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FOIA MARKER

**This is not a textual record. This is used as an
administrative marker by the George Bush Presidential
Library Staff.**

Record Group/Collection: George H.W. Bush Presidential Records
Collection/Office of Origin: Chief of Staff, White House Office of
Series: Card, Andrew, Files
Subseries:

OA/ID Number: 08373
Folder ID Number: 08373-009b

Folder Title:
Counsel's Office Materials [2]

Stack:	Row:	Section:	Shelf:	Position:
G	15	22	2	

Withdrawal/Redaction Sheet (George Bush Library)

Doc. No. / Type	Subject/Title	Date	Restriction	Classification
01. Letter	Consul of the United States of America to The Transportation Company, Re: Lopez Rodriguez, Reinaldo Juan; contains Personally Identifiable Information. (1 pp.)	04/30/87	(b)(6)	
02. Cable	Cable Number: 282332Z, Re: Lopez-Lima Rodriguez, Reinaldo Parole Authorization; contains Personally Identifiable Information. (1 pp.)	04/29/87	(b)(6)	

Page 1 of 1

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Card, Andrew H., Jr., Files
Subseries:
WHORM Cat.:
File Location: Counsel's Office Materials [2]

Pinksheet Number: RML16186
OA/ID Number: 08373-009b
Date Closed: 5/30/2025
FOIA/Sys Case #: 2025-0373-S
Re-review Case #:
P-2/P-5 Review Case #:

AC HAS SEEN

1/20

THE WHITE HOUSE
WASHINGTON

January 18, 1990

TO: Andy Card
FROM: Sig Rogich
RE: Ted Williams Film

XX FYI

- Appropriate Action
- Let's Discuss
- Per Our Conversation
- Per Your Request
- Please Return

COMMENTS:

Per our conversation Wednesday, January 18, 1990.

THE WHITE HOUSE
WASHINGTON

January 17, 1990

MEMORANDUM FOR BRUCE J. ZANCA
OFFICE OF PUBLIC EVENTS AND INITIATIVES

FROM: JAY S. BYBEE *JB*
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Request that the President Give Personal Support
To A Film Based on the Life of Ted Williams

You have requested our advice on a request that the President show his personal support for a new film based on the life of Ted Williams. As we understand the facts, backers of the film would like the President to invite officers from the film company that would produce and distribute the film to the White House in an effort to demonstrate the President's support for the project. This, it is hoped, would help persuade the officers to consummate the deal.

As you may know, under long-standing White House policy, the President declines to permit his name or office to be used in connection with commercial activities. Based on the information provided to us, it is our view that this request clearly comes within that policy. Accordingly, we would recommend that the request be declined.

Thank you for the opportunity to comment on this matter.

AC HAS SEEN 1/9/90**MEMO**

Date: January 8, 1990
To: Andrew H. Card, Jr.
From: Skip Chernov
Sent By: Fax (202) 456-2397
Subject: Ted Williams Film

Message: I understand that you have spoken with Jim Vinick regarding the motion picture that Jeffrey Entertainment LP #1 intends to produce based on the life of Ted Williams.

We know of President Bush's close friendship with Ted Williams and of Ted's effort on behalf of the President during the New Hampshire Presidential Primary.

Ted Williams is an American hero as well as a sports legend and the film is an extremely positive story focusing on the 1941 season when Ted, barely out of his teens, hit 406!

Our hope is that the President may in some way show his personal support for the project. We know that an invitation to the White House for the Chairmen of the Board and Chief Operating Officer of the film company which comes on board to produce and distribute the film would go on a long way in solidifying the actual production. A letter from President Bush extending an invitation once the project is in production would be most helpful.

If you wish a script or have any questions on our request, contact Jim Vinick at 1-800-332-8896. Any letter sent by the President should be addressed to:

James E. Vinick
Senior Vice President Dean Witter Reynolds
Bay Bank Tower, 17th Floor
1500 Main Street
Springfield, MA 01115

THE WHITE HOUSE
WASHINGTON

Date: 1-16-90

FOR: *SIG ROGICH*

FROM: ANDY CARD

- ☒ Action
- ☐ Your Comment
- ☐ Let's Talk
- ☐ FYI

THE WHITE HOUSE

WASHINGTON

March 19, 1990

Dear Mark,

Thank you for your recent letter. I am glad to hear things are going well for you.

Please know that I will be happy to contact the appropriate people here at The White House regarding John Shadegg's interest in the U. S. Attorney's slot. Your recommendation is appreciated.

Keep in touch.

Sincerely,



Andrew H. Card, Jr.
Assistant to the President
and Deputy to the Chief of Staff

Mr. Mark G. Mazzie
City Clerk
Scottsdale City Council
3939 Civic Center Boulevard
Scottsdale, Arizona 85251-4468

Scottsdale City Council

Herbert R. Drinkwater, Mayor
Susan Bitter Smith
Sam Kathryn Campana
Ross Dean
Myron R. Deibel
Bill Soderquist
Bill Walton



Mark G. Mazzie
City Clerk

City Clerk's Office

"Your Source For Voter Information and Public Records"

March 15, 1990

Mr. Andrew H. Card, Jr.
Deputy to the Chief of Staff
First Floor, West Wing
The White House
Washington, DC 20500

Dear Andy:

Thank you for your nice note and I hope everything is going well. I enjoyed seeing you on the Brokaw special as well as occasionally reading about your duties in the National Journal.

Regarding my visit to the RNCC, Congressman Dave Martin has expressed an interest in introducing me to the appropriate staff members and, as I will be in Washington from August 14th - 18th for a national election conference, I will ask him to set up meetings that week. I'll let you know who I am scheduled to meet with as I get closer to that date. George Wortley tells me he is laying the groundwork with PAC officials and will help with my Washington fund raising when the time is right. I am currently running for State Chairman of the Arizona Young Republican League which is a post Jon Kyl held before his election to the House. Things are going well here as there are incredible opportunities for young Republican activists in the state. It is a bit different from Massachusetts as thankfully our gubernatorial candidates haven't yet lined up in mass to profess past drug use.

Additionally, I wanted to send you a note about John Shadegg a colleague of mine in the Arizona Attorney General's office who is being considered for the post of U. S. Attorney. I believe he has been recommended by Senator McCain and is awaiting word from Washington. Shadegg is an excellent attorney and his experience would serve Arizona well. His appointment would also send a message to young Republicans that hard work within the party combined with an outstanding academic and professional background can result in finding a place in the administration many of us worked hard to elect. I have enclosed some background information about him.

Thank you for your time as well as your offer to help with Ed Rollins office. I'll be in touch.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark".

Mark G. Mazzie

THE WHITE HOUSE

WASHINGTON

March 8, 1990

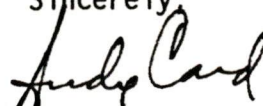
Dear Spike,

Thank you for your letter of March 7th and for your kind words. I enjoyed the chance to visit with you, Steve Tocco, and Bob Rodophele.

Please know that I am happy to pass on your recommendation of Greg Mize for a D.C. Superior Court Judgeship to the appropriate people here in the White House.

We appreciate you taking the time to share your input.

Sincerely,



Andrew H. Card, Jr.
Assistant to the President
and Deputy to the Chief of Staff

Mr. S. Steven Karalekas
Karalekas & McCahill
1250 Connecticut Avenue, N.W.
Suite 318
Washington, D.C. 20036

KARALEKAS & McCAHILL

ATTORNEYS AT LAW

1250 CONNECTICUT AVENUE, N.W., SUITE 318

WASHINGTON, D.C. 20036

(202) 466-7330

S. STEVEN KARALEKAS **

JOHN A. McCAHILL†

JAMES A. NOONE†

TELECOPIER / FACSIMILE

(202) 955-5879

March 7, 1990

** ALSO ADMITTED IN MASSACHUSETTS
† ALSO ADMITTED IN PENNSYLVANIA

PERSONAL/CONFIDENTIAL

The Honorable Andrew H. Card
Assistant to the President and
Deputy to the Chief of Staff
The White House
Washington, D.C. 20500

Determined NOT to be
National Security Classified Marking
By RLH (NLGB) on 05/28/25

Dear Andy:

It was great getting together with you several weeks ago with our mutual friends, Steve Tocco and Bob Rodophele. The more one learns of the Massachusetts governor's race the more everyone realizes how badly the party needs Andy Card. Hopefully, lightning will strike and we'll find ourselves with a Republican governor notwithstanding the quality of the campaign.

Andy, I'm writing to give a plug to a colleague and close friend of mind, Greg Mize, who is a candidate for one of the eight D.C. Superior Court judgeships the White House is about to fill. Greg is currently general counsel to the D.C. City Council. His name was among the 24 proposed to the White House by the D.C. Judicial Nomination Commission.

I have known Greg for close to 18 years and give him the highest marks for integrity, levelheadedness, compassion for the weak and firmness in enforcing the law. He is also a great tennis player! Greg is precisely the type of person who would improve the quality of jurisprudence on the D.C. court.

Please consider this a strong endorsement for Greg's candidacy from a loyal Republican. I understand Boyden Gray and his assistant, Lee Leiberman, will be making the final recommendations to the President. It would be great if Greg were among those selected.

Thanks for your consideration, Andy. Hope to see you soon.

Respectfully,

Spike

S. Steven Karalekas

SSK/bam

GREGORY EDMUND MIZE

4301 Argyle Terrace, N.W.
Washington, D.C. 20011
(202) 882-0233 (Home)
(202) 724-8026 (Office)

Summary

As the chief legal officer, draftsman, policy adviser, and parliamentarian for the District of Columbia legislature, Mr. Mize has been a central participant in the formation of public law and policy in Washington, affecting areas such as banking, housing & economic development, land use, healthcare, taxation, government procurement, labor relations, public safety, and business regulation.

Professional Experience

General Counsel, Council of the District of Columbia, January 1983 - date

- * Counselor and draftsman for hundreds of provisions of new law; certifying legal and technical sufficiency of all legislation prior to full Council consideration and vote.
- * Chief of litigation in matters involving legislative independence. See, e.g. Gross v. Winter, 876 F.2d 165 (D.C. Cir. 1989).
- * Principal and manager of eleven-member law office, accustomed to accomplishing tasks in a pressured, highly visible environment; bridging Washington's business, political, and social communities.
- * Parliamentarian and ethics counselor for full legislature and standing committees; guided prompt and fair decisionmaking in intensely competitive cabletelevision franchising in 1984.
- * Represented Council in matters pending in U.S. Congress such as successful effort to remove negative impact on intergovernmental relations caused by U.S. Supreme Court nullification of federal legislative veto.
- * Legal adviser for internal management of Council's \$8 million annual budget, with special attention to personnel and contracting.

Staff Director & Counsel, Committee on the Judiciary, Council of D.C., 1975 - 1982

- * Architect of legislation governing administrative procedure, fiduciary relations, criminal law, and public safety.
- * Managed budgetary oversight of the District's public safety and court operations, comprising \$400+ million in annual appropriations.
- * Designer and implementer of process by which D.C. statutes are prepared and published; making D.C. Code nation's first, fully computerized code available to regional users.

Associate, Law Firm of Karr & Graves, Washington, D.C., 1974 - 1975

- * General Practice: Civil and Criminal Litigation, Administrative Practice, Constitutional Law.

GREGORY EDMUND MIZE

Supplemental

Adjunct Professor of Law, Georgetown University Law Center, 1985 - date
(administrative law); and Antioch School of Law, 1982 - 1985 (legislation,
municipal corporations)
Judicial Conference of the District of Columbia, 1977 - date
(Civil Legal Services Standing Committee)
D.C. Bar Foundation, Advisory Committee, 1985 - 1989
President, Lt. Joseph P. Kennedy Institute, Inc., 1985 - 1986
Leading multi-year private development campaign to assist the \$3.8+
million annual program to serve those with developmental disabilities in
the Washington metropolitan area
Board Member, Council For Court Excellence, Inc., 1982 - date
Executive Committee Member; Chair, Committee on Public Services
D.C. Bar Committee To Consider Interest On Lawyer Trust Accounts (IOLTA)
Program, 1982 - 1985
Steering Committee, D.C. Bar Division VI (D.C. Affairs), 1977 - 1979
Chairperson, 1978 - 1979
Criminal Justice Coordinating Board, Office of Criminal Justice Plans &
Analysis, 1976 - 1978
Clinical Pastoral Intern, San Mateo County General Hospital
San Mateo, California, 1969

Memberships

Bar of the District of Columbia Court of Appeals, 1974
Bar of the United States Court of Appeals, D.C. Circuit, 1974
Bar of the United States Supreme Court, 1980
Military District of Washington Officers' Club, 1975
National Association of Parliamentarians, 1985
The John Carroll Society, 1986

Education

Legal: Georgetown University Law Center - J.D. 1973
Postgraduate: St. Mary of the Lake Seminary, Mundelein, Illinois - S.T.B. 1970
Recipient, Full Archdiocesan Scholarship for Theological
Studies, North American College (Rome)
College: Loyola University (Chicago), Niles Campus - A.B. 1968
(Philosophy)

Publications

A Guide to Deciphering the Laws of a Unique City-State Legislature -- The
Council of the District of Columbia, 2 POTOMAC L. REV. 1 (1979)
D.C. Bar continuing legal education (CLE) lectures, 1977 - 1987 (home rule
government, probate reform, healthcare occupations licensure,
administrative procedure, D.C. antitrust statute)

THE WHITE HOUSE

WASHINGTON

March 5, 1990

Dear Dave,

Thank you for your recent letter. It is a tough issue.

My recommendation would be that if you want to talk to somebody at the White House about this matter, you talk to C. Boyden Gray, the White House Counsel.

With best wishes,

Sincerely,



Andrew H. Card, Jr.
Assistant to the President
and Deputy to the Chief of Staff

Mr. Dave Frohnmayer
Attorney General of Oregon
Justice Building
Salem, Oregon 97310



AC HAS SEEN

DEPARTMENT OF JUSTICE

Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400

February 26, 1990

Andrew H. Card, Jr.
Assistant to the President and Deputy
to the Chief of Staff
The White House
Washington, D.C. 20500

Dear Andy:

The enclosed letter deals with a matter of great concern to us. I would be pleased to confer with you about it.

Sincerely,

A handwritten signature in blue ink that reads "Dave".

DAVE FROHNMAYER
Attorney General

DF:cm
Enclosure
8332a



DEPARTMENT OF JUSTICE

Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400

February 26, 1990

The Honorable Richard L. Thornburgh
Attorney General of the United States
United States Department of Justice
Room 5111
10th and Constitution, NW
Washington, D.C. 20530

Dear Attorney General Thornburgh:

I write to express my deep concern over a proposed criminal plea agreement between the United States and Exxon Corporation, arising out of the Exxon Valdez oil spill in Alaskan waters. I am particularly concerned with the process by which the agreement was developed.

It is my understanding, based upon press reports and information obtained from the Attorney General of Alaska, that Alaska received a very general description of the proposed agreement only two weeks ago. Alaska saw the actual language of the agreement only last week. Alaska officials report that the latest language differed in significant respects from the general description of the agreement received earlier. Moreover, that draft omitted a key provision describing the role of the state under the agreement. We are told that Alaska received a complete draft of the agreement just 24 hours before its decision on whether to participate in the agreement was demanded by the United States Department of Justice. I am informed that Alaska has yet to be provided information concerning the nature of the criminal plea which Exxon would enter, the charge to which it would plead, or the extent of any criminal fine which would be imposed. Particularly disturbing is a report that the United States conditioned further its cooperation with Alaska on the Exxon Valdez spill upon the state signing the agreement.

