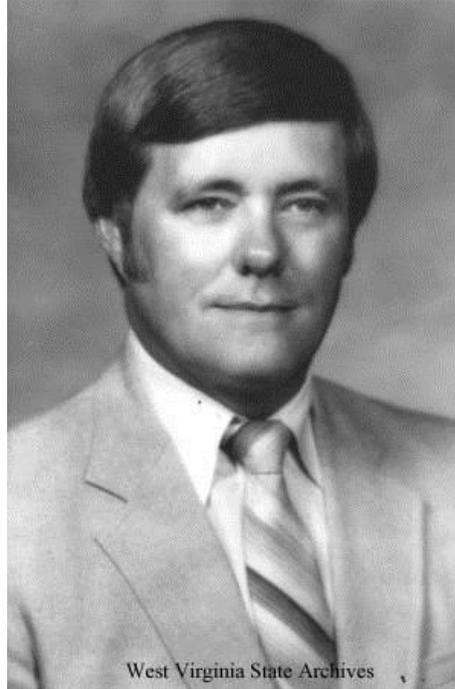


ON THIS DAY IN WEST VIRGINIA HISTORY SEPTEMBER 7



Senate President Larry Tucker resigned from office on September 7, 1989.

CSO: SS.8.4

Investigate the Document: (*Charleston Gazette, September 8, 1989*)

1. According to the *Charleston Gazette* article, why did Senate President Larry Tucker resign from office?
2. Governor Caperton was required by law to do *what*, following Tucker's resignation?

Think Critically: In addition to being the Senate's presiding officer, the Senate president is also the lieutenant governor, meaning *what*? Who is the current Lieutenant Governor?

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The State Newspaper — Our 117th Year

Senate president resigns after guilty plea

By Fanny Seller
STAFF WRITER

Larry Tucker resigned as president of the West Virginia State Senate Thursday after pleading guilty in federal court to extorting \$10,000 from an official at Tri-State Greyhound Park.

The substance of a plea agreement was disclosed by James Lees, who is representing former Senate President Dan Tonkovich at Tonkovich's trial. Lees said the U.S. attorney's office showed him the plea because Tucker was scheduled to be a defense witness. Tonkovich is charged with extortion, attempted extortion and racketeering.

After Lees announced the plea agreement, U.S. Attorney Michael Carev told

the court Tucker entered into the agreement at 10:45 p.m. Wednesday.

Assistant U.S. Attorney Nancy Hill said the U.S. Attorney's office could not discuss details until the agreement became a matter of record. It may be filed today.

Gov. Gaston Caperton is required by law to call a special session of the Legislature within 10 days so that the Senate can elect a new president and a new clerk. The president of the Senate is first in line to become governor if a vacancy occurs in that office.

Meanwhile, campaigning began immediately for the Senate presidency with Senate Finance Chairman Earl Ray Tumblyn, D-Logan, saying, "If the votes are there, I'm going to go for it."

Related story on Page 9A

Sen. Lloyd Jackson, D-Lincoln, the Democratic state chairman, said Democratic senators probably will caucus Sunday, the opening of three days of legislative interim study committee meetings. Jackson said he could call the caucus as state chairman or that Sen. Tony Whittow, D-Mercer, who becomes interim president since he is president pro tempore, could call it.

Former senator Darrell Holmes was given the clerk's job by Tucker when Todd Willis resigned because of a stroke, but a clerk has to officially be elected at the first meeting of the Legislature.

Phil Reale, Caperton's chief of staff, said Tucker's one-sentence letter of resignation was delivered to Caperton at 3:30 p.m. by Tucker's secretary.

A short time earlier, Tucker had called Holmes and asked the clerk to box personal belongings in the president's office, and to remove Tucker's name from an information booth.

Holmes immediately researched the law to determine how a successor would be named, and said the governor has 10 days from the date the resignation is submitted to call a special session.

