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THE WHITE HOUSE
WASHINGTON

Handwritten signature

Date: 8/11/88

FOR: **JOHN TUCK**

FROM: **ALAN M. KRANOWITZ**

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

THE WHITE HOUSE

WASHINGTON

August 11, 1988

MEMORANDUM FOR ALAN KRANOWITZ AND REBECCA RANGE

FROM: MARION BLAKEY *MB*

SUBJECT: Proposed Drug Initiatives

Listed below are ten initiatives to promote Administration achievements and policies on the drug issue for the fall of 1988. Included are ideas from the agencies, the Drug Policy Board, and various White House offices that appear to me at this point to be the strongest and most feasible.

I would appreciate your meeting with me briefly tomorrow to discuss which initiatives you would support and to get your additional ideas or comments. Before the end of the day, Mari would like to give Ken Duberstein a plan for fall drug initiatives representing the views of Public Liaison and Legislative Affairs as well as the Communications Office.

1. A short talk about drugs to returning elementary school students by the First Lady via instructional television. Elaine Crispen has tentatively scheduled for September 12.
2. A briefing with the President on drugs in the workplace with 180 corporate executives. The President would announce the formation of a national advisory group of CEO's to address this issue. (A scheduling proposal from Rebecca is attached.).
3. On September 28, the President is scheduled to address the Education Summit of business leaders and executives sponsored by Fortune magazine. His speech could contain a strong anti-drug message. (See letter attached.).
4. At any point this fall, the President could visit a public housing project that has succeeded in becoming drug-free. He could make awards to five projects from around the country, unveil a new HUD handbook on drug-free public housing and possibly recognize the winners of the "Just Say No" poster contest for children in assisted housing. There are good sites in Richmond, Baltimore, D.C., and Pittsburgh.
5. The President and the Vice President could go up in a DEA Radar Plane to check out detection operation. Florida or California are the best sites. This trip would highlight the work of the National Narcotics Border Interdiction System and Bush's work as head.

6. The President could attend one of the five regional workshops the Department of Education is holding on successful drug-free school strategies. Each will be attended by 400 to 500 school personnel, parents, law enforcement officials, and community leaders. The workshops are Chattanooga, TN., October 3; Dallas, TX., October 17; Burlingame, CA., October 19; Minneapolis, MN., October 31; and Syracuse, N.Y., November 7.

7. A White House awards ceremony could be held for individuals who have made outstanding contributions in the crusade against drugs. The President could recognize people like David Stern, the Commissioner of Basketball, Otto Moulton, a Little League coach, and Dr. Lloyd Johnson of the University of Michigan for his annual survey of drug use by high school seniors. If this event were held in late October, this year's survey results might be announced. We expect they will show drug use is continuing to decline among teens.

8. The President could meet with selected FBI/DEA officers or other law enforcement personnel who have been "heroes" in major drug busts. PA could do a fact sheet on the chronology of major drug busts.

9. The President could address the International Association of Chiefs of Police in Portland, Oregon on October 17, 18, or 19 and present a strong anti-drug message. (See scheduling proposal attached).

10. The Drug Policy Board's Drug-Free America Week is October 24-30. Grass roots activities with parents and community groups are planned for around the country. No White House involvement is yet planned, but there could be a ceremony when the President signs the proclamation, he could send messages to the various groups, or he could participate in a rally that week.

cc: Mari Maseng

per Long Range J-27 Wed 7-28

THE WHITE HOUSE

WASHINGTON

May 10, 1988

RESPONSE DUE DATE:
May 15, 1988

RECOMMENDATION

Education says this will be a very high quality event - lots of EOs to be involved. Its a good opportunity to talk about a strong issue. Recommended accept.

- MARTY COYNE
- NANCY RISQUE
- BOB TUTTLE
- ARTHUR CULVAHOUSE
- ALAN KRANOWITZ
- KENNETH CRIBB
- GARY BAUER
- IAN MACDONALD
- WILLIAM GRAHAM

This should be a good event. They expect 120-150 top CEOs and educators. already have commitments from several pillars of industry. Recommended accept.
CONCUR - RWW *if*

TS AND SCHEDULING

ng scheduling request:

EVENT: For the President to participate in FORTUNE magazine's Education Summit.

DATE: September 26-28, 1988.

