press would
continue to cover up the problem, divorcing Mary Alice for an Anglo—it would not be accepted in the Hispanic community; the motive ascribed to Linda was her interest in being the wife of the first Hispanic U.S. President (Maraniss, 1988).

On September 12, 1988, Henry Cisneros announced that he would not seek a fifth term as mayor of San Antonio. Citing his son’s medical problems, as well as John Paul’s medical bills that are estimated at $200,000 (Corchado, 1988), Cisneros denied that marital problems had anything to do with his decision to not seek re-election (McLemore, 1988).

In a San Antonio Light column written by Rick Casey during the week of October 3, 1988, the columnist posed three ethical questions, one resembling the case of Henry Cisneros’ sexual indiscretion. On Thursday, October 13, Casey stated what the press knew: (a) Mayor Cisneros and his wife had an unhappy marriage; (b) the mayor held “off-the-record” conversations with reporters and other staff members, stating that he is in a serious relationship with a woman other than his wife; and (c) he discussed his personal problems with other members of the community who had been free with the information. Casey’s conclusion—the mayor’s behavior had to be exposed or it would appear that the 4th Estate was covering it up.
In a current article that appeared on October 13, 1988, O’Connell and Silverman’s interview of Cisneros shed a great deal of light on rumors that swirled around Mayor Cisneros’ personal life. Henry rejected the idea that the public had the right to know about the intricacies of his marital problems, especially since Mary Alice contributed so much to the community and deserved privacy. Cisneros stated that there were difficulties due to personality differences, but divorce was not a possibility because of the support that John Paul needed. Cisneros did, however, describe his friend:

There is a friend . . . who is a friend . . . whose name I will not mention because that person is not a public person, who is very smart and very insightful—capable in my field—and who is one of the best friends I have ever had, just in terms of the human feedback that a person needs over the course of a lifetime. But for that to assume the proportions that it has is simply incorrect. It is not factual and it is not correct. (O’Connell & Silverman, 1988, p. 4)

With regard to rumors, which he felt wounded by after all of his years of public service, Cisneros stated:

“There is no pregnancy, there is no child, there is no paternity suit, there are no physical assaults, no divorce filings, nothing of that nature. Nothing at all. Nobody has left town, nobody went to another place to have an abortion. Nothing of that is true—absolutely rock solid zero. Period.” (O’Connell & Silverman, 1988, p. 4)

“In an attempt to explain his behavior vis-à-vis the press, the public, and his problems,—I tried to ask for privacy to deal with them. What people don’t understand is that the reason I was asking for privacy was
threefold—I have tried to ascribe—ascribe some dignity to the office itself. Secondly, I have taken the role dimension of my assignment, my mission, my personality, my job, seriously. I have felt it was best to handle private problems in private, and not through the klieg lights and the environment that is attendant. The consideration for saying that I would not run was that I wanted to spare Mary Alice, the girls (his two teenage daughters) and John Paul all the difficulties, and sort this out in private.” (O’Connell & Silverman, 1988, p. 5)

While Mayor Cisneros could not determine the reason for the exposure of his indiscretion at that precise time, O’Connell and Silverman concluded that Henry had used his family and personal life to his political advantage, without setting strict limits for reporters, and it had backfired.

When asked about the Current article that was about to be released, the mayor’s wife had no comment since she had not read it, but she did say that the family had a lot of needs and she did not own a gun—a reference to the rumor about her attempt to shoot Henry (Martinez, October 13, 1988).

The final blow to any pretense came with the publication of Paul Thompson’s column entitled, “Cisneros Confesses Deep Love for Medlar,” on Friday, October 14, 1988. Based on notes from previous conversations, Thompson identified Linda Medlar, a political fundraiser and wife of Stan Medlar, a local jeweler, as the woman who Mayor Cisneros characterized as his “best friend in all of the world” (Thompson, October 14, 1988, p. 1-A).
Thompson reported that his conversations with Medlar indicated that she was equally in love (on many different levels) with Cisneros. Thompson reported that Cisneros had originally planned to finish out his fourth term, divorce Mary Alice when the public spotlight had been turned off, and live happily with Linda. According to Thompson, Cisneros seemed to have changed his attitude about divorcing Mary Alice during the month just before the scandal broke stating that “a public figure like himself may have to ‘pay some dues’ in terms of propping up a sagging marriage and maintaining the right kind of family image, ‘whatever the cost’” (Thompson, October 14, 1988, p.14-A). As the story was about to break, Medlar indicated to Thompson that she was unsure of the future (Thompson, October 14, 1988).

On the day the Thompson piece was to be published, a newspaper reporter knocked on the Cisneros’ door before dawn (Martinez & Tackett, 1988). Showing the headlines to Mrs. Cisneros who was carrying John Paul, she refused comment (although she promised to comment later in the day—she never did) and retreated, saying that she needed to take care of her children (Martinez & Tackett, 1988). In response to the revelations, Mary Alice and Mayor Cisneros appeared on the front porch of their home for a short time—the mayor met with the press and his wife retreated inside to family and friends,
many of whom had brought covered dishes, as if someone had died in the family. The list of family and supporters included Mary Alice's pastor, Reverend David Walker of the Alamo City Baptist Church, her sister Annie DeLeon and brother Roger Perez, and the mayor's uncles, Ruben and Romulo Munguia, and his close friend Rene Gonzalez, the family's accountant (Martinez & Tackett, 1988; Wood, October 15, 1988).

Mayor Cisneros led off the press conference in his front yard by stating that his wife came to the front porch in order to show that "she's intact, (a) capable, strong woman" (Martinez & Tackett, 1988, p. 10-A). He jokingly noted that she wanted to show that she had not been shot, as the rumors said she had done to him; but on a somber note, he did say that he had explained the situation to his teenage daughters who would have to deal with personal and peer issues (Martinez & Tackett, 1988).

While denying that he planned to get divorced, Cisneros declined to go into detail about his marriage, saying only that Linda Medlar was not the cause of his marital problems, rather long-standing issues that should have been worked out (Martinez & Tackett, 1988). Reported in the Wood article, but not in the Martinez and Tackett account, was Cisneros' comment that he needed a "soulmate."
But when asked if he was sorry about his relationship with Medlar . . . he replied, "people in the course of a lifetime find friendships and ways to cope, support, in many different ways, in many different forms. I cannot be sorry for life the way that it is; I cannot be sorry for that." (Martinez & Tackett, 1988, p.1-A).

The mayor described Medlar as a "very intelligent, bright, attractive person, very close . . . who understands the difficulty of my present situation" (Wood, October 15, 1988, p. 1-A). Cisneros asked that the press respect Mary Alice's privacy (Martinez & Tacket, 1988; Wood, October 15, 1988). Cisneros asked for "some time and understanding in order to work things out" (Martinez & Tacket, 1988, p. 1-A; Wood, October 15, 1988, p.1-A).

"I am sorry that as leader of the community, San Antonio and my name go together on these problems," he said, "but I guess human beings aren't made of plastic and wiring and metal, they are made of flesh and blood and feelings and a lot such things" (Martinez & Tackett, 1988, p. 10-A). He added that Linda Medlar was okay when he had spoken with her earlier that morning. The mayor promised to continue working for the city, while acknowledging the possibility that he may be unable to speak on the national speaking circuit, which provided a large portion of his family's income, or work for other candidates for office (Martinez & Tackett, 1988).
Cisneros did not attack the press during the interview or in subsequent conversations (Maraniss, 1988), but his Uncle Ruben Munguia stated, “The media has made a personal (public) issue of something that should have been kept private among themselves. It’s their family, and their problems should be theirs, as would be yours, as would be mine” (Martinez & Tackett, 1988, p. 10-A).

According to Phillips (October 15, 1988), members of the city government were generally supportive of Henry Cisneros. Council members Hasselocher and Wing voiced their support for the mayor on the record, but other members who thought the indiscretion was a private matter did not want their sentiments reported. City manager Fox assured the citizens of San Antonio that services would continue to be offered regardless of Cisneros’ affairs.

Press coverage of Linda Medlar included a personal telephone interview and comments from previous coworkers and an employer. Balik (1988) reported that associates thought she was a very private person, conscientious, hardworking, a dutiful wife, and a slender blond. Her supervisor at the San Antonio Chamber of Commerce thought she was a quick learner, well organized and got along well with people, but knew little about her personal life (Balik, 1988). A woman who served with Linda and Stan Medlar on a
charity committee thought that she was "pretty," "gracious," and "supportive of Stan . . . they were a unit" (Balik, 1988, p. 3-A). Interviewed for a San Antonio Light article published on October 16, Linda Medlar said that she would support whatever decision Cisneros made concerning his private life, asked that the public not allow the personal problems to detract from the mayor's accomplishments, and stated that Cisneros was trying "to work out some personal problems that would hurt people the least; he was not given the opportunity to do that" (Martinez, October 16, 1988a, p. 1-B). When asked if she wanted to marry the mayor, Mrs. Medlar stated that it was a private matter and hoped that the attention on the relationship would not cause anyone concerned to rush important decisions (Martinez, October 16, 1988a). Having received encouraging calls from supporters, she "would try to go on with her life, hoping that the sudden public attention on her would not impact her professional career" (Martinez, October 16, 1988a, p. 4-B).

Members of the Cisneros family responded in different ways to the revelations. On Sunday, Mary Alice, Mercedes, Theresa, and John Paul went to church. The reverend and the family stood before the congregation and prayed for the Cisneros family and Linda Medlar (Cook, 1988), and shortly thereafter Mary Alice left on a retreat with members of the church (Maraniss, 1988). Alone
at home, Cisneros cried (Maraniss, 1988). On the Monday following the scandal's exposure, Mayor Cisneros returned to work, facing the press and opinion about his indiscretion. His secretary Delzie Madkins told him that "responsibility was more important than happiness" (Maraniss, 1988, p. 1-C). When questioned by the press, Cisneros insisted that he had nothing more to say about the topic, reminded them that he could not accomplish the city's business if he were pursued about the topic, and stated that he would notify them when he had made a decision (S. Phillips, October 18, 1988). Ten days after the Thompson article, Cisneros stepped into the late night national spotlight with an in-depth interview by Charlie Rose, the anchor of "CBS News Nightwatch" (Jakle, 1988). While he had told the San Antonio press that he would not go into detail, Jakle reported that Cisneros appeared to have changed his mind, explaining how he was weighing the various options in his situation in light of the fact that his marriage could no longer work. Perhaps the calculation for Cisneros was that he wanted to "immunize" himself on a national platform against further embarrassment, foreshadowing how candidate Clinton would use the press to his advantage.

While Linda Medlar received calls of support, she also experienced anonymous death threats, the loss of "two big fundraising jobs," and
depression resulting in her seeing a psychiatrist: “(she) was admitted to a psychiatric ward” and “attempted suicide with an overdose of pills and booze” (Jones, 1998, p. 7). In late November, Stan Medlar filed for divorce, stating that he had stopped living with his wife on October 14 (the date of the Thompson article) and that the marriage had become unsupportable (“Linda Medlar’s Husband Files,” 1988). While Barrett (1997) maintained that Cisneros moved in with Medlar at the end of October, Jones (1998) reports that two months after the story broke, Mayor Cisneros rented an apartment and “only his closest aides, he later acknowledged, knew to dial Linda’s number, not his own, to reach him” (p. 7). When Stan filed for divorce, according to Linda,

Henry urged her to walk away from the marriage empty-handed to avoid an ugly court battle that could damage his own golden name and political future. Linda claims she left behind assets worth well over $1 million, believing that Henry would marry her, that Henry would always take care of her and her daughter. (Jones, 1998, p. 7)

Cisneros disputed the assertion that he put any pressure on Medlar to avoid a court fight (Barrett, 1997).

According to Medlar, Cisneros proposed marriage and the date was to be “in the fall of 1989 after his investment company got off the ground” (Jones, 1998, p. 8). Over the next two years, Cisneros would start four companies, Cisneros Communications, Cisneros Asset Management Company, Cisneros
Benefits Group, and Cisneros Metro Air. The latter charter company was instrumental in allowing him continued visits to Linda Medlar when she had moved to Lubbock. "By mid 1989, Cisneros testified, saying he was harboring doubts about a long-term relationship with Linda because of his moral misgivings and the health of his son" (Jones, 1998, p. 8). In November 1989, Cisneros went to the hospital for gallbladder surgery, and rather than returning to Medlar's home, was brought back to his family home, leaving his clothes at Linda's residence (Jones, 1998).

Medlar went to Lubbock (Barrett, 1997), and when she returned to San Antonio refused to respond to Cisneros' calls, inquiries through friends, or Christmas gifts left at her door (Jones, 1998). In January 1990, Linda agreed to speak with Henry (Barrett, 1997). Over the next few months, she explained her financial difficulties resulting from their relationship and they finally came to an agreement in which Henry Cisneros agreed to pay her $4,000 a month in support. According to Medlar, Cisneros said the payments would last "forever," whereas Henry recalled agreeing to payments until Kristan graduated from college (Barrett, 1997; Jones, 1998). With Cisneros' refusal to put the agreement in writing, Medlar began tape recording her conversations with
him in March 1990 (Barrett, 1997; Jones, 1998) and visited Attorney Pat Maloney to find out her rights as a result of a verbal contract (Barrett, 1997).

In a San Antonio Express-News article appearing on April 22, 1990, Linda told her side of the events surrounding their affair. While acknowledging that her career and marriage have been ruined, her ex-husband had been a “strong and supportive friend” (Wood, April 22, 1990, p. 1-A). She and Cisneros still communicated, but she believed that he had not been completely honest about their bond:

“There is a bond that will never be broken. I wish it could have been different. The bond is still there even though the problems exist. We truly, truly cared deeply for each other. We loved each other. We wanted to spend the rest of our lives together. We wanted to do it in a way that was least painful for everyone. But it didn’t work out that way. We talked about having a place in the country. Those were all real things. They are a part of Henry that the public and you in the press never saw. He’s not an institution. He’s not a robot. We went through months and months of pain, trying to think of what was best. It was not something we took lightly. There was John Paul to consider, along with everyone else” (Wood, April 22, 1990, pp. 1-A, 15-A)

Stating that she was not a “public” person or interested in being the first lady, Linda said she was a political person who worked hard on campaigns, including the effort to defeat the spending caps in San Antonio, and it was in this capacity that she had met Mayor Cisneros and was asked to join his PAC (Wood, April 22, 1990). While serving as a liaison to the business community
and successfully raising $168,000 to retire the committee’s deficit, she and Henry fell in love. She related:

“I not in awe of him. I could see his strong and weak points. It (the relationship) was not something we worked at. It just happened. I don’t offer any excuses. If I had been a man, we would have been best friends. He called me for advice on every issue that came up. It was during that time that Henry and I became very close” (Wood, April 22, 1990, p. 15-A).

Public interest in Linda and Henry had not subsided when Henry left office in June of 1989, as they had hoped. “The press is still very interested in Henry. He doesn’t discourage it. I know that. He’s a public person. But I did ask him, ‘Henry, just be honest with them. Tell them what the real story is. Don’t play word games with them’” (Wood, April 22, 1990, p. 15-A).

Besides wanting everyone to know that they (she and Henry) were trying to make everyone happy, she stated:

“I am doing this story for one reason only, and that is because I have become a paragraph of the extra-marital affair. ‘There is just so much more to it than that. I am a person just like anyone else, who has made some mistakes in her life” (Wood, April 22, 1990, p. 15-A)

Elvira frowned on the financial support for Medlar and verbally chastised her son, suggesting that he buy her (Linda) “a mop and pail” (Jones, 1998, p. 9). In some cases, Henry delivered cash support payments in person, while on other occasions, Alfred Ramirez and Sylvia Arce-Garcia would make
deposits directly into Medlar’s bank account (Barrett, 1997). Table 1 contains an analysis of Cisneros’ payment data compiled by the Office of the Independent Counsel David Barrett (see Appendix B for the raw data). A number of Henry’s supporters offered her jobs that she rejected; “loans,” sometimes amounting to $11,000, were accepted (Jones, 1998). The total of the payments ending on November 3, 1992 was $160,654 and the average payment over 35 months was $4,590 (Barrett, 1997). According to Medlar’s San Antonio Attorney Pat Maloney, there had been an attempted settlement in 1991 for an undisclosed amount when the couple was splitting up; and again, according to Medlar’s Attorney Floyd Holder, for $100,000 in December, 1992 (Hendricks, 1995; Wood & Martin, 1994).

What was the marital status of the individuals involved? At the time of the public revelations of the affair, both Medlar and Cisneros were married to Stan Medlar and Mary Alice Cisneros, respectively. The Medlar marriage, that began in 1974, was marked by Linda’s leaving in 1980 (a five-day marriage to another man resulting in an annulment) and a reunification with Stan. Cisneros was in the 18th year of his marriage. After Stan filed for divorce in November 1988, the final divorce decree was approved by a district judge in April, 1989 (“District Judge Oks Divorce,” 1989).
Table 1

*Cisneros Payment Data*

<table>
<thead>
<tr>
<th>Year</th>
<th>1990</th>
<th>1991</th>
<th>1992</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total of Payments</td>
<td>$44,500</td>
<td>$73,024</td>
<td>$63,150</td>
</tr>
<tr>
<td>Number of Payments</td>
<td>13</td>
<td>20</td>
<td>28</td>
</tr>
<tr>
<td>Highest Monthly Payment total</td>
<td>$9,100</td>
<td>$17,000</td>
<td>$16,000</td>
</tr>
<tr>
<td>Lowest Monthly Payment total</td>
<td>$2,500</td>
<td>$2,017</td>
<td>$2,200</td>
</tr>
<tr>
<td>Average Monthly Payment total</td>
<td>$3,423</td>
<td>$3,651</td>
<td>$2,258</td>
</tr>
<tr>
<td>Number of Monthly Payment totals &lt; or = $2,500</td>
<td>4</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

 Were there related issues that may have been of political significance? During the media frenzy following the reporting of the affair, Mayor Cisneros admitted to having an affair with Linda Medlar. Because of this disclosure, Stan Medlar filed for divorce. Linda lost some of her clients, received a demotion in one case and eventually suffered the destruction of her political fundraising company. Henry asked Linda that she not drag their affair into court because his reputation would suffer, thereby resulting in the loss of any child support from
Stan. Because of this financial damage to Linda, Henry agreed to make payments amounting to $4,000 a month in support to Linda Medlar.

*What were the genders of the individuals involved?* Besides a heterosexual relationship between Cisneros and Medlar, no evidence suggests that Cisneros and Medlar were engaged in homosexual activities together or apart.

*Do legal records exist which document the alleged behavior?* Newspaper articles, interviews with Cisneros, and the divorce of Stan and Linda Medlar document the events surrounding the public affair, and legal documents that are sealed exist. A jury trial was never conducted in order to determine the legal standing of the verbal agreement between Cisneros and Medlar.

*Were the alleged behaviors legal?* No data suggest that adultery was unlawful in the state of Texas. While this author surmises that a Texas hush money statute exists, an indictment and conviction of Cisneros would be difficult based on the initial intent of the payments.

*Was there a third party involved in the scandal?* Interestingly, the single event that may have set-off the scandal may be found in the comments of Elvira Cisneros (Jones, 1998). Elvira, it may be inferred, took her faith and its commandments very seriously when in 1982 she began a Bible study group (Obregon, 1982). According to Rick Casey,
[W]hen a local TV reporter asked Elvira Cisneros on-camera about rumors that Henry was unfaithful, she said, “he tells me he isn’t,” and then the reporter asked, “do you believe him?” and there was this long pause. Then Elvira said, “no” and began to cry. (Jones, 1998, p. 6)

Elvira was not just displeased with her son at the time for his indiscretion, she did not like the fact that he was blaming John Paul in order to cover-up his misdeeds (Corchado, 1988).

It may also be argued that when Cisneros attempted to immunize himself with off-the-record discussions with the press, the third party was in fact the press community.