The Honorable Richard L. Thornburgh
February 26, 1990
Page 2

The Exxon Valdez oil spill is one of the greatest environmental disasters of our time. How government deals with an environmental disaster of this magnitude is a matter of critical importance to the citizens of Alaska and to all citizens of the United States. Those of us who are residents of coastal states and therefore are uniquely vulnerable to this type of damage to our ocean and seacoast resources share a particularly strong concern. As government officials charged with protection and restoration of our ocean environment, we would expect to be full partners with the federal government in legal efforts to redress damage.

It is beyond belief that the government of the state in which the disaster occurs should be excluded from full participation in developing a major agreement intended to ameliorate the damage to the environment caused by the Alaska spill. Any such agreement will send a message to other potential environmental polluters about how government will respond to future environmental disasters. The appropriate message is that government at all levels will cooperate to assure that the environmental polluter is held fully responsible for its actions. The reported actions of the United States in its dealings with the State of Alaska do not convey that message.

While I personally have not seen the terms of the agreement, several of the terms reported in the press cause me grave concern. Of particular concern is the provision imposing a four year moratorium on the initiation of civil litigation by the United States against Exxon. While I certainly can understand why Exxon would prefer to have such a provision in a criminal plea agreement, I can think of no reason why the United States would agree to that provision. Many of the most effective tools available to the United States to ensure the effective cleanup of the spill by Exxon require at least the threat of civil litigation. The federal government's partnership in sharing litigation resources with the affected state is also obviously critical to the likely success of state litigation. For the United States to renounce the possibility of civil litigation in these circumstances is beyond my understanding.

I urge your personal review of this proposed plea agreement, and of the process of which it was negotiated. I hope you will agree that with environmental pollution of this

The Honorable Richard L. Thornburgh
February 26, 1990
Page 3

magnitude, it is not only right but necessary that the affected state be a full participant in arriving at any agreement with the polluter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dave", enclosed within a circular scribble.

DAVE FROHNMAIER
Attorney General

DF:cm

cc: John Sununu, Chief of Staff
The White House
Washington, D.C. 20500

8327a

AC HAS SEEN 2/9/90

THE WHITE HOUSE
WASHINGTON

February 8, 1990

Dear Mr. Feldman:

Your recent letter to Mr. Jeb Bush regarding the federal prosecution of Reinaldo Lopez-Lima for aircraft piracy was forwarded by Mr. Bush to our office for response.

As you know, the Department of Justice has responsibility for matters of criminal justice such as your client's case. Their records show that on or about February 18, 1964, Reinaldo Lopez-Lima and Enrique Castillo Hernandez hijacked a privately owned Piper aircraft and forced the pilot at gunpoint to fly to Cuba. Both individuals were subsequently indicted for aircraft piracy by a federal grand jury for the Southern District of Florida.

Mr. Hernandez returned to the United States during the Mariel Cuban boatlift and was arrested at Fort Chaffee, Arkansas on May 20, 1980. His first trial on aircraft piracy charges ended in a mistrial. He subsequently entered a "no contest" plea. The sentence, however, was suspended and he was placed on probation for two years.

Mr. Lopez-Lima, however, did not return to the United States until 1987. Mr. Lopez-Lima was arrested on or about May 5, 1989, in Washington D.C. His trial will be held in the United States District Court for the Southern District of Florida.

Upon realization that a fugitive aircraft hijacker is present in the United States, the Federal Bureau of Investigation arrests him. The parole of Mr. Lopez-Lima into the United States under the immigration laws only granted him freedom from persecution by Cuban authorities. It in no way pardoned him for prior criminal conduct in the United States. It has been the experience of the Justice Department in similar situations that upon conviction the federal courts may take into consideration the circumstances surrounding any jail time served in Cuban prisons.

As you know, several of the issues that you have raised concerning Mr. Lopez-Lima's parole in this country are currently the subject of litigation. As such, we cannot comment on them here. We can state, however, that armed hijacking of aircraft is a serious offense and such activity is not taken lightly. Moreover, the prosecution of Mr. Lopez-Lima is consistent with the treatment that American citizens who have hijacked aircraft to Cuba have received upon their return to the United States after having served, in some cases, significant jail sentences in Cuba.

Again, as the case against Mr. Lopez-Lima is presently pending in federal court, it would be inappropriate for the Administration to comment on the specifics of the prosecution. Please be assured, however, that the Department of Justice has assured us that the prosecution is consistent with the interests of justice.

Sincerely,

A handwritten signature in dark ink, appearing to read "Brent O. Hatch", with a long horizontal flourish extending to the right.

Brent O. Hatch
Associate Counsel to the President

Mr. Jeffrey D. Feldman
Fine Jacobson Schwartz Nash Block & England
One CenTrust Financial Center
100 Southeast 2nd Street
Miami, Florida 33131

cc: Jeb Bush
Andrew H. Card, Jr.

THE WHITE HOUSE

WASHINGTON

February 9, 1990

Dear Bob and Frank,

Thank you for your letter of February 2nd in which you enclose a copy of your correspondence to the President requesting a pardon for former Metropolitan Police Lieutenant Richard A. Nazzaro.

Please know that I have forwarded your materials to appropriate Administration officials for their review and direct response to you.

Hope all is well in the Bay State!

Sincerely,



Andrew H. Card, Jr.
Assistant to the President
and Deputy to the Chief of Staff

Mr. Robert T. Guiney
Mr. Frank J. McGee
Boston Police Patrolmen's Association, Inc.
765 E. 3rd Street
South Boston, Massachusetts 02127



AC HAS SEEN 2/7

"Unity and Strength"



BOSTON POLICE PATROLMEN'S ASSOCIATION, INC.

765 E. 3rd ST., SO. BOSTON, MASSACHUSETTS 02127 • TEL: 268-7722

109

ROBERT T. GUINEY, President
DONALD L. MURRAY, Vice President
JOSEPH L. BRADY, Treasurer
JAMES CARNELL, Secretary

February 2, 1990

Andrew Card, Assistant to the President
and Deputy Chief of Staff
The White House
1700 Pennsylvania Avenue
Washington, DC 20500

Dear Andy:

Enclosed please find a copy of a letter which we have this day sent to the President. As you can see, this letter is being written in support of a request that the President pardon former Metropolitan Police Lieutenant Richard A. Nazzaro. Also enclosed is a package of materials which we would ask that you review in support of the request made to the President.

Andy, we have personally read all of the enclosed materials and we have spoken with a number of attorneys affiliated with the trial of the Nazzaro case. Without exception all believe that Nazzaro should not have been convicted. However, as the matter stands now, is it appropriate, in our opinion, for us to personally support the request for a pardon.

I would ask you to take particular note of the outstanding military career of Richard Nazzaro. I would also ask you to take particular note of his fine police career. If ever there was one deserving of a pardon, it is Richard Nazzaro.

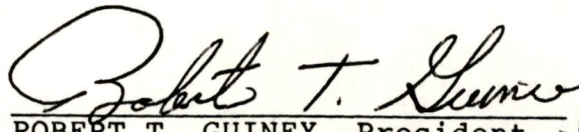
As we indicated in our letter to the President, the true measure of a man can be found by an examination of his past life. Using this standard as a measure, Dick Nazzaro clearly has lead an exemplary personal and professional life. He built a reputation as a devoted husband and father, an outstanding police officer and a dedicated military man.

Page 2

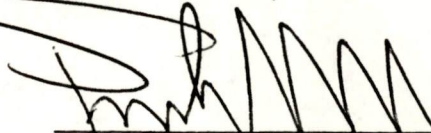
We hope this letter finds you in good health. Needless to say, we would genuinely appreciate any consideration you give to this request.

Please extend our best personal regards to the President.

Best regards,



ROBERT T. GUINEY, President
Boston Police Patrolmen's
Association, Inc.



FRANK J. MCGEE, Legal Counsel
Boston Police Patrolmen's
Association, Inc.

f:6

THE WHITE HOUSE
WASHINGTON

AC HAS SEEN 2/7

February 5, 1990

Dear Mr. Hooley:

I am writing in response to your letter to Andrew H. Card requesting two seats in the Presidential Box at the Kennedy Center, which would be auctioned for the benefit of the Big Sisters of the Washington D.C. area.

Current Standards of Conduct prohibit White House employees from using public office for private gain and from giving preferential treatment to any particular organization. In view of these rules and in view of the difficulty in avoiding favoritism among deserving charities, it would not be appropriate for a staff member to provide tickets to seats in the Presidential box to be auctioned for the benefit of a particular charity, however worthy. Accordingly, Mr. Card cannot provide the tickets you have requested.

I hope you will appreciate the basis for this policy and understand that this decision in no way reflects on the merits of the Big Sisters program.

Sincerely,

Amy L. Schwartz

Amy L. Schwartz
Associate Counsel to the President

Mr. James L. Hooley
Senior Vice President
Sales and Marketing
Reese Communications Companies
2111 Wilson Blvd.
Suite 900
Arlington, VA 22201

January 25, 1990

Dear Andy:

From what I hear from our mutual friends, life is as rewarding--and challenging--as ever for you in the White House. Both your bosses, the President and the former Governor, are doing a fabulous job, as reflected in the latest polls. I'm only sorry that you decided not to offer yourself to the voters of Massachusettes, who finally are beginning to see the light. However, from a personal perspective your decision is an understandable and wise one. I guess all of your friends should look at the bright side: no campaign contributions for us to come up with for you (at least not this year).

I'm writing at this time to ask a small favor; one which, I hasten to add, is for a very worthy cause. In fact, I think you'll agree that it's not really a favor, but an opportunity.

As you probably know, Big Sisters is a non-profit organization that helps girls and young women develop into mature and responsible members of society by matching them with women who serve as positive role models. Many recent studies indicate that having such a role model can make a tremendous difference in the choices a young woman makes regarding her life.

In March, the Big Sisters in the Washington Area will be hosting a Monte Carlo night. One highlight of the evening will be an auction, proceeds from which will directly support the services of the organization (not pay for the fundraiser). I have become involved, through a co-worker, in the effort to develop items for auction, including historical items and mementos, tours, trips, meals, etc.

I was wondering if you would be willing to [redacted] two seats in the [redacted] Presidential Box at the Kennedy Center for a performance, which [redacted] [redacted] as an auction item. Unless things have changed, you would not be required to attend the performance, just to ask for the box in your name. Arrangements to pick up the tickets for the particular night and performance could be worked out later.

Andy, I know that your contribution would go a long way toward making the event a success, and everyone associated with Big Sisters would be very grateful for your involvement.

I am aware of your hectic schedule, and yet it is critical that we know as soon as possible. Therefore, I will call the person in your office who handles your personal schedule next week in hopes of confirming your availability. In the meantime, if there are any questions I can be reached at 528-4400.

Thanks very much for your consideration on this, and I look forward to an opportunity to get together (maybe you, Rick and I for lunch?) sometime soon.

Warmest regards,



James L. Hooley
Senior Vice President
Sales and Marketing

many thanks, Andy!

Honorable Andrew H. Card, Jr.
Assistant to the President
Deputy to the Chief of Staff
The White House
Washington, D.C. 20500

THE WHITE HOUSE

WASHINGTON

January 19, 1990

Dear Mr. Lacy:

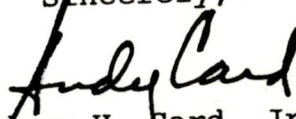
Thank you for your recent letter in which you share your assessment of the candidates for appointment to the U. S. District Court, Western District of North Carolina.

I appreciate your input and will make sure the appropriate Administration officials have the benefit of your comments.

My son, Drew, is doing well at Fork Union, and we are pleased with the Academy overall. If you are ever in the area, please give me a call.

With best wishes,

Sincerely,



Andrew H. Card, Jr.
Assistant to the President
and Deputy to the Chief of Staff

Mr. Hunter B. Lacy
Fire Investigator
1215 South Boulevard
Charlotte, North Carolina 28203

Determined NOT to be
National Security Classified Marking
By RL (NLGB) on 05/28/25

CONFIDENTIAL

PROBLEMATIC JUDICIAL VACANCIES

3rd Circuit - Pennsylvania and Delaware Senators claiming recently vacated seat belongs to each of them (respectively)

6th Circuit - "Kentucky" seat; Senator opposing any candidate except the one he proposed

8th Circuit - "Minnesota" seat; Senators opposing candidate selected by White House and DOJ and any candidate other than the one they proposed

California District Courts - 5 vacancies; total of two names submitted, one for each of two vacancies

Delaware District Court - only one name submitted

Florida District Courts - 2 vacancies; no names received to date; recommendations anticipated in near future

Texas District Court (Southern) - no name received to date; recommendations anticipated in near future

New York District Courts - 4 vacancies for which no names have been received

Vermont District Court

TOTAL AFFECTED VACANCIES: 17

THE WHITE HOUSE
WASHINGTON

January 12, 1990

MEMORANDUM FOR GOVERNOR JOHN H. SUNUNU
CHIEF OF STAFF

FROM: C. BOYDEN GRAY
COUNSEL TO THE PRESIDENT

SUBJECT: White House Gift Policy

This responds to Public Liaison's December memorandum concerning White House gift policy.

As background, it may be useful to summarize current policy. In general, unless an exception applies, a White House staff member may not accept a gift from a person or entity that has or is seeking contracts or other business with any part of the Executive Branch or has interests that may be substantially affected by the staff member's performance or nonperformance of official duties.

The most common exceptions are that absent an appearance of impropriety, staff members may nevertheless accept: (1) gifts from friends and relatives in circumstances that make clear that the motivation for the gift is personal; and (2) unsolicited promotional items of nominal intrinsic value (e.g., inexpensive desk calendars, pens, pocket diaries, and the like). The Office of Government Ethics requires that gifts in the latter category have a "promotional" aspect, i.e. that they in some manner advertise the donor. There is no de minimis rule, per se.

Current guidance, like White House Counsel gift memoranda back to 1981, states that when a staff member receives a gift that he or she is not permitted to accept, the gift must be returned to the sender, except in unusual cases. We have also recently arranged an alternative whereby perishable gifts that cannot be accepted or easily returned may be turned over to the Mess. (This is possible because the Navy, unlike the White House Office, has the authority as an agency to accept gifts.) Procedures call for the donor to be notified that the gift was not personally retained.

In response to Public Liaison, I should first point out that pursuant to the President's Executive Order last April, the Office of Government Ethics will soon be issuing new gift rules applicable across the Executive Branch. I expect these rules to include a de minimis exception in the neighborhood of \$35 for gifts at one time from one source and allowing an aggregation of up to \$100 from one source during a one year period. (The limits would not apply to gifts from personal friends and relatives.)

Once these new regulations are issued, the problem identified by Public Liaison -- i.e. the awkwardness of returning impermissible gifts -- will arise much less frequently.

There are a number of problems with the Public Liaison approach, under which White House staff members who receive gifts that they are prohibited from accepting would nevertheless thank the donors, and turn the gifts over to the Gift Unit for disposal.

First, by thanking the donor for an impermissible gift and then turning the gift over to the Gift Unit, the Public Liaison approach creates the appearance, at least to the donor, that the staff member accepted an impermissible gift in violation of the Standards of Conduct. As you know, current ethics standards call for avoidance of the appearance of impropriety as well as avoidance of impropriety itself. (Moreover, the Office of Government Ethics is almost certain to object to this approach.)

Second, the White House as an agency does not have the authority to accept gifts. It is therefore difficult to construe routinely an employee's receipt of an impermissible gift as acceptance on behalf of the White House. (I should note, though, that certain agencies affiliated with the White House do have gift authority, and some gifts can be construed to fit within these authorities. E.g., the Office of Administration has the authority to accept gifts relating to the restoration and furnishing of the OEOP, and the Park Service has the authority to accept gifts for Park Service purposes, including maintenance of the Executive Residence.)