LOCATION: Washington, DC.

Additional information concerning this event is attached.

YOUR RECOMMENDATION:

Accept Regret Surrogate Message
 Priority Video
 Routine Written

If your recommendation is to accept, please cite reasons below:

Should be very high quality event. Education support's.

PLEASE RETURN TO SANDY WARFIELD IN OEOB, ROOM 182 BY THE RESPONSE DUE DATE ABOVE SO THAT YOUR COMMENTS MAY BE CONSIDERED AS WE PROCEED WITH THIS REQUEST. THANK YOU.

May 2, 1988

The President
The White House
Washington, DC 20500

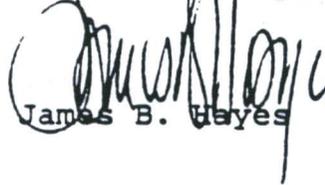
Dear Mr. President:

FORTUNE magazine will host an historic Education Summit on September 26-27-28, 1988, in Washington.

This unprecedented meeting, hosted by the nation's leading business publication, will bring together leaders of America's top corporations as well as leading educators and public policy decision makers in a dialogue of action and substance.

During your Administration you have spoken strongly on the need for private sector involvement in restoring greatness to American education. This forum will be a significant step in achieving that, and we invite your participation. Of course, the schedule would be adjusted to provide a time most appropriate to your desires.

Most sincerely,



James B. Hayes

JBH:ls

THE WHITE HOUSE

WASHINGTON

SCHEDULE PROPOSAL

July 19, 198

TO: FREDERICK J. RYAN, JR., DIRECTOR
PRESIDENTIAL APPOINTMENTS AND SCHEDULING

FROM: REBECCA G. RANGE, DEPUTY ASSISTANT TO THE PRESIDENT AND
DIRECTOR OF PUBLIC LIAISON

REQUEST: The President to drop-by a briefing on drugs in the
workplace and to announce the formation of Secretary
Verity's advisory group to deal with this problem.

PURPOSE: To call attention to the Administration's commitment
to a drug free society and to encourage the efforts of
the American business community to eliminate drug abuse
in the workplace.

BACKGROUND: Drug abuse is a problem facing all aspects of society.
Of particular importance is the problem of drug abuse
in the workplace which presents a danger to employees
and reduces productivity resulting in, amongst other
things, injuries to workers and diminished U.S.
competitiveness. Secretary Verity is preparing to
announce the formation of an advisory group of corporate
chief executives to address the problem of drugs in the
workplace and to encourage others in the business
community to address the issue.

PREVIOUS
PARTICIPATION: None

DATE: Open

LOCATION: OEOB, Room 450

PARTICIPANTS: Approximately 180 corporate and trade association
executives.

OUTLINE OF EVENT: President drops-by and delivers remarks.

MEDIA COVERAGE: Open

RECOMMENDED BY: Rebecca G. Range

PROJECT OFFICER: Todd Foley

THE WHITE HOUSE

WASHINGTON

SCHEDULE PROPOSAL

July 19, 1988

TO: FREDERICK J. RYAN, JR., ASSISTANT TO THE
PRESIDENT AND DIRECTOR OF PRESIDENTIAL
APPOINTMENTS AND SCHEDULING

FROM: REBECCA G. RANGE, ^{Rebecca G. Range} DEPUTY ASSISTANT TO
THE PRESIDENT AND DIRECTOR OF THE OFFICE
OF PUBLIC LIAISON

REQUEST: For the President to address the
annual conference of the International
Association of Chiefs of Police.

PURPOSE: To promote the President's law
enforcement and drug policies; and to
demonstrate support for the police
chiefs.

BACKGROUND: The International Association of Chiefs
of Police (IACP) consists of over 14,000
top police executives in the United
States and 67 other nations. Each year
they hold a working conference to
address the major issues of interest to
the law enforcement community.

The IACP, along with other law
enforcement organizations, has been
generally supportive of Administration
policies, particularly judicial
nominees.

PREVIOUS
PARTICIPATION: President addressed annual conference in
1981, Presidential messages every year.