Did evidence of past sexual indiscretion exist? “When he was in public, people—especially women—sought to touch him, reaching out to brush his sleeve or grasp his hand as if he were some holy man” (Jones, 1988, p. 1). Medlar chided him for having affairs with other women, including two reporters (Jones, 1998). The independent prosecutor David Barrett (1997) as well as the existing literature, alleges unfaithfulness by Cisneros with other women. Brenner (1989) and Jones (1998) support “unfaithful” sexual relations with other women, but there are no names or details of these extra-marital affairs. Mary Alice acknowledged indiscretions by her husband, but she did not divorce him.
What were the existing social mores? Alison Cook (1988) attempted to put the Cisneros indiscretion into context with the following description of San Antonio and its mayor:

You have to understand San Antonio to understand the city's preoccupation with Henry Cisneros, to understand why San Antonians took their private affair so personally. An excitable city by nature, it is also an extra-ordinarily verbal and gossipy one, endowed with two great caldrons of talk: the heavily Hispanic West Side, where el chisme ("the gossip") is a favored pastime; and the clubby, inbred world of Alamo Heights, home to many of the city's Anglo business establishmentarians. Henry, as the ultimate celebrity in a celebrity-starved town, is a natural focus of talk. And compared with other major burgs, San Antonio identifies with its mayor to a positively startling degree: as a ticket to the big time (no small matter in a city with a lingering inferiority complex), as a (sic) tangible symbol of Hispanic aspirations and the Anglo business community's dream of consensus. Now this eminently gossip-worthy figure had provided San Antonians with everything they like to chew on best—sex, politics, religion—and an opportunity to bash the press. Henry himself, with his compulsion to comment, played the consummate San Antonian in stirring the rumor pot. (p. 86)

During the post-affair exposure period, Henry Cisneros' statewide popularity had changed, but some results fell within the margin of error. The sample of 1,008 Texans polled during the period October 19 until November 2 gave the following results:

- Hispanics' opinion of Cisneros in a spring poll was 67% positive and had dropped to 61%,

- negative ratings had increased from 4% in the spring to 5%,
• Catholics' positive ratings of Cisneros dropped from 57% in the spring to 53%, and

• Catholics' negative attitude toward Cisneros increased from 4% in the spring to 5%.

According to the pollster, many of these results feel within the margin of error, but Jan Jarboe, a Texas Monthly reporter and Cisneros biographer, interpreted the positive results in terms of Cisneros' "charmed political life," as well as his honesty while explaining the extra-marital affair (Reed, 1988).

The political response to Cisneros' bowing out of public life was indicative of residual support for him. The result of a local radio jockey conducting an eight-day (outside of Cisneros' home) petition marathon to encourage Henry to run for office again was the collection of 50,000 signatures. Even Mary Alice encouraged him to stay in politics. This continued popularity of Cisneros is because of his performance and how it benefited the Hispanic community, the personal nature of the affair and a request by Cisneros for understanding of his humanity ("San Antonio Forgives, Tells Mayor: Scandal Aside, Stick with Politics," December 5, 1988).

What was the disposition of the principal intimates? After the payments had been worked out, Cisneros reported that the romance had left his and Medlar's relationship, but they continued to see each other occasionally (Jones, 1998).
Evidently, the relationship needed further definition. According to Barrett (1997), in April 1991 Linda went to the Cisneros home to confront Henry over a misstatement that he made to her regarding having moved out of the West Side home completely. After Mary Alice told Henry to make a choice between her or Linda, Henry chose Mary Alice, but told Linda that he still loved her (Barrett, 1997). Because of her destroyed social and working life in San Antonio and contempt for the Cisneroses, Medlar asked Henry for $8,000 so that she could relocate to Lubbock, which she did the following month (Barrett, 1997).

The relationship between Cisneros and Medlar did not end—he opened Cisneros Air in July 1991 (Poling, 1991) and used one of the planes to make trips to Lubbock (Barrett, 1997). The historical record does not contain proof of Mary Alice’s awareness of these trips, but citing Medlar’s constant threat to go on the Maury Povich show as a reason, she filed for divorce on October 22, 1991 (Wood, 1991). Mary Alice requested full custody of the children, child support and a majority of the assets. She asked the court for a temporary restraining order that barred Henry from contacting her, but she also requested that the court appoint a marriage counselor at the advice of counsel, a sign that Mary Alice felt that there was a possibility of reconciliation (Wood, 1991). Anderson (1994) reported that Linda Medlar was named as a co-respondent in the divorce.
case, which resulted in the loss of her job in the public relations department of
the University Medical Center, Lubbock. The documents filed stated that the
Cisneroses had been living together up until October 18, 1991 (Wood, 1991). On
November 18, 1991, Mary Alice ended her efforts to divorce Henry (Barrett,
1997). According to Gugliotta (1994), once Henry stopped seeing Linda, the
divorce process ended, but this has not been corroborated by other sources.
During depositions for the suit filed by Medlar in 1995, Cisneros said that
another contributory factor that made Mary Alice file for divorce was the
amount of money that he was paying Medlar (Hendricks, April 2, 1995). There
is no evidence to suggest that Henry Cisneros' publicity regarding his
reentering politics as a candidate for statewide office later in the 1990s was in
any way contributory to the marital problems (B. Davidson, 1991).

With the nomination of William Jefferson Clinton as the Democratic
Party's standard bearer in July of 1992, Henry Cisneros resigned from the board
of the Federal Reserve Bank of Dallas in August in order to join the Clinton
campaign; Linda Medlar viewed this move as interest on Cisneros' part to
rejoin politics, thereby threatening her financial well being (Barrett, 1997). In
fact, Cisneros did experience a reduction in his speaking circuit income because
of his time commitment to the campaign's transition board, but he did not fail
to keep his support payments flowing into Medlar's account (see Table 1) (Barrett, 1997).

When Clinton was elected, Henry Cisneros served on the president's transition team and then was considered as a candidate for a Cabinet post. A transition team's responsibilities are to make policy recommendations to the president-elect and review perspective nominees for Cabinet posts.

Mary Alice Cisneros and Linda Medlar faced different challenges because of the election of William Jefferson Clinton on November 3, 1992. Each would focus on preservation of the family in different ways. Mary Alice and

6 The vetting and confirmation process requires the actions of four different entities: a transition team which deals with policy as well as Cabinet prospects; a team for each nominee (four–six individuals in this case), which analyzes the capacity of the perspective nominee to serve and communicates with the president-elect through a chain of command; the F.B.I., which serves the incumbent president and the F.B.I. director, and does a full field background check of perspective Cabinet officers; the Department of Justice Personnel Security Office (D.O.J.-P.S.O.), which does a review of the nominee's F.B.I. file in order to determine if they receive a security clearance; and the U.S. Senate (one committee is responsible for checking the qualifications of a nominee and any one senator can put a hold on a nominee) confirms. Any senator may request a copy of the F.B.I. report, but it is customary that just the chairperson of the committee reviews the report.

To begin the process of filling a Cabinet post, the president-elect must in writing request an F.B.I. background check and include Standard Form 86 (SF-86) a questionnaire for sensitive data, and an Authority for Release Form. Each perspective nominee has to fill out a Personal Data Questionnaire developed by the Transition Team, a financial disclosure form, a senate questionnaire, and a Memorandum for Perspective Employees that allows the F.B.I. to conduct a background check. (Barrett, 1997, pp. IV-25–IV26)
her daughters would sacrifice their lives in San Antonio in order to preserve the family. Linda saw danger for her family's only source of income in the Cisneros' move to Washington. When Cisneros was working in the private sector, Linda knew he was making approximately $350,000, but a fixed income government job with no outside income from the speaking circuit threatened her standard of living (Gugliotta, 1994). In an attempt to dissuade the ex-mayor from taking a Cabinet post, Linda, in an entrapping fashion, spoke with Henry about $10,000 cash payments from Morris Jaffe, a Texas developer, that Cisneros used to pay off private creditors and other extra-marital flings—all of which the future H.U.D. Secretary denied (Gugliotta, 1994). Cisneros saw it from a different perspective, if he did not accept the job and try to work out the financial situation, he "would die on the vine" (Gugliotta, 1994, p. 7).

As advisor and dependent of Henry Cisneros, Linda Medlar's recordings prove invaluable in understanding the progression of the scandal process. In the immediate post-election period, Cisneros was put on the short list for a Cabinet position and he made payments to Medlar on November 9 and 13—two $1,000 payments on the former and one $2,000 on the latter (Barrett, 1997). On November 22, Cisneros agreed, by signing an "Authorization for Release" form, to allow the Transition Team and F.B.I. access to information about his
academic, criminal, etc. records, thereby allowing the vetting process to move forward (Barrett, 1997, p. IV-26). Later in November, Henry Cisneros met with President-elect William J. Clinton, and they talked about many issues, including John Paul and the payments made by Cisneros to Medlar. In the following excerpt from the Medlar tapes (Barrett, 1997, p. IV-29), Cisneros discusses what Clinton said about the topic:

HC: . . . We talked about . . . what considerations there were that would prevent me from . . . serving.

LM: I'm sure he did, since he's . . . just been through something like that . . .

LM: And what'd you tell him?

HC: I told him, John Paul [Cisneros's son, who had health problems] first. And, uh . . . the business issues, and uh . . . and - and - and then the concerns about the impact it would have for everyone with respect to the personal things.

LM: What personal things?

HC: Well, all the . . . issues that would . . . could conceivably . . . be raised.

7 Technicians who worked with Linda Medlar's tapes of her conversations with Henry Cisneros were in some cases unable determine what the pair were saying due to the volume of their voices or because the tape recorders truncated the discussion. These passages are marked by "US" or "UI."
LM: And what'd he say?

HC: Well he had . . . thoughts on it, on all.

HC: Exactly.

LM: And so what was his thought?

HC: Well, that, that the, he couldn't, he really couldn't really speak to the issue of John Paul. And as far as the business, it kind of depends on what you're appointed to, whether you have to divest or just put it in a blind trust. And as for the personal, he said he . . . didn't think it would be there because . . . they had treated him that way as an elected person running for the highest office, but he didn't think they would do that to people in, in, you know, in an appointed position . . .

LM: Hmm.

It appears that the president-elect was not quite as concerned about many of the issues, particularly as a result of his own campaign experience.

In the conversation that followed (Barrett, 1997, p. IV-30), Cisneros and Medlar discuss political scenarios and their feelings about the impact that a Cabinet nomination might have:

HC: An opponent might in a race. But, anyway.

LM: And so what implications are there here?

HC: Uh, for you?

LM: Uhm-hmm.
HC: I think probably none.

LM: I don’t want to think probably, I have to know, Henry.

HC: But there’s no way to know.

LM: What, what are the scenarios here?

HC: One scenario is there’s, uh, no implication at all. They just refer to my situation in generic terms. And another . . . is . . . that they actually mention your name in some story somewhere.

LM: So, you’ve already decided to take something, haven’t you?

HC: No, I said I had not. You asked me to play out scenarios; scenarios means hypotheticals.

Cisneros went on to tell Medlar the importance to him of returning to politics:

HC: Uhm, I . . . concluded, as you know, over these weeks, or rather months and years, that I needed to be there for John Paul. And . . . that’s what I’m doing, and that’s what I’ve done. And, if . . . it is possible to, you know, serve and be attentive to that obligation, as well as my obligations financially and to you, and so forth, then I’d like the opportunity to do that. But if it’s not possible, then it’s not possible.

LM: And, Henry, what about all those times you, you just absolutely couldn’t do anything like that with Mary Alice?

HC: Well, it’s a problem. But . . . my alternative is to die on the vine.

During the same conversation, Medlar discusses some of the reasons why Cisneros may not qualify for a Cabinet post:
LM: . . . And I quite frankly don’t see why Clinton thinks that an appointed, someone who’s appointed, is gonna be any less . . . scrutinized, since they have been in the past.

HC: Well, let me just tell you . . . on that, if I may speak to you frankly without your getting upset, I don’t think it’s, I don’t think . . . it’s gonna be an issue just because it’s something I addressed earlier, and so did you, and . . . and, uh. They will refer to the incident, but they’re not gonna get into it unless, you know, unless . . . one of us feels compelled to talk about it, and . . . so, it’s really in our own hands.

Medlar discusses another possible problem for Cisneros if there is an investigation into his background:

LM: I mean, there is a disaster, and it’s not me, sitting there waiting to happen. And if you don’t know that . . .

HC: (Sigh) Uhm-hmm.

LM: . . . you know. I can’t believe that you don’t know that, that the scrutiny that you will come under, and you go ahead and do it, the scrutiny that you will come under will be about you, will be about your past, will be about your financial dealings, your dealings as a politician, say i.e., Morris Jaffe . . .

HC: First, there’s no problem there.

LM: There no problem there?

HC: Uhm-hmm.

LM: Henry, you took cash from him.

HC: Uhm-hmm.

LM: You did, too!

HC: Uhm-hmm.
LM: I'm sorry, Henry, but you did.

HC: I'm sorry.

LM: (Sighs) Henry, you gave me the cash.

HC: I don't believe from my campaigns . . .

LM: You would . . .

HC: . . . it may have been for some cause or something . . .

LM: . . . no, for your campaigns.

HC: . . . bonds or something, I don't know.

LM: You would go over there. You would have to, you would have to sit in his office, and you would bring an envelope back with $10,000 in it.

HC: Mhm, hmm.

LM: (Sigh) Now, you can try to . . . tell me that that's not true, but I'm sorry. Henry, I was there. Now, I don't know that anybody else knows about that except Shipley . . . and whoever Shipley's told. 'Cause I never told anybody. Shipley told me when I was first working for you . . . that you accepted cash to pay off your . . . uh, credit card bills.

HC: Absolutely not.

LM: That's what Shipley said.

HC: Well . . .

LM: How many . . .

HC: . . . it doesn't make it true.

LM: How many people has Shipley told?
HC: I don’t have any idea, but there’s no truth to that. I never ever, ever, ever, have used pr-, public money for private purposes.

Medlar’s needs are also discussed (Barrett, 1997, pp. 33-34), including Cisneros’ help for purchasing a home, as well as privacy from further press exposure:

HC: All right. On the house . . . what do we need to talk about?

LM: Well, basically, (laughs) you know, I’m supposed to close within thirty days of when I sign the contract.

HC: . . . I’ll go to work on it.

LM: You know (sigh), you say that you’re gonna take out a loan, right?

HC: Correct. That’s the only thing, only thing I can do.

Later in the conversation, Medlar discusses past treatment by the press and her willingness to even attack Cisneros if warranted:

LM: But I - I don’t Un- unless it gets, unless they come and start, and—and this could happen too, Henry, if they start pulling me through the mud again.

HC: Yeah, I know.

LM: . . . then I’ll come out fighting.

HC: I understand.

LM: You know, and I’ll fight Mary Alice, and I’ll fight you, and I’ll fight everybody who’s concerned . . .

HC: (Clears throat)
LM: ... because they’re not gonna drag me through the mud again.

HC: Right.

LM: And that’s the other consideration...

The Office of the Independent Counsel in these series of quotes is attempting to show the nature of the relationship between Cisneros and Medlar: threatened and insecure, Medlar appears to be pushing against a politically ambitious, almost desperate Cisneros who is taking care of the business at hand, a support payment in the form of a house loan to his lover and the denial of any inappropriate behavior. In a subsequent deposition, Medlar maintained that she agreed to not have the home put in her name because it might have political repercussion (Barrett, 1997). The reader must be reminded at this point that at trial this portion of the manuscript was not contested.

On December 2, Cisneros and Medlar discussed the expectation that Senator Lloyd Bentsen (D-TX) would be the nominee and future treasury secretary, and Governor Ann Richards was considering perspective appointees to the position—Cisneros was one of the individuals that Richards was considering. Cisneros expressed Richard’s sentiment that large support payments would be perceived as a form of corruption on his part and that someone would find the information which would make Cisneros’ stand for
election difficult (Barrett, 1997). Later that same day, Cisneros discussed the
dynamics of a Democratic Congress and his chances of confirmation:

HC: (Laughing) But the difference there is the Democrats control Congress

HC: . . . the point is you’d be, you’d be confirmed anyway. I mean, I, people have told me that. They can do what they want; you’re gonna (be) confirmed. The Democrats control the Congress, they’re not gonna turn back a president’s nominee. And I, and - and - and . . . and (clears throat), and Clinton’s not gonna put up with that crap. I mean, he’s not gonna let that blow somebody away.

HC: What I gotta do . . . is decide . . . and my life in this stuff is over, because this is as close as I’m ever gonna come . . . and, it can’t be done.

LM: What do you mean, this is as close? You mean . . .

HC: This brush with the Senate and the Cabinet.

LM: Well, did, uh, uh . . .

HC: . . . and if I can’t do it, then I can’t do it. I just need to get it out of my damn system and just . . . go on and do something else. (Barrett, 1997, pp. IV 37 - IV 38).

On December 3, $4,000 was deposited by Henry Cisneros into Linda Medlar’s bank account (Barrett, 1997), and later that day, Medlar and Cisneros’s conversation (Barrett, 1997) provides an insight into the status of their relationship and her financial future:
LM: I said, I, I'm, you, that you, you know, you're mulling over your opportunities right now, and that's fine. You know, I, there's nothing I can do about any of the things that have happened or will happen in the future. And I don't intend to be, you know, any kind of a problem to you, uhm And you know that, don't you?

HC: . . . I'm not, I'm not concerned about it, am I?

Cisneros discussed how he would still be able to pay Medlar if he went to Washington, D.C.:

HC: Okay. Bottom line is, I am going to make sure that you're financ-, it's a very, very, very, very, very, very tough problem for me. But I work on it all the time.

LM: Is that what you wanna do, come up with a lump sum?

HC: I cannot do that. It doesn't exist; it will not be that way.

LM: Well, if that's tr-, true, then when you divest yourself, and you're only on a salary, how on earth do you think anything could work?

HC: Well, the, when I divest, the company's worth whatever it's worth. They will give me ss-, a- a - a, like a stream of payments, 'cause they don't have the cash. And I'll just have to direct that part of that stream of payments goes to you.

LM: And if you're in Washington for eight years?

HC: Well, I don't know, I mean, I don't know how long you, uh, (UI)... I mean, uh, . . . I mean, we've never talked about long this is supposed to run, except that you've told me that . . . you wanted to get through Kristan, and have some money for her college, and then you were prepared to wo-, you know, look at your career options . . . . We can talk about that at some point about just, you know . . .
LM: About what?

HC: About, about the length of time that you think you need this particular stream of revenues in this, this level.

LM: Well, all I know is that you'll be going to... Washington, one way or the other...

HC: ... no, that's not necessarily correct, but go ahead.

LM: (Sigh)

HC: It's not, nothing is decided.

LM: It is decided, Henry.

HC: No, it isn't.

LM: One - one way or the other, it will be decided. I personally think probably the Senate and I think that that's probably wise. I'm not telling you not to do it.

HC: Now, Linda, if I can't work this out, I can't go!

LM: If you can't work what out?

HC: The money! And that's the truth.

Medlar told the OIC that she had excerpted a portion of the tape at this point, because it concerned threats she made to Cisneros. Medlar represented to the OIC that the following conversation, in substance, had been erased:

HC talks about me threatening to go to the press & how it would ruin him and do me no good because if he is not able to make money, that
would hurt me. HC had not been able to talk to me because I got so angry.\footnote{Throughout the passages to follow there maybe non-verbatim passages from a log which the OIC asked Medlar to develop, and she would testify to at trial.}

During the same conversation, Medlar also told Cisneros that she had decided to remain out of the public eye while he was in Washington, D.C.:

LM: I mean, whatever I feel has, is gonna have to come second . . . you know. And that’s, uh, when I made the decision that whatever you decided to do, I would support completely. And by support, I mean, I’m as underground as I can get, Henry.

HC: I know, I know, I know, I know.

During the same conversation, Cisneros acknowledged to Medlar that she had the ability to destroy him anytime she chose to do so, if he became a Cabinet officer:

LM: I’m trying not to hold you down, Henry, at all.

HC: Well, if you do, you do, I mean, you know . . .

LM: . . . I’m not trying to.

HC: . . . I mean, if you do, just do it! Just tell me, “Henry, I’m not gonna let you do this, I have the potential . . . to destroy you anytime I want.”

LM: But I’m not going to.
HC: But if you, if you, if you (UI)

LM: ... but I never have, so why would I do it now, Henry?

HC: Because the - the - the - the destructive potential grows. Uh, when I'm a private citizen, nobody cares. If I'm a Cabinet officer, you got something.

LM: Henry, I love you, I don't . . .

HC: . . . I know, but what I'm saying . . .

LM: . . . I don't . . . honestly . . .

HC: I'm not saying you would, Darling; I'm not saying you would, I'm just saying, I'm just saying . . . you do have the power! (Barrett, pp. IV-40 – IV-42)

Realists about the situation, Henry and Linda discuss the potential power that each holds, and the conversation could be easily interpreted to show an unstable relationship.