Although I certainly agree that current gift rules are unduly strict, I do not believe that the current situation is so unmanageable that it warrants revision in advance of the forthcoming regulatory changes. If a gift is returned graciously, the return need not cause offense. As far as the workload involved in returning gifts, I have no objection to Public Liaison's proposal that the Gift Unit be responsible for doing so (assuming that the Gift Unit agrees).

Please let me know if you have any questions.

cc: Andy Card
David Demerest
Bobbie Kilberg
Sichan Siv



JAN 11 1990 17:41 CODING

P.1

Rush Klein Realty, Inc.
150 W. Flagler Street, Suite 1000
Miami, Florida 33130
(305) 536-3722

FACSIMILE TRANSMISSION

DATE: 1/11/90

TO: Leads of Andy Card's office
OF: _____
FAX NO: 202-456-2397

FROM: Jeff Bush
NUMBER OF PAGES TO FOLLOW: 13
TIME: 4:41 p.m.

MESSAGE

1/11/90 Called ~~B~~ Boyden's Office to see if
They had this in their system
- Brent Hatch working w/ dog
needed more info. / fast track (7953)

Criminal Division drafted

1/12/90 Called Hatch's Office to give leads up.
Called Jeff Feldman's Office to refer to Hatch.

If you have any questions or did not receive all pages, please call the sender at (305) 536-3722.

Our FAX number is (305) 536-3742.

BUSH KLEIN REALTY

Bush Klein Realty, Inc.
Museum Tower
150 W. Flagler Street, Suite 1500
Miami, Florida 33130
(305) 536-3722

December 14, 1989

Mr. Andy Card
Deputy Chief of Staff
to the President
The White House
Washington, D.C. 20500

Dear Andy:

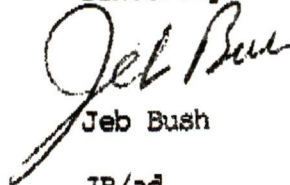
Enclosed is a letter written to me by the lawyer of Reinaldo Lopez-Lima.

Mr. Lopez-Lima is accused of hijacking a plane from Florida to Cuba. He spent 23 years in jail in Cuba for that crime and for "counter-revolutionary activities". After being released from jail, he was parolled into the U.S. Two years later, the Department of Justice decided to prosecute him for the hijacking case.

Andy, I do not know Mr. Lopez-Lima but it appears unfair that he would be parolled into the country and then tried for the crime that made him stay in Castro's jail for 23 years. If it was a problem, he shouldn't have been allowed into the country to begin with.

If you can look into this matter it would be greatly appreciated.

Sincerely,

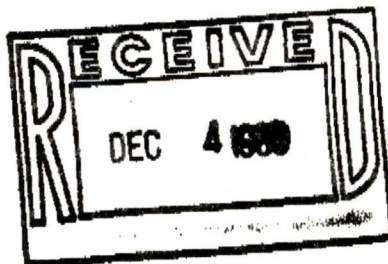


Jeb Bush

JB/ad

P.S. I hope you have a joyous holiday season, my friend.

*Enclosed is info from Jeff Feldman, Reinaldo's
lawyer.*

Fine Jacobson Schwartz Nash Block & England

One CentTrust Financial Center
100 Southeast 2nd Street
Miami, Florida 33131
(305) 577-4000
Fax (305) 577-4088

December 30, 1989

Mr. Jeb Bush
Bush Klein Realty, Inc.
Museum Tower - Suite 1500
150 West Flagler Street
Miami, Florida 33130

RE: United States of America vs. Reinaldo Lopez-Lima
Case No.: 69-096-JE (KLR)

Dear Jeb:

Thank you for taking an interest in Mr. Lopez-Lima's case. As you have requested, I have prepared for your consideration a short factual summary of this matter. Mr. Lopez-Lima is accused of hijacking a small plane from Key West to Cuba in 1964. The Cuban government accused my client of this same offense as well as anti-revolutionary activities and incarcerated him for twenty-three years. Mr. Lopez-Lima was released from jail in March, 1987. In April, 1987, the U.S. Interests Section in Havana advised Mr. Lopez-Lima that the INS had authorized his immediate parole into the United States. Mr. Lopez-Lima returned to the United States on July 23, 1987.

I have enclosed for your consideration the State Department's correspondence pertaining to Mr. Lopez-Lima's entry into our country. Please note that the INS authorized Mr. Lopez-Lima's entry into the United States under Section 212(d)(5) of the Immigration and Nationality Act. I have enclosed a copy of this section of the Act for your consideration. Under this section of the Act, an alien may not enter the United States unless the Attorney General initially finds that the alien's admission is justifiable either for emergent reasons or for reasons deemed to be in the public interest. Since my client was admitted to the United States under this statute, I must presume that the Attorney General made such a finding in Mr. Lopez-Lima's case.

Between July 1987 and May 1989, my client sought to nurture a life that had been interrupted by twenty-three years of imprisonment. Clearly, he never expected to be arrested in the United States for the very aircraft hijacking that he had been prosecuted for in Cuba. He is bewildered by the Justice

Barnett Bank Plaza • Suite 1100
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(305) 462-2800
Fax (305) 527-8747

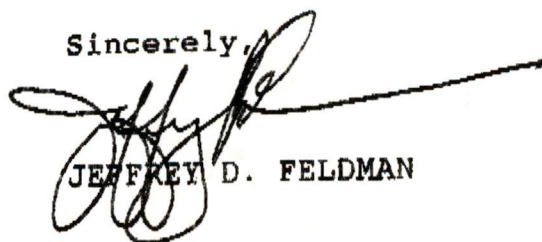
Barnett Bank Building • Suite 348
315 South Calhoun Street
Tallahassee, Florida 32301
(904) 681-9500
Fax (904) 681-6651

Mr. Jeb Bush
November 30, 1989
Page Two

Department's decision to to prosecute and his bewilderment is justified. If the government wanted to prosecute Mr. Lopez-Lima, why did they parole him back into the United States? Why did they wait two years after he returned to the United States to arrest him? I find it incredulous that the government was unaware of the hijacking charges prior to Lopez-Lima's return to the United States in 1987. The indictment in this case was issued in 1969. Surely, the government must have conducted a background check on Lopez-Lima before granting him parole. Additionally, the government is not seeking to incarcerate Mr. Lopez-Lima. The government has already stated in correspondence to Mr. Lopez-Lima's former counsel that they would recommend probation if Lopez-Lima pleads guilty to the indictment. I have attached this correspondence for your consideration. By not requesting jail time, the government is in essence admitting that Lopez-Lima is not a threat to society. If Mr. Lopez-Lima is not a threat to society, why prosecute him at this juncture?

My immediate goal is to get the charges against Mr. Lopez-Lima dismissed. I believe that if enough individuals are made aware of this case, they will see the injustice that is being committed against my client and will use whatever influence they have to persuade the Department of Justice to terminate this prosecution. In this regard, my client and I would greatly appreciate whatever assistance and guidance that you can give us. I will gladly meet with you at your convenience to discuss this matter further. In the meantime, if you need additional information regarding Mr. Lopez-Lima's case, please feel free to call me or Mr. Morton Blackwell. Mr. Blackwell, the chairman of Mr. Lopez-Lima's defense fund, can be reached at (703) 321-8580. Thank you for your time and consideration.

Sincerely,



JEFFREY D. FELDMAN

JDF:jh
WPLT:1LT1128JDF
99997.0117

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
01. Letter	Consul of the United States of America to The Transportation Company, Re: Lopez Rodriguez, Reinaldo Juan; contains Personally Identifiable Information. (1 pp.)	04/30/87	(b)(6)	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Card, Andrew H., Jr., Files
Subseries:
WHORM Cat.:
File Location: Counsel's Office Materials [2]

Date Closed: 5/30/2025	OA/ID Number: 08373-009b
FOIA/SYS Case #: 2025-0373-S	Appeal Case #:
Re-review Case #:	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

Freedom of Information Act (FOIA) - [5 U.S.C. 552(b)]

(b)(1) National security classified information
(b)(2) Release would disclose internal personnel rules and practices of an agency
(b)(3) Release would violate a Federal statute
(b)(4) Release would disclose trade secrets or confidential or financial information
(b)(6) Release would constitute a clearly unwarranted invasion of personal privacy
(b)(7) Release would disclose information compiled for law enforcement purposes
(b)(8) Release would disclose information concerning the regulation of financial institutions
(b)(9) Release would disclose geological or geophysical information concerning wells

Deed of Gift Restrictions

C(1) Closed by Executive Order 13526, governing access to national security information
C(2) Closed by statute or by the agency which originated the information
C(3) Closed in accordance with restrictions contained in donor's deed of gift [formerly listed as only C]
PRM. Removed as a personal record misfile

Presidential Records Act - [44 U.S.C. 2204(a)]

P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
02. Cable	Cable Number: 282332Z, Re: Lopez-Lima Rodriguez, Reinaldo Parole Authorization; contains Personally Identifiable Information. (1 pp.)	04/29/87	(b)(6)	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Card, Andrew H., Jr., Files
Subseries:
WHORM Cat.:
File Location: Counsel's Office Materials [2]

Date Closed: 5/30/2025	OA/ID Number: 08373-009b
FOIA/SYS Case #: 2025-0373-S	Appeal Case #:
Re-review Case #:	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

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P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]

8 § 1182

ALIENS AND NATIONALITY

124

forthwith return or be returned to the custody from which he was paroled and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States.

(B) The Attorney General may not parole into the United States an alien who is a refugee unless the Attorney General determines that compelling reasons in the public interest with respect to that particular alien require that the alien be paroled into the United States rather than be admitted as a refugee under section 1157 of this title.

(6) The Attorney General shall prescribe conditions, including exaction of such bonds as may be necessary, to control and regulate the admission and return of excludable aliens applying for temporary admission under this subsection.

[See main volume for text of (7) and (8)]

(9) Omitted.

(10) The provisions of paragraph (15) of subsection (a) of this section shall not be applicable to any alien who is seeking to enter the United States as a special immigrant under subparagraph (E), (F), or (G) of section 1101(a)(27) of this title and who applies for admission as such a special immigrant not later than March 31, 1982.

(c) Educational visitor status; foreign residence requirements; waiver

No person admitted under section 1101(a)(15)(J) of this title or acquiring such status after admission (i) whose participation in the program for which he came to the United States was financed in whole or in part, directly or indirectly, by an agency of the Government of the United States or by the government of the country of his nationality or his last residence, (ii) who at the time of admission or acquisition of status under section 1101(a)(15)(J) of this title was a national or resident of a country which the Director of the United States Information Agency, pursuant to regulations prescribed by him, had designated as clearly requiring the services of persons engaged in the field of specialized knowledge or skill in which the alien was engaged, or (iii) who came to the United States or acquired such status in order to receive graduate medical education or training, shall be eligible to apply for an immigrant visa, or for permanent residence, or for a nonimmigrant visa under section 1101(a)(15)(H) or section 1101(a)(15)(L) of this title until it is established that such person has resided and been physically present in the country of his nationality or his last residence for an aggregate of at least two years following departure from the United States: *Provided*, That upon the favorable recommendation of the Director of the United States Information Agency, pursuant to the request of an interested United States Government agency, or of the Commissioner of Immigration and Naturalization after he has determined that departure from the United States would impose exceptional hardship upon the alien's spouse or child (if such spouse or child is a citizen of the United States or a lawfully resident alien), or that the alien cannot return to the country of his nationality or last residence because he would be subject to persecution on account of race, religion, or political opinion, the Attorney General may waive the requirement of such two-year foreign residence abroad in the case of any alien whose admission to the United States is found by the Attorney General to be in the public interest: *And provided further*, That, except in the case of an alien described in clause (iii), the Attorney General may, upon the favorable recommendation of the Director, waive such two-year foreign residence requirement in any case in which the foreign country of the alien's nationality or last residence has furnished the Director a statement in writing that it has no objection to such waiver in the case of such alien.

[See main volume for text of (f)]

(g) Bond and conditions for admission for permanent residence of mentally retarded, tubercular, and mentally ill but cured aliens

Any alien who is excludable from the United States under paragraph (1) of subsection (a) of this section, or any alien afflicted with tuberculosis in any form who (A) is the spouse or the unmarried son or daughter, or the minor unmarried lawfully adopted child, of a United States citizen, or of an alien lawfully admitted for permanent residence, or of an alien who has been issued an immigrant visa, or (B) has a son or daughter who is a United States citizen, or an alien lawfully admitted for permanent residence, or an alien who has been issued an immigrant visa, shall, if

He endured 23 years in Cuba jail

Jonathan Higgins

Looking at Reinaldo J. Lopez-Lima Jr., it's nearly impossible to tell he was a political prisoner in Cuba for 23 years.

His skin is smooth, his eyes are friendly and his spirit is strong. No where in his physical appearance are there signs of the multitude of hunger strikes and beatings he said he endured in Cuban jails.

"When I was released [last March], people said I looked like I just got back from the French Riviera," he said with a chuckle. "But no women, drinking and almost no food can be a very wholesome life."

Mr. Lopez-Lima, 46, has been living on and off with his parents in Silver Spring.

since he returned to the United States last summer.

Mr. Lopez-Lima was the last political prisoner to be released from Boniato prison in March. Boniato was an infamous Cuban prison located 600 miles east of Havana where many of the "plantados" — political prisoners who refused to be indoctrinated into Fidel Castro's communist Cuba — were kept. Mr. Lopez-Lima said the remaining plantados have since been transferred to other prisons and the prison has closed.

Mr. Lopez-Lima spent the last eight years of his sentence at Boniato. He remembers to the day how much time he spent in Cuban prisons: "Twenty-three years, one month and eight days," he said.

When he arrived in Miami four months after his release, a throng of family, friends and media were at the airport to greet him.

"I had never lost hope that I would see him again," said Ofelia Lopez-Lima, Mr. mother of the ex-prisoner. "But each year that went by, it became more difficult. He was our only child. We received a letter once in a while but never any pictures."

The senior Mr. Lopez-Lima said he and his wife, who have lived in the Washington area for about 20 years after fleeing Cuba in 1959, a year after Mr. Castro came to power, wrote countless letters to U.S. senators, ambassadors, and organizations such as Amnesty International, pleading with them to look into their son's case. But he



Reinaldo Lopez-Lima Jr. (center) with his

The Washington Times

THURSDAY, FEBRUARY 25, 1988

CUBAN

From page B1

said they had little luck.

"Sometimes they [Cuban officials] would say he was going to be released, but it would never happen," he said.

Mr. Lopez-Lima's ordeal began in 1964 when he and a group of anti-Castro insurgents flew to Havana from Miami. Mr. Lopez-Lima said "the plan was to create conditions of instability for a coup."

When Mr. Lopez-Lima's plane landed, it was surrounded by Cuban soldiers and the group was arrested.

Mr. Lopez-Lima said he was charged with infiltrating the country in order to destroy

it by violent means. "It's the same thing they charged everybody with who was suspected of being against Castro," he said.

A revolutionary tribunal sentenced him to three years in prison. But three years stretched into 23 years as he was bounced from prison to prison.

After serving nearly four years, Mr. Lopez-Lima escaped from Fajardo, his fourth prison. After his escape, he hid out with an underground group of escapees. "It was my first Christmas out in four years," he recalled.

But his freedom was short-lived. An informant infiltrated the group and after three months of freedom, he was re-arrested.

"I spent most of the time [after the escape] trying to get out of the country," he said.

During those three months, he met the woman who would become his wife, Oneida. A fellow prisoner arranged the meeting between them because she had a radio transmitter which could be used to contact friends in Miami in order to flee Cuba.

Mr. Lopez-Lima said the plan was to bury a map on a Cuban beach, radio friends in the United States about its location and set up a meeting place. But the escape plans were ruined by the infiltrator. Mr. Lopez-Lima said he was arrested about 10 days before his fiancée was.