DATE: October 17, 18, or 19

LOCATION: Portland, OR

PARTICIPANTS: 8,000 members of IACP

OUTLINE OF EVENT: To be determined

REMARKS REQUIRED: provided by speechwriters

MEDIA COVERAGE: Open

RECOMMENDED BY: Rebecca G. Range
PROJECT OFFICER: Curt Anderson, x2310

Drug file

August 16, 1988

NOTE FOR RHETT B. DAWSON
JOHN C. TUCK
PHILIP D. BRADY
NICHOLAS ROSTOW

FROM: DAVID S. ADDINGTON *DSA*

SUBJECT: The Drug Bill and the "Anti-Stonewalling Act of 1988"

When the House begins consideration of the Omnibus Drug Bill on September 7th, Congressman Bill Alexander (D-AR) plans to offer an amendment of interest in connection with (1) the Administration's responses to the GAO investigation into agencies' handling of information concerning alleged drug activities by Panama's General Noriega and (2) the decision whether to list General Noriega as an "outlaw official" in the currently overdue semi-annual Presidential report under Section 2013 of the Anti-Drug Abuse Act of 1986.

Congressman Alexander's amendment would:

- require agencies that obtain information about illegal foreign drug activities to share that information with Federal agencies that have drug enforcement responsibilities; and
- give the General Accounting Office and congressional committees access to such information.

Congressman Alexander describes his amendment, entitled the "Anti-Stonewalling Act of 1988," as a response to U.S. handling of the Noriega situation in Panama, with respect to which he believes that:

- the Drug Enforcement Administration was not given access to information held by U.S. intelligence agencies concerning alleged drug activities by Noriega; and
- the National Security Council has instructed the departments and agencies not to grant the GAO access to information relevant to a GAO investigation into U.S. agencies' handling of information on Noriega's alleged drug activities.

Attached for your information is a copy of the Alexander amendment and an extract from the Congressional Record in which Congressman Alexander explains his reasons for offering the amendment.

(2) Paragraph (1) does not limit the authority of the Secretary to expend Federal funds to administer and provide oversight of the clinical laboratory certification process.

ALEXANDER
AM DT. →

An amendment to be offered by Representative Alexander of Arkansas or his designee to be debatable for not to exceed 20 minutes, equally divided and controlled by the proponent of the amendment and a member opposed thereto.

Page 402, after line 25, insert the following:

TITLE XI—INTERAGENCY COOPERATION RELATING TO INFORMATION ON ILLEGAL FOREIGN DRUG ACTIVITIES

SEC. 11001. SHORT TITLE.

This title may be cited as the "Anti-Stonewalling Act of 1988".

SEC. 11002. INTERAGENCY COOPERATION RELATING TO INFORMATION ON ILLEGAL FOREIGN DRUG ACTIVITIES.

(a) **IN GENERAL.**—Any officer or employee in the executive branch of the Government, who, in the course of the official duties of such officer or employee, obtains information about illegal foreign drug activities shall promptly furnish such information through the head of the agency in which the officer or employee serves or is employed—

(1) to the head of any other agency designated under subsection (b); and

(2) upon request of a committee of the Congress or of the Comptroller General, as the case may be, to such committee or to the Comptroller General.

(b) **DESIGNATIONS.**—Not later than 60 days after the date of the enactment of this Act, the President shall—

(1) designate agencies involved in the formulation of United States foreign policy or the enforcement of Federal drug laws to receive information under subsection (a)(1); and

(2) notify the Speaker and the minority leader of the House of Representatives, the President pro tempore and the minority leader of the Senate, and the Comptroller General of such designations.

The President shall review such designations once each year and may, on the basis of the review, change any designation, with notification as provided in paragraph (2).

(c) **NONDISCLOSURE.**—Except with respect to the disclosure of information to the General Accounting Office, notwithstanding subsection (a), the head of an agency may withhold the disclosure of information that, as determined by the head of the agency—

(1) may jeopardize a United States foreign intelligence or counterintelligence activity or source;

(2) may jeopardize a law enforcement investigation; or

(3) may adversely affect the national defense or security of the United States.

The authority to make such a determination may not be delegated. Any such determination shall be communicated in writing to the President, who may direct the head of the agency to furnish the information under such procedures and safeguards as the President may specify.

(d) **APPLICABILITY OF SECTION 716 OF TITLE 31, UNITED STATES CODE.**—If information requested by the Comptroller General under subsection (a) is not furnished within a reasonable time, section 716 of title 31, United States Code, shall apply to such request.

