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FOIA MARKER

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Record Group/Collection:	George H.W. Bush Presidential Records
Collection/Office of Origin:	Chief of Staff, White House Office of
Series:	Sununu, John, Files
Subseries:	Cabinet Agencies Files

OA/ID Number:	29190
Folder ID Number:	29190-009

Folder Title:
Thornburgh (Justice) (1990)

Stack:	Row:	Section:	Shelf:	Position:
G	15	25	6	7

Withdrawal/Redaction Sheet

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Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
01. Letter	From Dick Thornburgh to POTUS Re: Report on European Community TREVI Ministerial Conference (7 pp.)	12/13/90	P-5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff to the President, Office of the
Series: Sununu, John, Files
Subseries: Cabinet Agencies Files
WHORM Cat.:
File Location: Thornburgh (Justice) (1990)

Open on Expiration of PRA
 (Document Follows)
 By JP (NLGB) on 12/12/07

Date Closed:	12/14/2004	OA/ID Number:	29190-009
FOIA/SYS Case #:	1998-0004-F[1]	Appeal Case #:	
Re-review Case #:	2005-0426-S	Appeal Disposition:	
P-2/P-5 Review Case #:		Disposition Date:	
AR Case #:		MR Case #:	
AR Disposition:		MR Disposition:	
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RESTRICTION CODES

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

P-1 National Security Classified Information [(a)(1) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of
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PRM. Removed as a personal record misfile.

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

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 (b)(9) Release would disclose geological or geophysical information



Office of the Attorney General

Washington, D.C. 20530

December 13, 1990

CC

The Honorable George Bush
President of the United States
Washington, D.C. 20500

Dear Mr. President:

Last week I attended the EC TREVI Ministerial Conference, the biannual meeting of the chief law enforcement officials of the European Community at which the U.S. enjoys observer status. In advance of this meeting, I also visited Hungary and Bulgaria for discussions on constitutional reform and the restructuring of law enforcement and intelligence services.

Our first stop was Budapest, Hungary, on December 3 and 4, where I met with Prime Minister Jozsef Antall, who was deeply grateful for the hospitality which you extended to him during his visit earlier this fall. He recounted for us the broad agenda facing his country and referred to the upcoming changes both in economic policy and personnel. He was particularly attentive to our interest in the administration of justice and improved cooperation in the law enforcement and intelligence areas.

Hungarian Minister of Justice Istvan Balsai described how the former regime had systematically dismantled the legal institutions, leaving a society that lacked both the experience to operate an independent judicial system and the technical equipment and information to administer justice. He requested U.S. assistance in the training of personnel, the acquisition of equipment, and the translation of written materials relating to the law. I told Minister Balsai that the U.S. Department of Justice would work through our Embassy in an effort to provide the assistance needed to establish and operate an independent judiciary.

During our meeting, I presented Minister Balsai with the proposed U.S. draft of a Mutual Legal Assistance Treaty, which would provide a mechanism for cooperation with the Hungarians on law enforcement matters. I also urged Minister Balsai to press for ratification of the UN Vienna Convention on Narcotics, which Hungary had signed in 1989, as an indication of his government's commitment to participate in international efforts to combat crime. I also cautioned Minister Balsai that existing bank secrecy laws could well make Hungary an attractive target for

money laundering and ultimately undermine the integrity of the fledgling banking system.

In a meeting with Minister Peter Boross, who oversees the civilian foreign intelligence and domestic counter-intelligence services, we discussed the ongoing process to depoliticize these operations, which he considers 80-85% complete. I introduced FBI Director Sessions and stressed the importance we place on international cooperation in the areas of terrorism, organized crime and drug trafficking. Minister Boross responded that he would willingly share intelligence information concerning such matters and added that Hungary's current leaders consider it a crime for anyone to harbor terrorists on their soil.

We also discussed our investigation of the Conrad espionage ring. We told Minister Boross that the U.S. appreciated obtaining the list, which Prime Minister Antall delivered to you in Washington, D.C., of the documents transferred from Conrad to the Soviets through the Hungarian intelligence service. However, we also expressed our need to obtain copies of the actual documents in order to carry out our investigation. After Minister Boross responded that the documents were under the control of the Defense Minister, a separate meeting was arranged for members of our delegation with the leaders of the military intelligence service. This follow-up meeting proved useful, and we are hopeful it may lead to our receiving access to copies of the actual materials Conrad turned over to the Hungarians, which are estimated to fill a total of 45 boxes.

We also met with Minister of Interior Balazs Horvath, who has responsibility for the national police force. (There are no local police in Hungary.) Director Sessions and I spoke of our interest in establishing operational cooperation between U.S. and Hungarian law enforcement authorities to address international criminal activity. Minister Horvath appears to share our concern, but his first priority is to complete the transition to civilian control over the police force and to build public confidence that the police are dedicated to fighting crime, not to advancing partisan political interests. In this regard, procedural safeguards have been introduced which proscribe political activity by police personnel and impose judicial oversight of surveillance, searches, and arrests.