The two were sent to separate jails, but were allowed to marry. Soon after, their son was born. "They would let us spend four hours together every two months."

During the Lopez-Limas' imprisonment, the child was raised by an ex-prisoner until Mr. Lopez-Lima protested the arrangement

Ex-political prisoner crusades against pro-Castro propaganda

By Peter LaBarbera
THE WASHINGTON TIMES

Renaldo Lopez-Lima says he just wants to set the record straight.

For the second time in a month, the former Cuban political prisoner of 23 years has challenged speakers at a public forum to counter the views they expressed about his country and vows he will continue to do so.

The object of Mr. Lopez-Lima's scrutiny yesterday was a lecture at the Johns Hopkins University School for Advanced International Studies by Karen Wald, a writer, free-lance journalist and teacher who has lived in Cuba since 1982.

Last month, he held his own impromptu news conference at the leftist Institute for Policy Studies to take issue with a presentation there on Cuba's prison system.

Mrs. Wald, who attended the recent United Nations Human Rights Commission session in Geneva, said that despite assertions to the contrary, the decision to send a U.N. team to investigate human rights in Cuba was a setback for the United States and a triumph over U.S. "bullying" of the Third World.

She said the commission's passage of a Latin American compromise proposal to "accept" Cuba's invitation to investigate its human rights situation rather than adopting the U.S. proposal to "order" an investigation was like "the difference between night and day."

The U.S. proposal "presumed there were massive violations" in Cuba, said Mrs. Wald, who, working out of Havana, has written articles for, among other publications, the Guardian and the San Francisco Chronicle and given broadcast reports for Pacific Radio and Na-



Photo by Kevin T. Gilbert/The Washington Times

Karen Wald, a journalist, told a forum at the Johns Hopkins School of International Studies yesterday that Cuba "is not a dictatorship."

tional Public Radio.

The free-lance journalist also called Ricardo Bofill, the founder and president of the independent Cuban Committee for Human Rights, a "pathological liar" and said the Cuban system is not a "dictatorship."

"I believe that the Cuban government is committed to human rights," Mrs. Wald said.

Mrs. Wald argued that the U.S. policy of "confrontation" with Cuba is counterproductive in securing political reforms, a position echoed by Wayne Smith, chief of the U.S. interests section in Cuba from 1979 to 1982, who spoke after her yesterday.

Mr. Lopez-Lima listened intently to the presentations and then raised some objections.

"Certain facts that have been presented here are not true," he said. "How do you express your opposi-

tion to a system that doesn't let you express your opinion?"

Mr. Lopez-Lima cited recent reports that Mr. Bofill has been forced to remain inside his house in Havana and has been stoned when trying to leave. "This is happening today — not in 1960," he said, adding that killings within Cuba's prison system "cannot be denied."

Mrs. Wald said it may be true that Mr. Bofill was stoned but speculated that it could be because the Cuban people "have gotten riled up" by his press conferences alleging human rights abuses.

In an interview after the presentation, Mr. Lopez-Lima said Mrs. Wald's personal attacks on Mr. Bofill paralleled those of the Marxist Castro regime. Cuba recently launched a major press and television campaign against Mr. Bofill and his human rights committee.

PAGE F2 / TUESDAY, MARCH 22, 1988

The Washington Times

Letters

What happens to those who say 'no' to Castro

In The Washington Times' March 11 news article, "Leftist IPS corroborates Cuba Prison horror tales," I was incorrectly quoted as saying that I knew of a dozen inmates executed "early last year" before my release. What I said is that I know of dozens of prisoners who have been killed by firing squads or by guards over the last years.

My 23 years in prison are a story of killings, beatings, biological experiments on political prisoners, lack of food and medical attention. Everything was done by Fidel Castro's communist regime to destroy those who said "no" to his totalitarian tyranny in Cuba. These things

certainly have taken place but not in the time frame mentioned. Perhaps when I said "last years" it was misunderstood as "last year."

Aryeh Neier points out that the prisoners he saw in the punishment cells were non-political. I assure you these hellholes have been endured by many political prisoners. I spent over seven years continuously in punishment cells in Boniato until March 26, 1987. In the early 70's the plantado political prisoners in Boniato were isolated in punishment cells for over seven years. Then they were taken to Combinado del Este in 1977.

In 1979, a hundred plantados, myself among them, were taken back to

Boniato, including a group of the first ones to be returned to the punishment cells. After the Geneva Convention of March 1987 the plantados were transferred to Combinado del Este. This is further proof that international condemnation is very effective and the only way to help other political prisoners in communist Cuba.

I am very thankful that The Washington Times makes the American public aware of the horrors endured by political prisoners and the Cuban people who want freedom and democracy under God for Cuba.

REINALDO LOPEZ-LIMA
Silver Spring, Md.

Leftist IPS corroborates Cuba prison horror tales

By Richard Beeston
and Peter LaBarbera
THE WASHINGTON TIMES

An account of the horrifying conditions in Cuban prisons from the left-wing Institute for Policy Studies bears out some of worst charges leveled against Cuba by the United States at the U.N. Human Rights Commission in Geneva.

The institute's findings were released here yesterday as the commission, meeting in Geneva, Switzerland, agreed to send a working group to Havana this summer to investigate Cuban human rights and prison conditions.

Under a compromise that will replace a U.S.-sponsored proposal, the

see CUBA, page A10

WORLD

PAGE A2

Dismal Cuban prison conditions confirmed

The description of prison conditions was like something out of the Dark Ages. The left-leaning Institute for Policy Studies took the unlikely role yesterday of bearing witness to the administration's worst fears about prisons in Cuba. The conditions have been described by the United States as "one of the world's darkest dungeons." An IPS official said that, in some prisons, three inmates are kept in punishment cells measuring five feet by seven feet for 24 hours a day. They lie on concrete slabs without bedding. The only light comes through cracks in the walls.

■ Page A1

CUBA

From page A1

United Nations will undertake a full investigation of human rights in Cuba.

The new agreement will result in formation of an official working group to conduct a wide-ranging investigation of Cuban human rights and then report back to the Human Rights Commission, according to Mario Portuondo. He spoke with Armando Valladares, head of the U.S. delegation in Geneva, after the "consensus" was reached last night.

Mr. Portuondo is director of public affairs for the Cuban American National Foundation in Washington.

He said that under the agreement, a five-nation team representing "evenly distributed" geographic regions will be allowed unlimited access to not only Cuban prisons but the Cuban population as a whole.

The Cuban government had originally proposed that a U.N. investigating team meet with Cuban officials only, as well as only selected prison facilities, he said.

"Valladares is ecstatic. He's claiming complete victory," said Mr. Portuondo.

He said the fact that the working group will report next year to the U.N. Human Rights Commission means that "now, for the first time, Cuba is officially on the agenda of the commission."

The United States calls Cuba "one of the world's darkest dungeons."

In a speech to the Human Rights Commission in Geneva on Tuesday, the U.S. ambassador to the U.N., Vernon Walters, said Cuba has more than 200 prisons and labor camps and as many as 10,000 to 15,000 political prisoners. He said that torture and executions continue to occur and demanded that Fidel Castro's government "let the international community determine the truth about Cuba."

An IPS official said under close questioning here yesterday that in some Cuban prisons, three prisoners are kept in punishment cells measuring five feet by seven feet for 24 hours a day. They lie on bare concrete slabs without bedding and the

only glimmer of light comes through cracks in the walls, Aryeh Neier said.

Mr. Neier was one of a group of Americans on the board of the IPS who returned to Washington this week from a visit to Cuban jails.

The prisoners he saw in the punishment cells, Mr. Neier said, were non-political.

The toilet in each of these tiny cells was just a hole in the ground, he said. Prisoners are confined for extended periods, sometimes naked, for resisting re-education or violating prison discipline, including passive violations such as hunger strikes. Other prisoners considered to be problems are kept in "isolation cells" for years, with only slightly better facilities.

In two prisons visited, Boniato and Combinado del Este, prisoners complained of being beaten with rubber hoses and sticks. In one case, a prisoner was allegedly kicked to death by guards.

The IPS report said, however, there were "humane and constructive features" of the Cuban prison system, including paid work opportunities and training in basic skills for most prisoners. But there were also "harsh and cruel features" that were "directly attributable to the determination to re-educate prisoners."

The six delegation members visited six prisons from Feb. 26 to March 5 and said they had more than 120 "confidential interviews" with prisoners, including at least 50 held

for politically motivated offenses. They described regular prison facilities as clean and hygienic and said they heard no complaints of "instruments of torture."

A Cuban exile, Reinaldo Lopez-Lima, told Mr. Neier at the IPS press briefing that he had spent 23 years as a political prisoner in Cuba and eight of those years without a family visit. He said he knew of a dozen inmates who were executed early last year before his release.

In exchange for the visit, the IPS has agreed to try to seek access to U.S. prisons for a Cuban delegation from the National Union of Cuban Jurists.

Mr. Neier said about 3 percent to 10 percent of inmates in the prisons his group visited appeared to be suffering severe punishment. But he said common criminals rather than people jailed for political reasons appeared to be treated worst.

The group saw prisoners held for offenses deemed political such as burning sugar cane fields, trying to leave Cuba illegally and seeking refuge in foreign embassies, Mr. Neier said.

He estimated the number of political prisoners in Cuba at slightly more than 600. Cuban authorities put their total prison population at 32,000, excluding those in reform schools and military jails, he added.

The compromise worked out in Geneva drew praise in Washington, even though consideration of any U.S. resolution condemning Cuba will be delayed at least a year.

THE OF NEWSPAPER

The Miami News

DATE

Feb. 5, 1988

Pg.

9a

Cat. *Editorial*

Play hardball on Cuban human rights case

Reinaldo J. Lopez-Lima arrived in the United States last summer, after having served 23 years as a Cuban political prisoner following his conviction on charges of spying for the United States in Cuba. Now a resident of the Washington, D.C., area, Lopez-Lima wrote this article for *The Miami News*.

REINALDO J. LOPEZ-LIMA

Special to The Miami News

The United States must be even better prepared this time in urging the 43-member U.N. Commission on Human Rights to condemn Cuba during the session that was convened this week in Geneva.



Lopez-Lima

Although the case of human rights violations in Cuba is expected to be brought within the next few weeks, the United States must step up its efforts now on a variety of fronts to avoid another negative vote. Last March, Argentina, Colombia, Mexico, Peru and Venezuela switched their positions and joined the Soviet bloc members of the commission to stymie the U.S. proposal by a one-vote margin on a procedural matter. Costa Rica was the only Latin country to vote with the United States, while Brazil abstained.

It cannot be allowed to happen again. Communist Cuba violates every article in the U.N. International Declaration of Human Rights. Today's Cuba is a totalitarian state ruled by the iron fist of a dictator — not a romantic idealist as many people believe.

While the constant violation of human rights against political prisoners is the most flagrant and well known of Fidel Castro's atrocities, it is by no means the only one.

When Cubans are born, they are destined to serve the state. They will not be able to create or participate in any political party except the Communist Party. They will not be allowed to form an independent trade union, publish a newspaper or express their own convictions if they are in opposition to the official line.

If an individual is not lucky enough to belong to the privileged "New Class" of ruling bureaucrats and party officials, he or she will become a second or third class citizen.

Top Cuban officials who toured prisons in the 1970s liked to tell the inmates that more than 30 percent of Cuba's population was hostile to the system, and at some point would serve time in prison.

During the 7½ years I served in Boniato prison, I learned through other inmates of more than a dozen young dissidents killed by firing squads in front of a mango tree on the prison grounds.

They had burned food markets, sugar cane fields and other economic targets to express their disapproval of the system. Diego Roche Periche, 21, accused of sabotaging a warehouse, was the last one executed before I finished my sentence last March.

The discrimination against political ideas is written into Article 61 of the Cuban Constitution, to which all rights are denied to Cubans who oppose or dissent from the communist system. And the Cuban Constitution gives the Soviet Union the right to intervene in Cuba's internal affairs.



Fidel Castro: Stay tuned for propaganda

The following steps could greatly enhance the possibilities of international condemnation of Cuba for human rights violations this time:

✓ The State Department obviously should impress the importance of the proposal on all U.S. allies that belong to the U.N. Human Rights Commission.

Also, the department should be ready to use foreign aid and other economic leverage against countries that vote against the United States, particularly Latin American nations.

✓ Private enterprise has a vital role to play and should show interest in the triumph of democracy. Industry leaders should pressure their colleagues overseas whose countries belong to the human rights commission. For example, the American oil industry would be highly influential over oil producing nations.

✓ American media must inform Americans. There is much information that has yet to be revealed. Does anybody know that in one day in 1962, 450 men were executed at prisons throughout the island?

What about "wet beriberi", caused by a lack of vitamins? The disease, which is similar to the one that took the lives of thousands of Jews during World War II, killed at least 103 prisoners in the span of a few months in Cuba's prisons during the late 1960s.

It is very important that the press of countries participating in the Human Rights Commission be informed of the abuses in Cuba so that the people of those countries can pressure their representatives to vote with the United States.

✓ The AFL-CIO could do an important job by organizing lectures and seminars about what is really happening 90 miles away from the United States.

American labor leaders could likewise use their influence on their Latin American counterparts.

✓ Congress should be unanimous in adopting resolutions pending in both Houses to condemn Cuba and ask the United Nations to do the same.

✓ Presidential candidates should take a position in favor of condemning human rights violations in Cuba. A stand calling for the deletion from the Cuban Constitution of the article allowing discrimination against dissidents would also help.

✓ A pastoral letter denouncing the Cuban government could be read in Catholic churches before the Human Rights Commission takes up the case of Cuba. And the proposed papal visit to Cuba should not impede United Nations action against Cuba.

The role of the Cuban exiles in Miami and other places is paramount. We know better than anyone else the horrors of this dictatorship.

Cuban media should get in touch with their counterparts in Latin America and organize broadcasts to better inform the people in those countries.

Also, key newspaper, TV and radio representatives should be invited to Miami for more informative meetings with the Cuban media in Miami.

The local Miami press — American and Cuban — should work together toward the same goal: advance democracy and human rights in Cuba and the world.

We cannot forget that Castro and the Russians control the future of political prisoners. The group of political prisoners known as plantados for their rejection of government efforts to indoctrinate them, number about 65, and they should have been released months ago. But it has been delayed by the regime.

Why? Maybe to gain time and then, just before the case of Cuba goes before the U.N. commission later this month or in early March, to free some of the prisoners and start a great propaganda campaign showing how good the system is and how it complies with the U.N. human rights declaration. So this delay could be a trap.

We should not forget two things.

The first is that in Cuba there are untold thousands of political prisoners, many of whom are young people, who refused to fight against the people of Angola, or religious dissidents, who are sent to prisons as common criminals. And the violations of human rights will continue in Cuba, long after the last plantado is released.

Secondly, the people of Cuba are not communists, and their rights to freedom of association, speech, press, religion, etc., are being violated institutionally — by Cuba's own constitution. The stipulation allowing Soviet intervention should be forcefully denounced, since it violates Cuban sovereignty.

Above all, President Reagan should extend his good will and lobby for the human rights cause.

A new element has been added by the U.S.-Cuba immigration agreement. The Castro government will try to make the most out of it to prove its good will. But this agreement is further proof of Cuba's violation of the most elemental rights.

Why do hundreds of thousands of Cubans want to escape from the island? Are political prisoners state hostages to be exchanged at the will of the dictator?

Political prisoners that have spent a quarter century incarcerated are being hanged away to lure concessions out of the American government.

Castro's propaganda cover-up will try to hide the real cancer of Cuban society. No concessions should be made; the goal of obtaining democracy for the Cuban people cannot be compromised.