On December 4, 1992, Linda Medlar's sister, Patsy, and her husband, Allen, applied for a home loan. As part of the application process, they were asked if the home would be their primary domicile, to which they replied in the affirmative. In subsequent testimony, the Wootens admitted that they were buying the home for Medlar with funds provided by Henry Cisneros. By making false statements on the application, they had committed bank fraud (Barrett, 1997).
The administrative/paperwork process by which Henry Cisneros became H.U.D. Secretary had already begun on November 22 when he filled out the Authorization for Release of Information form and on December 7, Cisneros executed a Questionnaire for Sensitive Positions. The S.F.-86 was completed in order to begin the process for Cisneros' eligibility for a security clearance to perform “sensitive duties” (Barrett, 1997). The F.B.I. uses the S.F.-86 as the basis for its background investigation, deriving interview questions for Cisneros and identifying individuals to be interviewed (Barrett, 1997).

The result of the background investigation were to be used to (a) determine the suitability for Federal government employment or retention in such employment in accordance with Executive Order 10450; and (b) determine the honest, reliability, trustworthiness, and good character for clearance for access to information classified under the provisions of Executive Order 12356. (Barrett, 1997, p. 4)

Executive Order 10450 (an Eisenhower Administration creation) resulted in the vetting process, which includes the F.B.I. background checks, transition team

9 The “Questionnaire for Sensitive Positions,” a.k.a. Standard Form-86 or S.F.-86. Perspective employees who knowingly falsify or conceal material facts are guilty of a felony—a violation of 18 U.S.C. Sec. 1001—which may “result in fines of up to $10,000 or five years imprisonment, or both,” and an employee who has knowingly falsified or concealed material will “have their clearance suspended and/or be dismissed.” Likewise, false statements and representations to the F.B.I. are a violation of 18 U.S.C. Section 1001.
questioning and the Department of Justice Personnel Security Office approval. The F.B.I. was given the responsibility for developing information regarding the “suitability”¹⁰ of a perspective nominee (Barrett, 1997). As a result of Executive Order 12356 (a Reagan Administration creation), the Department of Justice Personnel Security Office (D.O.J.P.S.O.) developed the following criteria for making its security clearance determinations: “(1) whether the individual is unreliable, untrustworthy or open to blackmail; (2) whether the individual is financially responsible; and (3) whether the individual is honest” (Barrett, 1997, p. 7). According to Barrett, Executive Order 12356 applied to Henry Cisneros because he would have access to classified documents and conceivably could become the president of the United States.

On December 9, 1992, Arky, Calamaro, Veve and others members of the vetting team interviewed Henry Cisneros. Cisneros brought up the payments to Linda Medlar, estimating that he had paid $2,500 per month over a period of

¹⁰ “Suitability criteria included (1) behaviors, activities or associations that tend to show that the individual is not reliable or trustworthy, (2) any deliberate misrepresentations, falsifications or omissions of material facts, (3) any criminal, . . . immoral . . . sexual perversion or financial irresponsibilities, (4) . . . serious mental or neurological disorder with satisfactory evidence of cure and (5) any facts which furnish reason to believe that the individual may be subjected to coercion . . . contrary to the best interests of the national security” (Barrett, 1997, p. 6).
several years. The perspective nominee informed the vetting team that Linda Medlar was unstable. His hope was to pay her a “lump sum” payment before entering the Cabinet. The number of extra-marital affairs during Cisneros’ 20-year marriage to Mary Alice may have numbered as many as 10. He disclosed to the vetting group that Mary Alice was not aware of the magnitude of his payments to Medlar or the extent of his infidelities. While James Hamilton moved ahead with a request to the F.B.I. for a Level 1 full field background investigation on December 10, the vetting team expressed concerns regarding the non-public nature of the payments which could be regarded as “hush money,” tax issues, Medlar’s knowledge of the nominees’ history, the stability of the relationship, and maintaining Medlar’s silence vis-à-vis the media.

Henry Cisneros was communicating with Linda Medlar in the meantime:

HC: . . . and uh, I want, I need to . . .

LM: (Sneeze)

HC: . . . visit with you, you know, just to kinda check signals. I’m on the car phone right now, and it’s probably not the best idea for this kind of, you know . . . some of the other, some of the sensitive stuff that we’re talking about. Uhm, whoa, hang on just a second.

Cisneros then told Medlar that his payments to her were dampening his
prospects for a Cabinet appointment:

LM: And so . . . did you make the decision on the Cabinet?

HC: (Sigh) Uhhh (laugh), I don't think so (UI) Truthfully?

LM: Yeah.

HC: I think we may be talking about nothing.

LM: Ohhhh, you are not.

HC: No, I am. I swear I am.

LM: Why?

HC: Uh, that, that's what I need to share with you. The . . . finances of the past, doesn't go down. And (US) they just . . . well, I don't want to talk about it on this phone, ya know?

LM: Yeah Why did they have to know about that?

HC: Because they would. It's pretty obvious when you, when you, when you, when you, you know, probe (US) . . . visible means of support and that kind of thing, ya know?

LM: (US) And what about the Senate?

HC: Well, if it's gonna be a problem in the Cong-, ya know, if it'd be a problem in one, it's be a problem in the other, so

Cisneros then told Medlar that they needed to resume the conversation on a secure phone:

HC: All right. I'm rushing to Corpus. Uh, I do need to talk to you. Uh, it's nothing to worry about, it's just, I need to . . .
LM: Are they going to call me?

HC: No. No, no, no, nothing like that, nothing like that; I'll call you (US) from a secure phone.

Before ending the call, Cisneros raised the possibility that the press might contact Medlar:

LM: Is it bad?

HC: No, it's not bad. It's... just... I kinda need to know where you really stand in order to... know (US) what to do, and I truly need your best judgment. I truly need your best, non-emotional... what you can truly think you can... stand (US) by me to do. And that really is what it comes down to, what you really think you could... take, and, uh...

LM: (US) What do you mean take?

HC: Well, I mean, you know, what - what - what you really (UI). We'll, we'll, we'll talk (UI), what you really... I'll lay out, you know, sorta worst case, and you tell me... (Barrett, 1997, pp. IV-50–IV-52).

Webster Hubbell conveyed the concerns of the vetting team to Clinton and the ensuing conversation included a discussion of the possibility of more affairs than Cisneros was reporting, and the lack of information about Cisneros, Medlar and the payments. According to Hubbell, Clinton was concerned about the stability of Linda. The status of Cisneros' nomination was still in question (Barrett, 1997).
On December 11, 1992, Cisneros informed Medlar that he was going to be questioned further about the payments:

HC: Uhm-hmm, but I wanted to call and just see I - I would like to call you a little later and just, you know, maybe have about a . . . 20 minute, half-hour (US) conversation or so . . . uh . . . before five because, uh, they're sending a couple of lawyers from - from . . . from out of town . . .

LM: Yeah.

HC: . . . to sit down with . . . with me, you know, and kind of look at . . . uhm . . . at - at (US) both what has occurred and what needs to occur. You see what I'm saying?

LM: Uh-huh.

Cisneros again told Medlar that he wanted to “check signals” before the questioning occurred:

HC: And uh uh, I’d like to, you know, just kinda check signals with ya, so (US) I have some confidence in talking to them. You see what I’m saying?

LM: Yeah, I - I don’t know what what you mean by what needs to happen. What do you mean?

HC: Well, I mean, ya know, what we’ve talked about for the future and so forth.

LM: You told them about that?

HC: We have to.

LM: Why?
HC: Because, uh... It's - it's the ki- (US), well, I didn't actually tell them about that per se, but, I mean, I got to think... anything that has or will occur... is likely to be addressed. You just can't, ya know, there's just no way not to.

Cisneros then told Medlar that he needed to be sure that she would stick to an agreed-upon story about the payments because, according to the vinters, the payment issue was a potential reason not to proceed with his appointment:

HC: There's... ah... okay. Uh - uh - uh... let's talk, ya see, because then I ca-, I know kinda what I'm dealing with, ya know what I'm saying? Because, uh, like the conversation we had the other day was, ya know, was sufficiently angry and so forth that I can't speak with any confidence about would or wouldn't happen. Ya see what I'm saying?

LM: (US) And what are they saying?

HC: Well, this a potential... reason not to go forward.

LM: That's what they're telling you?

HC: Yeah.

LM: Wha-, are they gonna talk to me?

HC: No. I don't think so. I - I, ya know, that we, I have... the guy they're sending is a, is a real good guy, and, uh, the guy they had me with in Washington is also a good guy and, uh, ... I trust 'em and I think they're decent folks and they deal with a lot of human situations, and so forth, and so, it's not like they're judgmental people or anything like that. So, I would have no problem if you were willing to do that, but I don't know that they wo-, would want to do that, you know.
LM: (Laughing) 'Cause I'm the pariah right?

HC: No, that's not it, it's not it. It's that, it's that - that, uh, . . . they might have problems then later if it's under oath or something like that, you know.

During the same conversation, Medlar told Cisneros that the house she was buying with Cisneros's money was in her sister's name, not her own:

LM: But, Henry, ya know, basically I'm doing everything so that noth-, I mean, even the . . .

HC: Yeah.

LM: . . . the house . . .

HC: Yeah.

LM: . . . is not in my name.

HC: Yeah.

LM: Do ya understand?

HC: Yeah.

LM: It's in my sister.


On December 11, Hubbell was sent to San Antonio by President-elect Clinton with the specific topic of conversation to be Medlar, so that the transition team had a complete picture. The substance of Cisneros' statement to Hubbell was as follows:

• he was paying Linda Medlar out of a sense of "moral obligation,"
the payments were not "hush money,"

his wife knew about the payments to Medlar,

approximately $2,500 a month had been made to Linda Medlar for three and one half years,

the maximum payment was as much as $15,000,

he gave her $20,000 to move to Lubbock,

Medlar was unstable, and

he thought a "lump sum" payment would prevent her from going to the press. Before Hubbell left, he told Cisneros that there might be a gift tax due, and that he should not bring up Linda Medlar with the press. (Barrett, 1997)

In the ensuing conversation between Medlar and Cisneros regarding the Hubbell interview, Henry misled Linda about what he had said to Webster about her mental stability. In regard to future financial support, Medlar wanted him to tell the vetting team that there would be a lump sum payment and no future payments (Barrett, 1997). According to Medlar, Cisneros expressed his love for her even though she threatened to destroy him and promised that the payments would be continued (Barrett, 1997). Cisneros expressed concern over the discovery of any future or past support, whether the payments would look like hush money if disclosed in the Senate confirmation hearing, and the
possibility that the I.R.S. might discover the dispersal of large sums of money to her when he divested. Cisneros ended the conversation with the statement, "If this phone's tapped, we're sunk anyway" (Barrett, 1997, p. IV-70).

In a December 11, 1992 meeting, Webster Hubbell briefed President-elect Clinton on the Cisneros interview and Clinton was willing to go ahead with the nomination provided Henry Cisneros consult a "good lawyer" about a final payment to Medlar, as well as any tax issues resulting from previous support payment. James Hamilton, counsel on the vetting team, testified about the thinking of the group regarding the lump sum payment to Medlar:

in weighing the risks associated with Medlar's volatility and the likelihood that she would talk to the press, the fact that Cisneros had worked out a lump sum payment arrangement with Medlar "clearly was a relevant factor." (Subsequently stating) "before you suggest that there's something evil about that—it is a different matter to make arrangements so the press and the public don't know something and to make arrangements so that the F.B.I. or the Senate doesn't know something." (Barrett, 1997, p. IV-74)

Of course this depended upon whether Henry Cisneros was lying about whether in fact there would be just a lump sum payment and helping Linda once in awhile.

On December 13, 1992, Cisneros and his attorney, Seagal Wheatley, visited Little Rock, Arkansas for a legal consultation about making the final
payment to Medlar. During the same visit, Hubbell was informed about Mary Alice's divorce suit and the arrangements that had been made to have an accountant work out the payment to Medlar. On the 13\textsuperscript{th}, Linda Medlar attempted a dialogue with Cisneros that would have resulted in him admitting to accepting improper cash payments from associates in San Antonio—he accused Medlar of having the line bugged (Barrett, 1997).

A successful lawsuit against a sitting Cabinet secretary or under-secretary requires irrefutable proof of lying and on December 14, Henry Cisneros filed a Supplement to the SF-86, in which he stated that there was nothing in his "personal life that could be used by someone to coerce or blackmail" him (Barrett, 1997, p. IV-77). Clearly stated on the supplement was a reminder regarding false statements and the resulting penalty. On the same day, Cisneros consented—in writing—to an F.B.I. background check; subsequently, James Hamilton asked that the F.B.I. work be sent directly to him (Barrett, 1997).

During the time period surrounding the nomination of Henry Cisneros, December 15, 1992 until December 18, 1992, when Henry's tax activities became known to the vetting committee, he engaged in financial dealings to support Medlar which showed a conscious effort to avoid discovery, and according to
Medlar, they agreed to tell a different story to the F.B.I. than that which he had told the transition team. From the analysis of Cisneros' tax returns by tax lawyers, the vetting team learned that Cisneros had filed "sloppy" returns, and with regard to Medlar's payments, he should have filed a gift tax return at the federal level and possibly at the state level (Barrett, 1997, p. IV-79). On December 16 and 18, Henry Cisneros, aware that banks would have to file federal paperwork indicating a $10,000 deposit of money, arranged for the deposit of $8,000 support payments into Medlar's account (the total was confirmed by Linda and Henry in a subsequent taped conversation (Barrett, 1997). The sums were subsequently passed on by Medlar to her sister Patsy who used the money in the purchase of Medlar's home. The version of the truth that Medlar and Cisneros agreed to tell the F.B.I. regarding support payments during background check was that she received payments no larger than $2,500 at any one time, the sum total was never larger than $10,000 to $15,000 a year and that the final payment was going to be $30,000 (Barrett, 1997).

On December 22, Henry Cisneros was prepping for his confirmation hearing as well as his final payment to Medlar. Howard Pastor, who was prepping Cisneros for the confirmation hearings, said that he did not think that the payments would be brought up since the affair was public and Henry had
reconciled with his wife. Pastor felt that sharing pertinent information with the appropriate senator would avoid any calls for disqualification of the nominee. In a financial disclosure statement, Cisneros said that he expected to receive another $30,000 in outside lecture income—this was same as the sum of money that he had just borrowed in an unsecured loan from the First Interstate Bank—which was not accounted for by information stating the “when” and “where” of the speeches (Barrett, 1997).

Having received the endorsement of Republican senators Phil Graham of Texas and Pete Domenici and HUD Secretary Jack Kemp, which indicated the level of bipartisan support for his nomination, Henry Cisneros met with Senator Donald Reigle (D-MI), Chairman of the Senate Committee on Banking, Housing and Urban Affairs—who was responsible for Cisneros' confirmation hearings, on December 23, 1992. Reigle, who had some problems with sexual indiscretions in his own personal life, listened while Cisneros gave the impression that the Senate committee should not be concerned about the issues surrounding Linda Medlar—payments were made out of a sense of moral obligation and other issues were being resolved (Barrett, 1997).
In a taped conversation between Henry and Linda on December 24, 1992, the reality of Medlar’s power over Cisneros is articulated and insecurities over support have made the relationship difficult:

HC: All right. I didn’t call to argue with you. Look, I... intend... to get that money there for you. Now, if you’re telling me... that you don’t want me to, and you want to throw in the towel, and you want to pursue some other option,... then I guess you need to tell me.

LM: What other option?

HC: I don’t know...

LM: ... what are you talking about?

HC: ... what you’re talking about. I don’t know what you’re talking about. didn’t know yesterday whether you’re... I don’t, I - I don’t know what you’re saying. If you’re saying to me, you want me to make this work, I promise you I will.

LM: Henry, you are gonna be going through confirmation where they’re gonna be asking you questions.

HC: The subject probably is not even gonna come up.

LM: And what if it does?

HC: If it does, I’ll tell them what we agreed... and the only person in the world... who can sink me at that point, and I mean serious, I’m talking con - con contempt of Congress, jail, is you.... But it dudn’t (sic) even - I mean, you know, what, I mean, I know what purpose that would serve. Beca-, I intend to do right.

LM: Henry, I seriously don’t...

HC: Okay. Linda, you have a... there is a flaw in your thinking... and it has to do with the value of money. I have busted my ass, I
would, I mean, I cannot tell you how much money But damn, give me a little credit for doing it all these years And give me a little credit, 'cause I have a plan in my mind.

(US in background)

LM: Well, maybe your plan isn’t what . . . I mean, it, just because it’s your plan, maybe it’s not what I need.

Medlar told the OIC that she had excerpted a portion of the tape shortly past this point because it concerned threats she made to Cisneros. Medlar represented that the following conversation, in substance, had been erased:

Argument about HC divesting and his waffling as to how to make the payments to me. (Some threats from me)

The recorded conversation continued acrimoniously:

LM: Things have changed dramatically from where we were three or four weeks ago . . . from your attitude. You think I don’t know that; you think I don’t feel that.

HC: No, that’s not true.

LM: Don’t give me that, Henry!

HC: All right. Look, don’t get upset, and, uh, please, I mean, I, it - it’s so hard to call you when I know that every conversation is gonna end this way.

LM: Well, I’m sorry Henry, but you’re the one who’s . . .

HC: . . . no, you don’t have to be this way.

LM: . . . you are the one who’s changed, not me.

HC: You don’t have to be this way.
LM: You’re the one who’s changed, not me.

HC: I haven’t changed a bit.

LM: Yes, you have. You’ve changed in - in... just about every way.

HC: Linda, if you, if you don’t, I haven’t changed a bit. Don’t make me change by runnin’ me through the... ringer every time I pick up the phone to call you.

LM: I don’t...

HC: ... don’t make me dread calling you because I know it’s gonna be an emotional harangue.

LM: Well, nobody’s making you call me (Barrett, pp. IV-84–IV-87).

The relationship between Cisneros must have been difficult during the period following the Christmas Eve discussion, because Medlar spoke with John Rosales, an aid to Cisneros, December 29, and said that she would have to “take action” if Cisneros did not call her (Barrett, 1997). During the ensuing 48-hour period, Cisneros spoke with her twice.

On December 29, 1992, the director of the F.B.I. ordered agents to (a) use standard methods to interview Cisneros; and (b) develop a dossier of the women whom he had slept with, when the affair began and ended, and why it ended.

During a December 30, 1992 interview, F.B.I. agents informed Cisneros that the interview was intended to collect accurate information about him and
they gave him a copy of the SF-86 Supplemental, asking if he wanted to make any changes. Cisneros replied that to the best of his knowledge the disclosures were accurate and correct. In hindsight, the F.B.I. and Office of the Independent Counsel were able to determine that at the time that Cisneros

- was not telling the truth about his payments to Medlar in the past or planned future support payments;
- made no admission regarding the possibility of threats by Medlar in the future which would compromise his position;
- falsely stated that Linda Medlar was a stable individual; and
- falsely stated that he had had only one extra-marital affair aside from his adulterous relationship with Linda Medlar (Barrett, 1997, p. IV-89), and that these were in direct contradiction to his statements to the transition team.

A December 30, 1992 interview of Henry Cisneros' accountant, Luis Hernandez, who asked to remain anonymous, revealed that money from Cisneros' lecture circuit work was not deposited into business accounts, nor personal accounts. Hernandez estimated that the sum of these withholdings was approximately $60,000, and speculated that the funds might be going to Medlar (Barrett, 1997). Hernandez had heard office gossip that the payments had been remitted during 1992 (Barrett, 1997).

Cisneros called Medlar after his FBI interview, telling her that the agents had not brought up payments. He had told them that she was at her mother's
home recovering from surgery, and "when it (the interview) comes, don't—don't panic" (Barrett, 1997, p. IV-90). The rest of the conversation, which Medlar taped, shows Cisneros' level of understanding of the vetting and confirmation process:

LM: Don't panic? They didn't say anything about the money?

HC: No, but I - I talked to Sylvia, and she said that, uh, they talked to Louis Hernandez, who is an accountant, and asked him today whether, uh, he knew of any payments and, uh, he said no, he didn't because he doesn't He, I, doesn't get involved in that. He accounts with, he accounts for the money that we put into the . . . system, and the money that I help you with comes before that, comes out of that before it gets to him.

LM: Uh-huh.

HC: Uh . . . frankly, the line that I have been . . . holding to, you know . . .

LM: Uh-huh.