Minister Horvath expressed his appreciation for the opportunity to send two groups of Hungarian police officers to the National Law Enforcement Training Center, in Glynco, Georgia last summer. He explained that his forces are demoralized that the training opportunities for these individuals had changed their outlook completely and turned them into a source of inspiration for other officers. Director Sessions invited Minister Horvath to send police officers to the FBI's National

Academy, which trains foreign law enforcement personnel, and Minister Horvath quickly accepted.

We also had the opportunity to attend a session of the Hungarian Parliament and to meet with members who sit on the committees responsible for the reform of law enforcement, the intelligence services, and the judicial system. Unfortunately, this experience left us with the impression that, while the members are dedicated to establishing a law-based democracy and a free-market economy, they are overwhelmed by parliamentary procedures and the volume of reform initiatives being considered.

We also attended a criminal court proceeding and met with President Judge Hartay Henrik of the Budapest Municipal Court. Despite the differences in our systems, it was interesting to learn that the accused in a Hungarian criminal proceeding has recently been granted many of the rights guaranteed in the U.S. Constitution, including the right to counsel and the protection against self-incrimination.

In Sofia, Bulgaria, on December 4 and 5, it was apparent that the reform process is much less advanced than in Hungary. Although free elections were held in June, the Parliament is split between former Communists (calling themselves the Bulgarian Socialist Party) and those who opposed the former regime (a collection of 17 parties under the banner of the Union of Democratic Forces). This situation has stymied political and economic reform and the drafting of a new constitution.

President Zhelyu Zhelev, a leader of the Union of Democratic Forces, met with us in his office and again over a dinner which he hosted. He impressed upon us his desire for close relations with the U.S. The current shortages of food and fuel have produced demonstrations and focused the government's attention on the need for economic reform. President Zhelev was frank about his concern that the hardships may lead to violent protests. To improve the situation, he believes the highest priorities should be the establishment of a free-market economy and legislation on foreign investment, privatization, and land reform.

President Zhelev acknowledges that the economic crisis has diverted attention from the need to draft a new constitution, which he believes will serve as the bulwark for a society based on the rule of law. Structuring a government which respects the separation of powers is proving difficult because fundamental decisions about the appropriate role of the executive and legislative branches are overshadowed by partisan struggles which result from the fact that the Union of Democratic Forces controls the executive and the Socialist Party controls the legislature. President Zhelev expressed his commitment to an independent judiciary, which includes appointed judges, appellate review, and

juries. We responded that we are willing to provide technical assistance on all facets of Bulgaria's rule of law initiatives.

We also met with retiring Prime Minister Andrei Lukanov, a member of the Socialist Party who had been forced to resign by a nationwide general strike five days before our arrival, but remained in office pending the selection of a successor. He described Bulgaria's aspirations to establish an independent identity and become a constructive member of the international community after years of domination by the Soviet Union. He expressed his admiration for the U.S. of system government and his expectation that the new constitution would borrow heavily from ours. He also predicted completion of the new constitution by March and new parliamentary elections in May.

With respect to interaction with the United States, Prime Minister Lukanov hopes Bulgaria will continue to receive technical assistance from government and private sources. He would like to see U.S. investment and hopes for a suitable economic climate. In the law enforcement area, he expressed a desire for cooperation and a determination to resolve the outstanding concerns over Bulgarian involvement in the assassination attempt on the Pope, international terrorism, and hostile intelligence aimed at the U.S. I responded that we welcome the opportunity to assist in the development of the rule of law, an independent judiciary, and the depoliticization of the intelligence and police forces, after which coordination in combating international crime could be pursued.

In a meeting with Vice President Atanas Semerdzhiev, a member of the Socialist Party, we were warned that the transition process is at a critical stage because the old structures have been dismantled, but new ones have not been established. Vice President Semerdzhiev fears that this "social vacuum" may give rise to political extremism and the breakdown of civil order. He stressed the need for rapid action to strengthen the free market; in particular, legislation promoting commerce, banking, and foreign investment. I expressed our hope that a new constitution which provides for a democratic government, a free-market economy, and human rights can be adopted expeditiously and before the public feels a need to resort to violence.

This meeting was also attended by Chief Prosecutor Martin Gunev, who requested information on the relationship between the courts, prosecutors, and police in the U.S. system. He also expressed an interest in direct contact with U.S. prosecutors and asked us to respond to written questions he would submit to the U.S. Embassy. We are preparing materials on our system and will explore other ways to assist in the reform of Bulgaria's prosecutorial apparatus.

We also met with members of the parliamentary constitutional commission, including its chairman, Giny Ganev. They were clearly discouraged that the pressures of governing had diverted attention from the task of drafting a new constitution. Nevertheless, they were excited by their challenges and very interested in aspects of the U.S. Constitution. In response to their questions, we were able to express the importance we place on separation of powers, an independent judiciary, human rights, and a free media. The members thanked Ambassador Hill for making U.S. Embassy personnel available to them and showed great interest in a series of lectures by U.S. lawyers which is being planned for January.

The TREVI Ministerial was hosted by Italian Interior Minister Vincenzo Scotti, in Rome, on December 6 and 7. In our meeting with the TREVI Troika (currently consisting of Ireland, Italy, and Luxembourg), I stressed the need for international cooperation in dealing with terrorism, drug trafficking, money laundering, precursor chemicals, demand reduction, aid to the Andean countries, exchanges with the Soviet Union, aid to the former Soviet bloc countries, and utilization of rapidly developing technology. I also reminded the Troika that only one EC country has ratified the UN Vienna Convention on Narcotics and urged rapid action on this important international agreement due to the symbolic importance of concerted action by the industrialized nations.