Council for Inter-American Security

WEST WATCH

A Report on the Americas and the World

Volume XI, Number 1

February 1988

Says Cuba isn't a lost cause

Cuban Political Prisoner, Released After 23 Years, Joins CIS

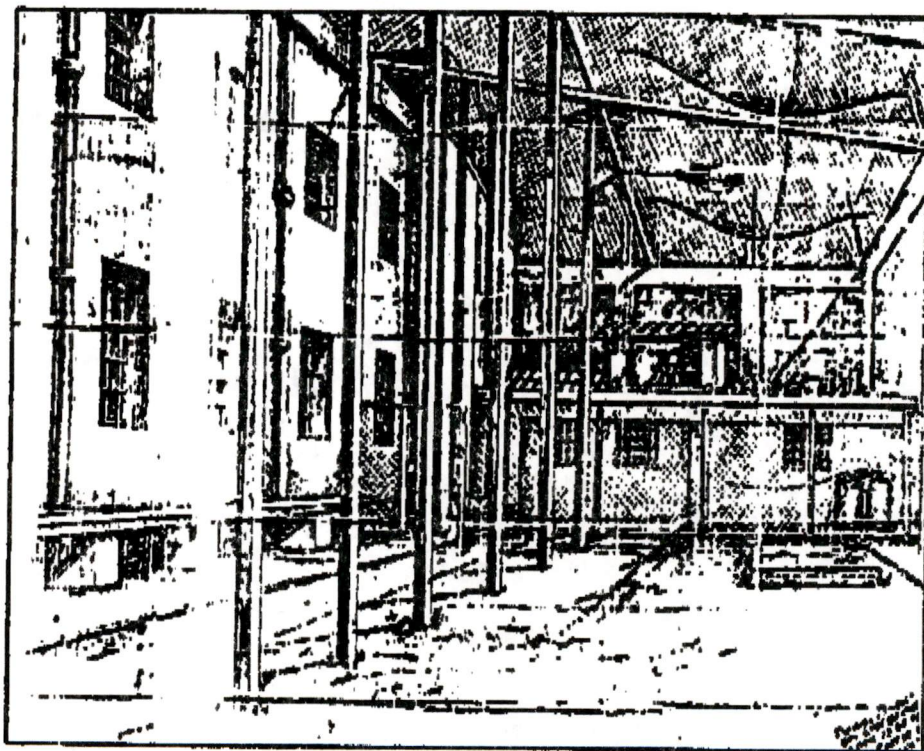
by Carol Stranahan

Reinaldo Lopez-Lima, an ex-political prisoner with a fascinating story of twenty-three years in a Cuban prison, has joined CIS as a special consultant, and is working on a number of autobiographical projects, including a book.

Although many Americans accept communist Cuba almost as a lost cause, Lopez Lima emphasizes that the people of Cuba are not communist in belief—instead, they are repressed by "the iron fist of a dictator" whose rule is backed by a constitution which openly denies all rights to Cubans who oppose or dissent from the Communist system. Dissenters are simply put away, a relatively effective method of silencing opposition.

A law student in Cuba in 1959, when Castro came into power, Mr. Lopez left in October of that same year to join Cuban opposition groups in the U.S. who were working to overthrow Castro. In 1961, he was involved in the Bay of Pigs invasion and, had the mission not been aborted by lack of U.S. air cover, would have helped to open a diversionary front in the Escambray Mountains of central Cuba to distract some of Castro's forces from the Bay.

During the 1962 Missile Crisis, he was trained in a special mission group as a frogman to participate in the contemplated U.S. military action against the Castro regime. When the mission was abandoned after the Kennedy-Khrushchev accord that removed the missiles, Lopez left abruptly for Cuba and began working against the government there. In 1964 he was arrested and sentenced to a three-year prison term. But in 1967, after serving that term, he was denied release, and consequently escaped in 1968, managing to stay in hiding for three months. The escape naturally marked him as an even greater threat to the State, resulting in an 18-year sentence upon his recapture.



Drawing by a Cuban prisoner of interior of Castro's notorious Boniato prison. It was smuggled out by fellow inmate Reinaldo Lopez Lima last year.

In prison, Mr. Lopez was what is called a "Plantado" prisoner, one who refuses any form of political indoctrination in order to soften his prison existence. Plantados serve the longest sentences and suffer the toughest treatment during their time in prison.

With astonishing matter-of-factness, Lopez Lima described to me the frequent beatings he and other prisoners received. Prison officials would herd large groups of prisoners into a single common area and routinely beat them with bayonets, iron bars and machine gun butts, in order to force them into a submission that simple imprisonment was unable to accomplish.

In This Issue

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- A look at Mexico's next president 3
- Contra foes in Congress aid El Salvador guerrillas 4
- Publications available from CIS ... 7
- Sandinistas kill civilians with Russian cluster bombs 8

Carol Stranahan is executive assistant to the president of the Council for Inter-American Security.

LOPEZ, continued on page six

Anti-Castro Combatant Joins CIS Team

LOPEZ, from page one

Lopez seemed a bit surprised by the appalled look on my face, and said, "you must understand—this was their criminal way of controlling us. We got used to it."

One of the few ways for prisoners to protest was through hunger strikes. The Cuban government, under severe international condemnation for its violation of human rights, feared having too many prisoners die in custody. Therefore, small concessions were sometimes made during a prisoner's hunger strike before he reached the point of death. But, as Mr. Lopez explained, prison officials would usually let a prisoner starve himself to the point of real physical damage, often depriving him of water, and delay medical treatment so that the hunger strike was not only particularly painful, but also capable of inflicting severe damage on the prisoner's body. Lopez himself went on various hunger strikes, the most noteworthy one being an attempt to force the prison to let his three-year-old son, Alexis, out of Cuba.

Son was born in prison

Lopez had married a fellow prisoner and fathered a son, who was born in prison and raised by an ex-prisoner (and friend) in Havana. When the child was three years old, Lopez, fearing for the child's safety, went on a hunger strike demanding that his son be allowed to come to the U.S. to be raised by blood relatives (his grandparents). This strike lasted 20 days, until the prison officials promised to let the boy out of Cuba. Alexis Lopez was raised in Miami, not knowing the circumstances of his birth.

Mr. Lopez was as active as he could be during his 23 years in prison. From 1972 to 1978, he worked as "Chief of Gallery," representing his fellow prisoners in their claims to the prison authorities and the Ministry of the Interior. From 1979 to 1987, he was sentenced to solitary confinement, living out the last eight years of his sentence in a "taplada" cell.

This stage of his term was served in the infamous Boniato prison, known for flagrant abuses and deaths of its prisoners. There, Lopez managed to fight for human rights, sending letters signed by fellow prisoners to the Pope, Presidents Carter and Reagan, and many international organizations. He smuggled these letters out through an underground system he designed himself.

Also during his stay in Boniato, he created a daily newspaper named "Boniatillo"; its news was taken from a clandestine radio he had hidden in his isolation



Reinaldo Lopez Lima.

"When a Cuban is born he is marked to serve the state . . . more than thirty percent of the population is labeled as hostile to the system."

—Reinaldo Lopez Lima

cell and which he listened to late at night. He was also President of an informal Catholic community in Boniato.

Upon his eventual release in March of 1987, he smuggled out a detailed drawing of the interior of Boniato prison done by a fellow inmate on tissue paper. This is the best drawing of the interior of Boniato that has been seen outside of Cuba (see picture). Along with this drawing were a number of tiny scraps of paper, covered with the most minute writing imaginable. Lopez conceals the identities of the authors for fear of potential reprisals against those still in prison, but he plans to use their testimonies in his book to show a broad base of protest and backing for the human rights effort outside Cuba.

Lopez Lima also plans to widen the scope of his book beyond his experiences in prison. He will discuss in detail the years leading up to the Castro revolution, as well as the sentiment of the people of Cuba today. After his release from prison, he remained in Cuba for four months in order to get a feel for the "real situation of our people."

Cuba shouldn't be written off

What did he learn? "That they are not communist and that we should continue our fight for a free Cuba." If Castro has made Cuba such a better place to live, why do hundreds of thousands of Cubans want to escape from the island?

Mr. Lopez's suggestions include greater U.S. involvement in the fight for human rights in Cuba. Of particular importance is the United Nations Commission on Human Rights vote when the U.S. takes Cuban violations of human rights back to the commission in early 1988. Lopez explains,

Cuba violates every article in the U.N. International Declaration of Human Rights. . . . When a Cuban is born he is marked to serve the State. He will not be able to create or participate in any political party except the communist party—the only party permitted. They will not be allowed to form an independent Trade Union nor publish a newspaper, nor express their own convictions if they are in opposition to the official line. . . . More than 30% of the population is labeled as hostile to the system. This means no University for the young, poor working conditions and low salaries for the lucky ones who are able to get a job, and long prison terms for the more outspoken. When I left Boniato prison a few months ago, young dissenters had been killed by firing squads because they had burned a food market and sugar cane field to express their disapproval.

Calls for action against Castro

Lopez Lima calls upon the American government to persuade its allies to vote against Cuba in the U.N. and to use economic leverage against countries that vote against the U.S. He also calls upon the media to inform the public of the issues at stake in Cuba, and stresses the importance of the role of Cuban exiles in Miami and elsewhere in spreading the word. The Cuban/American media, he stresses, should get in touch with its counterparts in Latin America in order to better inform the people there.

Most importantly, Mr. Lopez wants to get the information out of Cuba in order to alert the public not only in the United States but also in Latin America to the abuses so prevalent in Cuban society. His book promises to be much more than the sad tale of a long prison sentence.

Mr. Lopez Lima is currently living in the Washington, D.C. area. He recently travelled to Miami to introduce himself to his thirteen-year-old son.

THE WHITE HOUSE
WASHINGTON

Date: January 10, 1990

FOR: Boyden Gray

FROM: **ANDY CARD**

- ☐ Action
- ☐ Your Comment
- ☐ Let's Talk
- ☒ FYI

THE WHITE HOUSE

WASHINGTON

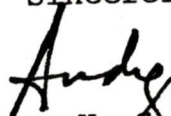
January 10, 1990

Dear Ray,

Thanks for your letter of January 4th. I have a special interest in what happens in the Virgin Islands. Please know that I will be glad to make sure that Dick Knoepfel is appropriately considered for a Federal Judgeship.

Let's get together sometime soon. I hope all is well with you. Happy New Year!

Sincerely,



Andrew H. Card, Jr.
Assistant to the President
and Deputy to the Chief of Staff

Mr. C. Raymond Marvin
818 Connecticut Avenue, N.W.
Suite 1020
Washington, D.C. 20006

AC HAS SEEN 119

C. RAYMOND MARVIN
ATTORNEY AT LAW
818 CONNECTICUT AVENUE, N.W.
SUITE 1020
WASHINGTON, D.C. 20006
(202) 659-5311

January 4, 1990

The Hon. Andrew H. Card, Jr.
Assistant to the President &
Deputy to the Chief of Staff
The White House
West Wing - First Floor
Washington, D.C. 20500

Dear Andy:

Happy New Year and warmest good wishes to you and your colleagues for a spectacularly successful 1990.

I am enclosing a copy of a recent article from the Virgin Island Daily News concerning the death of the sole remaining Federal Judge and a follow-up article of December 30 which discusses the fact that Judge O'Brien's death underscores the need for President Bush to appoint Federal Judges in the Virgin Islands.

As you know, I have previously sent you information concerning a Republican attorney who has support for the position. Dick Knoepfel is interested in it and, by all accounts, is an eminently qualified and sound candidate. The Virgin Islands has essentially been without a Federal District Judge for the better part of a year. Although the judicial responsibilities are being "covered" by visiting judges from the Third Circuit, certainly no one believes that that is a solution to their judicial crisis.

Incidentally, I have no law or other business pending in the Virgin Islands, its courts or government and do not anticipate any. I take this action solely as a person interested in helping to improve the quality of the federal judiciary.

Dick Knoepfel will be available for personal interviews there in St. Thomas or here in D.C.

I look forward to seeing you soon.

Sincerely,


C. Raymond Marvin

THE WHITE HOUSE
WASHINGTON

December 22, 1989

MEMORANDUM FOR ANDREW H. CARD, JR.
ASSISTANT TO THE PRESIDENT AND
DEPUTY TO THE CHIEF OF STAFF

FROM: C. BOYDEN GRAY *cmh*
COUNSEL TO THE PRESIDENT

SUBJECT: December 8 Memorandum from Secretary Skinner to
the President re: "Status of Rail Labor
Negotiations"

At your request, I reviewed the captioned memorandum, which appeared to be merely a status report giving the White House a heads-up about events that may or may not lead to an action forcing event next year. The NMB has been keeping Nelson Lund informed about these same events, and there is no obvious reason for the President's time to be taken up with this issue yet.

Accordingly, Nelson contacted the General Counsel's office at DOT (Dean McGrath). Mr. McGrath inquired within the Department, and reported back that this memorandum was intended solely to alert relevant White House staff; he specifically confirmed that DOT does not believe that the President needs to see this document at this time.

As Secretary Skinner's memorandum indicates, DOT is taking action to ensure that the Administration has available the facts that will be needed to make an informed decision in case the NMB's mediation efforts are unsuccessful. My office has informally asked DOJ to begin examining the state of the law with respect to secondary picketing, which appeared to be in a state of flux or uncertainty during the Eastern Airlines crisis last March; this issue, however, will probably be less important in this case than it was with Eastern.

Nelson tells me that he believes the political and policy questions raised by this labor dispute may prove more difficult than those that were raised by the Eastern dispute. He also believes that there may be steps we can take to improve the situation before a crisis occurs. Accordingly, Roger Porter and I should get together in early January to discuss the situation. At least until then, however, I do not believe that the President need be bothered with this.

cc: Roger Porter (with attachment)

OCT 19 1989

Andy,
If HS wants this kept
where you can retrieve it.

Document Originally
Attached to
Following Page

THE WHITE HOUSE
WASHINGTON

Date:

10/7

FOR: *Gov. S.*

FROM:

ANDY CARD

Andy

- ☐ Action
- ☐ Your Comment
- ☐ Let's Talk
- ☐ FYI - *file*

not

MEMORANDUM

TO: MOH
FROM: JIM FITZ
DATE: SEPTEMBER 7, 1989
RE: MEETING WITH GOV. SUNUNU REGARDING JUDGE BOB JONES

file
Not: per Judge Bork
he can not recommend
Bob Jones.
AHC
10/4/89

This is a rushed memo because of your early meeting with Sununu and the fact that I just 5 minutes ago received some material from the Judge.

In a nutshell, the Department of Justice is quite concerned about one opinion written by Jones, State of Oregon v. Henry. The case deals with an adult bookstore in Bend and struck down a state criminal statute on obscenity because it conflicted with the Oregon constitution. The Department of Justice views this as some indication that Jones is soft on pornography/obscenity and has declined to forward his name to the White House.

Jones wrote the Henry decision on behalf of a unanimous Oregon Supreme Court because he was assigned to write the opinion. Amongst the Court, it was hardly controversial. The decision affirmed the Oregon Court of Appeals, which had stuck down the statute based on our state constitution. This was not a federal case and neither the U.S. Constitution nor a federal statute was involved.

Every lawyer in Oregon knows, and the Oregon Supreme Court has long ago held, that the Oregon constitution's free speech provision is much broader than the U.S. Constitution's First Amendment. The Supreme Court strictly construes the state constitution and will not depart from the precedent of earlier cases except in extraordinary circumstances.

Bob Jones clearly had no choice but to follow the state constitution and state law in this matter. Letters from State Attorney General Frohnmayr and one of Oregon's most prominent appellate lawyers (Jack Faust) supporting the Supreme Court's opinion as in accordance with settled state law are forthcoming. If the Administration wants someone who will follow the law rather than make it, Bob Jones clearly fits that bill.