Reale said he would research the law either Thursday night or today. He said the resignation caught the governor's office by surprise.

Reale said it wasn't for the governor to decide who the new president would be. In view of the previous resignations of A. James Manchin as treasurer, Charlie Brown as attorney general, Si Boettner as senator, and Tonkovich's indictment, Reale said the Senate needed to move forward as quickly as possible without dwelling on what has happened.

Jackson, who managed Caperton's campaign and bird-dogged the governor's program in the Legislature, said he would not run for president as long as others were interested in the position.

Jackson said he had talked with Tucker and Tucker told him of the resignation.

(Please turn to Page 10A, col. 1)

Senate president resigns post after plea

Tucker, 54, has served in the Legislature since 1970.

Sen. William Sharpe, D-Lewis, said Tomblin was the leading candidate. Sharpe said he didn't have time to be president because he runs a pretty large construction business.

Boettner resigned last week after pleading guilty to a felony income tax evasion count and agreeing to cooperate with the U.S. Attorney's office.

Tomblin had expressed an interest in running when Tucker ran but the two reached an agreement and Tucker was unopposed. Tucker was serving the first year of a two-year term as president. Tomblin is a 15-year veteran of the Legislature, having served also in the House.

Sen. Oshel Craigo, D-Putnam, who helped Tucker put together his successful campaign, has also been mentioned as a possible candidate for president.

Tucker, who is both executive vice president and a director of One Valley Bank of Summersville, could be removed from his position at the bank under federal and state regulations.

The bank formerly was the Farmers and Merchants Bank before it was bought by One Valley Bank. According to State Banking Commissioner James Paige the state Board of Banking can remove directors convicted of a crime involving personal dishonesty.

Paige said he didn't know enough details yet to comment on the plea agreement.

Tucker did not return a call Thursday, and James McIntyre, whom Tucker denied Wednesday was his lawyer, said he could have no comment. Although Tucker denied McIntyre was his lawyer, both Lees and newly appointed Attorney General Roger Tompkins said McIntyre was representing Tucker.

Tompkins said he had represented the Summersville bank and Tucker to a limited extent when the bank's records were subpoenaed a year and a half ago by the U.S. Attorney's office as a result of a \$90,000 loan that was used by ex-Sen. J. R. Rogers, who became

a lobbyist, and Sammy D'Annunzio, a beer lobbyist. D'Annunzio committed suicide in December while under investigation.

Rogers and D'Annunzio used \$80,000 of the loan to buy a house which Boettner moved into. The remainder was the same amount that Boettner still owed on a \$25,000 loan given by the Lowndes bank in Clarksburg when D'Annunzio was on the board of directors.

The \$10,000 involved in Tucker's plea agreement apparently was a factor in Tri-State's push for legislation that allowed the Tri-State and a dog track in Wheeling to keep a higher amount of the total bets by reducing pay-off to bettors.

The U.S. Attorney's office sought testimony from an attorney, who has not yet been officially identified, because he was used to further a criminal scheme with respect to the cash sum of \$10,000.

The attorney was given immunity but invoked the Fifth Amendment against self-incrimination and the attorney-client privilege. The Fourth Circuit Court of Appeals issued an opinion last Thursday forcing the attorney to testify. The opinion was received by Federal Judge John Copenhaver Friday.

Lawyers who wanted to remain unnamed said Tucker was the client and Tom Smith, a Charleston lawyer who was the Senate Judiciary Committee chairman last year when Tucker was committee chairman and again this year, was the attorney referred to as John Doe in the court opinion.

Tucker responded earlier to inquiries with "no comment" and said Smith, who worked for him, would have to respond. Smith was before a federal grand jury in Bluefield Wednesday. He has not returned phone calls.

There have been rumors that D'Annunzio was cooperating with federal prosecutors in an investigation of legislative corruption and that he wore a recording device while taking part in illegal activities. Tucker said Wednesday he had heard the rumors six to eight months before D'Annunzio killed himself.