(e) **DUTY OF THE PRESIDENT.**—In the event the President withholds information from a committee of the Congress for any of the reasons set forth in subsection (c), the President shall transmit in writing to the chairman and ranking minority party member of such committee a statement of the reasons for the decision. If the information concerns a United States foreign intelligence or counterintelligence activity or source, the President shall promptly inform the chairman and ranking minority party member of the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate of the nature of the information withheld. This section does not waive or otherwise alter any right or procedure that the Congress or any committee of the Congress may otherwise have to receive such information.

(f) **DEFINITIONS.**—As used in this section—

(1) the term "officer or employee in the executive branch of the Government" means an appointed officer in the executive branch of the Government, an employee in the executive branch of the Government, and a member of a uniformed service; and

(2) the term "agency" means a dependent, agency, or establishment in the executive branch of the Government.

August 11, 1988

least we have broken the logjam to give Members an opportunity here to have their say.

We are seeing the results of the hard work and dedication of the task force members, led by the gentleman from California, Mr. JERRY LEWIS, the gentleman from Oklahoma, Mr. MICKY EDWARDS, on our side, the gentleman from Florida, Mr. BILL McCOLLUM, two of the three are down on our convention on the platform currently.

Countless hours of dedicated work by Members and staff created this opportunity to pass quality legislation. While I cannot list the names of all these people, I think they know I mean them, when I express the gratitude of this side of the aisle for their hard work.

As I said, Mr. Speaker, I would have preferred an open rule, but I must add that the bipartisan spirit that has permeated this process is very much evident in the rule today. As a result of the cooperative spirit evidenced by our Speaker and majority leader and the Rules Committee, the content of the bill is not only comprehensive, but it is of high quality.

Surely we do not agree on everything in the bill, nor do we agree on all of the amendments, but we have enabled Members to address and debate these key issues when we resume in September.

So, Mr. Speaker, I want to again thank the Speaker and the majority leader and the distinguished chairman of the committee for his cooperation here, that when we do come back from our recess there will be probably three or more days involved in amending this comprehensive drug bill.

I urge the adoption of the rule, and thank the gentleman for yielding this time.

Mr. PEPPER. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the distinguished gentleman from Arkansas (Mr. ALEXANDER).

(Mr. ALEXANDER asked and was given permission to revise and extend his remarks, and to include extraneous material.)

Mr. ALEXANDER. Mr. Speaker, I rise in support of the rule and to explain my amendment made in order under the rule.

Mr. Speaker, I first conducted a forum on drug abuse 16 years ago in order to attack a dilemma that was just beginning to invade some areas of my home State of Arkansas. Today, with Arkansas as well as the rest of the country seemingly no closer to solving the problem of drug abuse than in 1972, the question arises as to why America has been unable to deal with the scourge of drug abuse.

As we debate the rule on the omnibus antidrug bill today, we should recognize that there is no one simple answer to this question, but a major obstacle in attacking drug use is the absence of a clearly defined, unmistakable policy. In the void left by the lack of a clear policy, confusion reigns

among the agencies that are charged with drug enforcement.

As a remedy to this situation, in September I plan to offer an anti-stonewalling amendment to the anti-drug bill, which would require the sharing of information among certain Federal agencies about illegal foreign drug activities. My amendment would require that any executive branch official having information about such activities would transmit it to the heads of agencies involved in formulating U.S. foreign policy or enforcing Federal drug laws. The antistonewalling amendment would also require that such information be shared, when requested, with committees of Congress and the General Accounting Office.

A classic example of the difficulties that arise from the national policy vacuum in drug abuse occurred on July 12 when John Lawn, the head of the Drug Enforcement Administration, testified to a congressional subcommittee that he had written letters praising the alleged drug interdiction efforts of Gen. Manuel Noriega and the Panama Defense Forces. The DEA Administrator testified that at the time the letters were written he had not known about the criminal investigation into General Noriega's involvement with illegal importation of foreign drugs into the United States, because he was "left out of the loop" by U.S. intelligence agencies and never given hard evidence tying Noriega to narcotics traffickers.

That criminal investigation eventually led to Noriega's indictment, and was conducted by the Miami U.S. attorney general's office, which is a part of the Department of Justice. We must prevent this kind of confusion among agencies charged with drug laws enforcement in which the left hand of the Justice Department clearly didn't know what the right hand was doing.