HC: . . . is - is - is, I think, the, the right answer. Uhm, I've made sure that they know that you were a private person, and wanted your privacy, and so forth. Uh, and - and let me just say that - that, how this works, just so you have a feel for it. The FBI was brought into this for executive level persons, for security reasons, uhm, that's primarily what they're interested in. Their report is not made available generally to the Committee, to the Senate, or anyone else. (UI)

LM: Then why are they doing it?

HC: It is made available to, I think, the chairman of the Committee, and that's it. Uhm, and the chairman of the Committee can, uh, then determine whether, you know, there is something
problematic. Now, our good fortune is the chairman of the Committee is a Democrat, it is Senator Riegle, who has had some very severe personal problems that were ... abused by the press. He, uh, had a relationship, and, uh, a tape recording was made of a . . . a, literally a private conversation, intimacy, you know, lovemaking.

LM: What did they ask you about us?

HC: Well, they wanted to know, uh, uhm, roughly when, uhm, we were together . . . questions about dates, uhm, questions about your status.

LM: What did you say there?

HC: Well, that you were a private person living in Lubbock. Uh, but I think they just want us, uh, what they’re after is, uh . . . uh, evidence of stability . . . and and blackmailability, those are two issues, words he used . . . you know, is this a, a stable person and also is there here the potential for blackmail which is what the money issue will come up. Uh, and, uh, I don’t think it’s gonna be a problem. But, you know, some people when you hear “F-B-I,” you know, all of a sudden panic, and I just think, you just need to know, stay as steady as you can. And but I felt I had to tell you about it just in case it happens as early as tomorrow. They’re, they’re at it now, and they’re gonna try to finish it . . . by . . . what’d they say? I forget, the seventh or something like that, so . . .

LM: And what if they find out about the money? I mean, I’m just . . . asking.

HC: Well, I . . . uhhh . . . they asked me whether I had told Clinton, and I told them that I had . . . in transition (UI). I mean, you know, this is not a discovery we’re now making, uh, we’re not making some kind of a discovery here of any kind . . . Uhm, you know, about our, about the relationship, and, of course, it was public. Uh . . . what if they find out? . . . I don’t think there’s a problem, and I
think I'm gonna, I will continue to . . . say what I've . . . said all along about this.

LM: What'd you tell Clinton? . . . And you assured them that the relation-, did they ask you if you were still in contact with me?

HC: I forget the words exactly, it wasn't "in contact," never mentioned "in contact" or anything like that, but it was something like . . . uh . . . you know, "Are you, are you still seeing each other," or something like that. I mean, it was, it was easy to say no, because it was the truth.

LM: Okay.

HC: Don't worry, please.

LM: (Sighs)

HC: Don't worry, don't worry. It's uh I mean, number one, nothing's gonna happen to you. Number two, if it happens to me, it's my own doing, and I won't let you get hurt, so . . . okay?

LM: All right.

HC: Thank you.

LM: Thank me for what?

HC: Just for being a . . . steady girl when, uh . . . like when we get into the clinches. (Barrett, 1997, IV-88–IV-92)

Subsequent F.B.I. interviews of Sylvia Arce-Garcia, John Rosales, Maria Delgado, and Frank Wing on December 31 resulted in no information regarding Cisneros' payments to Medlar. Rosales did mention that Medlar had insisted on the phone that Cisneros should call her or she would have to take action, but subsequently recanted. Grand jury testimony during the preparation of the OIC
case later revealed that Cisneros had spoken with all three of his staff members and told them not to mention the payments to the F.B.I. Testimony offered by Delgado included that the unwritten office policy was to transfer calls from Medlar to Rosales or Garcia regardless of Cisneros' presence in the office, and that she had over heard Rosales and Garcia discussing that Medlar had made threats that she would destroy him (Cisneros). Arce-Garcia, on December 31, and Rosales, approximately two weeks later, applied for positions as special assistants to the H.U.D. secretary. Frank Wing was interviewed on December 31, 1992 and reported favorably about Cisneros' financial situation, not noting anything about payments to Medlar, he was subsequently hired as a senior advisor at H.U.D. (Barrett, 1997). Determining a causal link between conservative statements during the F.B.I. interviews to employment with Cisneros in Washington would be quite difficult, but the appearance of impropriety could be inferred.

When the F.B.I. contacted Medlar's mother on January 1, 1993, she told the agent that Linda, who had undergone a significant surgical procedure in December, was under six weeks of bed rest ordered by doctors, and was in poor mental and physical condition. Medlar's mother requested that Linda not be
contacted until January 8 or until the six weeks was up, approximately the end of January or the first week of February.

On January 5, 1993 the Cisneroses' marriage counselor, Dr. Robert Jimenez, was interviewed. He had begun treating the couple when the affair had become public and related that the couple had been separated several times since the marriage had suffered "four to six 'one night stands' by Cisneros" (Barrett, 1997, p. IV-95). The couple had rededicated themselves to the marriage, and no information about payments to Linda had been mentioned. Other than Luis Hernandez's speculations in two different interviews about possible payments to Medlar and the fact that the money had already been taxed, no other payments are mentioned in the F.B.I. background checks.

On January 4, 1993 Cisneros deposited $4,000 in Medlar's bank account and had the following discussion with her:

HC: Yeah, okay. Uhm . . . oh boy, . . . it's gonna be dicey.

LM: Why is it gonna be dicey?

HC: The FBI's crawling all over everything.

LM: The what?

HC: The FBI.

LM: What are they crawling all over?
HC: Well, the business about whether or not . . . money was paid, and so forth.

LM: Who are they talking to?

HC: Well, talking to just about everybody I've ever known in my life.

LM: Well, then how do you know that, they haven't talked to me, so how do you know they're . . .

HC: They haven't talked to you?

LM: No.

Medlar told Cisneros that the FBI had tried to contact her but that her mother had told the FBI that she could not be interviewed:

LM: Uh, but they haven't talked to me. They called and Mother told (UI) . . .

HC: That was when?

LM: Uhh.

HC: Over the weekend?

LM: It was, the - the first. It was the . . .

HC: The first?

LM: Yeah, it was on Friday, the first, and, I was asleep and she . . .

HC: They will. They'll talk to you.

LM: . . . she told them in, in no uncertain terms that I had just had surgery, and she didn't feel it was appropriate that they call. I mean, that's exactly what she told them.

HC: (Chuckles)
LM: And she was really upset about it.

HC: Yeah.

Medlar and Cisneros also discussed how the FBI had learned about the payments:

LM: ... So, I mean, they haven't talked to me, so where would they be getting the thing about the money?

HC: I don't know. I truly don't know.

LM: Well, what had, what has been said?

HC: Well (sigh), they had a meeting, for example, with one of the lawyers today from the transition. And they said, "Well, what - what can you tell us about, you know, the payments. Uh, you know, amount or frequency or whatever," you know, and ... and uh, it was as if they knew, and they were just trying to confirm, you know, with other people.

LM: Umm. No, they haven't even talked to me.

HC: Yeah. (UI)

LM: And probably they won't.

HC: I don't know whether the FBI can look at your bank records without you even knowing that they are? I just don't know.

LM: I don't think so.

HC: Yeah.

LM: I think that's an invasion of privacy. Now, they can probably look at yours.

HC: Yeah.

LM: But I don't think they can look at mine.
HC: Okay.

LM: Because that's an invasion of privacy, I mean, I can . . .

HC: I put the money in there personally today for the month.

LM: I could go . . .

HC: And I'm working on the other. But the, but your money for the month is there, so, if you have to pay bills the next few days or whatever.

The conversation then turned to how Medlar should deal with the FBI:

LM: You know . . . but, uh, I - I really, unless the FBI just makes me talk to them, I'm not gonna talk to them. I really and truly don't understand why it would have anything to do, you know, unless, unless, they were trying to get me to say something about you, I mean . . .

HC: You know, I think you might be, you can get away with that.

LM: I'm going to.

Cisneros then expressed concern that the contents of the FBI Background Investigation Report would have an adverse impact on his upcoming Senate confirmation hearing:

LM: The hearing, are you nervous about this hearing?

HC: Yep. (Laughs)

LM: Why? I - I didn't, I - I had heard, maybe on TV, I said, I guess CNN, that they, you're not one of the ones they're goin' after . . .

HC: Well, when they get the FBI report . . .

LM: . . . goin' after Ron Brown.
HC: . . . when they get the FBI report, it's all gonna change.

LM: They're goin' after Ron Brown.

HC: When they get the FBI report on Thursday . . .

LM: Uh-huh.

HC: . . . it will all change.

LM: I thought only the chairman got it.

HC: Yep, that's true but . . . uh, I 'spect, I 'spect if there's something questionable (clears throat), that he has to bring in the minority . . . ranking member, and . . . you know, it's just a question how they wanna interpret it.

LM: You know, I also don't understand that. How on earth can they ask you questions if they haven't seen the FBI report?

HC: Well, they're asking policy questions for the most part . . . I think, well, we'll see, my life's gonna become a little bit more complicated . . . by about Friday of this week.

LM: Why?

HC: Because that's when the chairman will have reviewed the report and feel compelled to . . . you know, maybe put a hold on this or something.

LM: And if he doesn't, then do you feel comfortable with it?

HC: No, no, 'cause, you know, I mean, it can leak at any time, you know.

LM: Leak what?

HC: To the press.

LM: Ab-, about the payments you mean? Is, is this all you're talk-, is that what you're talking about?

LM: And you think because the FBI has asked something about it Well, they asked your own staffer about it, didn’t they?

HC: Right.

LM: So, it’s not . . . so, this is, I mean, this isn’t something that just came up?

HC: No, they shouldn’t be acting surprised about it, but . . . we’ll see.

LM: Who shouldn’t be acting surprised?

HC: The FBI.

LM: Well you said that the guy, and I’ve forgotten his name Who’s the chairman of the Committee?

HC: Riegle?

LM: . . . yeah, had had personal problems.

HC: Big time.

LM: And so, you don’t feel like he’ll bring up any of that.

HC: Well, I don’t think he will, he’s a Democrat.

LM: Well, then who else could, if nobody else gets the FBI report?

HC: Uh, the - the, that’s a good point. But, but, I guess, if there’s something truly questionable, he’s honor-bound, probably, to share it with like the ranking minority member, you know.

LM: (Laughs) Henry, I have a little bit of a problem with that, “he’s honor-bound?”

HC: Hmm.

LM: You really believe that?
HC: I don't know, I just truly don't know how - how, I - I'll, I have to find out more about, how, what, what exactly he would do, if he had, if there was something in there that, you know, he felt he had (UI).

LM: How do you know nobody else sees that report?

HC: Well, it's the way it's supposed to work. But that's not the way it worked with - with Tower, (A previous Secretary of Defense nominee) they kept leaking pieces, you know?

LM: You know, I absolutely cannot believe that the other members don't see that report.

HC: They don't.

Cisneros then reviewed with Medlar what he was going to tell the FBI about the payments if he was asked:

LM: So, when is the FBI gonna come back to you, first of all?

HC: Probably Wednesday.

LM: Wednesday?

HC: I would think so.

LM: And do you think they'll ask you anything on that?

HC: Mhm-hmm

LM: All right. You're going to tell them the same thing?

HC: What we, what - what we spoke before.

LM: All right, well, I need to know what is said.

HC: Okay. You can reach me at the Jefferson [Hotel in Washington, D.C.] if you need me, okay?
LM: Yeah, okay.

HC: And if that gets, if it’s, if it’s in the middle of the day, and I’m not here from morning to night ... then the transition ... and I don’t have the number, but Sylvia [Arce-Garcia] or John [Rosales] will have it.

Cisneros then emphasized to Medlar the trust he was placing in her:

HC: I’ll call you tomorrow.

LM: All right.

HC: Okay.

LM: But we’re straight on everything, right?

HC: I think so.

LM: Until after this hearing or what?

HC: No, no, no, no, no.

LM: And if I don’t talk to the FBI, there’s no downside to that, is there?

HC: Uh, no.

LM: You’d really prefer that I didn’t.

HC: I - I want you, uh, I’m gonna tell you something you’re not gonna believe here. I trust you, I trust your judgment, I trust you. After all we’ve been through and everything that’s been said, I think you’re an intelligent ... person. I trust you with my life.

LM: No, I wouldn’t go that far.

HC: Well, this is my life. It’s on the line. If they knock me out, man I am wiped. All that board stuff I was gonna do, ... the company, I probably need to divest anyway ... become a liability there, I mean, I am wiped. I might as well cash in everything I’ve got, pay off all my bills, and just ... get outta town.
Finally, Medlar and Cisneros again discussed the upcoming Senate confirmation hearing, and his anxiety about the proceedings:

LM: . . . and then the only reason that they would wanna get in touch with me is to see if I would confirm it. Is the only thing I can figure out. Right?

HC: Yeah.

LM: But if they, if it comes up in hearing, and you fade it, then it's all right. Or if it comes up, if it doesn't come up at all, then you feel comfortable, right?

HC: That's right.

LM: Then the Senate . . . cannot go back and ask anymore questions, right?

HC: Oh, yeah. That's why I say I'm not asking anybody to make any moves . . . until the Senate actually votes.

LM: Well, when will you go up there?

HC: Well, I'll be in and outta there. And then I'm suppose to go to work the morning of the 21st as Acting, even if I'm not confirmed by the Senate yet.

HC: Yeah. Okay. I'm gonna let you go, and I'll talk to you tomorrow.

LM: All right.

HC: Get some rest, you need the rest.

LM: (Laughs) I need all of this to be over with.

HC: Uhm-hmm. Me, too. Believe me nobody is wrestling with this more than, my stomach's upset, I feel like I got a knot, and I feel like quitting about every few . . . few hours.

LM: But you won't. . . . (Barrett, 1997, pp. IV-100–IV-109)
On January 7, 1993, F.B.I. agents re-interviewed nominee Cisneros because of the inconsistencies in the information it had received from Cisneros, his staff, and Hernandez. F.B.I. agents were instructed to probe Cisneros about other sexual indiscretions, payments to any other individuals, his relationship with Linda Medlar including payments, and his relationship with his wife.

After the agents reminded the nominee to be candid, Cisneros “acknowledged” to the FBI that he had

- financially “assisted” Medlar;
- that he had never paid her more than $10,000 in a single year or more than $2,500 at any one time;
- claimed that he had paid taxes on all of his salary from his speechmaking;
- stated that he understood that the gift tax laws would apply to any payments to Medlar that exceeded $10,000 annually;
- denied making payments on a regular basis;
- denied that he was making payments at the present time;
- “asserted that Medlar had never threatened, coerced, or otherwise tried to obtain money from him and that the payments were not ‘hush money’” (Barrett, 1997, p. 112);
- stated that Linda Medlar was stable;
- denied having any substantive conversations with Medlar since early 1991;
• stated that Medlar and one other sexual indiscretion had been the extent of his extra-marital affairs; and

• informed the agents that support payments were known about by the Clinton transition team higher-ups. (Barrett, 1997)

Cisneros had understated his total yearly payments by more than $30,000 in 1990, $60,000 in 1991 and $55,000 in 1992 (see Appendix B for specific numbers as well as Table 1 for more descriptive data).

On January 8, Linda Medlar was contacted by an F.B.I. agent. She resisted an interview stating that she was emotionally and physically incapable, as well as confused as to why they would want to talk with her (Barrett, 1997). Medlar asked that they not contact her again (Barrett, 1997).

On January 8, the F.B.I. interviewed Mary Alice, who was aware of Cisneros’s payments to Linda Medlar, including $8,000 to cover the cost of moving to Lubbock. Mrs. Cisneros said that her husband was supporting Linda Medlar out of a sense of obligation because she could not get a job. Mary Alice withdrew her divorce petition because Henry had decided to live up to his familial obligation and moral traditions of family. She also said that Henry had more than two extra-marital affairs. On January 15 Medlar and Cisneros had a discussion about the importance of Mary Alice’s interview:
LM: And what did she say to them?

HC: She . . . played along like she knew. And, ah . . . because she knew that if she didn’t, it would be blackmail.

LM: What do you mean it’d be blackmail?

HC: Their main concern about the money . . . was that there was illegality involved. That - that you were . . . would be threatening me with something, and that’s why I was giving you the money.

LM: Uhm-hmm.

HC: So that, and the main thing would be disclosure to spouse and so forth. And, also I guess, you know, just generally. So, uhm, you know, she understood that and had to acknowledge that she knew . . . so that it wouldn’t have been cast as an illegal thing. (Barrett, 1997, p. 113)

James Hamilton received Cisneros’ F.B.I. background report on January 11. Copies of all interview summaries were enclosed with the F.B.I. report including the Cisneros and Hernandez interviews, but are not actually part of the text. “The F.B.I. report itself does not contain Cisneros’s false statements; the enclosed and incorporated interview reports do” (Barrett, 1997, p. IV-115). The report contained Hernandez’s speculation about $60,000 in payments to Medlar. The following information regarding the transition team’s response to Cisneros’ inconsistencies is the product of the OIC grand jury testimony. During Hamilton’s subsequent grand jury testimony regarding the allegations of Cisneros’ lies, he acknowledged reading the report and “could not recall
whether he had noticed any inconsistencies" (Barrett, 1997, p. IV-115) between
the information that the vetting team had received and what was reflected in
the F.B.I. information. Subsequently, Hamilton stated that he might have been
concerned if the payments had amounted to $60,000 per year. After discussing
the report with Hamilton, Hamilton's deputy Gary Ginsberg, who felt the
payments stood out, and Elizabeth Arky, another member of the vetting team
who initially interviewed Henry Cisneros, spoke with Cisneros (Barrett, 1997).

Arky and Ginsberg met with Cisneros to review the F.B.I.'s report.
Ginsberg summarized and or read the F.B.I. report verbatim to Cisneros,
particularly about Medlar, and payments estimated to be as much as $60,000.
Cisneros, Ginsberg testified, was "visibly agitated and nervous." Ginsberg's
account of the meeting with Cisneros was not corroborated completely by Arky
(who would later serve with Cisneros at HUD). Elizabeth Arky maintained that
she was not present for part of the interview when the inconsistencies were
presented to Cisneros—stating that Ginsberg thought it would be a violation of
Cisneros' privacy. The OIC did not include evidence from this meeting into its
final report. Even after the inconsistencies, James Hamilton authorized the
release of the information (F.B.I. report) to the D.O.J.-P.S.O. for the necessary
security clearance.
The F.B.I. report was released to D.O.J.-P.S.O. on January 14, 1993. Included in the file were the interview reports and the information that Cisneros had provided to the transition team. The F.B.I. was not aware of what was in the transition team material (Barrett, 1997).

At the DOJ-PSO, Dominic Rubino who was ultimately responsible for the decision regarding the granting of a security clearance, and Carol Snyder reviewed Cisneros’ file. In retrospect, Rubino thought Cisneros’ lies about when he last spoke to Medlar and the amount of the payments would have compromised the chances of a security clearance, unless the matter could have been investigated further—had the security clearance been granted and the inconsistencies discovered, the clearance would have been suspended.11 Snyder maintained that lying to the F.B.I. was the most important aspect of the situation because the D.O.J.-P.S.O. determination regarding a security clearance was based on F.B.I. information alone, and Cisneros would have been denied

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11 When President Clinton entered office on January 20, 1993 the Department of Justice office ceded the authority (to H.U.D.) to investigate the matter or suspend Cisneros’ security clearance regarding Cisneros’ “fitness for office or eligibility to receive his security clearance” (Barrett, p. IV-120).
his clearance because of the substance of the lie regarding the amounts of the payments. D.O.J.-P.S.O. expressed its concerns to the transition team.

The transition team responded that it was aware of the payments and since the affair was public and Mary Alice was aware of the monetary support, they were not concerned.12 The transition team provided the F.B.I. report to the chairman of the Senate Banking Committee. The F.B.I. report included Hernandez’ observations regarding possible $60,000 worth of payments to Medlar, but it did not disclose Cisneros’ inconsistent statements, the F.B.I. interview summaries, nor Cisneros’ admissions of payments. Arky arranged for personal courtesy calls to other senators on the Banking Committee; none of the other banking committee members received an F.B.I. report or information about the inconsistencies. Arky stated that she was responsible to the vetting team, and if they did not send the information about the payments, then she did not feel a duty to tell the senators; it was up to Cisneros to answer any

12 In subsequent testimony to the OIC grand jury investigation, Hamilton stated, “[Cisneros] was a Hispanic and the fact that he was so extremely attractive, forceful, intelligent guy, when weighed in the balance outweighed these negatives, at least as far as the people in Little Rock who made the decisions were concerned . . . unless it had been discovered that [Cisneros] had committed some very heinous crime, you know, something that spoke of moral turpitude or something that was really totally damning . . . he was going to get appointed” (Barrett, 1997, p. IV-120).
questions if asked. James Hamilton responded that the Senate was entitled to an answer if they asked the question, otherwise senators were not allowed to go into every piece of information in someone’s past (Barrett, 1997).