The issues of greatest concern to the TREVI members seemed to be coordinating counter-terrorism efforts in the event of hostilities with Iraq, strengthening our cooperation in combating drug trafficking, and addressing the problems created by the massive Soviet immigration to the West expected after the Supreme Soviet acts on immigration legislation. I was also informed that the TREVI Group plans to establish a permanent secretariat, which will provide a useful mechanism for the U.S. to interact with the Group between its biannual conferences.

In addition to participating as an observer, the TREVI meetings are most valuable for the opportunities they provide to conduct bilateral meetings with our law enforcement counterparts. In a meeting with Minister Scotti, who has been in office for only two months, we discussed issues of mutual concern to the TREVI Group and the U.S., but also raised matters of particular interest to the U.S. and Italy. The Italian judicial system is strained by the most recent round of violence inflicted by the Sicilian Mafia, and there is evidence suggesting a growing connection with Colombian cartels. In this environment, the close relations between our law enforcement agencies are especially important to the Italians. We will have further opportunity to coordinate our efforts when the annual meeting of the Italian-American Working Group is held in Washington, D.C. in the spring.

The U.S. delegation, which included FBI Director Sessions and DEA Administrator Bonner, also met with the incoming TREVI president, Marc Fischbach, the Justice Minister of Luxembourg. We stressed the value the U.S. places on its observer status and our interest in participating in working meetings and seminars which will be sponsored by TREVI during Luxembourg's presidency.

We held a bilateral meeting with Britain's Home Secretary Kenneth Baker, who was in his first week in office. This was a useful chance to meet and to introduce Director Sessions and Administrator Bonner. It also presented a chance to brief the Home Secretary on U.S. efforts to combat illegal narcotics and to discuss the status of our negotiations on a mutual legal assistance treaty.

A bilateral meeting was requested by the German Interior Ministry's Parliamentary Secretary of State Carl Dieter Spranger. (German Interior Minister Wolfgang Schaueble is incapacitated following an assassination attempt in October.) The Germans' top priority is to ensure cooperation in counter-terrorism should hostilities break out in the Persian Gulf. They are pleased with their operational relationship with the FBI and the State Department on counter-terrorism matters.

We were told of the unstable situation in the former East Germany where the secret police apparatus has been dismantled, but not yet replaced, and crime and drug abuse are increasing. The Germans also reported that they are providing training and equipment to Eastern European countries, but they shared our impressions that the criminal justice apparatus in those countries is still in need of substantial reform.

* We held a bilateral meeting with French Interior Minister Pierre Joxe because he had expressed interest in the trilateral initiative in which we have been engaged with the Italians and the Spanish to provide law enforcement training and equipment to the Andean countries. Minister Joxe briefed us on French efforts in this area and we agreed on the need to coordinate these programs. We also discussed U.S. and French efforts of provide assistance to the new law enforcement apparatus being developed in Eastern Europe and agreed to coordinate in this area as well.

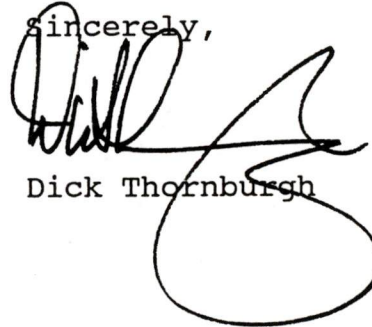
The personal highlight of the trip was an audience with the Pope which was granted to Ginny and me. I took this opportunity to mention four areas in which you and His Holiness share special concerns: terrorism, drugs, pornography, and the rights of the unborn. I also told him of your efforts in support of the Americans With Disabilities Act and your concern for protecting the civil rights of the disabled. Ginny then described her work at the National Organization on Disabilities to enhance the accessibility of religion to the disabled and encouraged the Pope

to utilize his teaching role to promote such programs. At the conclusion of our audience, we were asked to convey a personal message of good wishes to you.

During this trip, Ambassadors Charles Thomas, Ken Hill, and Pete Secchia were extremely supportive of our endeavors. They each have an impressive grasp of the issues of concern to the U.S. in their respective posts.

Please let me know if you have any questions regarding the foregoing.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dick Thornburgh', with a large, stylized loop at the end.

Dick Thornburgh

cc: Honorable James A. Baker III
✓ Honorable John H. Sununu
Honorable Brent Scowcroft
Honorable William H. Webster
Honorable Ede Holiday



CC

Office of the Attorney General
Washington, D. C. 20530

November 26, 1990

The Honorable George Bush
President of the United States
The White House
Washington, D.C.

Dear Mr. President:

The Environment and Natural Resources Division of the Department of Justice has completed a record year, on a number of major fronts, in enforcing the nation's environmental laws. It is a record of which I am very proud and I believe speaks extremely well for your administration in this important field. The results also reflect the heightened cooperation between the Environment Division of the Department of Justice and the Environmental Protection Agency.