Apparently, Bob McGuigan from the Free Congress Foundation has insinuated that Jones is under the influence of Hans Linde, the Oregon Supreme Court's most liberal member. That's absolute nonsense, Jones is a conservative jurist in the best sense of the word and is an ideological opposite of Linde's judicial activism.

As a state circuit court judge, Bob Jones was very tough on criminals and has worked diligently to strengthen the state's sentencing guidelines. In fact, Oregon's largest pro-law enforcement group, Citizens for Justice & Crime Victims United, wholeheartedly endorses the Jones nomination.

M.O. HATFIELD

THE WHITE HOUSE

WASHINGTON

October 20, 1989

MEMORANDUM FOR GOVERNOR JOHN H. SUNUNU

FYI

FROM: ANDREW H. CARD, JR. *Andy/Ls*
SUBJECT: Judge Roth

I did a quick check on Judge Roth. Having talked with Counsel's Office, I learned that the right-to-lifers were very down on Judge Roth during her confirmation process to become a District Judge and that there is still little rationalization for the Circuit Seat to go to Delaware. The process has not proceeded very far along. Justice has scheduled an interview (which may have taken place this week), but no recommendation has been forwarded to the White House.

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

October 19, 1989

TO: C. BOYDEN GRAY
FROM: ANDREW H. CARD, JR. *Andy/Lg*
SUBJECT: International Trade Court

Senator Rudy Boschwitz called urging Dick Goldberg for the International Trade Court. He knew of D'Amato's preference, but feels that this should not be a "New York Court."

cc: Fred McClure

THE WHITE HOUSE

WASHINGTON

November 8, 1989

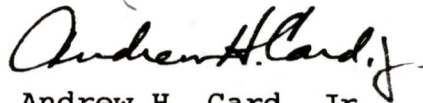
Dear Mr. Lambers:

I am responding to your kind offer to the President to build a custom yacht for his use and donate it to the Federal government.

Although we very much appreciate your very generous offer, on reflection, we have decided against acquiring a new Presidential yacht at this time.

I hope you will understand our decision, and I wish you the best of luck with your business plans for a new custom yacht company.

Sincerely,



Andrew H. Card, Jr.
Assistant to the President
and Deputy to the Chief of Staff

Mr. Tom Lambers
Lambers Yacht Design
Post Office Box 177
Macatawa, Michigan 49434

THE WHITE HOUSE
WASHINGTON

*Howd
AHC*

October 27, 1989

MEMORANDUM FOR ANDREW H. CARD, JR.
ASSISTANT TO THE PRESIDENT AND DEPUTY TO THE CHIEF
OF STAFF

FROM: C. BOYDEN GRAY *CBH*
COUNSEL TO THE PRESIDENT

SUBJECT: Offer of a Lambers Yacht

In view of your inquiry about the proposed donation of a Chris Craft American Classic Boat (to which I have responded separately), I thought you would want to be consulted about an offer that we received from a yacht builder who would like to build the President a yacht. As a legal matter, the same gift standards would apply as are described in my memo on the Chris Craft.

I recommend against pursuing the offer of the yacht for several reasons --

- o Because the donor is starting up a new custom manufacturing company and wants to give the President the first yacht built, there are even stronger than usual concerns about commercial exploitation of the offer.
- o Because this would be the first custom yacht built, it is hard for us to judge the likely quality of the product.
- o Acquisition of a yacht would probably be controversial in view of the past controversy over the Sequoia.

If you agree, I recommend you sign the attached letter declining the offer on behalf of the President.

Feel free to contact me (or Amy Schwartz on my staff) if you have any questions.

Attachment

THE WHITE HOUSE
WASHINGTON

Date: 11/22

FOR: *Boyd Gray*

FROM: ANDY CARP *Andy*

- ☐ Action *-again*
- ☐ Your Comment
- ☐ Let's Talk
- ☐ FYI

THE WHITE HOUSE

11/22/79

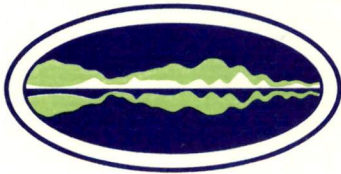
Dear Mr. Lambers -

Thank you for your letter responding to my correspondence regarding your offer of a Presidential custom yacht. I will have your very kind offer again reviewed.

Please keep in touch. Sincerely, Andy Card

THE WHITE HOUSE
WASHINGTON

Mr. Tom Lambers
Lambers Yacht Design
P.O. Box 177
Macatawa, MI 49434



Lambers · Yacht Design

P.O. Box 177
Macatawa, MI 49434
(616) 335-5980

AC HAS SEEN ✓
Send copy
to Boyden Gray.
AHC, I.

November 17, 1989

Dear Mr. Card:

Thank you for your letter dated November 8, 1989, in response to our offer to design, build, and donate, to The Presidency of The United States, a custom yacht of approximately 200Ft. length over all.

We cannot however understand why The President would turn down a very useful gift of \$15 to \$20 million value. Perhaps The President, and staff, do not realize the advantages there would be to having a yacht such as we propose.

We fully realize The President rarely has the time to "go cruising", but the yacht can be designed, built, and used, as a portable White House. When ever the President is expected to go on a trip; whether for pleasure, or business; in The United States and it's territories, or world wide; if the destination is near navigable waters(which most places are), the yacht and crew, can be sent to the destination in advance. Then when the President arrives by jet, he, the first family, and staff, will have a place familiar, comfortable, and safe, awaiting there arrival (home away from home).

The yacht will be complete with a personal bedroom suite for the President and First Lady, and family, along with rooms for VIP guests. She will have accommodations for formal entertaining, complete with gourmet kitchen, formal dining room, and living room areas. She will have an "oval office" suitable for meetings or other work required by the President and staff. She will also have accommodations for all required staff and ships crew. She will be designed, and built, with very high security and safety capabilities, such as bullet proof construction, high-tech communications and electronics, relatively high speed capabilities, and long range. She will also have a heliport allowing direct flight to, and from, her. These are just the highlights and there will be much more.

The security reasons alone would justify the yacht, rather than the problems faced when the President must stay in a hotel, or other such facility. In addition, a familiar bed and surroundings, would help insure that the President, First Family, and staff, rest well, no matter where in the world they are, when they have the small amount of time allotted them for rest.

Further more we will guarantee that the yacht will in every way, be worthy of The President of The United States, and we will not stop working on her until she is completely acceptable to the President, staff, and security.

So in conclusion, we ask the President and staff to please reconsider our offer.

Again, thank you for your time and consideration.

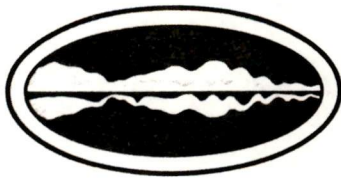
Sincerely

A handwritten signature in cursive script, appearing to read "Tom Lambers".

Tom Lambers

Mr. Andrew H. Card, Jr.
Assistant to the President
THE WHITE HOUSE
Washington D.C., 20020

AC HAS SEEN ✓



Lambers · Yacht Design

P.O. Box 177
Macatawa, MI 49434
(616) 335-5980

December 4, 1989

Dear Mr. Card:

Thank you for reconsidering our offer regarding a custom yacht for the Presidency. We are sorry to hear it was again declined, but understand.

Should the President, and/or staff, reconsider our offer, or if a need arises similar to our expertise, we would very much appreciate keeping us in mind.

Again, thank you for your time and consideration.

Sincerely

Tom Lambers

Mr. Andrew H. Card, Jr.
Assistant to the President
The White House
1600 Pennsylvania Ave.
Washington, D.C. 20020

THE WHITE HOUSE

WASHINGTON

November 29, 1989

MEMORANDUM FOR ANDREW H. CARD, JR.
ASSISTANT TO THE PRESIDENT AND DEPUTY TO THE CHIEF
OF STAFF

FROM: C. BOYDEN GRAY *CBG*
COUNSEL TO THE PRESIDENT

SUBJECT: Attached Response to Mr. Lambers

Per your request, attached for your signature is a follow-up response to Mr. Lambers, who wants to give the President a custom built yacht.

Attachment

THE WHITE HOUSE

WASHINGTON

November 30, 1989

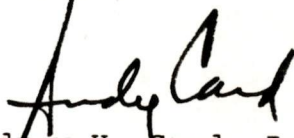
Dear Mr. Lambers:

Thank you for your follow-up letter of November 17 describing the advantages of your proposed gift to the United States of a 200 foot custom-built yacht for the President's use.

Your letter certainly presents an impressive account of the advantages of having a Presidential yacht. I fear, however, that we are not likely to use a yacht to the degree your letter suggests. As such, it seems inadvisable to acquire a luxury craft of the sort you describe. For these among other reasons, we must again decline your extremely thoughtful and generous offer.

With best regards.

Sincerely,

A handwritten signature in dark ink, appearing to read "Andy Card". The signature is fluid and cursive, with a large initial "A" and a stylized "C".

Andrew H. Card, Jr.
Assistant to the President and
Deputy to the Chief of Staff

Mr. Tom Lambers
Lambers Yacht Design
P.O. Box 117
Macatawa, MI 49434

THE WHITE HOUSE

WASHINGTON

November 21, 2009

MEMORANDUM FOR ANDREW H. CARD, JR.
ASSISTANT TO THE PRESIDENT AND DEPUTY TO THE CHIEF
OF STAFF

FROM: JOHN P. SCHMITZ *JPS*
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: Advice on ACYPL-funded South America Trip

In connection with our discussion about the proposed trip to South America later this week by Ruth Kistler of Intergovernmental Affairs, this is the analysis you requested about the legal framework for considering whether a trip by a White House staff member can be funded by an outside organization.

In analyzing a proposed trip, the first question is whether an activity is personal or official, that is, whether or not the staff member would be participating as a representative of the White House or whether the trip is a private activity. Because of the nature of the activities organized by the American Council of Young Political Leaders (ACYPL), the proposed South American trip cannot be considered personal. ACYPL selects for its delegations only elected or appointed officials, and Ms. Kistler, like the other members of the delegation (and as with past delegations) is listed by her official title and would interact with foreign officials as a White House staff member. There is simply no way this can be construed as a private activity.

To the extent that a trip cannot be undertaken as a private activity, a determination needs to be made as to whether it is an appropriate and worthwhile official activity. Assuming that to be the case, there is only limited authority for White House staff members to accept expenses for official travel from private sources. One relevant law authorizes acceptance of expenses from a 501(c)(3) for attendance at conferences or meetings, assuming there is no appearance of impropriety.

Assessing appearance of impropriety is a case-by-case thing, but in general, an appearance of impropriety is most likely to exist in circumstances in which an entity paying for a trip is seeking a significant official action from the traveler. In addition, the less clearly demonstrable the official White House purpose behind a given trip, the more likely an appearance problem to exist.

*Rec'd 11/22/09
AKC*

The bottom line is that Ms. Kistler may properly join the ACYPL delegation if appropriate White House officials determine that U.S. government interests will be served by her doing so and if there is no consequent appearance of impropriety in her accepting travel expenses from ACYPL. Ordinarily, this is a judgment made by the individual traveller and his/her supervisor. In the case of foreign trips, White House procedures require further approvals.

Ms. Kistler appears to be a relatively lower level member of the White House staff. As we understand it, her duties include administrative/secretarial work as well as some substantive liaison duties. (This contrasts with a previous participant in an ACYPL-sponsored trip, Bill Canary, who is a Commissioned Officer and Special Assistant to the President in Intergovernmental Affairs.) Other participants on the trip -- elected State officials and the Counsel to U.S. Senator Kennedy -- are much more senior.

On the other hand, I understand that both Bill Canary, Ruth's supervisor, and Deb Anderson, her second-tier supervisor, believe that it would be useful both to Ruth and to the White House for her to participate in this two-week trip.

In view of all of the facts, we defer to you and others for the substantive judgment whether there is sufficient official purpose for Ms. Kistler's participation on the trip. From our perspective, however, this falls in a gray area.

Please let me know if you have any questions.

*I spoke to
Bill Canary
Deb Anderson
John Schmitz 11/23.
I said Ruth should
not go. ~~that~~ ~~that~~ Commissioned
Officers would be allowed to go
and - on a case by case
basis - policy advisors.
It is not appropriate for
Staff Assistant to
represent the White House.
Att. Card*

THE WHITE HOUSE
WASHINGTON

DATE: 11-13-29

TO: Boyden Gray

FROM: ANDY CARD *Andy*

Orlando Bosch has been
denied his writ of Habeas
Corpus by the Southern
District of Florida. I've
also heard that Orlando is
not likely to appeal.

We may be presumed
to have the President review
the situation if safe haven
cannot be found.
(attached case #89.)

THE WHITE HOUSE
WASHINGTON

Andy Card
AC HAS SEEN

October 13, 1989

MEMORANDUM FOR ASSISTANTS TO THE PRESIDENT

FROM: C. BOYDEN GRAY *cmh*
COUNSEL TO THE PRESIDENT

SUBJECT: Post-Employment Restrictions for Steve Studdert

As you know, Steve Studdert will no longer be on the White House staff effective October 14, 1989. Because he is the first person to depart the White House staff who will be covered by the statutory one-year "cooling-off" period applicable to Senior Employees under the Federal criminal code, I thought it would be useful to provide a summary of the limitations to which he will be subject during this period.

For one year after departing the government, a Senior Employee may not communicate -- by phone, letter, in person, or in any other manner -- with an intent to influence anyone at, his or her former agency concerning any particular matter pending before that agency or in which the agency has a direct and substantial interest. This bar covers both matters involving specific parties and general policy matters such as legislation. It does not matter whether the employee previously participated in or was responsible for the issue, or whether the issue was pending before he or she left the agency. The statute does not prohibit communication with Congress, other agencies, the public, or the press.

The law recognizes that agencies may need to consult with former Senior Employees and permits only a few other types of contacts. Permissible communications include:

- o purely social conversation;
- o responses to the former agency's request for information;
- o personal matters, such as government benefits or interpretation of the post-employment restrictions; and
- o statements based on the individual's special knowledge, provided that the individual is not being paid.

Communications that are or could be construed as advocacy on behalf of a client are not allowed -- even in response to a specific question from someone at the former agency. To help ensure that permissible contacts with a former agency will not be misperceived, most former Senior Employees keep some kind of a log of their contacts with their former agencies.

In Steve's case, the legal bar of the one-year cooling-off period covers his contacts with anyone in the White House Office and the Office of Policy Development. In accord with the President's ethics program, Steve will also be observing the same cooling-off period as to the entire Executive Office of the President.

Although the cooling-off period is the key post-employment restriction during the first year after the departure of a Senior Employee, three additional restrictions remain in effect after the one-year period ends. For your convenience, I have attached the recently-updated memorandum for prospective Presidential appointees that describes these additional restrictions.

Please feel free to share this memo with anyone on your staff who would find it helpful and feel free to contact me or Amy Schwartz of my staff if you have any questions.

Attachment

THE WHITE HOUSE
WASHINGTON

October 10, 1989

MEMORANDUM FOR PROSPECTIVE APPOINTEES

FROM: C. BOYDEN GRAY *CM*
COUNSEL TO THE PRESIDENT

SUBJECT: Post-Government Service Employment Restrictions
Applicable to Former Senior Government Employees

Every prospective government officer or employee should understand the legal restrictions that will apply following his or her government service. Federal criminal law imposes several specific limitations on such activities, and penalties for violations can include fines of up to \$10,000 and imprisonment of up to two years. The law is designed to preclude former officials from unfairly exploiting their prior government employment and affiliations.