At the January 12, 1993 confirmation hearing, the committee brought up neither Linda Medlar, nor the payments. When Elizabeth Arky was asked during subsequent grand jury testimony why she had not brought up Cisneros’ inconsistent statement to the senators, whom Cisneros had paid courtesy calls to, she responded that her obligation was to the transition team and that it was up to Henry to answer any questions that the senators might ask truthfully.

Likewise, Hamilton’s grand jury testimony revealed that the Senate “given their official role, they had a right to an honest answer, if a question were asked” (Barrett, 1997, p. IV-122).

The following extended quote speaks to the instability of Medlar and Cisneros’ relationship, the importance of the majority party’s willingness to approve nominees, ethics issues that the representatives of the people have and how they impact a nominee. Additionally, the importance of privacy being respected, and probably the most important is the fact that the F.B.I., according to Cisneros, did in fact state that payments under the circumstances were
warranted which may have eased the D.O.J.-P.S.P. decision. On January 15,

Medlar and Cisneros discussed the F.B.I. interviews:

LM: And so, what, did they have any amounts?

HC: I don’t know. I don’t know what they . . . But, it’s just amazing to me, they talked to 65 people, and most of ‘em about this. So they picked up bits and pieces and they, and, I mean, they had me dead to rights on some things. They asked me, for example, in the interview with me . . . last week, latter part of last week, “When (US) is the last time you talked to her?” And I said, “Well, we talked, you know, through late 1992.”

LM: (Laughs) Why do you lie to them?

HC: Well, I wudn’t lying. It was true. I talked to you in late nin-, you know, late 1992. I mean, this was like the first week of January. And - and he said, “Well, we have uh, we have uh, we learned that she called your office on December 29 and said that if you didn’t call her back, she would take action.”

LM: Well, that must’ve been from Sylvia [Arce-Garcia].

HC: No, it was from John [Rosales]. See John’s a journalist. And he felt that if they asked him direct questions he could not lie. So, being the amateur that he is, I mean he just spilled his guts (laughs).

LM: Hum.

HC: And they asked everybody. They went through Rene the accountant. And when they couldn’t get it from him, they went to Luis the accountant. And they finally figured out the discrepancy between what comes in and what goes to other expenditures.

LM: Mhm-hmm.

HC: And they did have that figure.

LM: And what did they ask you?
HC: They, they didn't ever talk to me... well, they did, I guess, they talked amounts, and I gave 'em the same fact situation that I had given 'em before. So it was real delicate.

LM: Is that basically why it didn't come up in the hearing?

HC: No, let me tell you something. It's in the report. It's in the FBI report.

LM: Uh-huh.

HC: The FBI report is... like 40 pages.

LM: Yeah.

HC: (Sighs) And, in the FBI report is... not, ah, a full discussion of our situation and also the money. And it estimates... $60,000 Because that's the discrepancy. See, they took, they had an interview, they had FBI agents here in San Antonio, they had FBI agents in Washington. When I talked to you last week and you were so angry with me, I thought I was dead. I mean, I thought it was over. And it wasn't what you would do, it's was alre-, it's what the FBI was already getting...

Cisneros then described to Medlar the discussions he had in Washington, D.C. with the transition team regarding the contents of the FBI report:

HC: ... I went, I had a private meeting with the lawyers in Washington, where they worked me over with every possible follow-up, prosecutorial question.

LM: And so what did you tell 'em?

HC: I told 'em, you know, I told 'em, I, well, finally what it boils down to is the truth. I mean, the fact of the matter is, I have helped you all along, because I wanted you to have what you needed. Not because, as I've told you many, many, many, many times, because I was afraid of what you would do.
LM: But how much do they think you’ve given?
HC: What?
LM: What do they think you’ve given?
HC: Well they don’t know, I mean, the FBI thinks, I mean, the FBI has virtually the truth, because they just figured it out. So it’s in the report. Now, on Monday afternoon, my, my, my thing is Tuesday, on Monday evening, I get a call from the Clinton ethics people . . .
LM: Mhm-hmm.
HC: . . . to tell me that they just have been through the FBI report, and that as far as they have read it, at that moment they’ve read about half of it, there’s nothing in there that hasn’t been known, or I haven’t been forthright about, that hasn’t been public, or that can’t be faded.
LM: (Sighs)
HC: Now, the FBI report is supposed to go to the Senate on Thursday afternoon. But they’re still working on it on Monday.
LM: Mhm-hmm.

In another January 15, 1993 telephone conversation taped by Medlar, Cisneros and Medlar continued discussing the FBI background investigation and his confirmation hearing:

HC: . . . Uhhh . . . anyway I was telling you, where was I?
HC: Yeah. So on Monday, now they worked all week, they dispatched extra agents over the weekend on this.
LM: Oh, is that why they came to see me?
HC: Uh-huh. I mean, see, what happened is this: The FBI was complaining; there was a story in the Washington Post that the FBI was complaining that . . . they hadn't been given enough time with the first round of people who went to hearings, like Ron Brown last week. The FBI is complaining that they usually get, by law they're supposed to have two weeks notice, but they were 10 days and a weeks notice and less. And Ron Brown came up, and Ron Brown ended up being very controversial; he's been in trouble all the way. Okay?

LM: Uhm-huh.

HC: So. With me, they got more than two weeks because I was on the transition, and I've been talked about as possible Cabinet for a long time, and they've had my forms for, you know, since I went on the transition thing. So they started on me pretty early. And the FBI loves things that have to with . . . sex and intimacy and so forth. They're real bad at tracking down financial things 'cause they're not accountants and so forth, but they just, they're, they're just righteous guys who love to get into this stuff. I mean, they're just gossipers and (takes breath) scandalizers like everybody else, you know. So, by the way, the FBI is, I have found out, is heavily, well, who knows, never mind. Anyway. I don't want to talk on this phone, if it's tapped, I don't want to say anything that . . . (laughs)

LM: On your phone? Why would they tap your phone?

HC: Uh. People tell me my phone's been tapped all along, so . . .

LM: Oh, I don't believe that.

HC: . . . So anyway, so then Monday afternoon rolls around, and I'm, I'm, I'm cooked. I mean, I figure, first of all the Committee's supposed to have it on Thursday. The Senate Committee is supposed to have it on Thursday; it goes to the chairman. The ranking minority member has an opportunity to see it. But it doesn't go to the chairman in my case, 'til Monday night, like 11 o'clock at night. It could have stalled the hearing if he had wanted
it, but he’s a Democrat, and he’s a pro, and got his own problems and so forth. But he is pretty stringent about the FBI reports. So, I go into the committee and, to my knowledge, he hasn’t seen it, but he scanned it, and D’Amato hasn’t seen it. Okay. But D’Amato’s got his own problems too. He’s up for an ethics investigation. . . . So it doesn’t come up in the hearing at all . . . at all. But . . . which surprised me a little bit, except that the Republicans have all been saying positive things in the press . . . and D’Amato had been saying “Bullshit, we’re not gonna get into the personal stuff,” and-and Phil Gramm’s got . . . that investigation on him in Maryland, so he’s not anxious to get into ethics stuff . . .

LM: Just wait though, that could come back to haunt you.

HC: That they didn’t bring it up?

LM: Uhm-hmm.

HC: Well, yes it could. And frankly I would have preferred a question, so I could get it out on the record . . . and answer it.

LM: But . . . what were you gonna say if they’d said something about the amount?

HC: Well, I was gonna do my very best to-to-to answer the way we had agreed, which is what, the position I’ve taken all along.

Cisneros then told Medlar about a conversation he had had with Riegle regarding the payments two days after his confirmation hearing:

HC: I - I forgot to tell you, I mean, I, uh, I - I, we got off the subject. On, two days after the hearing, I called Senator Riegle, because he’s the chairman of the committee and I’m gonna have to deal with him a lot. I called to share with him some of my thinking about assistant secretaries, and I said, “I - I need to talk about something sensitive with you,” and it was a person that I’m thinking of hiring who’s coming off of their staff . . . for chief of staff. And, uh, he said, “Well, I’m glad you’re showing that kind of candor with
me, because I want to talk about something sensitive with you, too." And then we got into the payments question . . .

LM: Uhm-hmm.

HC: . . . from the FBI report . . .

LM: Uhm-hmm . . .

HC: . . . and he, uh said, "Look, I - I - I need your explanation, and I need, uh, I need it," and he said, "I may send you some questions in writing, because, uh, obviously if it comes up again in the future, uh, someone may ask whether or not the FBI knew it, and they did, and then they may ask, 'Well, if the FBI knew it, why didn't the Senate committee pursue it,' and I wanna be able to say that I did."

LM: And so what did you tell him?

HC: I told him, uh, I didn't - he didn't get into numbers or anything like that. Now, the only question standing at this moment is whether D'Amato is going to, uh, want it. He's the only person who has access to it . . .

LM: I wouldn't think he would.

HC: Well, he has said he doesn't give a shit. I mean, he has said that to me in those words, you know . . .

Cisneros and Medlar continued to discuss the contents of the FBI report and what Cisneros had told Riegle about the payments:

HC: I told him that . . . why I did it.

LM: And that's all that was said about it?

HC: Uhm-hmm. The FBI report makes clear it was not hush money. The FBI report itself in this, in the, in the paragraph that deals with the issue, says it was not hush money.
LM: What did they say it was?
HC: Assistance . . . understandable under the circumstances . . . your move to Lubbock . . . and so forth.
LM: But he doesn't know any dollar amount?
HC: It's in the, it's in there, there are speculations in the report.
LM: in assistance?
HC: That's what it says? It says, you know, it doesn't actually assu-, uh, you know, uh, estimate the 60, but it says that that's the, that's the amounts . . . that it could be, judging from the way our accounting is.
LM: And so what did the Clinton people say when they . . . read that?
HC: They, uh, that's, I mean, they, they said it was not a problem, because it's characterized as, as assistance.
LM: Did anybody remark that, uh, I didn't talk to the FBI?
HC: I don't know.
LM: See, because they had wanted to get back in touch . . .
HC: Oh yes, yes, the FBI report says you were, uh, ill . . . it does.
LM: Hmm.

Cisneros and Medlar then discussed threats that Medlar had made to Cisneros and Medlar's decision not to provide information damaging to Cisneros to the FBI or the press:

LM: . . . And on top of everything, Henry, you have not been that con-, you haven't been concerned about me. I didn't get any flowers from you; I didn't get a card; I didn't get a note.
HC: Yeah. You don’t understand, I mean, every time I do something like that, you end up, you threatening me with it.

LM: Huh?

HC: You do.

LM: Henry.

HC: You do.

LM: Henry, if I was gonna do anything to you, don’t you think that FBI report would have been the . . .

HC: Look, ya know . . .

LM: I mean . . .

HC: If you’re me, how could you separate ‘em? I mean, how could you separate when you’re serious and when you’re not serious, and when you’re threatening, and when you’re just angry, ya know?

LM: Well, in the first place if I’d ever done it before, I guess, ya know. I mean, Honey, I’m sm-, as smart, as they come; I know exactly what would do you in. I’ve always known that. I knew exactly who I could have called and all this other stuff. I’m not dumb. I wouldn’t have called the press, you know, but the FBI report could have done you in. It could have done you in with Clinton . . . I mean, and - and certain things like that, which I told you I wouldn’t do. You know, and I’ve never done it before. I haven’t gone to the press, even when the press has called me. You and Mary Alice have been the ones who have bad mouthed me.

HC: No.

LM: Hon . . .

HC: Okay, okay, okay, okay. I gotta go.
As the conversation continued, Cisneros expressed his concern that the “scandal” would be revealed:

HC: I’ll call you in the next couple of days.

LM: No, you won’t either.

HC: I promise you I will. The only reason I didn’t… was the last conversation you had, you busted me good, I mean, I was wiped. I figured it was gonna be gone that day; (US in background) and I was gonna embarrass Clinton and the whole country, and have lost everything.

LM: You figured what?

HC: That I had lost everything, I mean, company, boards, honoraria, John Paul, all of it, because I was gonna self-destruct before the whole country in a white flot- white hot flash of scandal - it’s over. I just, you know, I just, I mean, I was sick. (Barrett, 1997, pp. IV-25–IV-133)

On January 15, Henry Cisneros begins liquidating his assets. The amount of support he had paid Medlar from November 9 until January 19 totaled $25,845—using the average of three monthly payments in the preceding three years, the totals would have ranged anywhere from $6,900 – $10,900. On the eve of the January 21 confirmation vote, he had a conversation with Linda explaining how he was going to cash in his annuities, noting Mary Alice had no idea how much money he had saved, and work out payments to her. If the F.B.I. came back about the subsequent payments, Cisneros thought it would be regarded as blackmail since he had already disclosed the payments. In the post-
confirmation period, he opened up accounts from which Linda could draw funds and helped pay her medical bills. Cisneros and Medlar also agreed that he would try to make the 1993 payments early in the year so that she would not have to contact him at HUD, noting at one point that he could not send "increments of—of larger than about that size" (Barrett, 1997, p. IV-141). In July of 1993, Secretary Cisneros made a payment by signing over a $15,000 check from Seagal Wheatley to Medlar, thereby concealing the payments from Mary Alice (see Appendix B for the 1993 payments) (Barrett, 1997).

According to Barrett, Linda Medlar continued to be a threat to Cisneros because of her possession of information about his misstatements before the confirmation, and she attempted to exploit the situation for gain.

Beginning in December, 1992 or January, 1993, Linda Medlar, Patsy Wooten, and Michael Wooten hatched a plan to develop an H.U.D. property management company. According to grand jury testimony, Medlar would be paid a commission for providing access to business opportunities.

According to Barrett, Medlar contacted Cisneros on January 15, 1993 to set up Michael Wooten's (Linda Medlar's nephew) call. Before bringing up the business venture, she discussed the substantial cost to Cisneros of her medical
bills and described how Michael Wooten would be helping her with health insurance in the future:

LM: The hospital bill, well, I can send you a copy of it, the hospital bill is 7,900. That’s just the hospital. The doctor’s a little over 3,000. The ER is something, it seems like, 600 or something like that.

HC: Uhm-hmm.

LM: But it’s not done . . .

HC: I understand.

LM: . . . because the, of the . . . some, you know, other things going on.

HC: Okay.

LM: So, anyway, uhm . . . I think you’re in for a rocky road.

HC: Looks like it, dudn’t it?

LM: Yeah.

HC: I’m gonna be flat busted when this thing’s done.

LM: . . . Oh, by the way, Michael has put me on his insurance plan.

HC: That’s good.

LM: So, hopefully this will never happen again.

HC: But you have to pay a premium.

LM: Yeah, I have to pay it monthly, but at least it’s a good plan.

HC: Yeah, that’s good.

Medlar then immediately raised the issue of the property management company:
LM: And, uh, he’s starting a management company, that, uh, Patsy is gonna be . . .

HC: Property management?

LM: Yeah, he wants to do some management.

HC: That’s good.

LM: And Patsy’s gonna be the head of it, so it’ll be a minority.

HC: Woman-owned?

LM: Yeah.

HC: That’s great!

HC: What - what - what will it do?

LM: . . . Truthfully? I’m - I’m not really sure. It’s something to do, his attorney has - has done this before, and it has, it does have something to do with HUD.

HC: Is that right?

LM: Uh-huh. Has something to do with management of . . .

HC: Of - of - of properties.

LM: . . . of the HUD properties, yeah.

LM: . . . Uh, Michael wanted me to talk to you and ask you exactly, you know, kind of what the ins and outs are of it.

HC: I’ll find out.

LM: You know, and who he has to talk to, and . . . But he’s doing me a great favor just by doing the insurance and . . . said he’d try to work a deal where he can get my car insurance done through the company or something.

HC: That’s great.
LM: . . . you know, because they've seen what I've gone through this
time. And then Patsy, naturally, is putting everything in her
name. So, I told them if they needed any questions ask-, answered
at least I could get the answers for them.

HC: Sure.

LM: Ya know.


Cisneros said that he would look into the "ins" and "outs" of Michael and
Patsy's company becoming an H.U.D. property management company (Barrett,
1997, p. 149). Michael Wooten contacted Secretary Cisneros, who put him in
touch with Frank Wing (Barrett, 1997, pp. IV-150).

Frank Wing contacted Michael Wooten and told him that a new
company had a poor chance of getting an upcoming contract from the Dallas
H.U.D. office and that it would look too suspicious for a new company to get a
contract (Barrett, 1997, p. IV-150). At this time, Wooten dropped the contracting
firm idea and opened a brokering and consulting firm. With the assistance of
Michael Carper, an attorney, Wooten met with John Condit, the president of
Domicile Property Management Company, the largest HUD management
company in southern Texas. Condit proposed a consulting arrangement that
would result in a payment—a certain percentage of the value of contracts—to
Wooten for every introduction that Domicile received. Linda Medlar asked to
see a written agreement between Wooten and Condit, before discussing the matter—an upcoming HUD bid in Dallas—with Secretary Cisneros. Wooten spoke to Secretary Cisneros, and Cisneros told Medlar that he would look at the Domicile bid. Frank Wing (FW) called and the following taped conversation ensued:

FW: Need to just give you a real quick update on something that the secretary has asked me to kind of uh look into.


(Call breaks)

FW: Domicile. An excellent company.

LM: M-huh.

FW: Has done uh, uh, exceptional work in, uh, in San Antonio and other areas. (call breaks) An excellent chance of the uh, with the uh, the uh, proposal they have before the uh, regional office.

LM: Oh for Fort Worth.

FW: Mhuh.

LM: Okay.

FW: And, uh, as I uh, as I go through this a little bit more . . .

LM: Mhuh.

FW: . . . then I’ll be able to uh, this is just uh, a preliminary thing that we did uh, so that we could report back right away then uh, we’re going to follow up on it, as it, as it goes up the process.

LM: Okay, okay, well. I thank you for the information and uhm, then Henry’s gonna, or you’re gonna follow up on it.
FW: Yes, I, I'll be doin' it. Yeah.

LM: That's okay. Do, do you have any idea when a decision will be made on this region, uhm, on the Fort Worth Regional Proposal. (Barrett, 1997, pp. IV-154–IV-156)

As the bidding progressed, Domicile was eliminated, because their bid was too high, and then asked to submit additional details. While there was reason to believe that Domicile may have been put back into the bidding process because of pressure from the H.U.D. national office (perhaps by Wing or Cisneros), Domicile did not win the bid. There was no evidence to suggest that Cisneros or Wing did any thing to influence the evaluation of the bids or selection process, and according to the OIC report, because there was “insufficient evidence to prove beyond a reasonable doubt that the scheme had been implemented” (Barrett, 1997, p. IV-161), there were no charges brought against any of the individuals (Barrett, 1997).

Morris Jaffe, a financier in the oil, gas and aviation fields, among others, was a major contributor to politicians like Lyndon Johnson and Jimmy Carter (Hendricks, 1994). The financial relationship between Linda Medlar and Morris Jaffe is based on her word and that of her nephew Michael Wooten. Wing told Medlar that Jaffe was willing to give her $20,000 in order to assist Cisneros; Jaffe did send $5,000 in November, 1993, in addition to subsequent payments.
(see Appendix B, Table 4). Medlar and Cisneros had a taped conversation in early November in regard to a payment and Jaffe:

HC: What do you need right this minute?
LM: I don't need anything quite frankly because Morris sent me a check.
HC: Okay. A check?
LM: Yeah.
HC: A check?
LM: A check.
HC: Jesus (laughing).
HC: How much was it?
LM: Five. Which I do need this month because I've got some medical bills.
HC: Let me tell you something, can I, I mean, this guy ... this guy's a savior. (Barrett, 1997, p. IV-162)

According to Barrett, Michael Wooten and Linda Medlar discussed how Secretary Cisneros had fallen behind in his payments, in later 1993 or early 1994. In January of 1994 Medlar wrote a letter, which Wooten subsequently delivered to Morris Jaffe; the contents included a statement that she might go public with Cisneros' payments. Jaffe stated that it would not be a good idea to expose the secretary who Jaffe regarded as a good man (Barrett, 1997). Jaffe and Wooten talked about work for Wooten's company in order to channel money to
Medlar. Jaffe’s son, Doug, sent Wooten to a business that he owned a minority stake in, with the idea that Wooten might do an energy audit—the majority stakeholder said that he had no such work for them, but Wooten received a $12,000 check as payment for the lighting audit (Barrett, 1997). After turning Medlar down for another loan (Hendricks, 1994), Jaffe attempted to get a number of jobs for her and even attempted (silently) to go through a fellow businessman, but she would never make the appointments (Barrett, 1997).