Criminal enforcement has reached record levels during the past year, with 134 indictments, a 95% conviction rate, and \$29,977,908 in fines, restitution and forfeitures by polluters. Perhaps most significant is that 84% of the defendants sentenced to jail for environmental crimes are actually serving significant time -- a record average of 1.8 years in jail. The indictments returned reflect a 33% increase over last year. Seventy-eight percent of our criminal cases were brought against corporations and their top officers.

For the second straight fiscal year, the value of the Department's civil enforcement efforts exceeded \$1 billion. The figure of \$1,210,804,726 represents a 23 percent increase over the previous year, and includes more than \$1 billion in court-ordered environmental cleanup activities, \$61.7 million in Superfund cleanup costs, \$32 million in civil penalties and \$23 million in natural resources damages recoveries.

The \$32 million in civil penalty recoveries is more than double the previous year, and is the largest amount in the nation's history. In addition, the Department filed 151

The Honorable George Bush
November 26, 1990
Page 2

Superfund cases last year, the largest number ever, and a 50 percent increase over last year.

The \$23 million collected for damages to natural resources harmed by pollution represents the first major recoveries by the federal government under Section 311 of the Clean Water Act and Section 107 of the Superfund law.

Specific examples of landmark successful cases during the 1990 fiscal year include:

--Obtaining a record civil penalty of \$15 million against Texas Eastern Corporation for PCB contamination, and an additional \$400 million for clean up of contaminated sites in 14 states.

--Reaching agreement with Shell Oil Co., for payment of \$20 million to the United States and California, including \$11 million for natural resources damages caused by an oil spill in San Francisco Bay.

--Obtaining the largest fines and penalties ever for illegal destruction of wetlands - a \$2,000,000 criminal fine and restoration sanction near the Chesapeake in Maryland and a record \$1.3 million civil penalty fine against Sumitomo Corp. for illegal filling of wetlands in Guam.

--Obtaining the longest prison term ever imposed under an environmental statute, 41 months, against James Sellers, a waste hauler in Mississippi.

--Returning the first indictment for illegal shipment of hazardous waste to Mexico.

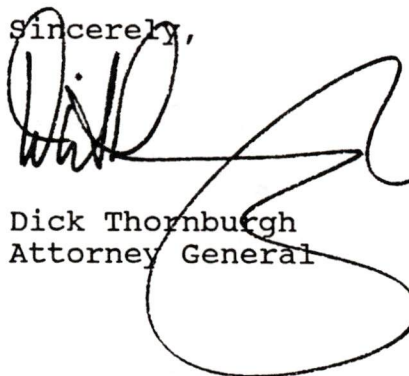
--Returning a five count criminal indictment against Exxon Corporation and Exxon Shipping as a result of the Valdez oil spill in 1989.

It is my hope that by continuing to press strongly our environmental enforcement efforts we will demonstrate that obeying the environmental laws is in the interest of corporate America, as well as the general public, which is demanding a cleaner environment. Environmental enforcement has a strong deterrent effect, and you can be assured that the Department of Justice is vigorously enforcing the environmental laws in order to send the message that environmental violators face stiff sanctions.

The Honorable George Bush
November 26, 1990
Page 3

In closing, I want to share with you my profound respect and appreciation for the hard work of Richard B. Stewart, the Assistant Attorney General in charge of the Environment and Natural Resources Division, and those in his division.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dick Thornburgh", is written over the typed name. The signature is stylized with a large, sweeping loop at the end.

Dick Thornburgh
Attorney General

cc: Honorable John H. Sununu
Honorable Ede Holiday

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THE WHITE HOUSE

WASHINGTON

June 19, 1990

THE CHIEF of STAFF
has seen

MEMORANDUM FOR GOVERNOR SUNUNU

FROM: EDE HOLIDAY *EH*

SUBJECT: Issues at the Department of Justice

This memorandum summarizes matters pending at the Department of Justice and other issues with which the Department is closely involved. It includes contributions from OMB, OPD and Counsel's Office.

I. SIX KEY ISSUES

- o **Civil Rights.** The discussions with Senator Kennedy's staff and representatives of the civil rights coalition continue. They have been held at the Department of Justice and are led by John Dunne. Kennedy's staff continues to press for a quick resolution. As of Saturday, Kennedy's staff tied the resolution of the Wards Cove issue to the remedies issue.
- o **Violent Crime.** The crime bill is still pending in the Senate and may be debated again this week. The Senate has reached a procedural agreement regarding further deliberations: both parties will be allowed to introduce an equal and strictly limited number of amendments. The Department is working with White House staff to obtain and analyze the Republican crime amendments and a "best guess" list of the Democratic amendments.
- o **Prosecution of Financial Fraud Cases.** Within the next several days, we expect to finalize the Administration's financial institutions fraud initiative. This initiative will include: (1) leveraging existing resources of all federal agencies; (2) aggressively investigating and prosecuting major cases already identified; and (3) supporting legislative "fixes" to strengthen our ability to prosecute these cases.
- o **Americans with Disabilities Act.** We expect the conference on the ADA to be completed this week.
- o **Medical Professional Liability.** In a February 22 speech at Johns Hopkins University, the President directed the Domestic Policy Council to determine steps the federal government can take to help alleviate problems in the medical malpractice system. The DPC directed the Working

Group on Tort Reform to develop options. The working group has held numerous meetings, met with outside groups and made a brief presentation to the DPC on progress to date.