Although the law imposes stricter limitations on individuals who occupy Senior Employee positions, certain prohibitions apply (with specified exemptions) to all officials and employees of the Executive Branch, the independent agencies, and the District of Columbia, including most special government employees. In addition, individuals who become "procurement officials" within the meaning of the new Office of Federal Procurement Policy Act, are subject to added post-employment restrictions. Some departments and agencies are also subject to more stringent post-employment restrictions, which are not described in this memorandum. Applicable codes of professional ethics may also impose additional requirements.

I. THE GENERAL FEDERAL CRIMINAL LAW: 18 U.S.C. 207

A. Overview

Section 207 of Title 18 of the United States Code, as amended, ("the Act"), a copy of which is provided as Attachment A, contains four basic prohibitions:

1. The Lifetime Bar: A lifetime bar against a former government employee acting as a representative in any particular matter involving specific parties in which he or she personally and substantially participated during government service.
2. Two-Year Official Responsibility Bar: A two-year restriction on former government employees acting as a

representative in any particular matter involving specific parties over which he or she had official responsibility during his or her last year of government service (or in certain cases, earlier).

3. Two-Year Bar on Assisting Representation by Personal Presence; Senior Employees Only: A two-year restriction on a former Senior Employee assisting, by personal presence, in a representation before the United States in any particular matter involving specific parties in which he or she participated personally and substantially during government service.
4. One-Year Cooling-Off Period; Senior Employees Only: A one-year cooling-off period on a former Senior Employee, precluding any communications with the intent to influence his or her former department or agency on any particular matter, regardless of prior involvement.

Given the law's complexity, the above summaries are necessarily incomplete, and each restriction is described below in more detail. I also recommend strongly that you become familiar with the details of these restrictions, as set forth in Office of Personnel Management regulations at 5 C.F.R. Part 737. Limited excerpts from these regulations are set out in Attachment B and referenced in the discussion that follows. Copies of the complete regulations are available on request from my office.

B. The Four Restrictions

1. The Lifetime Bar

The Act creates a lifetime prohibition against a former employee acting as a representative in particular matters involving specific parties in which (a) he or she personally and substantially participated as a government employee, and in which (b) the government has a direct and substantial interest. When this bar applies, the former employee may not, as to the specific matter covered, act as agent for, or otherwise represent, anyone in any appearance before a court, department, agency, or government official or employee. In addition, he or she may not communicate in any way with the U.S. government on such matters if the communication is made with the intent to influence the receiver. Communications to Congress are generally not limited. This restriction does not bar involvement or assistance in any matter; it simply limits the former employee's communications with the U.S. government about the matter.

The lifetime bar only applies to particular matters involving specific parties. (The regulation defining this term is reprinted at Attachment B.) Such a matter is typically a specific proceeding affecting the legal rights of parties or an isolatable transaction or set of transactions between identifiable parties. A former employee's prior participation in government rulemaking, legislation, policy formulation, or other matters of general applicability does not trigger this restriction.

The lifetime bar also applies only to matters in which the former employee was personally and substantially involved. (The regulatory definition of this term is reprinted at Attachment B.) Personal involvement may be direct or through the participation of a subordinate when directed by the employee. Substantial involvement requires involvement that is significant to the matter or appears so, and that is more than official responsibility and more than perfunctory. Note that brief involvement at a critical stage in a matter may be highly influential and hence substantial, while lengthy peripheral involvement may be insubstantial. Participation in mere ancillary matters would not be substantial, unless the ancillary matter proved to be the subject of the later proposed representation.

In short, if an employee participated personally and substantially in a particular matter involving specific parties, he or she is forever precluded from representing anyone in any proceeding concerning the matter in which the U.S. government has a direct and substantial interest.

2. The Two-Year Official Responsibility Bar

The Act also contains a two-year restriction on a former employee's representative involvement in any particular matter involving specific parties that was under his or her official responsibility during the last year of government service (or in some cases, earlier, as described below). During that two-year period, the former employee may not act as attorney or other representative in the matter or otherwise communicate with the U.S. government with the intent to influence the recipient. As is the case with the lifetime bar described above, this two-year bar only applies to particular matters involving specific parties and does not prohibit behind-the-scenes advice or contacts with Congress.

Matters covered by this two-year bar are those over which the former employee had official responsibility. (A definition of this term is reprinted at Attachment B.) In general, official responsibility encompasses matters for which an official had

direct administrative or operating authority to approve, disapprove, or otherwise direct government actions. Ordinarily, the scope of the former employee's responsibility will be determined by his or her job description, regulation, or a relevant statute.

It is irrelevant whether the former employee actually knows that a matter was under his or her official responsibility. If an employee suspects that a matter may have been under his or her official responsibility, he or she must make further inquiries.

The two-year bar is measured from the end of an official's responsibility for a given area. That is, as to matters within his or her area of responsibility during the year immediately prior to leaving Federal service, an official is barred from representation, for two years from the end of his or her Federal service. In addition, if a former official's responsibilities changed some time before the end of his or her Federal service, he or she is also subject to the bar as to matters within the area of former responsibility, until two years after the former responsibility ended. (For example, if an individual switched jobs, spent six months in the new job, and then left the government, the individual would have to wait a year and a half before the bar expired as to the first job and six more months before the bar expired as to the second job.)

3. Two-year Bar on Assisting in Representation by Personal Presence; Senior Employees Only

A Senior Employee is also barred for two years after government employment from assisting by personal presence in representation of any person in a particular matter involving specific parties in which the former Senior Employee participated personally and substantially. By statute, a Senior Employee includes: (1) any individual paid at the Executive Level; (2) certain high-level military officials; and (3) individuals in positions that are expressly designated as Senior Employees. (Designations may be made from among positions in the Senior Executive Service, those paid at the GS-17 level or higher, and those at certain military pay grades.) Virtually all Presidential appointee positions are Senior Employee positions.

Like the lifetime bar described above, this restriction covers only particular matters involving specific parties and only those in which the former Senior Employee was personally and substantially involved. (See definitions of those terms above and in Attachment B.)

The two-year bar on assisting by personal presence in

representation does not prevent Senior Employees from providing assistance in particular matters in which they were previously personally and substantially involved. They cannot, however, make a personal appearance before the U.S. government in such a matter. For example, if a former Senior Employee joined a law firm, he or she could advise his or her partners privately about a particular matter covered by this restriction, but he or she could not be a part of a law firm delegation visiting a Federal agency to discuss the issue. This would be true even if he or she did not speak to the Federal officials at the meeting but only provided silent assistance to another person from the firm.

4. The One-Year Cooling-Off Period: Senior Employees Only

Senior Employees (as defined above), are also covered by a one-year "cooling-off" period following the termination of their government employment. During that year, a Senior Employee may not represent anyone before, nor communicate with an intent to influence anyone at, his or her former department or agency concerning any particular matter pending before that department or agency or in which the agency has a direct and substantial interest.

This bar applies regardless whether the employee previously participated in or had responsibility for the matter, and regardless whether the matter was pending when he or she was employed at the agency. Unlike the three preceding bars, this cooling-off period includes communications involving policy matters such as legislation or rulemaking; it is not limited to particular matters involving specific parties. As in the other bars, however, behind-the-scenes advice to an outside party is not prohibited.

Although the bar covers almost all Senior Employees and their activities, there are certain exemptions. For example, it does not apply to former employees who are subsequently elected to state or local office, or become employees of state and local government agencies or of certain institutions of higher education, hospitals, or medical research foundations, as to contacts on behalf of those new employers. The statute also does not prohibit communication with or representation before Congress, other agencies, the public, or the press. (It should be recognized, however, that all of the units within the Executive Office of the President will be considered to be a single agency for the purpose of this restriction.) The law does not preclude a former Senior Employee from contact with his or her former agency if the contact is required by law. In addition, the law sets forth methods by which the one-year bar may apply to less than the entirety of a department or agency.

The law contains numerous miscellaneous provisions for obtaining special exemptions, making certain exempt communications, testifying in court, and barring partners of current employees from certain activities.

Because the Act covers such a broad range of conduct and carries such serious penalties for violation, it is imperative that a former employee carefully consult the law and the implementing regulations. Also attached for your reference is a more detailed memorandum on the subject, which was prepared by the Office of Government Ethics. (See Attachment C.)

II. OFFICE OF FEDERAL PROCUREMENT POLICY ACT

The Office of Federal Procurement Policy Act, which took effect in July 1989, imposes a number of requirements, including new restrictions on negotiations for employment and post-employment activities of procurement officials (that is, those involved in government contracting).

A procurement official is defined as any civilian or military official or employee who has participated personally and substantially in a particular agency procurement, including all officials and employees responsible for reviewing or approving the procurement. Contractors, subcontractors, consultants, experts and advisers acting for or advising an agency can be procurement officials.

The law requires that employees must certify their knowledge of these requirements before acting as a procurement official. Accordingly, if you would be acting as a procurement official in your prospective position, your agency will provide you with further information on these requirements at the appropriate time. The restrictions that apply to negotiations for employment and post-employment restrictions for procurement officials are described in brief at Attachment D. A more detailed summary is available on request, as are copies of the Act itself and the applicable regulations.

* * *

Please feel free to call on my office for further information on any of these requirements during the clearance process. Once you are in office, you can consult the Designated Agency Ethics Official at your agency for further information or assistance.

Attachments

§ 207. Disqualification of former officers and employees; disqualification of partners of current officers and employees

(a) Whoever, having been an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, including a special Government employee, after his employment has ceased, knowingly acts as agent or attorney for, or otherwise represents, any other person (except the United States), in any formal or informal appearance before, or, with the intent to influence, makes any oral or written communication on behalf of any other person (except the United States) to—

(1) any department, agency, court, court-martial, or any civil, military, or naval commission of the United States or the District of Columbia, or any officer or employee thereof, and

(2) in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter involving a specific party or parties in which the United States or the District of Columbia is a party or has a direct and substantial interest, and

(3) in which he participated personally and substantially as an officer or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, while so employed; or

(b) Whoever, (i) having been so employed, within two years after his employment has ceased, knowingly acts as agent or attorney for, or otherwise represents, any other person (except the United States), in any formal or informal appearance before, or, with the intent to influence, makes any oral or written communication on behalf of any other person (except the United States) to, or (ii) having been so employed and as specified in subsection (d) of this section, within two years after his employment has ceased, knowingly represents or aids, counsels, advises, consults, or assists in representing any other person (except the United States) by personal presence at any formal or informal appearance before—

(1) any department, agency, court, court-martial, or any civil, military or naval commission of the United States or the District of Columbia, or any officer or employee thereof, and

(2) in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties in which the United States or the District of Columbia is a party or has a direct and substantial interest, and

(3) as to (i), which was actually pending under his official responsibility as an officer or employee within a period of one year prior to the termination of such responsibility, or, as to (ii), in which he participated personally and substantially as an officer or employee; or

(c) Whoever, other than a special Government employee who serves for less than sixty days in a given calendar year, having been so employed as specified in subsection (d) of this section, within one year after such employment has ceased, knowingly acts as agent or attorney for, or otherwise represents, anyone other than the United States in any formal or informal appearance before, or, with the intent to influence, makes any oral or written communication on behalf of anyone other than the United States, to—

(1) the department or agency in which he served as an officer or employee, or any officer or employee thereof, and

(2) in connection with any judicial, rulemaking, or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter, and

(3) which is pending before such department or agency or in which such department or agency has a direct and substantial interest—

shall be fined not more than \$10,000 or imprisoned for not more than two years, or both.

(d) (1) Subsection (c) of this section shall apply to a person employed—

(A) at a rate of pay specified in or fixed according to subchapter II of chapter 53 of title 5, United States Code, or a comparable or greater rate of pay under other authority;

(B) on active duty as a commissioned officer of a uniformed service assigned to pay grade of O-9 or above as described in section 201 of title 37, United States Code; or

(C) in a position which involves significant decision-making or supervisory responsibility, as designated under this subparagraph by the Director of the Office of Government Ethics, in consultation with the department or agency concerned. Only positions which are not covered by subparagraphs (A) and (B) above, and for which the basic rate of pay is equal to or greater than the basic rate of pay for GS-17 of the General Schedule prescribed by section 5332 of title 5, United States Code, or positions which are established within the Senior Executive Service pursuant to the Civil Service Reform Act of 1978, or positions of active duty commissioned officers of the uniformed services assigned to pay O-7 or O-8, as described in section 201 of title 37, United States Code, may be designated. As to persons in positions designated under this subparagraph, the Director may limit the restrictions of subsection (c) to permit a former officer or employee, who served in a separate agency or bureau within a department or agency, to make appearances before or communications to persons in an unrelated agency or bureau, within the same department or agency, having separate and distinct subject matter jurisdiction, upon a determination by the Director that there exists no potential for use of undue influence or unfair advantage based on past government service. On an annual basis, the Director of the Office of Government Ethics shall review the designations and determinations made under this subparagraph and, in consultation with the department or agency concerned, make such additions and deletions as are necessary. Departments and agencies shall cooperate to the fullest extent with the Director of the Office of Government Ethics in the exercise of his responsibilities under this paragraph.

(2) The prohibition of subsection (c) shall not apply to appearances, communications, or representation by a former officer or employee, who is—

(A) an elected official of a State or local government, or

(B) whose principal occupation or employment is with (i) an agency or instrumentality of a State or local government, (ii) an accredited, degree-granting institution of higher education, as defined in section 1201(a) of the Higher Education Act of 1965, or (iii) a hospital or medical research organization, exempted and defined under section 501(c)(3) of the Internal Revenue Code of 1954, and the appearance, communication, or representation is on behalf of such government, institution, hospital, or organization.

(e) For the purposes of subsection (c), whenever the Director of the Office of Government Ethics determines that a separate statutory agency or bureau within a department or agency exercises functions which are distinct and separate from the remaining functions of the department or agency, the Director shall by rule designate such agency or bureau as a separate department or agency; except that such designation shall not apply to former heads of designated bureaus or agencies, or former officers and employees of the department or agency whose official responsibilities included supervision of said agency or bureau.

(f) The prohibitions of subsections (a), (b), and (c) shall not apply with respect to the making of communications solely for the purpose of furnishing scientific or technological information under procedures acceptable to the department or agency

concerned, or if the head of the department or agency concerned with the particular matter, in consultation with the Director of the Office of Government Ethics, makes a certification, published in the Federal Register, that the former officer or employee has outstanding qualifications in a scientific, technological, or other technical discipline, and is acting with respect to a particular matter which requires such qualifications, and that the national interest would be served by the participation of the former officer or employee.

(g) Whoever, being a partner of an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, including a special Government employee, acts as agent or attorney for anyone other than the United States before any department, agency, court, court-martial, or any civil, military, or naval commission of the United States or the District of Columbia, or any officer or employee thereof, in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter in which the United States or the District of Columbia is a party or has a direct and substantial interest, and in which such officer or employee or special Government employee participates or has participated personally and substantially as an officer or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which is the subject of his official responsibility, shall be fined not more than \$5,000, or imprisoned for not more than one year, or both.

(h) Nothing in this section shall prevent a former officer or employee from giving testimony under oath, or from making statements required to be made under penalty of perjury.

(i) The prohibition contained in subsection (c) shall not apply to appearances or communications by a former officer or employee concerning matters of a personal and individual nature, such as personal income taxes or pension benefits; nor shall the prohibition of that subsection prevent a former officer or employee from making or providing a statement, which is based on the former officer's or employee's own special knowledge in the particular area that is the subject of the statement, provided that no compensation is thereby received, other than that regularly provided for by law or regulation for witnesses.