A second example concerns an ongoing investigation by the General Accounting Office, undertaken at my request, which would examine how information about drug trafficking by high-level Government officials of other countries affects U.S. foreign policy decisions, using as a case study information concerning the drug trafficking activities of General Noriega of Panama.

GAO indicated in an August 9 letter to me that "since May 11, 1988 we have been formally trying to gain access to personnel and records at the Departments of State, Justice, and Defense." In late May, GAO was informed that the National Security Council would handle this assignment for the administration, and the Departments of State, Justice, and Defense were instructed by the NSC to cease cooperation in the investigation until NSC issued guidelines for GAO access to information. Repeated GAO requests for information were refused by

refusal being accompanied by a reference to the NSC stonewalling policy.

While it is perfectly justifiable to withhold certain types of information that would jeopardize law enforcement or intelligence activities, the GAO told me that "most of the information we need to examine should be considered to be releasable." GAO officials met with NSC officials and told them of "our previous experience on other successful assignments involving similarly sensitive information." There is no reason why the executive should not provide information on the basic objective of the GAO investigation, which is the organization and decision process for foreign policymaking when information is available on foreign officials' drug trafficking.

A series of questions remain unanswered about illegal drug trafficking in Central America. For example, in Arkansas serious questions continue to surface about allegations concerning Adler Berriman (Barry) Seal's gun running and drug smuggling. Seal, a DEA informant who was slain in Louisiana in 1986, was allegedly involved in an operation in which a plane loaded with guns to aid the Nicaraguan Contras flew from Mena, AR, down to Central America and then returned loaded with drugs. One of Seal's planes, a C-123K that had been serviced and parked at the Mena airport during much of 1984 and 1985, was shot down over Nicaragua in October 1986, while carrying supplies to the Contras, and an Arkansas, Wallace (Buzz) Sawyer, was killed in the crash. There have been local, State, and Federal investigations into the Mena operation, but many questions persist. A vital goal of the antistonewalling amendment is to ensure that all agencies are cooperating in giving and receiving the information they need to do their job.

One question that arises is whether Federal agencies were working at cross purposes during the period of Seal's activities as an informant. There is evidence that the CIA and the NSC both wanted to divulge Seal's involvement in a massive undercover drug investigation because of those agencies' interest in influencing the Contra aid debate that was taking place in Congress shortly before Seal's murder in February 1986; simultaneously, the DEA's primary interest was apparently the undercover effort to break up the Colombian drug cartel. A news leak by an unknown U.S. Government official resulted in articles alleging that the Sandinista government was involved in drug trafficking, and it blew the investigation. According to our distinguished colleague, Chairman BILL HUGHES of the House Judiciary Subcommittee on Crime, the political motivation leaked Seal his life.

While everyone respects the need to avoid disclosing information about the criminal investigation of Noriega, there are many other questions the

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executive should be able to give the GAO, including:

First, what procedures are there for law enforcement agencies to communicate their intelligence needs to the intelligence community?

Second, how are law enforcement and/or foreign policymaking officials further up the chain of command provided intelligence information—what procedures are involved, what kind of information is provided?

Third, were any specific instructions or directives prepared requesting information on illegal drug-related activities in Panama or on Noriega's involvement in illegal activities?

Fourth, who received the raw information, what did they do with it, what studies, reports, or analyses were prepared on illegal activities in Panama or on Noriega?

Fifth, who were these reports sent to—especially, were any recipients in the law enforcement community or in foreign policymaking positions?

Sixth, how did the law enforcement recipients use the reports—did they do further analysis, did they use the intelligence as input to build or develop any criminal cases?

Seventh, how did the foreign policymaking recipients use the reports—did they discuss them, did they do further analyses, did they summarize for higher level recipients?

Mr. Speaker, there is no reason why the executive branch should withhold information on the primary focus of the GAO inquiry, which is the organization and decision process for foreign policymaking when information is available on foreign officials' drug trafficking. The antistonewalling amendment would focus only on information such as that involved in the GAO's investigation of Noriega and other officials, which legitimately can be provided; it would not require disclosure under three conditions:

First, when it would jeopardize a U.S. foreign intelligence or counterintelligence activity;

Second, when it would endanger a law enforcement investigation; and

Finally, when it may adversely affect U.S. defense or national security.