Following discussion of this issue by the DPC, the Attorney General instructed the DPC working group to complete their work by mid-summer. Policy decisions could therefore be completed this year with formal announcement delayed until next year. OPD has stressed the necessity to coordinate further policy development with a decision about when and how to announce the policy.

- **Flag Testimony.** The Department is expected to testify before the Senate Judiciary Committee on Thursday in support of a proposed constitutional amendment to protect the U.S. flag from desecration.

II. ADDITIONAL ISSUES

- **Strengthening Management Oversight.** Some months ago the Attorney General requested a series of management evaluations of operations at the INS, the Marshals Service and of the Department's handling of seized drug assets. Significant program weaknesses were identified and the Department is now beginning to implement appropriate management reforms.
- **National Drug Intelligence Center.** The Department has recently completed and released a plan to implement the National Drug Intelligence Center, which was endorsed in the National Drug Control Strategy. The Office of National Drug Control Policy (ONDCP) strongly supports the plan and is working with the Department to obtain Congressional approval for it. The Department continues to cooperate effectively with ONDCP on numerous drug policy issues.
- **Joint Production Ventures.** The Administration's joint production ventures proposal was transmitted to the Hill earlier this year and Committee action on the House side is expected shortly.
- **Enhanced Law Enforcement Pay.** While the Administration has not taken a final position, the Department has embraced a pay proposal that will cost it over \$300 million per year (over \$500 million for all federal agencies). No funds are planned in the 1991 and 1992 budgets. The Department helped develop and has endorsed recommendations of the National Advisory Commission on Law Enforcement that call for increased pay for law enforcement employees in high cost areas, entry level recruits and employees with foreign language skills. Should this legislation pass, OMB advises

that all agencies would have to absorb these additional costs using existing resources.

- **FBI Field Office.** The Administration has sought funds for construction of a new Washington, D.C. FBI field office building at a cost of \$97 million. After the Administration requested the new field office, Congress approved in the FY 1990 supplemental \$165 million for a new FBI fingerprint identification facility. Because the new facility will provide additional office space for the Department, further analysis of FBI space requirements is now underway. A decision is expected this week.
- **INS Asylum Corps.** The Department has proposed creating a new Asylum Corps outside of INS that would review and approve applications for asylum. Significant policy and budgetary concerns are presently being reviewed.
- **Legal and Illegal Immigration.** The Department and various other agencies have worked under the guidance of the Domestic Policy Council and have developed recommendations regarding legal immigration. Legislation has passed the Senate and is pending in the House. Review of issues relating to illegal immigration -- including issues raised by a recent GAO report citing a pattern of discrimination in hiring many minorities -- is underway and is expected to be completed in July.
- **DEA Training Facility.** Congressional interest is keen regarding facilities for the training of federal law enforcement officers. With the Attorney General's support, DEA is seeking to build a \$100 million training facility near the FBI Academy in Quantico, Virginia. Funds are not yet budgeted for this facility. The Treasury Department contends that a separate DEA training facility is inconsistent with the existing federal policy of maintaining centralized training operations at Treasury's Federal Law Enforcement Training Centers in Glynco, Georgia and in Artesia, New Mexico. A joint Treasury/Justice Department policy review is underway, to be completed by September.
- **High Intensity Drug Trafficking Areas.** In FY 1990, \$25 million was appropriated to ONDCP for enhancing federal law enforcement in "high intensity drug trafficking areas." To date no funds have been obligated for this program, though ONDCP and the Department believe they will be able to act soon so that the funds will not lapse. Failure to obligate the funds would invite substantial Congressional and public criticism.
- **Corporate Sentencing Guidelines.** Revised corporate

sentencing guidelines are still undergoing a Departmental evaluation.

III. OTHER

Four other items worth noting involve issues from which the Attorney General is recused:

- o **Modified Final Judgment.** The AT&T consent decree prohibits the regional Bell operating companies (RBOCs) from engaging in certain manufacturing and information service activities. Several legislative proposals would lift the restrictions or remove jurisdiction from the federal court. The Court of Appeals recently remanded an appeal by the RBOCs to Judge Greene, who administers the consent decree.
- o **Cable TV Re-regulation.** Several Congressional legislative proposals would re-regulate prices and break up the vertical integration of cable companies that own programming. A key issue is the definition of "effective competition." The Cable Act of 1984 exempted cable systems from rate regulation if they were subject to "effective competition," which the FCC currently construes as 3 or more available broadcast channels. Re-regulation proponents would significantly increase that number. On June 6, Secretary Mosbacher and Assistant Attorney General Rill signed a joint letter to Senators Hollings and Danforth stating the Administration's opposition to pending Senate legislation.
- o **Financial Interest and Syndication Rules ("Fin-Syn").** The Fin-Syn rules, adopted by the FCC in 1970, prevent television networks from receiving profits from the sale in syndication of programs that have played on the networks or from taking a financial interest in programs they do not produce themselves. Hollywood studios and producers greatly benefit from the Fin-Syn rules, which severely restrict the networks from producing television programs. During the Reagan Administration, an FCC Special Staff concluded that the rules were unnecessary and encouraged the parties to negotiate a compromise. Since no compromise has been reached, the FCC has re-opened its inquiry. The Justice Department filed initial comments (supporting repeal) with the FCC on June 14.
- o **McCarran-Ferguson.** The McCarran-Ferguson Act of 1945 exempts the insurance industry from federal antitrust laws to the extent that state law regulates insurance companies. Proponents of repeal, including the American Bar Association, consumer groups, and banks argue that McCarran-Ferguson fosters collusive activities and higher prices. The insurance industry and state regulators strongly support

the exemption, claiming that a healthy insurance industry requires some collective activities (e.g., data sharing) under adequate state supervision.

