

# Impeachment...

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he was first made aware of such activity in March 1983.

Barry Lake, former assistant director and counsel to the Nebraska Department of Banking and Finance, testified Monday about the contents of a letter he received from the FBI March 14, 1983, concerning possible criminal activity at Commonwealth.

When asked if he requested the attorney general's office to investigate the matter, Lake responded, "Our dis-

ussion centered on the element of prosecution, not investigation."

Lake testified that he met with Douglas again in May "to relate to him that I was aware of other potential criminal conduct (by Copple) not mentioned by the FBI."

Douglas did not tell Lake of his three real estate transactions with Copple, but told him that his business relationship with Copple would make no difference if criminal prosecution became necessary.

"I did not inquire further of his business or personal relationship with Copple when he said he'd still prosecute," Lake said.

Amen testified Tuesday that he did not ask Douglas to investigate or prosecute the Commonwealth case, either, but felt that the matter was left up to the attorney general's office to act on its own.

Also present at the original meeting between Lake, Amen and Douglas was Deputy Attorney General Patrick O'Brien, who testified as a defense witness Wednesday.

The Commonwealth matter was brought up "almost as an aside" at that meeting, O'Brien said.

O'Brien, retired Deputy Attorney General Gerald Vitamvas and two other assistant attorneys general, Ralph Gillan and Melvin Kammerlohr, all testified Wednesday that they knew of no request from the banking department to investigate or prosecute the Commonwealth matter.

Asked about Douglas' integrity, O'Brien replied, "He's one of the most honest men I've met in my life. I don't believe Mr. Douglas would tell a lie on any matter of importance...or, indeed, on any matter at all."

Other character witnesses called Thursday included Douglas County Attorney Donald Knowles, former Deuel County Attorney Robert Richards and Theodore Kessner, former president of the Nebraska State Bar Association, all of whom reiterated O'Brien's sentiments.

After a third unsuccessful attempt by Morrow to dismiss the articles of impeachment, prosecuting attorney Kopf reviewed those articles in his closing arguments.

"The state has established violations of both statutes and the duties of the attorney general, with the inference of corruption," he said. "It's not Paul Douglas we're talking about. It's the office of attorney general and whether a duty has been breached. We have established that it has."

Kopf said Amen and Lake had both come to Douglas with questions about criminal activity at Commonwealth.

"Now at the time, Mr. Douglas was

sitting as the chief law enforcement officer of the state," Kopf said. "Mr. Douglas never disclosed to anyone the intensity, the complexity or the depth of his involvement with Commonwealth."

Kopf said Douglas was asking the court to believe the "least plausible explanation" of his transactions with the insolvent company.

"As I understand the criminal standard of 'beyond a reasonable doubt' to be a moral certainty, I believe that if you look at the evidence, you will be convinced to a moral certainty that he committed an impeachable offense," Kopf concluded.

Morrow countered the state's claims in his closing arguments, saying there is little substantial evidence to prove any of the six articles.

"This trial has become a political matter based on inference, innuendo and insinuation, and the argument posed by the state is similarly based on inference, innuendo and insinuation," Morrow said. "The charges are so lacking in substance and are so indefinite that it's difficult to determine just what he's supposed to have done wrong."

Concerning Douglas' disclosure of his business dealings, Morrow said, "The evidence shows that Mr. Domina didn't ask for specifics. If he wanted to know, he should've asked."

As for Douglas' failure to investigate the Commonwealth matter, Morrow said he was never asked to do so.


"The Department of Banking and Finance had decided they weren't going to investigate, saying 'We'll let the attorney general's office do it.' No one in the attorney general's office understood that," Morrow said. "To say that Paul Douglas should've foreseen in March the Commonwealth collapse in November and investigated is sheer nonsense."

Morrow said the state seemed to have forgotten the principle of assumption of innocence in their arguments.

"I thank God that we're in court now, where the state has to prove their charge and if they can't, dismiss it. I submit that they haven't," he concluded.

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