(j) If the head of the department or agency in which the former officer or employee served finds, after notice and opportunity for a hearing, that such former officer or employee violated subsection (a), (b), or (c) of this section, such department or agency head may prohibit that person from making, on behalf of any other person (except the United States), any informal or formal appearance before, or, with the intent to influence, any oral or written communication to, such department or agency on a pending matter of business for a period not to exceed five years, or may take other appropriate disciplinary action. Such disciplinary action shall be subject to review in an appropriate United States district court. No later than six months after the effective date of this Act, departments and agencies shall, in consultation with the Director of the Office of Government Ethics, establish procedures to carry out this subsection.

(As amended Pub.L. 95-521, Title V, § 501(a), Oct. 26, 1978, 92 Stat. 1864; Pub.L. 96-28, §§ 1, 2, June 22, 1979, 93 Stat. 76.)

EXCERPTS FROM REGULATIONS

PARTICULAR MATTER INVOLVING SPECIFIC PARTIES

Section 737.5

(c) "Particular matter involving a specific party or parties"—(1) *Specific matters vs. policy matters.* The prohibitions of subsections (a) and (b) of 18 U.S.C. 207, are based on the former Government employee's prior participation in or responsibility for a "judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter involving a specific party or parties" in which the United States is a party or has a direct and substantial interest. Such a matter typically involves a specific proceeding affecting the legal rights of the parties or an insolvable transaction or related set of transactions between identifiable parties. Rulemaking, legislation, the formulation of general policy, standards or objectives, or other action of general application is not such a matter. Therefore, a former Government employee may represent another person in connection with a particular matter involving a specific party even if rules or policies which he or she had a role in establishing are involved in the proceeding.

Example 1: A Government employee formulated the policy objectives of an energy conservation program. He is not restricted from later representing a university which seeks a grant or contract for work emerging from such a program.

Example 2: A Government employee reviews and approves a specific city's application for Federal assistance for a renewal project. After leaving Government service, she may not represent the city in relation to that project.

Example 3: An employee is regularly involved in the formulation of policy, procedures and regulations governing departmental procurement and acquisition functions. Participation in such activities does not restrict the employee after leaving the Government as to particular cases involving the application of such policies, procedures, or regulations.

Example 4: An employee of the Office of Management and Budget participates substantially on the merits of a decision to reduce the funding level of a program, which has the effect of reducing the amount of money which certain cities receive to conduct youth work programs. After leaving the Government she may represent any of the cities in securing funds for its youth program, since her participation was in connection with a program, not a particular matter involving specific parties.

Example 5: An agency attorney participates in drafting a standard form contract and certain "standard terms and clauses" for use in future contracts. He is not thereafter barred from representing a person in a dispute involving the application of such a "standard term or clause" in a particular

contract in which he did not participate as a Government employee.

EXCERPTS FROM REGULATIONS

PERSONAL AND SUBSTANTIAL PARTICIPATION

Section 737.5

(d) *"Participate personally and substantially"*—(1) *Basic requirements.* The restrictions of section 207(a) apply only to those matters in which a former Government employee had "personal and substantial participation," exercised "through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise." To participate "personally" means directly, and includes the participation of a subordinate when actually directed by the former Government employee in the matter. "Substantially," means that the employee's involvement must be of significance to the matter, or form a basis for a reasonable appearance of such significance. It requires more than official responsibility, knowledge, perfunctory involvement, or involvement on an administrative or peripheral issue. A finding of substantiality should be based not only on the effort devoted to a matter, but on the importance of the effort. While a series of peripheral involvements may be insubstantial, the single act of approving or participation in a critical step may be substantial. It is essential that the participation be related to a "particular matter involving a specific party." (See paragraph (c) of this section.) (See also § 737.9(f) of this part.)

Example 1: If an officer personally approves the departmental budget, he does not participate substantially in the approval of all items contained in the budget. His participation is substantial only in those cases where a budget item is actually put in issue. Even then, the former Government employee is not disqualified with respect to an item if it is a general program rather than a particular matter involving a specific party. The former Government employee may, however, have official responsibility for such matters. (See § 737.7(b).)

Example 2: A Government lawyer is not in charge of, nor has official responsibility for a particular case, but is frequently consulted as to filings, discovery, and strategy. Such an individual has personally and substantially participated in the matter.

EXCERPTS FROM REGULATIONS

OFFICIAL RESPONSIBILITY

§ 737.7 Two-year restriction on any former Government employee's acting as representative as to a particular matter for which the employee had official responsibility.

(b) *"Official responsibility"*—(1) *Definition.* "Official responsibility" is defined in 18 U.S.C. 202 as, "the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct Government actions."

(2) *Determining official responsibility.* Ordinarily, the scope of an employee's "official responsibility" is determined by those areas assigned by statute, regulation, Executive Order, job description or delegation of authority. All particular matters under consideration in an agency are under the "official responsibility" of the agency head, and each is under that of any intermediate supervisor having responsibility for an employee who actually participates in the matter within the scope of his or her duties.

(3) *Ancillary matters and official responsibility.* "Administrative" authority as used in the foregoing definition means authority for planning, organizing and controlling matters rather than authority to review or make decisions on ancillary aspects of a matter such as the regularity of budgeting procedures, public or community relations aspects, or equal employment opportunity considerations. Responsibility for such an ancillary consideration does not constitute responsibility for the particular matter, except when such a consideration is also the subject of the employee's proposed representation.

Example 1: An agency's comptroller would not have official responsibility for all programs in the agency, even though she must review the budget, and all such programs are contained in the budget.

Example 2: Within two years after terminating employment, an agency's former comptroller is asked to represent Q Company in a dispute arising under a contract which was in effect during the comptroller's tenure. The dispute concerns an accounting formula, under the contract, a matter as to which a subordinate division of the comp-

troller's office was consulted. She may not represent Q Company on this matter.

TITLE V - PART 737 - FINAL REGULATIONS CONCERNING
POST EMPLOYMENT CONFLICT OF INTEREST

I. GENERAL

A. The Ethics in Government Act (Pub. L. 95-521) (the Act) broadened and added new restrictions to the existing provisions of 18 U.S.C. §207, which generally prohibit a former Government employee from acting as another person's representative to the Government in matters in which the employee had been involved while in the Government.

1. Post-Employment Generally. It is important to note that nothing in the Act requires a former employee to decline employment with any organization regardless of dealings with that organization while a Government employee.
2. Required Nexus. With the exception of the 207(c) bar, what is prohibited depends upon the former employee's degree of involvement in the matter while with the Government and whether he or she was one of a specified group of high-ranking employees ("Senior Employees").

II. GENERAL RESTRICTIONS APPLICABLE TO ALL FORMER EMPLOYEES

A. Permanent Bar. (5 C.F.R. 737.5) After leaving Government employment, a former employee may not serve as another person's representative to the Government on a case, contractual matter or other similar application or proceeding, formal or informal, in which he or she participated personally and substantially while a Government employee.

1. There are two important limitations to this prohibition which attacks "switching sides." First, the former employee is not restricted unless the matter in which he or she previously participated was (i) a "particular matter involving specific parties" and (ii) is the same matter in which he or she now attempts to represent another before the Government. Thus, where an employee's prior involvement was limited to, say, the design of a program policy, general rulemaking, or technical concepts, he or she is not restricted by this prohibition as to any specific matters which may involve him or her prior work. Second, this bar requires that the employees have been personally involved in the matter in a substantial way.

2. The kind of representation that is restricted includes not only acting as another's attorney or agent, but any other kind of representation or communication made with the intent to influence the United States. This includes promotional and contract representatives.

B. Two-Year Bar. (5 C.F.R. 737.7) This is basically the same bar as above, except that it applies for only two years and covers all particular matters which were actually pending under the former employees "official responsibility" in his or her last year of Government service. An employee's official responsibility is usually defined by statute, regulation, written delegation of authority or job description.

1. There may be times when a former employee is in doubt as to whether a matter was under his or her official responsibility, whether it is the same "particular matter" as that with which he or she was involved or whether the United States still has an interest in the matter. His or her former agency has an obligation to advise promptly

on those questions as provided in the regulations issued by the Office of Personnel Management (5 CFR 737).

III. RESTRICTIONS APPLICABLE ONLY TO SENIOR EMPLOYEES

A. Two-Year Bar on Assisting in Representing. (5 C.F.R. 737.9) For two years after leaving Government employment, a former Senior Employee may not assist in the representation of another person by personal presence at an appearance before the Government on any particular matter in which he or she could not act as the person's actual representative because of his or her substantial personal participation in the matter while in Government.

1. It is important to note that this restriction does not bar a Senior Employee from assisting on a matter in which he or she participated while in Government but only from assisting "in representing" while personally present at a formal or informal appearance. Thus, such employee could work on a contract with which he or she was involved while in Government and could manage a company, institution or university where such former employee's decisions determine the manner in which his or her organization will perform under a Government contract or grant.

B. One-Year Bar on Attempts to Influence Former Agency. (5 C.F.R. 737.11) For one year after leaving Government employment, a former Senior Employee may not represent anyone in an attempt to influence his or her former agency on a matter pending before, or of substantial interest to, such agency.

1. This "revolving door" provision is different from the previous restrictions in the following ways:

a. It does not require that the former employee have had any prior involvement in the matter.

b. The matters covered are broader; they need not involve specific parties, so the former employee could not, for example, attempt to influence rulemaking or policy formation.

c. It is limited to contact with his or her former agency; he or she may appear before, or act to influence, any other part of the Government in regard to a matter not otherwise covered.

d. The matter must be pending before, or of substantial interest to, his or her former agency.

e. The restriction covers the former employee's self-representation.

2. There are a number of matters to which the restriction does not apply—among these are:

a. Purely social or informational communications.

b. Transmission of filings which do not require Governmental action.

c. Personal matters.

d. Representing oneself in any judicial or administrative proceeding.

e. Any expression of personal views where the former employee has no pecuniary interest.

f. Response to the former agency's request for information.

g. Participation as the principal researcher under Government grants.

IV. WHAT IS A SENIOR EMPLOYEE? (5 C.F.R. 737.25)

A. There are four groups of Senior Employees, two are named automatically by statute: (i) civilians paid at the Executive Level and (ii) active duty uniformed service officers serving in grades 0-9 and above. Two other groups, (iii) civilians at or equivalent to GS-17 or above and (iv)

uniformed service officers in grades 0-7 and 0-8, having significant decision-making or supervisory responsibility, must first be designated by the Director of the Office of Government Ethics before they are chargeable as Senior Employees.

1. Those automatically covered by the statute were made subject to the Act's special restrictions on Senior Employees as of July 1, 1979.
2. Those designated by the Director, OGE, were covered as of February 28, 1980.

V. LIMITATION ON RESTRICTIONS OF 18 U.S.C. §207(c) (5 C.F.R. 737.13)

A. Methods. Two methods exist for limiting the application of 207(c) to less than the entirety of a department of agency.

1. Designation of separate statutory agencies or bureaus under the provisions of 18 U.S.C. §207(e).
2. Designation of non-statutory separate components under the provisions of 18 U.S.C. §207(d)(1)(C).

B. Designation Procedure. Designation of separate statutory agencies and bureaus as well as non-statutory components are to be made by the Director, Office of Government Ethics in consultation with the head of the agency concerned.

1. Agencies may recommend such designations to the Director, Office of Government Ethics.
2. Designations are discretionary.
3. Current designations are set forth in 45 Fed. Reg. 7407, 7419-7420 (1980).

C. Section 207(e) Designations. If a statutory component is designated as "separate," generally, Senior Employees of such component and Senior Employees of the parent agency are not subject to the 207(c) bar as to each others agency.

1. Caveat. The 207(c) bar remains applicable to the former head of a "separate" subordinate agency and to former "Senior Employees" of the parent agency whose official responsibility included supervision of the subordinate agency.

D. Section 207(d)(1)(C) Designations. If a non-statutory component is designated as "separate," then Senior Employees of such component are not subject to the 207(c) bar as to other agencies, bureaus or offices of the parent agency which have separate and distinct subject matter jurisdiction from the agency or bureau in which such Senior Employees served..

1. Caveat. The 207(c) bar remains applicable (i) to former Senior Employees designated by statute (207(d)(1)(A) and 207(d)(1)(B)), and (ii) to former Senior Employees of such component with respect to those bureaus and offices within the parent agency responsible for the supervision or control of such separate component.
2. Note additional qualifications in the designations set forth in §737.32.
3. Unlike separate agencies designated pursuant to §207(e), the limited application of §207(c) may be available for the head of a separate non-statutory component, as determined by the Director, Office of Government Ethics.

VI. EXEMPTIONS - GENERAL

A. Communications made solely for the purpose of furnishing scientific and technological information pursuant to agency procedures are exempt from the prohibition of §207 of title 18 U.S.C.

1. Agencies have the primary responsibility for developing acceptable procedures for such exemptions.

B. A former employee may personally be exempted from the restrictions on post employment activity if the agency head, in consultation with the

Director, Office of Government Ethics, executes a certification, published in the Federal Register, that such former employee:

1. Possesses outstanding qualifications in a scientific, technological, or other technical discipline;
2. Is acting in respect to a particular matter requiring such qualifications; and
3. That the national interest would be served by such former employees participation.

VII. EXEMPTIONS - SPECIFIC

A. The one-year bar found in §207(c) shall not apply to representations on new matters by a former Senior Employee who is:

1. An elected State or local government official, acting on behalf of such government, or
2. Regularly employed by (i) an agency or instrumentality of a State or local government (ii) an accredited degree granting institution of higher education, or (iii) a non-profit hospital or medical research organization, acting on behalf of such organization(s).

VIII. OTHER IMPORTANT FEATURES

A. Fair Notice. There is a "fair notice" provision which ensures that employees who continue in Government employment in reliance on the regulations will not suddenly be made subject to any future changes. Changes which create greater restrictions do not become applicable to an employee unless he or she remains with the Government longer than 5 months after the new rule is first published in final form.

B. Effective Dates. The broadening of the provisions applicable to all employees became effective July 1, 1979. The new provisions applicable to Senior Employees took effect as to Executive level civilian employees and uniformed service officers of the grade of O-9 and above on July 1, 1979.

Those civilians at GS-17 or above, or in the Senior Executive Service and uniformed service officers in grades 0-7 and 0-8 designated by the Director, OGE, are subject to the Senior Employee restrictions effective February 28, 1980.

Authority: Title V, Ethics in Government Act of 1978 (Pub. L. 95-521)
5 C.F.R. Part 737

ATTACHMENT D

RESTRICTIONS ON NEGOTIATION FOR EMPLOYMENT AND POST-EMPLOYMENT ACTIVITIES OF PROCUREMENT OFFICIALS

I. Limitations on Negotiations for Employment

Ordinarily, a Federal employee may not participate personally and substantially in a particular matter (including a policy matter) involving or having a direct and predictable effect on an entity with which the employee is negotiating for employment. See 18 U.S.C. 208. This requirement is typically met by the employee's recusing himself or herself from such matters -- i.e., refraining from participation in such matters.

Under the Office of Federal Procurement Policy Act, a procurement official is outright prohibited, during the conduct of any Federal agency procurement of property or services, from knowingly soliciting, accepting, or discussing, directly or indirectly, future employment or business with a competing contractor. Recusal is not permitted (although this point is currently under review in Congress).

II. Post-Employment Restrictions

No government officer or employee who participated personally and substantially in the conduct of a Federal agency procurement or personally reviewed an award, modification, or extension of any contract for such procurement, may --

(1) participate personally and substantially on behalf of the competing contractor in the performance of the contract; or

(2) participate on behalf of a competing contractor in any negotiations leading to the award, modification or extension of a contract for such procurement

for two years after the last date of his or her personal and substantial involvement.

III. Penalties

Penalties for violating these sections may include administrative action, up to and including removal, civil penalties of up to \$100,000, and criminal penalties, including fines and imprisonment of up to five years.