cc: Richard Darman
C. Boyden Gray
Roger Porter

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

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 (b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
 (b)(9) Release would disclose geological or geophysical information

THE WHITE HOUSE
WASHINGTON

January 16, 1990

THE CHIEF of STAFF
has seen

MEMORANDUM FOR GOVERNOR SUNUNU

FROM: ROGER B. PORTER *RBP*
SUBJECT: Conversation with the Attorney General

Earlier today, I had a conversation with the Attorney General about the issue of the death penalty as it relates to Drug Strategy II and the State of the Union Address. He has some thoughts about the breadth of the proposal recommended by the DPC for inclusion in Drug Strategy II and about a proposal the President could announce in the State of the Union Address.

The DPC proposed provisions of Drug Strategy II relating to the death penalty can be summarized as follows:

1. **Major drug kingpins.** Those currently subject to a mandatory term of life imprisonment as leaders of Continuing Criminal Enterprises (CCE) devoted to the large-scale importation or distribution of controlled substances.
2. **Drug kingpins who attempt to kill in order to obstruct justice.** CCE leaders, not necessarily subject to mandatory life, who, in order to obstruct the investigation or prosecution of CCE-related offenses, attempt or knowingly direct, advise, authorize or assist another in an attempt to kill any public officer, juror, witness, or family member of such a person.
3. **Federal drug felons whose offenses result in death.** Those who, intending to cause death or acting with reckless disregard for human life, commit a federal drug felony resulting in the death of another person.

The Attorney General has suggested including only the first of these cases in Drug Strategy II - the death penalty for the principle leaders of Continuing Criminal Enterprises (CCE's). This is the provision that most clearly reflects statements made by the President during the year. He proposes expanding the second class of cases to include cases of attempted murder to obstruct justice where the motivating factor is racial animus. Because of the broader scope of such a measure, Thornburgh recommends announcing it in the State of the Union Address,

with the emphasis on civil rights, rather than announcing it as part of Drug Strategy II.

The Attorney General would drop the third class of cases covered by the proposed drug strategy altogether. If the decision is made to include the last class of cases in the drug strategy, however, he suggests that the second class of cases still be expanded and included separately in the State of the Union Address.



Office of the Attorney General

Washington, D.C. 20530

THE CHIEF of STAFF
has seen APR 25 1990

March 30, 1990

L. Stanley Chauvin, Jr., Esquire
President
American Bar Association
Alagia, Day, Marshall, Mintmire & Chauvin
Fifth Avenue Building
444 S. Fifth Street
Louisville, Kentucky 40202

Dear Mr. Chauvin:

Recent reports concerning positions taken by the House of Delegates of the American Bar Association ("ABA") on highly controversial Supreme Court decisions, some with clearly political overtones, raise anew the question of the suitability of the process whereby the President and the Department of Justice seek from the ABA's Standing Committee on the Federal Judiciary objective, nonpartisan assessments of candidates for nomination to the federal bench.

As a result of discussions last year, we agreed that this assessment needs to be carried out on the basis solely of the judicial qualifications of the prospective nominees and without reference to their political or philosophical beliefs. You will recall that a perception otherwise surfaced most pointedly in the evaluation by the Standing Committee of Judge Robert Bork's qualifications to serve on the Supreme Court. We had thought that we had put this problem to rest with a restatement of the Standing Committee's role last year.

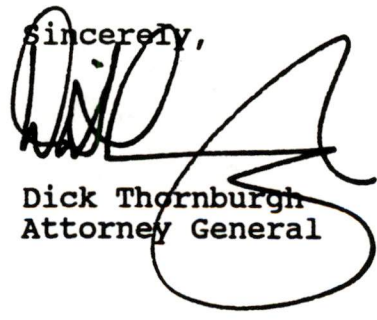
Unfortunately, formal positions taken by the ABA House of Delegates at its recent midyear meeting in Los Angeles with regard to pending civil rights legislation and abortion suggest that the ABA generally is emerging as a sometime lobbyist on controversial questions that sharply divide this country. This, in turn, has given rise to new concerns in many quarters as to whether so politically identified an organization taking positions outside its ostensible area of expertise is an appropriate body to be providing advice on the professional qualifications of prospective judicial nominees.