The behaviors of Frank Wing were of interest to the O.I.C. because of a pattern of him being a representative of Cisneros. According to Jaffe, in March or April 1993, Wing asked Jaffe to find Medlar a job (Barrett, 1997; Hendricks, 1994); according to Jaffe, Medlar was causing problems, calling and faxing HUD. Frank was intercepting calls from her (Barrett, 1997). Barrett maintained that Wing had answered calls from Medlar in which she had asked for money from Cisneros, but he denied knowing about the regular support payments. Wing denied seeing documents being sent to Cisneros from Medlar (Barrett, 1997). According to Barrett, Charlene Anderson, a staff assistant at H.U.D. recalled taking a fax addressed to Cisneros (from Medlar) to Wing. Medlar’s intent was to inform Cisneros that if he did not send money, she would have no choice (but to go to the press). Cisneros asked Anderson who had seen the
facsimile, and Cisneros called Anderson to apologize for involving her (Barrett, 1997). Wing subsequently "directed her to transfer all of Medlar's calls to him instead of Cisneros and instructed her not to log Medlar's calls into the official HUD message booklet. According to Anderson, Wing wanted Medlar's messages recorded on plain paper (Barrett, 1997, p. IV-172). During subsequent questioning, Wing denied asking Anderson to not put the calls into the H.U.D. call booklet, denied seeing documents from Medlar, and denied knowledge of Cisneros' support payments to Medlar until 1994 when it became public knowledge (Barrett, 1997). He did, however, admit to redirecting Medlar's calls to himself (Barrett, 1997).

Henry Cisneros' sex scandal is now about to enter Phase 2, The Unfolding. The case study thus far exhibits the public behavior of an unfaithful husband and an unfaithful, abandoned, divorced mother of one, and private financial considerations that are a result of the exposure of the sexual indiscretion.

Phase 2: The Unfolding

According to the sex scandal phases posited in Chapter II, after providing information of an alleged indiscretion to the various institutional
representatives, a messenger(s) may continue to be an actor in the process. Institutional representatives may choose to investigate the allegations and/or transmit the allegations to other institutional actors. Such an investigation may produce a record that may be "used" in the future. Oversight responsibilities result in a presentation of the information to the secretary or under-secretary. Investigatory reporting by the press may lead to release of the story, thereby leading to pressures for a "full" investigation. In this case, the messenger, Linda Medlar, is the only individual capable of providing the documentation necessary to prove improper behavior resultant of the sexual indiscretion. Due to financial conditions and "proof," taped discussions with Cisneros and cashed checks, Medlar moves to the courts for financial redress and verification of her financial and factual claims. Further financial problems caused her to sell her story and documents to a television tabloid. Due to the Watergate reforms, the attorney general of the United States must consider the possibility of malfeasance and, if a preliminary investigation finds a factual basis for concern, an independent counsel must be appointed. Contrary to President Clinton's insistence that the statements were not material to Cisneros' job responsibilities, David Barrett was appointed and proceeded with an investigation. With the
assistance of Linda Medlar and her documents, Cisneros was indicted, but not before he resigned at the end of President Clinton's first term.

*The Messenger*

The origins of the unfolding can be found in the early days of 1994 when Linda Medlar received her last payment from Henry Cisneros (Barrett, 1997). After six months without support from Cisneros, Medlar, according to her attorney at the time the lawsuit was filed, had run out of savings and begun selling her belongings (Wood, 1994). In June of 1994, Medlar chose to consult an attorney, and picked Bruce Magness out of the Yellow Pages (Barrett, 1997). After providing Magness with information about Cisneros' promise, payments, and her recordings of their conversations, Magness consulted with an associate, Floyd Holder, and they listened to some of the Cisneros/Medlar taped discussions (Barrett, 1997). Holder and Magness advised Medlar that she could sue for breach of contract and sell the tapes to the media (Barrett, 1997). The elements of the lawsuit against Cisneros included breach of contract, fraud,

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13 Under Texas and federal law, the taping of the conversations was legal, but the recordings are not necessarily admissible in court (Hendricks and Uhler, 1994).
settlement payments amounting to $256,000 and unspecified punitive damages (Wood & Martin, 1994).

On July, 29, 1994, they filed suit in Lubbock County’s 72nd District Court against Henry Cisneros for breach of contract. Alleged in Medlar’s suit is Cisneros assumed responsibility for “making her name, photograph and life a public spectacle,” resulting in his agreement to support her for the damage done, amounting to $4,000 a month (Wood & Martin, 1994, p. 6-A).

Cisneros responded with a press release through the H.U.D. public relations office acknowledging his former romantic relationship, his past financial assistance to her, denying any legal obligation to her and the claim that he provided assistance to her since assuming office in January, 1993. A Cisneros quote in the Dallas Morning News following the press release stated, “There was never any mutual agreement for monthly payments of $4,000 or any other amount. I couldn’t afford something like that” (Barrett, 1997, p. IV-175). After a release of documents by Medlar’s attorneys, Cisneros stated that formal payments had ended before he took office and then some funds from his savings in 1983 (Wood & Martin, 1994).

For strategic reasons, Medlar and her legal team did not disclose the existence of the tapes (Barrett, 1997), but the discussion of the $4,000 alleged
monthly payments and the $200,000 total in the papers must have raised
eyebrows amongst those who were aware of Cisneros' statements to the F.B.I.

While the extent of the legal and financial damage to the parties involved
could not have been imagined once the suit had been filed, Linda Medlar began
to increase her potential legal problems because of a series of steps impacting
the integrity of her tape recordings. Claiming that Magness and Holder had
counseled her to destroy any tape segments that might contain defamatory
statements, threats to Cisneros, or evidence of extortion or blackmail, Medlar
destroyed or altered the evidence. Duplicates were produced on identical tapes
with a dual cassette recorder in order to give the illusion of uniformity, and
then edited. The originals were eliminated completely. Because of threats to
Cisneros, information about Jaffe, and other information on some recordings,
these tapes—four or five—were destroyed in their entirety (Barrett, 1997, p. IV-
177).

The White House declined comment on the lawsuit, referring all
inquiries back to the H.U.D. secretary, amid signs the story would not pose a
serious problem for the administration (Wood & Martin, 1994). A H.U.D.
spokesman, Mike Siegel, asked that any additional questions be directed to
Cisneros' attorney, Seagal Wheatley of San Antonio (Wood & Martin, 1994).
Wheatley was on an extended weekend in the Hill Country, and when contacted, said that he had not yet seen the case; he did say, “There was no inkling of it, because there was nothing to it” (Wood & Martin, 1994, p. 6-A).

Various pundits discussed the impact that a suit might have on the Clinton administration. The longer it lasted, the more it might distract the administration, the personal nature of the situation may result in the scandal not having great strength, and the legal actions could have an impact, depending upon Cisneros’ performance in office.

While noting that television and newsprint carried the suit widely, Wood and Martin (1994) suggested that the most damage in the future to Cisneros might be the impact of tabloid television, which might be inclined to feature interviews with Linda Medlar.

In Lubbock, Linda Medlar refused to talk to the press (Anderson, 1994), and in San Antonio, Elvira refused to talk to the press until after speaking with her son (Pisano & Thomas, 1994). But other members of the family protested the invasion of Cisneros’s privacy, as well as the legally frivolous nature of the case (Pisano & Thomas, 1994).

In the pre-trial period, both sides expressed confidence, the possibility of an out-of-court settlement, and an interest in bringing the case to a resolution.
quickly, thereby limiting additional damage to the parties (Anderson, 1994). In a response to the suit filed by Medlar, Cisneros’ attorney, Seagal Wheatley, declared that the claims were without merit and should be dismissed (Wood, “Cisneros sees no obligation,” 1994). Wheatley asked that the deposition of Medlar be taken in San Antonio (Wood, 1994). He also requested a list of people from Medlar with whom she had discussions about the affair and of employers who said she was unemployable because of the bad publicity related to the sexual indiscretions (Wood, 1994). Two other items of note, according to the Wood’s report, are Cisneros’ July 1993 claim that he had told her he could no longer respond to her financial demands and that she had also been talking with the press during the affair, thus immunizing him against claims that he had destroyed her reputation (Wood, 1994).

Twenty-first century technology and tabloid television offer avenues for “messengers” like Mrs. Calhoun and her like that they could only dream of when attempting to smear Margaret Eaton almost 180 years ago. With such a splashy story in hand, Inside Edition could not help but handsomely reward Linda Medlar with a $15,000 paycheck (Jakle, October 27, 1994) and pre-airtime hype for their interview, which promised to bring down a member of the president’s Cabinet. From the tape recorder and the mouth of Linda Medlar, the
story of adultery, lying to the F.B.I. and cash pay-offs went straight into the ears of millions of Americans, congressmen, executive departments and the president (Jakle, October 27, 1994). The interview, which aired on September 12, 1994, included details about the destruction of Medlar's professional life, proof of large check remittances to Medlar from Cisneros as a result of their $4,000 a month support payment agreement, and accusations of lies by the secretary to the F.B.I. during the pre-confirmation background investigation (B. Davidson, September 13, 1994; Jakle, October 27, 1994). While professions of love were made between the Linda and Henry as late as December of 1993, no mutual affection still existed, and Henry expressed renewed affection for his wife and children (Jakle, October 27, 1994).

Appearing on the same show with Medlar was Cisneros' attorney, Seagal Wheatley, who was asked about the relationship between Medlar and Cisneros, the support payments, and the end of their relationship (Jakle, September 10, 1994). While noting that the relationship between Mary Alice and

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14 Newspapers such as the New York Times and San Antonio Express News received manuscripts of tape recordings on the day of the Inside Edition broadcast, aiding the nature of the reporting on the transcripts and the interview (Hendricks; DeParle, 1994).
Henry had been strengthened by the controversy, the possibilities for a settlement between Cisneros and Medlar had been diminished by this public embarrassment (Jakle, September 10, 1994). Cisneros did not appear on the same show because he felt that the charges were old news, and the tapes would contain "soap opera" issues (Jakle, September 20, 1994, p. 20-G).

Reactions to Medlar's revelations varied at the national and local level. David Hill, consultant to Republican Party clients nationwide, expected that the revelations would impair Cisneros' political career for 10 years. Political consultant George Shipley, a friend of Cisneros, predicted little damage from the press coverage. "There are no new facts here," he said. "This has long been a closed chapter in Henry's life. He has successfully reconciled with his wife, and his marriage will stand through this incident" (Hendricks, September 13, 1994, p. 5-A). Local responses included superficial advice to Medlar about avoiding close-up camera shots or the more sage suggestion to move on with her life rather than wallowing in her loss (Jakle, September 13, 1994b).

When notified of the interview and its contents, Cisneros agreed to be interviewed insisting that he had been "forthright" with the F.B.I., and that Medlar was motivated by money and an interest in destroying him and his career, noting that taped conversations must be taken with a "grain of salt"
(Jakle, September 13, 1994a, p. 4-A). In subsequent statements to the press, Cisneros apologized for what he referred to as “foolish talk” (regarding the president and others) (DeParle, 1994), and stated that “I generally try to be respectful and generous in my comments” (“Cisneros Apologizes for Taped Comments,” 1994, p. 1-A). Cisneros stated that he had been forthright with all persons at every step of the process. If there are any discrepancies on specific numbers, it is a result of several things. One, I was operating from memory; I kept no records; and I assisted her when she asked for it, and that was an irregular pattern over the years. (“Cisneros Apologizes, “ 1994, p. 4-A)

In regard to payments made to Linda Medlar in 1993, Cisneros identified those amounts as part of a final settlement (DeParle, 1994).

Communications between the White House and Cisneros and deliberations within the White House assured Cisneros’ standing. Cisneros’ lawyer, Seagal Wheatley, apprised a White House deputy counsel of the facts of the case on the day after the airing of the Inside Edition story (Martin, September 14, 1994). In an October 7 press conference, President Clinton voiced strong support for embattled Housing and Urban Development Secretary Henry Cisneros, saying the former San Antonio mayor has been “painfully forthright” in his disclosure of payments to a former mistress. Clinton said the controversy had not undermined his effectiveness . . . and would not disqualify him to serve in the Cabinet. “He is doing the job that I hired him to do for the American people,” he said. “As long as he is doing that job at a high level, he should be
allowed to continue to do it... We knew what the facts were at the
time,... and White House personnel reviewed the situation "and
decided there was nothing illegal or inappropriate about what was done
by Secretary Cisneros—something that was fully known by his family."
(Martin, October 8, 1994, p. 1-A)

Later in the press conference, President Clinton expressed further support for
Cisneros: "(Cisneros is) an extraordinary H.U.D. secretary. He has proposed
initiatives heretofore unseen to house the homeless, to empower people stuck in
these public housing projects, to sweep the projects of weapons and drugs"
(Martin, October 8, 1994, p. 7-A).

A September 22, 1994 New York Times article reported Senator Alfonse
D'Amato, R-N.Y., ranking Republican on the Banking Committee, stating "This
is a personal matter. I do not believe that this in any way reflects upon the
secretary's performance" (DeParle, 1994, p. 18-A).

In September of 1994 Attorney General Reno "began an inquiry to decide
whether to commence a preliminary inquiry into Linda Medlar's accusations
that Cisneros had made false statements to the F.B.I." (Barrett, 1997, p. III-1). At
a weekly news conference held on September 22, Reno, when asked if the
Cisneros case was being examined, could not comment. Later that day, a press
release stated, "The Justice Department has received information relating to a
material that was broadcast on the television show Inside Edition about
Secretary Cisneros and is proceeding as the law provides" (Johnston, 1994, p. 22-A).

According to the Independent Counsel Act of 1988, which has its roots in the 1978 Ethics in Government Act, the attorney general would have to follow certain steps after the Linda Medlar accusations on Inside Edition were aired if the alleged infraction "violated any federal criminal law other than a violation classified as a class B or C misdemeanor or an infraction" (Barrett, 1997, p. III-1). Under the law, an attorney general has 30 days to determine whether the information is specifically credible to warrant a preliminary investigation (Barrett, 1997; Johnston, 1994). The preliminary investigation may last for 90 days and if, by the end of that period, there is a determination made that grounds exist to continue the investigation a request to appoint an independent counsel may be made (Barrett, 1997, p. III-1).

"People who have followed the review, which is just getting under way, said Federal authorities had obtained most or all of the tapes from Ms. Medlar's lawyers and would interview Ms. Medlar as part of their inquiry" (Johnston, 1994, p. 22-A).

In examining whether Mr. Cisneros broke any laws, investigators are likely to compare Mr. Cisneros's comments on the tapes with other statements made at time of his appointment about the payments to Ms.
Medlar, which totaled more than $40,000 a year. . . . It can be a crime to willfully lie to federal agents. (Johnston, 1994, p. 22-A)

On October 14, a preliminary investigation was opened into Medlar’s accusations.

As might be expected, the more “famous” documents might make their way into the press, particularly if there is a civil suit being fought. In October, news of Cisneros’ establishment of a bank account in Washington after his confirmation by the Senate for the express use of Linda Medlar to withdraw funds was publicized, thus raising new issues (Hendricks, October 7, 1994).

While the attorney general’s office was conducting an inquiry and then preliminary investigation, Cisneros’ and Medlar’s attorneys were skirmishing in public, during depositions and in the Lubbock court. Portions of the depositions reported by Hendricks (April 2, 1995) have demonstrated the necessary elements to proving a contract, or a breach thereof. In a September 27, 1994 session with Medlar being deposed, Wheatley asked:

“My question is very specific, I want to know if you ever told Mr. Cisneros you were going to file a lawsuit or make a claim against him for monetary as a result of the (newspaper) article (that made the affair public) and you never did do that, did you?”

Medlar responded, “I remember speaking to him about it. I don’t recall.”

Wheatley responded, “Could you answer the question?”
Medlar attorney Bruce Magness interrupted, "Just let her explain."
Wheatley, "It ain't hard."
Medlar, "No."
Magness, "Let her talk."
Meldar, "I don't recall if I said I'm going to sue you, Henry, or if I told him I was seeking out legal counsel as to what best to do about it."
(Hendricks, April 2, 1995, p. 26-A)

Medlar claimed in her current suit that Cisneros promised to pay her $4,000 per month and she agreed to not file suit against him, which Cisneros and Wheatley "branded as patently false." (Hendricks, April 2, 1995, p. 26-A). In an October 14th deposition, Cisneros was asked about his recollection regarding Medlar's visit to Attorney Maloney's office, to which he replied she stopped that legal action "on her own" (Hendricks, April 2, 1995, p. 26-A).

In what seemed to be contradictory transcripts released in December of that year, "Cisneros is quoted in the deposition: 'I can tell you categorically that I did not agree to pay $4000 a month at that time or any other time,'"
(Hendricks, 1995, p. 4-A) In a transcript released later that month,

Cisneros seems to acknowledge a regular payment schedule of $4000, "Do you understand that I've got make about $70,000 a year just to give you what I give you per month? ... Linda, four times 12 is 48. With taxes, what do you have to make after taxes to clear 48, which I give you? You know, about 70, maybe 80 to make 48." ("Cisneros Seeks to Block Medlar Tapes," 1994, p. 23-A)
In an effort to rebut claims by Cisneros that Linda had told people about their affair thereby ruining her career, Attorney Magness asked Secretary Cisneros who were the individuals that Ms. Medlar had told; Cisneros responded with two individuals—Paul Thompson, a columnist for the San Antonio Express-News, and Arturo Sanchez, a part-time worker in the Cisneros campaign and a member of the city planning commission.

In public, Cisneros' attorney called into question the authenticity of the Medlar transcripts—stating that Medlar was being asked to interpret what was being said on the tapes four years after a conversation might have happened. (“Accuracy of Medlar Transcript Attacked,” 1994). As to the merits of the lawsuit, Wheatley's argument focused around the fact that Texas law required that a multi-year contract needed to be in writing, and Medlar did not possess such a document; whereas Medlar's attorney Bruce Magness insisted that the legal system is always based on the memories of the individuals involved, and seemed intent on making it plain at trial the promises made by Cisneros and the damage inflicted by Cisneros' misbehavior toward Ms. Medlar (Hendricks, October 18, 1994).
Malkowski (1994) reported a variety of opinions from the Texas legal community, including the fact that (a) there is little case law on the topic—most are resolved out of court; (b) Cisneros had “entered into performance on this alleged contract . . . but it all depends on what the facts turn out to be,” i.e., how long Cisneros promised to make the payments; and (c) regarding Cisneros’ responsibility for the destruction of Linda Medlar’s reputation, a person who chooses to have an affair with a public figure takes a chance (p. 6-A).

During the discovery phase in October, Medlar’s attorneys asked for documents such as phone records, flight records, credit card statements, government documents, etc., most of which the opposing counsel said were unreasonable (“Cisneros Attorneys Battle Medlar Request for Records,” 1994).

Pre-trial motions and hearings included probably the most significant motion by Cisneros’ attorneys to remove the conversations as evidence (Cisneros Seeks to Block Medlar Tapes,” 1994). On December 17, 1994 Wheatley and Magness argued the case before District Judge Blair Cherry who would determine whether the case went before a jury. Medlar’s attorney, Floyd Holder, argued that Linda did not waive her right to privacy because of their affair—the destruction of her reputation came at the hands of Cisneros, and both counsels argued over the existence of a contract, Holder arguing that the
telephone conversations were the same as a written contract (Hendricks, December 17, 1994).

On October 11, 1994 Lauch Faircloth (R-GA) requested, in-light of the allegations, a copy of the F.B.I. report because he was concerned about statements by Cisneros (Barrett, 1997).

In December 1994 Senator Alphonse D'Amato (R-N.Y.), in response to a request from Cisneros' attorney, wrote a letter stating that the amount of Cisneros' payments would not have changed the senator's vote for confirmation (Barrett, 1997). Later, D'Amato stated that a vote to confirm Cisneros would have been endangered if members of the committee had been aware of the calculated efforts to hide the December 1992 payments to Medlar (Barrett, 1997).