A decision not to share information could be made only by the head of an agency. If the President decided to withhold the information from a committee of Congress, he would have to provide the committee the reasons for such action. In the event that the information involved U.S. foreign intelligence or counterintelligence, the President would be required to promptly inform the chairman and ranking minority members of the House and Senate committees on Intelligence.

Mr. Speaker, drug abuse is the most devastating plague confronting America today. In battling this evil, we cannot any longer tolerate the policy void in which agencies operate in ignorance of each other and occasionally

even pursue contradictory objectives. We must replace the current vacuum with a clearly defined, unmistakable policy in which all agencies cooperate fully with each other in sharing information about illegal drug trafficking.

I further submit various copies of various letters from the GAO, the Department of State, the Department of Justice, the Department of Defense, and the National Security Council which further explains the need for the antistonewalling amendment.

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION, Washington, DC, August 9, 1988.

HON. BILL ALEXANDER, Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies, Committee on Appropriations, House of Representatives.

DEAR MR. ALEXANDER: In May 1988 you asked us to review how information about drug trafficking by high-level government officials of nations friendly to the United States affects U.S. foreign policy decisions. Because the information required to successfully undertake this assignment would potentially involve information related to intelligence gathering and on-going law enforcement investigations which is difficult to obtain, we suggested, and you agreed, that we would explore the issue using as a case study the information concerning the drug trafficking activities of General Noriega of Panama. The following is a summary of the experience we have had so far in satisfying your request.

Since May 11, 1988, we have been formally trying to gain access to personnel and records at the Departments of State, Justice, and Defense. We were successful in gaining access to the Department of Defense and in fact performed a limited amount of audit work at that agency. In late May, we were advised that the National Security Council (NSC) would serve as the administration's focal point on this assignment. Concurrently, we were advised that the Departments of Justice and State had been instructed not to meet with the GAO staff or provide any information to GAO on this assignment until NSC issued guidelines concerning GAO access to information. The Department of Defense notified us on July 12, 1988, that it also was instructed by the NSC to cease cooperation with GAO until such guidelines are available. We have by letter and telephone discussions continued to try to obtain information and schedule meetings with the Departments of State, Defense, and Justice but these efforts have been refused, with each agency citing the NSC's direction as the reason for refusal.

We have been working with the NSC to facilitate access to agency personnel and records. We met with them on June 8, 1988 and June 22, 1988, and discussed at some length our approach to the work, our views about our access to information, and our previous experience on other successful assignments involving similarly sensitive information. On June 22, 1988, at NSC's request, we delivered a detailed letter to them giving further detail on the kinds of information we would be seeking. Although that letter identified some information which ultimately may not be made available, the information related to the primary focus of our work, that is, the organization and decision process for foreign policymaking when information is available on foreign officials' drug trafficking, would not uniformly be expected to raise similar concerns. Our normal procedures in such situations are to consider

access questions on a case-by-case basis, following discussions with agency officials and examination of otherwise available records. NSC's actions to prohibit such preliminary discussions until after guidelines concerning access are established has foreclosed that approach.

On July 12, 1988, the NSC wrote in response to our June 22, 1988, letter that our request "seeks access to sensitive law enforcement and intelligence files covering a substantial period of time" and "raises important statutory and constitutional issues." The letter advised that the administration is analyzing these issues and would reply when its deliberations were completed. We have on several occasions, most recently yesterday, asked the NSC about the status of the operating guidelines. We continue to be told the issues are being analyzed and guidelines will be issued when the review is completed. NSC officials say they cannot provide a specific date when guidelines will be available.

We are not into the fifth month of our effort to address the issue you asked us to review, and it is difficult to predict how much further delay is likely. Although we have assembled some information available from public records, we have made essentially no progress on the audit itself. We believe it should be possible to reach agreement with the agencies involved, as we pursue our audit questions, that much of the information we need to examine should be considered to be releasable, and to discuss special arrangements for security of the information if such arrangements are warranted. In fact, we were successful in such an approach with the Department of Defense prior to July 12.

We will continue to keep you informed of the status of our efforts, and will discuss further steps which we believe may be appropriate, if any, after we have reviewed any guidelines issued by NSC.

