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## PACKWOOD

Continued from Page 1

Packwood's challengers contend that the senator defrauded the voters during his campaign by lying to the *Post* about his conduct; lying to Oregon reporters who asked whether the *Post* was investigating him; and threatening to expose embarrassing personal details about some of the women unless they kept silent.

Never before has the Senate ruled on whether lying about personal, historical facts constitutes fraud that could nullify an election.

Packwood had a Washington news conference last winter to apologize for his behavior toward the women, but would not discuss either specific cases or the alleged intimidation.

"So far," Meyer said of the rules committee, "all of the questions asked of us all go to the issue of whether the Senate even has the authority to conduct an investigation. That tells me they may be looking for ways to avoid hearing the evidence. That's what I'm afraid of."

In his written arguments, Fitzpatrick argued that an impossible standard would be set if campaign misstatements on personal matters were considered fraud, and therefore grounds for overturning an election.

"Would a woman ... have to disclose whether she ever had an abortion at the risk of not being seated? Would a candidate ... have to disclose his or her sexual orientation?" he asked.

**'Would a woman ... have to disclose whether she ever had an abortion at the risk of not being seated?'**

— James Fitzpatrick, Packwood's lawyer

## Firm to represent both sides

PORTLAND (AP) — Several witnesses in the ethics investigation of Sen. Bob Packwood will be represented by the same law firm defending the senator, raising questions about a possible conflict of interest, *The Oregonian* reported Saturday.

Packwood's lawyer, James F. Fitzpatrick of Arnold & Porter, issued a written statement that did not deny reports that several Packwood employees will be represented by members of the firm, the Portland newspaper said.

Fitzpatrick's statement to the newspaper, however, did say there was no conflict of interest.

"Let me say categorically that Arnold and Porter is not representing, and will not represent, anyone where there is a conflict of interest," Fitzpatrick's statement said.

"In making our judgment whom we can properly represent, we will not run afoul of the conflict-of-interest rules," he said.

A report on a Senate Ethics Committee investigation is not customarily given to the target of the probe, in this case Packwood, until the investigation is completed. However, if the law firm represents witnesses in the inquiry, it may get an early look at the ethics investigators' line of inquiry and the testimony they are collecting.

Katherine Meyer, one of seven lawyers representing petitioners seeking Packwood's removal from office, said the dual representation would represent a conflict of interest.

"I would say that looks like a conflict of interest to me," Meyer said. "It would make it difficult for them to both vigorously represent the interest of Senator Packwood at the same time they are representing his employees."

The ethics committee investigators are interviewing many of the 23 women who accused the 60-year-old senator of unwanted sexual advances in *Washington Post* articles published in November and February. The investigators also will interview Packwood supporters.

The ethics committee also is looking into an alleged campaign by Packwood to smear the women by gathering potentially damaging information about them.

The rules of professional conduct for the Washington, D.C., bar association state that lawyers may represent two clients whose interests conflict if both consent "after full disclosure of the existence and nature of the possible conflict and the possible adverse consequences."

Charles W. Wolfram, an ethics expert at Cornell University Law School, said there would be a conflict only if Packwood's employees witnessed sexual harassment or knew other incriminating information.

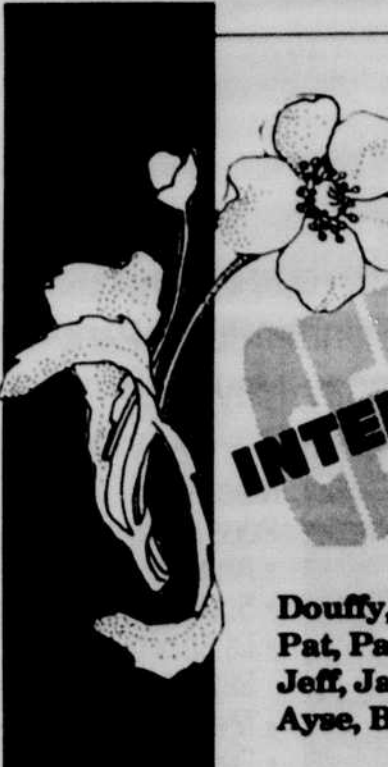
Wolfram said Arnold & Porter could avoid the problem by advising clients of the potential conflict and assigning separate attorneys who were advised not to communicate with each other.

Employees who know potentially incriminating information should seek independent counsel, he said.

Some Packwood employees have hired their own lawyers, including Josie Martin, the press secretary in Packwood's Senate Finance Committee office, and Lindy Paull, his tax counsel on the committee.

Martin and Paull wrote statements in support of Packwood to the *Post* before the first story was published. They declined to comment on their legal representation.

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