On February 3, Judge Cherry declined to dismiss the case, ruling that a jury should decide it. He made the decision again on April 18 when he ruled:

the court is not permitted to act as a fact-finder. . . . A case can be dismissed only when material facts are not in dispute. . . . There are genuine issues of material facts at stake in Medlar's lawsuit. ("Judge Won't Dismiss Suit Against Cisneros," 1995, p. 9-B)
By the time the judge had ruled on whether the case could go before a jury,\textsuperscript{15} Attorney General Janet Reno had already proceeded with a request for an Independent Counsel on March 13.

Henry Cisneros had been optimistic about the chances of not having a counsel appointed. In mid February, 1995, the secretary appeared before the National Press Club to discuss the investigation of his statements to the F.B.I. regarding payments to Linda Medlar, and the Republican congressional attacks on H.U.D. and its programming. Reiterating many of his previous statements, Cisneros said:

\begin{quote}
I'm confident that a special prosecutor will not be necessary in this case. We've been completely forthcoming with the investigation, and I fully expect that they will conclude that there was no wrong doing. But no
\end{quote}

\textsuperscript{15} Advising his client to make a bargain with Cisneros because her chances were not very good with a jury, Floyd Holder explained that he “feared female jurors wouldn’t look favorably on Medlar’s claims. ‘The double standard still exists. . . . Women can forgive any man, except for their own husband’” (Hendricks, March 29, 1995, p. 7-A). As a result of the settlement, both parties agreed to not speak to reporters about the details of their relationship, not profit in the marketplace as a result of their affair, and “not make ‘disparaging remarks’ about each other without being prevented from answering questions ‘compelled or required by an appropriate agency’” (Hendricks, May 20, 1995). Henry Cisneros agreed to pay Medlar and her lawyers $49,000 with the stipulation that he was not obligated legally to do so. Linda Medlar agreed to dismiss her $256,000 legal claim, “concede claims in the lawsuit were ‘doubtful’ and in serious dispute,” (Hendricks, May 20, 1995, p.1-A), and talk with Secretary Cisneros’ Washington D.C. attorney, Cono Namorato. (Hendricks, May 20, 1995).
matter what the outcome of that decision of the Justice Department, it is my intent to continue to serve as secretary. (Martin, February 15, 1995, p. 7-A)

Cisneros, who had been attempting to reform H.U.D. programming and streamline its administration, argued that the Republican Congress would be abandoning the country's commitment to its cities if H.U.D. were abolished (Martin, February 15, 1995; Tumiel, 1995).

In spite of efforts by President Clinton, Senator D'Amato (R-N.Y.), and another senator (Jones, 1998), Janet Reno did not concur, and Judge Sentelle's panel appointed David Barrett in May of 1995 (Clinton, 2004). The inner workings of the executive branch are a bit murky prior to the attorney general's decision. According to Martin (1995),

Sources confirmed that the Justice Department was prepared in January to recommend the case against Cisneros be dismissed because the false statements would not have derailed his confirmation from a Democrat-controlled Senate. The Justice Department, however, sought a 60-day extension after the F.B.I. objected, arguing that lying during the vetting process circumvented the process to determine whether a nominee is fit to serve in public office, sources close to the case said. Justice lawyers and the F.B.I. also were concerned about tape-recorded statements Cisneros (sic) that suggest he "coached" Medlar about what to tell agents. (p. 4-A)
The independent counsel’s report corroborates the positions of the Department of Justice’s Public Integrity Section advice, as well as other senior Department of Justice staff who had opposed the request for an independent counsel.

Was it director Louis Freeh or a subordinate within the bureau that refused to “sign-off” on the final disposition of the case—is there a bureaucratic or legal requirement? Was it a possible embarrassment for the Department of Justice if the F.B.I. disagreed with the final disposition, thereby causing the Justice Department to change its position? Besides the legal argument that a person should not lie to an agent, what else motivated the bureau? Was the 60-day extension necessary to continue negotiations with the F.B.I. to reduce the scope of the investigation of Cisneros? Interestingly, the justification for not seeking an independent counsel was not that the lies did not indicate an issue of trustworthiness, but rather that a Democratic Congress would have argued that it was a personal issue and people tell partial truths about personal things, therefore they would have confirmed Cisneros.

According to Thomas and Gugliotta (1995), a vigorous debate occurred within the Clinton Administration:

- members of the FBI wanted Cisneros to be prosecuted for any deception which broke federal law,
members of the D.O.J. argued that the lies were not criminal because they were not relevant to Clinton's decision to include him in the Cabinet or the upper house's vote to confirm him, and

others asked whether "such a narrow issue warranted an independent counsel."

Attorney General Reno was uncertain about her decision and reportedly deliberated with department officials up until the deadline (Thomas & Gugliotta, 1995).

On March 13, 1995 Attorney General Reno applied to United States Court of Appeals for the District of Columbia Circuit, Division for the Purpose of Appointing Independent Counsels, for the appointment of a special prosecutor. Reno based her decision to proceed with the request on the preliminary investigation findings that Cisneros made false statements to the F.B.I. regarding payments to Medlar. While the false statements may not have been important to confirmation in the Senate, the question to the attorney general was whether these false statements were material to Cisneros' work, and whether he and Medlar had conspired to lie to the F.B.I. The attorney general concluded that there were no findings to support income tax or gift tax violations, and that there were no findings to support a charge that the acts of a businessman were connected to an "official" act of Cisneros.
The court of appeals panel of justices appointed David M. Barrett as Independent Counsel and gave him

[F]ull power, independent authority and jurisdiction to investigate to the maximum extent authorized by the Independent Counsel Reauthorization Act of 1994, whether Henry G. Cisneros, secretary of housing and urban development, committed a violation of any federal criminal law . . . by making false statements with respect to his past payments to Linda Medlar to the Federal Bureau of Investigation during the course of his background check conspiring with others to do so.

[J]urisdiction and authority to investigate other related allegations or evidence of violations of federal criminal law . . . by any organization or individuals as necessary to resolve the matter described above.

[J]urisdiction and authority to investigate violation of 28 U.S.C.1826, or any obstruction of the due administration of justice, or any material false statement or testimony in violation of federal criminal law, in connection with or arising out of the investigation of the matters described above.

[J]urisdiction and authority to seek indictments and to prosecute any persons or entities involved in any of the matters described above, who are reasonably believed to have committed a violation of any federal criminal law, arising out of such matters, including person or entities who have engaged in unlawful conspiracy or who have aided or abetted any federal offense. (Barrett, 1997, pp. III-3, III-4).

Phase 3: Explanation and Investigation

After a secretary or under-secretary’s explanation of events, an acquittal, resignation, or cover-up may occur with the approval of the senior executive involved. News of the decision may be transmitted to any of the other institutional actors, and result in inaction, an investigation, or transmission to
others or the press. Competing actors may force another investigation and/or plead their case with the president for the resignation of the offender. Choosing to cover-up or deny the results, the president may face a resulting release of the story to the press and public. In the next phase, the president deals with the impact of the denial or cover-up.

On March 14, 1995, after offering his resignation to President Clinton, Henry Cisneros stepped before reporters with his wife Mary Alice at his side, and stated, "My decision is to stay and fight for the department" (Martin, March 15, 1995, p. 1-A). Expressing disappointment over the decision to appoint an independent counsel, Cisneros noted that the appointment was not synonymous with a "finding of wrongdoing" (Martin, March 15, 1995, p. 4-A). "I am hopeful that the investigation will be completed expeditiously, and I am confident the independent counsel\textsuperscript{16} will conclude that I did not engage in criminal wrongdoing . . ." (Martin, March 15, 1995, p. 4-A).

In a statement, Clinton said, "Secretary Cisneros is a good man and an effective public servant. He says he regrets any mistakes he has made. So do I. But that does not outweigh the excellent work he has been doing,

\textsuperscript{16} A Washington lobbyist and Republican fundraiser, David Barrett, was aided by approximately five attorneys, support staff and a contingent of six full-time agents dedicated to the case by the F.B.I. (Jones, 1998).
and will do as secretary of housing and urban development. I look forward to his continued valuable service.” (Martin, March 15, 1995, p. 4-A)

After the appointment of an independent counsel, Cisneros considered quitting, but rejected the idea after consulting with his staff. Cisneros reported that his continued efforts were bolstered by the president’s example of always rededicating oneself to a cause, even after setbacks, and belief that God helps us to use our gifts in times of trouble (Cisneros, 2004). Cisneros’ situation was not aided by Medlar’s handing over of the redacted tapes to the F.B.I. and I.R.S. on May 31, 1995.

On October 31, 1995, a federal grand jury was empanelled to determine whether Henry Cisneros “committed violations of federal law by making, or conspiring with others to make, false statements to the F.B.I. during the course of its background investigation of him” (U.S. v. Cisneros, 26 F. Supp. 2d 24, slip op. 7 (D.D.C. 1998).

Lubbock lawyer, Floyd Holder, complained that the inclusion of his client, Linda Medlar, as a co-conspirator in the Cisneros case was an effort by the Clinton administration to blame the victim (Martin, March 15, 1995). Independent Counsel Barrett identified Linda Medlar as the key witness against Cisneros, and in November of 1995, she was notified of her “target” status in
the ongoing investigation and offered full immunity in exchange for full cooperation (Jones, 1998). Medlar quickly agreed and signed a document that made it "clear that she was required to answer all questions concerning the subject matter of the investigation truthfully, fully and completely, could not withhold any information . . ." (Barrett, 1997, p. IV-181).

According to Jones (1998), the F.B.I. placed a call tracer on Medlar's phone "shortly after she was given immunity, to see if there were people 'reaching out' to her and to test her honesty" (p. 16). Linda Medlar's truthfulness came into question over a number of issues, such as how long and when she had spoken with Shirl Thomas, an aid to Cisneros, or large issues like the representation to the I.R.S. that the tapes of her conversations with Cisneros were the originals (Jones, 1998). Efforts at gaining the necessary information for the investigation were hampered by Linda's unwillingness to make appointments with agents or by her breaking off relations with the counsel's office for an extended period of time (Barrett, 1997). While providing important information like Cisneros' provision of a $16,000 down payment on her home, in April of 1996 Linda Medlar

- stated that the tapes, which were given to the I.R.S. in 1995, were the originals. (F.B.I. experts were able to prove that this was not true);
• denied having knowledge of what “could affect the validity of the tapes of her conversations with Cisneros”;

• explained that the recorders used to make the tapes had been misplaced in-transit during a move; a subsequent questioning of moving staff proved that she had tried to persuade them to tell the same story and a search of her property turned up the missing recorders (the O.I.C. needed the original recorders in order to prove the validity of the tapes; and

• maintained that “all relevant records” were in the custody of the O.I.C., which the independent counsel subsequently disproved during the execution of a search of Medlar’s property. (Barrett, 1997, pp. IV-182, 183)

These statements to the F.B.I. and preceding representations to the I.R.S.
regarding the authenticity of tapes that she had given them were lies about essential elements of the investigation.

Subpoenaed in September of 1996 to appear before a Washington grand jury, Medlar, with counsel present, was questioned once again about her previous statements at the offices of the Washington O.I.C. on September 17 (Barrett, 1997; “F.B.I. Agents Take a Load of Cartons from Medlar Home,” 1996). She restated her assertion that the copies were the originals and was then asked to allow the F.B.I., to search her home to which she consented (Barrett, 1997). The following is a description of what happened next, according to the OIC:
However, just before the search began, the press arrived at the home, tipped off by a neighbor who had identified the F.B.I. agents waiting to conduct the search. Medlar learned from a phone call with her mother about the presence of the press. The OIC had not contacted the press, and had no advance knowledge of their presence; however, Medlar accused the FBI of leaking information about the search, and Medlar and her attorney left the meeting. The agents proceeded with the search by executing a search warrant that they had previously obtained in case she did not consent to the search. After that, Medlar ceased cooperating with the OIC. (Barrett, 1997, p. IV-184)

Neighbors identified cars that had been parked on the street for several days as vehicles that carried some of the individuals that had removed cartons from the home and shed ("FBI Agents," 1996). Found in the search was the audio equipment used to record conversations with Cisneros, financial documents such as bank statements, deposit slips, etc., and transcripts and notes of their audio conversations (Barrett, 1997).

After attempting—with no success—to reestablish communications with Linda Medlar through her counsel, the O.I.C. in November 1996 notified Ms. Medlar that she no longer enjoyed her grant of immunity and it could use her statements for prosecutorial purposes. Marshalling evidence related to the Cisneros investigation and the material discovered about her acquisition of a home with the assistance of Mr. and Mrs. Wooten, the O.I.C. brought an
indictment against Linda Medlar, and Patsy and Allen Wooten on September 12, 1997 in Lubbock Federal District Court.

On November 21, 1996, Henry Cisneros' announced his resignation; his last day would be on January 19, 1997. According to the O.I.C.'s final report, Cisneros' resignation letter to the newly re-elected President Clinton contained the following passage: "Though I would like to help build on the progress we have made . . ., I have concluded that I cannot ask to be considered for service in the next four years" (Barrett, 1997, p. IV-180). In a 2003 article in the Texas Monthly magazine authored by Cisneros, he expanded on his explanation by stating that legal issues needed to be addressed (Cisneros, 2004).

On September 12, 1997, Linda Medlar and the Wootens were indicted by the O.I.C. for obstruction of justice, money laundering, bank fraud, among other charges. Pleading guilty to money laundering, concealment of facts and several other charges, Medlar started a 42-month prison term on April 15, 1998. While the Wootens had agreed to cooperate with the O.I.C., Medlar refused. In March 1999, Medlar decided to cooperate with Barrett's office in exchange for a reduced sentence and the dismissal of charges in Washington where she had been indicted with Secretary Henry Cisneros, Sylvia Arce-Garcia, and John Rosales on December 11, 1997 for conspiracy, false statements, etc., in a
Washington, D.C. district court. With the inclusion of the tapes as evidence, the proof of Medlar's mental stability and a willingness of the independent counsel to proceed with the case, the opposing counsels struck a plea-bargain resulting in Cisneros' admission of guilt that resulted in a misdemeanor conviction for lying to the F.B.I.

Before Judge Sporkin, Cisneros admitted that he had understated his support payments to his ex-lover because he did not want to embarrass the parties involved and because the exact numbers were not available when filling out the federal background paperwork. In comments to Burka (1999), Cisneros thought he would have been exonerated in court, either by jury or in an appeal. . . . But the decision to plead guilty to a misdemeanor was a no-brainer. It allowed him to avoid the prohibitive cost of a trial . . . and also to spare his family the anguish of seeing his affair with Medlar . . . dragged through the media yet again. (p. 115)

After the two and one-half years, May 1995 until December 1997, investigation resulting in the guilty plea, Special Prosecutor David Barrett sought to expand the scope of his Cisneros investigation based on the suspicion of multi-year tax code violations. Attorney General Reno agreed to expand the investigation to only one more tax year resulting in no additional charges against Cisneros. Suspecting efforts by members of Clinton administration to thwart the multi-year tax evasion investigation, Barrett's office unsuccessfully
sought to expand its investigation to alleged administrative malfeasance.

Barrett's final report was released to the public in early 2006, eight years after Cisneros guilty plea.
CHAPTER IV

ANALYSIS

Does the Cisneros/Medlar affair “fit” the phases of sex scandal? Henry Cisneros and Linda Medlar’s sexual indiscretion and subsequent problems of lying to the F.B.I. conform to the broad outlines of the Cabinet and sub-Cabinet level sex scandal posited in Chapter II.

Phase 1: Mayor Henry Cisneros and fundraiser Mrs. Linda Medlar engaged in sexually indiscrete behavior that was eventually exposed in the press. The adulterers admitted to their inappropriate behavior. After Medlar was divorced, Cisneros returned to his wife, but agreed to financially support Linda. When Cisneros was considered and nominated for the federal Cabinet position of Secretary of Housing and Urban Development, he lied to the F.B.I., and the Clinton-Gore transition team about the level of support that he had given to Medlar and what he would give to her in the future. Had the behaviors of Frank Wing, Morris Jaffe, or Linda Medlar and her cohort been discovered the scandal could have been hurried along. Henry failed to meet his financial obligation to Linda in February 1994 and subsequent months.

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Phase 2 began to unfold when Ms. Medlar sued Cisneros for breach of contract in July 1994. She alleged that Henry was not making his $4,000 a month support payments. On September 12, 1994, Linda Medlar appeared on Inside Edition with copies of checks and tape recordings. The $4,000 remittances were from Henry Cisneros to her and the voices on the tapes were of the principals discussing the terms of their financial agreement. Under the Ethics in Government Act and Independent Counsel Act of 1988, Attorney General Janet Reno was required to begin an inquiry into the allegations and, if necessary, conduct an investigation to determine whether an independent counsel should be appointed. Secretary Cisneros' attorney briefed the White House's counsel. President Clinton praised the work of his H.U.D. secretary as well as his forthrightness on the issue of payments to Medlar. Cisneros refused to step down, stating that his "numbers" may have been a little inaccurate. After the F.B.I. and staff within the Justice Department differed over the need to ask for an independent counsel, Attorney General Reno asked that a panel of judges of the Federal District Court for the District of Columbia appoint a counsel. In March 1995 Attorney General found that Henry Cisneros had lied to the F.B.I., and determined that an independent counsel was needed to determine whether these false statements were "material" to his work.
Phase 3: Secretary Cisneros insisted that he would be vindicated, President Clinton insisted that he stay at his post, and David Barrett, the independent counsel, began his work. After granting Linda Medlar full immunity from prosecution in November 1995 and failing to gain Linda Medlar's complete cooperation during the construction of his case against Secretary Cisneros, David Barrett revoked her grant of immunity from prosecution, indicting her for lying to the F.B.I. and the I.R.S., and a number of other infractions in November 1997. Ten months earlier Secretary Cisneros left office—he had submitted his letter of resignation a few days after campaigning for President Clinton's successful re-election.

While the Cisneros/Medlar affair and the subsequent related investigation and prosecution for related behavior conforms to essential elements of the scandal literature, i.e., Lowi, Sherman, Williams, et al., certain aspects of the scandal support a modification of the author's phases and introduce variations to some of the existing variables.

Admitting to accusation of sexual indiscretion? Five years before Mayor Henry Cisneros admitted his extra-marital affair to a national audience, he had begun cultivating a relationship with Governor William Jefferson Clinton of Arkansas. He introduced Governor Clinton at a number of conventions in San
Antonio, and the two politicians most likely “kept an eye” on the progress of each other, each working for his own political base and reaching out to the federal government when the need be. While controlling the San Antonio press so that he could still be an effective mayor, Henry Cisneros used a nationally televised program to “immunize” himself before he even was appointed HUD secretary. Attentive to the confession, Clinton, among other less than sexually discrete executives, must have admired the politically savvy move of Cisneros, as well as his attempts to rebuild a city.

In a self-described miserable marriage, Cisneros had multiple extramarital affairs until finally meeting his muse. Inspired to consider divorce, Cisneros would not have been unusual except for the fact that he was a politician who then held off-the-record conversations about his marriage. Eventually, the media turned on Mayor Cisneros who had allowed the press into his home, and he confessed in public, on-the-record. Henry considered “giving up” John Paul, the son he always wanted, but his Catholic conscience, an accessible girlfriend, and the political price of divorce made him reconsider. However, the hidden price of destroying Linda Medlar’s fundraising business because of his public admission of love would haunt him. Cisneros was a gifted, ambitious, retired mayor no longer in the public eye, planning to make
enough money to pay for his son's surgeries, support his lover and ex-wife with
the dream of national service one day.

What was the role of historical precedent that resulted in the development of
executive order (10450) and a zealous investigatory agency to prevent sex scandals?
The variable not specifically discussed in the social mores, but somewhat
related are the events that shape public policy, particularly in this case is the
influence of the Cold War on the executive, which resulted in the screening
procedures of incoming executives by the incumbent administration—President
Eisenhower's Executive Order 10450. Background checks (by J. Edgar Hoover's
agents) to ensure high moral character and to avoid problems with communists
or homosexuals infiltrating the State Department, etc., set a questionable
administrative precedent. An unwillingness to modify or reverse this executive
order has resulted in a distortion of the decision-making of a president-elect
and reasonable transition team leaders, and provide perhaps a too heavy
penalty. Allison and Halperin (1972), Williams (1998), and Clifford's (1990)
characterization of institutional competition—exemplified by the F.B.I., the
Department of Justice, and political appointees' debate over Cisneros'
misstatements—was set in motion by Eisenhower's Executive Order 10450.
How does the Cisneros/Medlar affair impact the thinking of Neustadt and anyone else concerned about its practical implications? Once an attorney general receives credible evidence, the momentum that speeds along the scandal process has truly begun. Perhaps a more practical avenue for such cases may be an alternative, reform route. At the more practical level, the Cisneros case appears to raise questions about the vetting process and background checks:

1. Can a well-designed process for checking perspective nominees be hampered by the F.B.I., the D.O.J.P.S.O., the transition team or the nominee? Any of these entities may fail to carry out their jobs correctly or bow to undue political pressures. Why should a president-elect be prevented from making his/her own choice, barring a serious breach of the public trust or felony conviction, of a nominee?