L. Stanley Chauvin, Jr., Esquire
March 30, 1990
Page 2

In their most serious form, these concerns involve whether, in the course of conducting its evaluations, the ABA may use inappropriate "litmus tests" to exclude from favorable consideration candidates who hold views at odds with the "official" ABA position on such matters. Even if that is not the case, however, there is still a serious question whether an organization that advances a particular political agenda should also be charged by the Attorney General with performing the evaluation function. First, even if the evaluations are completely free from bias in favor of the ABA's official political positions, those who disagree with those positions may not unreasonably suspect otherwise. Even beyond that, the Attorney General's reliance on the ABA for this function could appear to some to suggest that he also endorses the organization's positions on these issues. We are therefore once again obliged to reconsider the role of the ABA in the judicial selection process.

We are particularly distressed by these developments because Ralph Lancaster, Chairman of the ABA Standing Committee on the Federal Judiciary, and the members of his committee have been working very diligently with the Attorney General's office in the evaluation of prospective judicial candidates. We do not seek to be deprived of their services in assessing individuals' professional qualifications. However, if the ABA has in fact adopted a role more equivalent to a political lobbying organization, then we may have no choice.

Sincerely,



Dick Thornburgh
Attorney General

C. Boyden Gray
Counsel to the President

cc: The Honorable Joseph R. Biden, Jr.
The Honorable Strom Thurmond
Ralph Lancaster, Esquire

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
04. Report	From Nicholas Rostow to Brent Scowcroft Re: Bush Nominee ABA Ratings (1 pp.)	4/11/90	P-2 , P-5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff to the President, Office of the
Series: Sununu, John, Files
Subseries: Cabinet Agencies Files
WHORM Cat.:
File Location: Thornburgh (Justice) (1990)

Open on Expiration of PRA
 (Document Follows)
 By JP (NLGB) on 5/12/05

Date Closed: 12/14/2004	OA/ID Number: 29190-009
FOIA/SYS Case #: 1998-0004-F[1]	Appeal Case #:
Re-review Case #: 2005-0426-S	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

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6

Bush Nominee ABA Ratings

April 11, 1990

Total:

WQ	23*	)	26*	58%
WQ/Q	3	)		
Q/WQ	3	)		
Q	11	)	19	42%
Q/NQ	5	)		

Circuit Courts:

WQ	7*	)	10*	64%
WQ/Q	2	)		
Q/WQ	2	)	5	36%
Q	2	)		
Q/NQ	1	)		

District Courts

WQ	16	)	17	53%
WQ/Q	1	)		
Q/WQ	1	)		
Q	10	)	15	47%
Q/NQ	4	)		

* Includes one nominee rated under old system who received EWQ/WQ rating.

Ratings received, candidates not nominated or announced

Total

WQ	1	(Norton, d.ct.) (Norton makes d.ct 54%, total 58%)
WQ/Q	2	(Nelson, Ryskamp, both ct. app.) (Ryskamp and Norton make d.ct. 54%, c.ct. 66%, total 59%)
Q	1	(Pickering, d.ct.)



THE WHITE HOUSE
WASHINGTON

Date: 5/10/90

TO: THE CHIEF OF STAFF

FROM: JAMES W. CICCONI
Assistant to the President and
Deputy to the Chief of Staff

**The attached has been forwarded
to the President.**

THE CHIEF of STAFF
has seen



Office of the Attorney General

Washington, D. C. 20530

1990 MAY 10 AM 11:01

May 4, 1990

The Honorable George Bush
President of the United States
Washington, D.C. 20500

Dear Mr. President:

I am writing to provide you with an update on the status of the FBI investigation into the bombing death of Judge Robert S. Vance of the Eleventh Circuit Court of Appeals; the bombing death of Robert E. Robinson, a black attorney and City Alderman in Savannah, Georgia; three other bombing incidents; and related threats mailed to all but one of the judges of the Eleventh Circuit Court of Appeals. In my previous report to you of December 22, I noted that the FBI had not by then identified any individuals responsible for these acts, but had tentatively concluded that all of the offenses were related and were racially motivated. As of this report, the investigation has still not yielded sufficient evidence to charge anyone.

Since the date of that report, the FBI has continued a broad-based investigation. As part of the investigation, the FBI has committed substantial resources to the investigation of the DeKalb County, Georgia, School District on the theory that the bombings may be related to Judge Vance's decision in that school desegregation case. Among the approximately 1,500 interviews that the FBI expects to conduct in this phase of the investigation alone, interviews of PTA members, school board officials and attorneys involved in the desegregation case have been completed.

The FBI conducted a search of all citizen correspondence received by the FBI, the Department's Criminal Division and Civil Rights Division, the Eleventh Circuit, the White House, and the Supreme Court, as well as citizen correspondence sent to former President Jimmy Carter, the Carter Center in Atlanta, and the American Bar Association Journal. Investigation of citizen correspondence was undertaken to identify persons who may have sent letters of complaint and who may have used an old model manual typewriter to prepare such letters. This phase of the investigation has yielded no matches to the manual typewriter used to prepare bomb labels or threat letters in the case.

The investigation has currently identified approximately 292 individuals who, by reason of motivation or other information, are considered possible suspects and each of whom will be separately investigated until it is determined whether he or she was involved in the bombing. As of March 23, 1990, the investigative agencies had already eliminated several of these potential suspects. Among the potential suspects eliminated at this time is an Oklahoma official of the Ku Klux Klan, who has been the subject of court authorized electronic surveillance, and a married couple, residing in Enterprise, Alabama, who have close ties to the Irish Republican Army and whose home and business addresses were searched pursuant to warrants.