2. What is a proportionate response to sexual scandal related infractions? If there are issues in a Cabinet officer's past or present—as long as the event is not of a heinous nature—should not we allow public opinion, the Congress through its oversight, censure or impeachment powers, or the civil courts to function thereby sorting out the issues, rather than entrusting discretion to an independent counsel.
What determines the role of an independent counsel? Mentioned in the literature by Garment (1991) and Fisher (1999) is the role of the independent counsel over the last 30 years that slips into the third phase investigation path, but with the Cisneros case, among many other independent counsel cases, there appears to be the need for adding variables to the overall model. The specific variables to be added would be "court" and "characteristics" that choose the "independent counsel," and the variables to describe this individual would be "characteristics" and "scope/time of investigation." If a court is necessary to choose and oversee the independent counsel, what is its judicial temperament, dominated by liberals or conservatives? Likewise, what are the background characteristics of the attorney chosen? Is he/she a federal prosecutor and what president chose them, etc.? What is the scope of their investigative/prosecutorial mission?

Since debate is common over the prosecution, or lack thereof, of sexual impropriety and attendant factors in pre-existing law enforcement, and prosecutorial agencies like the D.O.J., perhaps the least examined dynamic may be that of the decision making and consensus (or not) building within an independent counsel's organization. What latitude does an independent counsel have? For example, the independent counsel focused on the way in
which Cisneros' misstatements impacted the functioning of the F.B.I., the Department of Justice and the U.S. Senate in the confirmation process, rather than the overall impact of the misrepresentations. Each of these characteristics may make a difference regarding the speed and outcome of the scandal process.

How does the Cisneros-Medlar affair impact the basic proposition by Lowi of a scandal model within the realm of government? The establishment of the independent counsel act has "fixed" the marketplace, at least in a scandal's early stage of exposure. If the allegations are credible to television or to the media marketplace in general, then the political marketplace is forced to respond to the issue. Since tapes of lovers and copies of support checks will be for sale, sex scandals will be Federal Expressed into the scandal marketplace regardless of the demand. The act removed the discretionary powers of the attorney general, as well as the ability of the ruling party or sitting president to "drag his (her) feet" (for good or for bad) on the investigation.

What was the public effort by the president to protect his appointee? Unlike his handling of the Monica Lewinsky scandal, President Clinton (and Andrew Jackson) used the crisis management approach to the Cisneros case. He quickly stated the facts as he knew them, endorsed the good work of Henry and asked the Secretary to go back to work at H.U.D. Likewise, Cisneros, other than his
statement that he had not been paying Linda after he assumed office, was forthright about his affair and the financial support (give or take a lot of money in this case) and wanted to go back to work.

*What was the basis for Clinton’s support for Cisneros?* Besides knowledge about polling data, with regard to the American public’s attitude about sexual indiscretion and the private lives of their officials, President Clinton stated that an affair was unrelated to the work of his secretary, and his legal opinion was that the lies about Cisneros’ under-payments were not “material” to the Secretary’s job.

*What types of conclusions can be drawn from the Henry Cisneros case study?* Conducting an analysis and/or comparison of the various sex scandals requires an attempt at comparing human relations from different settings in the evolution of government—executive discretion, congressional oversight, security concerns, etc., the press, and societal attitudes about public officials, their privacy as it relates to infidelity and attendant ramifications of sexual indiscretion. To simplify would mean the loss of nuance. However, some broad generalizations and an attempt at prioritization can be made with regard to some of the variables discussed:
1. Changes in presidential and/or secretarial relationships are crucial in the prolonging or shortening of the scandal process until the resignation finally occurs—President Clinton's support did not wane until the end of the first term, but Attorney General Reno (and her staff) were forced to confront the illegalities of specific activities.

2. The stability of the lover (or participant in the sex act) with regard to remaining silent about an affair is key to the eruption of the scandal or its progression and is one variable that is beyond the control of a president, secretary or under-secretary.

3. Like the unstable lover, a spouse or family can provide the spark through comments to the press or divorce—the duration of the impact on the scandal process of the family, like the intimate, is an unpredictable variable because a long, messy drawn-out divorced proceeding is unforeseeable. Mary Alice chose the family and her husband's career over divorce and skewering him in the press.

4. The public's moral temperature or mood trumps all executive discretion in cases of sexual indiscretion—the citizenry's response to the case of Henry Cisneros, a forerunner to President Clinton's sexual indiscretion, exhibited the understanding and tolerance of the moral
frailties of its officials. Likewise, as public conceptions of extra marital relationships change, "payments" between couples that are publicized may be understood as a form of alimony or palimony. The public dialogue over moral issues as identified by Dunn play a role in whether an executive and the press, and their judgments, vary in power regarding the progression of a scandal.

5. A not so insignificant player in the scandal process is the advisor or administrative assistant whose role is implied by the mention of Wing and Anderson at H.U.D. in the O.I.C. report, because their decisions regarding silence about issues are all important in speeding or retarding the development of the scandal progress.

6. Positive personal, professional or political relationships with members of Congress are of little benefit during the progression of a scandal if the following variables are in place (while it is difficult to rule out any variant to a sexual scandal at the Cabinet level, these variables hold true):

- if the alleged sexual indiscretion or attending activity is related in any way to work,
- if there is the likelihood that a house of Congress will be lost to the opposition,
if there is the likelihood that a major policy proposal/program will be lost, and

if senators—particularly chairpersons of oversight committees—of either party, are insistent on high ethical/moral standards and action, as compared with those who are personally dealing with the subject of sexual/ethical scandal or attending problems.

In keeping with Jimenez's (2004) statements about the opposition party's policy and political objectives being served by an attack on the executive, it could be concluded that a majority opposition party will be inclined to speed the resignation of secretary or under-secretary by the means of a careful examination of a scandalized nominee during a confirmation process, closer oversight of a scandalized secretary, and/or impeachment as a last weapon. In the case of Henry Cisneros, members of the congressional majority called for his resignation and were probably pleased when an independent counsel was requested.

What was the role of the press? It served as a conduit of information to the public and its reaction to scandal is symptomatic of the values of the time. When the actual information regarding the affair became public, an analyst commenting on the situation was concerned that tabloid television might buy Linda Medlar's story about the affair, thereby keeping it before the public. Five years later, a $15,000 check from a tabloid television program provided the
incentive for Linda Medlar to go forward with the story of Henry Cisneros' misstatements to the F.B.I. Would she have "told all" if the money had not been offered?

After the post-Medlar tabloid appearance, the subsequent support of Secretary Cisneros by President Clinton of and the silence of the independent counsel, minimized the role of the press—little was known that could have sped along the scandal process until indictments were handed down and by that time, Cisneros had resigned his post. The changes in the attitude of the press as discussed in Summers is also key in understanding the development of the Cisneros scandal, although the advent of tabloid television was not discussed. In the post-Watergate press's environment, Henry Cisneros felt the brunt of skepticism about executive administration and claims of privacy. While candidate Clinton and then-mayor Cisneros had inoculated themselves against the actual scandal, unfortunately for Cisneros—in accordance with Williams' assertion about attacks by institutions with their own agenda—the media attacked the story told by the secretary. The press' coverage of Linda Medlar's tell-all story on the public attitude is unknown to this author, but because of President Clinton's reading of the polls and/or his determination to
retain an effective administrator, he showed resolve to retain his Cabinet secretary.
CHAPTER V

CONCLUSION

Anticipated by the Founding Fathers and provided for in the Constitution, a sex scandal at the Cabinet or sub-Cabinet level is a fascinating, multi-faceted, democratic phenomenon. The aim of this research was to provide answers to the following questions:

• What is the general sequence of events that makes up a scandal?

• What factors impact the development of a sex scandal at the Cabinet and sub-Cabinet level?

Borne out by the scandals of Alexander Hamilton, John Eaton, Sumner Welles, and Henry Cisneros, plus the literature, is the following general sequence of events or phases and factors that impact the development of a sexual scandal at the Cabinet and sub-Cabinet levels. Significant to the first phase, as well as subsequent phases of the scandal, are the alternate paths by which actors are impacted by other actors, events and context.

What is the general sequence of events that composes the first phase— the alleged behavior— of a sex scandal? A Cabinet or sub-Cabinet executive behaves in ways that are subject to allegations of sexual impropriety, or arising from the past
may be allegations of a similar nature, and any attendant factors. With or
without the knowledge of a third party's discovery of the alleged impropriety,
the secretary or under-secretary proceeds with their job responsibilities.

What are the factors that impact the development of the first phase? Behaviors
must qualify as scandalous. There is no scandal unless the public believes it to
have been scandalized by a violation of societal norms of behavior. A distinct
factor of this phase is the state of relationships between family members, lovers
and executives prior to the scandal. The quality of these relationships may be
crucial to the release of the scandalous information, the offer of employment in
the Cabinet and subsequent support during the scandal. Traits of individuals
involved in the alleged affair such as their marital status or gender, a sexual
indiscretion track record by the indiscrete individual, a legal record of the
behavior, and/or attempts to conceal the affair and/or attendant facts of the
affair may have varying impacts either solo or in concert on the phase resulting
in the unfolding during Phase 2.

What is the general sequence of events in Phase — the unfolding? After
providing information of alleged indiscretion to the various institutional
representatives, a messenger(s) may continue to be an actor in the process.
Institutional representatives may choose to investigate the allegations and/or
transmit the allegation to other institutional actors. Such an investigation may produce a record that may be “used” in the future. Oversight responsibilities may result in a presentation of the information to the secretary or under-secretary. Investigatory reporting by the press may lead to the release of the story, thereby leading to decreased poll numbers for the administration, pressures for a “full” investigation and possible electoral consequences.

What factors impact the unfolding of the sexual scandal? The messengers may be either public and/or private individuals who, if armed with documentation of sexual indiscretion, wield great power because of their ability to release the information to the press, public, Congress, and/or executives. Multiple releases of the documents may increase the likelihood of the scandal being investigated and/or released rather than being “lost” in the government.

What is the general sequence of events in Phase 3—The Explanation and Investigation? After a secretary or under-secretary’s explanation of events, an exoneration, resignation or cover-up may occur with the approval of the senior executive involved. News of the decision may be transmitted to any of the other institutional actors and result in inaction, an investigation, or transmission to others or the press. Competing actors may force another investigation and/or plead their case with the president for the resignation of the offender. Choosing
to cover-up or deny the results, the president may face the release of the story to the press and public.

What is the general sequence of events in Phase 4—Inter-Executive and Congressional Competition? With the statutory power to continue a Cabinet executive's tenure, a president decides to retain an executive. The repercussions may be reduced morale, pressure from competing elites, expenditures of political capital, and/or reduced public support, possibly leading to electoral losses. The length of the secretary or under-secretary's tenure is usually determined by any number of factors, including a president's skills, policy and political disputes, etc., but its conclusion is usually determined by a precipitating event.

What factors impact the development of the Inter-Executive and Congressional Competition Phase? In order to preserve his/her position, a secretary or under-secretary may make an increased effort to be on good terms with the president, engage critics to reduce their political strength, and reduce the likelihood of dismissal by taking on new job responsibilities.

When executives' relationships change, these personality, political, and/or administrative conflicts may reduce the tenure of the accused.
Effective presidential tactics are important tools to preserve an executive's tenure. The motivations for retaining the accused may emanate from the president's personal history support, but an executive's tenure may eventually succumb to the chief executive's legacy concerns.

In a competitive political environment, access to the press in order to get out the details of the scandal may mean the difference between steady and dropping poll numbers or electoral defeat.

A sexual scandal which results in the loss of political capital in the form of lost policy opportunities may result in a truncated tenure. Congressional oversight in the form of calls for an investigation and/or the extreme of calling for hearings might hasten the resignation of the accused.

Public polling and elections that reflects the public's mood about a sexual indiscretion may result in a reduction of the Congressional contingent affiliated with the president.

The aforementioned phases and factors have been supplemented by the data provided by the Henry Cisneros scandal which showed the importance of community and press' standards that "immunized" a potential executive and governmental mechanisms for controlling indiscrete executives have increased over the last fifty years with the advent of the vetting process, the office of the
independent counsel, and various statutory hurdles or penalties. Congressional
oversight has been extended by counsels and courts.

A summary of the scandal information delivery and reception bares
repeating because of its impact on the scandal process. Linda Medlar was
interviewed for a national news program and discussed statements by Cisneros
that were false; the statements were then passed along to Attorney General
Janet Reno who was required to investigate the allegations, eventually resulting
in a request for an independent counsel. Under the law, an investigation is
required if substantial evidence is presented. The continued investigation of
charges or an admission by the accused to breaking the law – in this case lying
to the F.B.I. results in reduced length of tenure.

The framers of the Constitution and the early practitioners of the
government of the United States, whom vested accountability with the
president alone in the matter of Cabinet and sub-Cabinet officials, would not be
surprised by 200 years of checks and balances needed in the relationship
between the executive branch – president and his Cabinet and sub-Cabinet
appointees – and the Congress in regard to scandal. Remedies for inappropriate
behavior are essentially the same, requiring diligent legislative and executive
oversight as well as administrative mechanisms – an auditor or independent
council – to insure that nothing illegal had transpired. In the realm of sexual
indiscretion by Cabinet or sub-Cabinet officials, presidents have not been
released from concerns over congressional discovery, or public disapproval of
errant husbands/wives or its impacts on effective administration. Nor are
executives safe from investigations revealing indiscretions, like the rather
quaint investigation of Alexander Hamilton by three members of Congress.

Each of the variables added is an expression of the democratic culture in
search of a means to protect itself from undesirable executive behavior. How
well our democracy is expressing itself is also of interest in concluding this
chapter about Henry Cisneros' foibles. As was noted earlier in the manuscript,
the historical record is very thin with regard to scandals of this nature. The
Cisneros scandal record has not been exempted from efforts to reduce what is
available to researchers, i.e. the sealing of court documents, agreements
between parties in lawsuits, and most recently the decision by the Office of the
Independent Counsel to bar the public from internet access to the final report
that was posted on the internet in January, 2006. This research has been limited
by what is made available to the public and it is the hope of this researcher that
governmental institutions will increase transparency with regard to documents
so as to strengthen our democracy.
Appendix A

Review of Sumner Welles Dismissal Literature
Historians have proposed many different reasons for the resignation of Sumner Welles. Lingeman (1970) briefly mentions that Welles attempted to circumvent Hull until the former was forced out on account of the scandal. Perrett (1973) and Hoehling (1970) framed the dispute between Welles and Hull as an ongoing dispute between the "realists" and "idealists" within the State Department, but do not explain how the under-secretary was removed. Burg (1996) identifies personal animosity as the motivating factor forcing Welles' resignation. Burns (1970) identifies Welles' independently dealing with the White House and foreign envoys as reasons for his removal. Without mentioning the sexual scandal surrounding Welles, Michelson (1944) identifies issues of Roosevelt's unwillingness to allow Hull to choose his own men in the State Department. Hull's insecurity with possibly being replaced by Welles, the under-secretary's willingness to carry out assignments that should have been handled by Hull or through his office, leaked stories that an embarrassed Hull attributed to Welles, a poor personal relationship between the two men, differing opinions on Soviet–U.S. relations at a crucial point in time, and F.D.R.'s unwillingness to break up his Cabinet as important factors in accepting Welles' resignation.
Beschloss (2002) identifies accusations of Welles' homosexual liaisons as a security risk, which precluded Roosevelt from assigning him to the Moscow Conference, but the author does not elaborate. Herzstein (1989) adds a three-year cover up to the scandal, focuses on Hull's dislike of his under-secretary because he feared that F.D.R. was grooming him to be secretary of state, and Roosevelt's desire to control the State Department, but does not identify the accusations of sexual indiscretion. In a summary of the diplomatic career of Welles—using secondary sources such as Hull's memoirs primarily—Graff (1988) identifies personality conflict, policy differences such as the development of an international organization, administrative friction, etc., over 10 years of service together that caused the final rift; Hull then used the possibility of scandal as a means to have Welles removed. Daniels (1975) identifies the essential elements of the behavior on the Southern Railway train returning from Alabama, Christian Bullitt's part in spreading details of the indiscretion, and Welles' bypassing of Hull to communicate with the president, probably encouraged by F.D.R., but the author does not link the resignation to the indiscretion. Ignoring Hull's role in the situation, Black (2003) claims that Bullitt's gossip about the incident on the train eventually caused Welles to become demoralized and resign. Dallek (1979) identifies issues of trust,
authority, departmental morale, congressional support and administrative style
as the main reasons for the August 1943 ultimatum from Hull to F.D.R. Dallek
contends that the under-secretary had usurped the secretary's authority and
remarks by Welles to the press were embarrassing, thereby destroying the
relationship between the secretary and his underling. Dallek reports Hulls'
insistence that Welles' homosexual activities would have consequences for the
department, and particularly for the administration's relationship with the
Senate. For Dallek, the resignation was a product of F.D.R.'s administrative
strategy—divide the State Department through rivalry between Hull and
Welles so that F.D.R. would be the ultimate arbiter.

Besides Welles' indiscretion, Fleming (2001) identifies the controversy
over Loy Henderson as a reason for Hull and Bullitt's attack on Welles'
administration of the State Department. Henderson, a Soviet specialist, was
cauced up in a controversy resulting from Soviet and U.S. relations. When the
British and Americans were unable to invade France in 1943, Foreign Minister
Litvinov used the opportunity to ask for the resignation or reassignment of
Henderson and Ray Atherton, who opposed the Soviet state. Fleming
maintained that either Welles was being blackmailed over his bisexual behavior
by the Soviets or hoping that the purging of anti-Soviet officials would
strengthen his position vis-à-vis Hull, resulting in his promotion to Hull’s position. Hull was enraged over the request. Fleming continues that it was Welles’ abandonment of Henderson that resulted in the loss of his staff support from within the State Department and the opportunity for Bullitt and Hull to attack his administrative behavior in the press. The Washington Times-Herald, the New York Times and Chicago Tribune attacked FDR’s poor administering—his preference for Welles over Hull—of the State Department for the Welles and Hull feud that led to the paralysis of the department.

Fleming concludes that F.D.R. made one more attempt to keep Welles on by offering him a mission to Moscow, but exposure of Welles’ indiscretions during future negotiations would be explosive if F.D.R. chose Hull over him. A bitter, burned out Welles had become a liability and agreed to the departure (Fleming, 2001).

One principal articulated specific reasons for the dismissal of Sumner Welles. Cordell Hull in his memoirs (1948) discussed that he had a number of discussions with President Roosevelt regarding the resignation of Welles, prior to his removal as well as the reassignment of Welles to special situations outside of the country. According to Hull, the major reasons for Welles removal were his “readiness to make major decisions from time to time without
consulting" (the secretary) (p. 1227), insistence upon going to the president without the secretary's knowledge, efforts to have the president make a decision without informing the secretary, deficiencies in knowledge regarding certain policy areas, failures in following protocol regarding foreign emissaries access to the secretary, communications outside of proper channels, making policy speeches without the secretary's approval, distraction from the efficient supervision of the administrative apparatus and unwillingness to do teamwork.

While Morgan (1985) offers a good, short, general synopsis of the historical factors mentioned by the previous authors and the major contributors, complete treatments of the scandal, as it relates to length of tenure, is provided by Irwin Gellman (1995) and Benjamin Welles (1997). Curt Gentry (1991) augments these authors with a limited and precise description of the scandal from J. Edgar Hoover's perspective. Using primary documents from the papers of F.D.R., Hull, Welles, and other members of the administration, Benjamin Welles and Irwin Gellman provide some of the factors that determined the length of tenure.
Appendix B

Henry Cisneros Payment Data
Table 1: Cisneros 1990 Payments to Medlar

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Table 5: Jaffe’s Payments to Medlar

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*This total was arrived at as a result of subtracting the amount of the $12,000 check remitted to Michael Wooten and his subsequent subtraction of traveling expenses.
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