To date, the investigation has focused on two major suspects particularly worthy of further investigation. One of those suspects is Robert Wayne O'Ferrell, a 46-year-old resident of New Brockton, Alabama, who operates a salvage and surplus store. O'Ferrell became a major suspect on January 19, 1990, as a result of the review by FBI document examiners of Eleventh Circuit files of pro se pleadings in Atlanta. Judge Vance sat on the Eleventh Circuit panel which affirmed the dismissal of O'Ferrell's lawsuit against his former employer. O'Ferrell's pleadings filed with the Eleventh Circuit and the Middle District of Alabama were analyzed by the FBI Laboratory. The FBI has concluded that several of those documents, including some signed by O'Ferrell, were prepared on the same manual typewriter that was used to type the address labels on the four bomb packages and the threat letters sent to the judges of the Eleventh Circuit.

On January 22, 1990, warrants authorizing searches of O'Ferrell's residence, business, and former business were executed in New Brockton and Enterprise, Alabama, seeking the manual typewriter and other evidence relating to the bombings. The manual typewriter that was used to type the bomb labels and the threat letters was not found in the searches. Additionally, the searches have not yet yielded other directly incriminating evidence, such as bomb components that forensically match those identified in the bomb packages. However, we and the FBI believe that further investigation of O'Ferrell, his family, his acquaintances and associates is warranted. That investigation is continuing.

In late January, the Bureau of Alcohol, Tobacco and Firearms, with the assistance of the FBI, began to focus on another major suspect, Wayne Leroy Moody, who lives in the Atlanta suburb of Rex, Georgia. Moody was convicted in 1972 for possession of a package bomb which he had constructed. Explosives experts at ATF and the FBI compared the package bomb constructed by Moody in 1972 with the 1989 package bombs and found some significant points of similarity. Over the past several years Moody has filed pro se appeals with the Eleventh Circuit relating to his 1972 conviction and in June, 1989, a panel of that court (which did not include Judge Vance) upheld his conviction. Investigation has revealed, however, that Moody

also filed a civil lawsuit in 1986 in the Southern District of Florida in an unrelated case, alleging that his constitutional rights had been violated by Florida law enforcement authorities. Certain defendants named in that suit were dismissed by the district court and Moody appealed these dismissals to the Eleventh Circuit. Judge Vance was on a panel of that court which dismissed Moody's appeal for lack of jurisdiction.

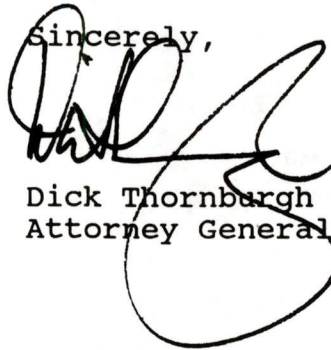
On February 8, 1990, warrants were executed in Rex, Georgia, which authorized searches of Moody's residence, vehicles and boat, as well as storage facilities rented to his wife. Additional warrants were executed on February 16, 1990, at a former residence of Moody's in Chamblee, Georgia, and on March 6, 1990, at an airport hangar in Griffin, Georgia, where Moody rents space. On March 15 and 16, 1990, the FBI executed warrants to obtain finger and palm prints from Mr. and Mrs. Moody. Searches of Moody premises and property thus far have not yielded any directly incriminating evidence, such as manual typewriters or copiers used to prepare the bomb labels or threat letters, or bomb components that forensically match those identified in the bomb packages. Significantly, however, a large piece of pipe with metal end caps and bolts attached at both ends was seized at one storage location. FBI and ATF explosives experts advise that this modified pipe constitutes bomb paraphernalia and that based upon its configuration, it may be a prototype for the package bombs sent in December, 1989. Moreover, carpenter's glue that was seized at the Moody residence was found to match the glue used in the construction of the package bombs, though the FBI advises that the glue used in the package bombs is a common type of adhesive product.

As of today, we have no direct evidence to link O'Ferrell or Moody to the bombings or the threat letters sent to judges on the Eleventh Circuit. Further investigation may well disclose that neither of these individuals had a role in the bombings. However, the FBI is continuing to investigate these suspects in an effort to identify any connection between these individuals and the recipients of the 1989 bomb packages.

I will keep you advised as the investigation develops. The investigation continues to be a top priority of the Department of Justice, the FBI, the ATF, the Postal Inspection Service and state and local law enforcement agencies. All necessary investigative and prosecutive personnel remain devoted full time to this case to ensure that the persons responsible for these atrocities are identified, located, apprehended and vigorously prosecuted, hopefully in the near future.

For your convenience, I enclose a copy of my initial report to you dated December 22, 1989.

Sincerely,

A large, stylized handwritten signature in black ink, likely belonging to Dick Thornburgh, is written over the typed name.

Dick Thornburgh
Attorney General

Enclosure

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
05. Memo	From Nicholas Rostow to Brent Scowcroft Re: Information from Attorney General on Law Enforcement Activity in Another Country (2 pp.)	4/24/90	(b)(1), (b)(7)	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff to the President, Office of the
Series: Sununu, John, Files
Subseries: Cabinet Agencies Files
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