Sincerely yours,
NANCY R. KINGSBURY,
Associate Director.

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION, Washington, DC, August 3, 1988.

HON. BILL ALEXANDER, House of Representatives.

DEAR MR. ALEXANDER: In May 1988, you asked us to review how information about drug trafficking by high-level government officials of nations friendly to the United States affects U.S. foreign policy decisions. Because the information required to successfully undertake this assignment would potentially involve information related to intelligence gathering and on-going law enforcement investigations which is difficult for the General Accounting Office to obtain under our access-to-records authorities, we suggested, and you agreed, that we would explore the issue using as a case study the information concerning the drug trafficking activities of General Noriega of Panama. As you requested at our meeting on August 2, 1988, we are providing a detailed summary on the experience we have had so far in attempting to obtain information on this assignment.

In summary, although we were able to perform a limited amount of audit work at the Department of Defense in June, the National Security Council (NSC) has directed the other Executive Branch agencies involved not to meet with GAO staff or provide any information to GAO on this assignment until NSC issues guidelines concerning GAO access to information on the assignment. The NSC has informed us that it con-

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siders our request for information concerning General Noriega's drug trafficking and other activities as raising "important statutory and constitutional issues."

As of August 1, 1988, the representative of NSC who has been our contact said that he could not tell us when the guidelines would be forthcoming, but he said that he expected them to be issued within, perhaps, a couple of weeks (that is, not within days, and not after months). We have made several attempts, by letter and through telephone discussions, to obtain information and schedule meetings with the Departments of State, Justice, and Defense, but these efforts have been refused, with each agency citing the NSC's direction as the reason for their refusal. We have also contacted the Central Intelligence Agency, where our request for information was also declined.

A detailed chronology of our efforts to meet with NSC and agency officials, and to obtain information, is provided in Enclosure I. Copies of the letters we sent to NSC and to the agencies are provided in Enclosure II. The NSC has provided one written interim response to our letters (Enclosure III); of the agencies, only the Central Intelligence Agency has responded in writing (Enclosure IV).

We are currently awaiting the NSC guidelines. We will continue to keep you informed of the status of our efforts, and will discuss further steps which we believe may be appropriate, if any, after we have reviewed any guidelines issued by NSC.

Sincerely yours,

NANCE R. KINGSBURY,
Associate Director.

ENCLOSURE I

CHRONOLOGICAL SUMMARY OF GAO CONTACTS WITH EXECUTIVE BRANCH AGENCIES AND OFFICIALS

May 11-16, 1988: We sent routine notification letters to the Departments of State, Justice, and Defense, and the National Security Council advising them of our review and identifying the subject and scope of our work. Letters were sent specifically within the Department of Justice to the Drug Enforcement Agency (DEA), the Executive Office for U.S. Attorneys, and Justice's Criminal Division.

May 23, 1988: We received our first response from the NSC. Mr. Nicolas Rostow, Special Assistant to the President and Legal Advisor, told us by telephone that he wanted to "think about it" before scheduling a meeting with us.

May 24, 1988: We sent a notification letter to the Central Intelligence Agency asking for a meeting to discuss the issues.

May 30-June 1, 1988: We began contacting personnel at State and Justice to arrange for initial meetings to discuss the scope and depth of our audit. Mr. Manuel Rodriguez, U.S. Attorneys Office liaison who was coordinating the Justice Department components, declined to set up a meeting stating that NSC was coordinating the Administration's response to our notification and he was going to wait until he heard from NSC before proceeding. Mr. Bob Harris, from the Department of State, advised us that State would not deal with us on this assignment until we had discussed our work with the NSC.

June 1: We conducted our initial meeting with the Department of Defense. We performed work at the Defense Intelligence Agency (DIA) and the military departments until July 12, 1988.

June 6, 1988: We had our first meeting with Mr. Dan Levin, Deputy Legal Advisor, NSC. Mr. Levin stated he understood the

purpose of our review, but wasn't sure we could have access to sensitive intelligence or law enforcement files. He promised to discuss access with the agencies involved and would get back to us quickly. We were officially notified that NSC would be our focal point on this assignment. We advised Mr. Levin that we preferred to deal with the agencies directly without having to clear everything with the NSC—our normal practice. Mr. Levin stated we are free to deal with each agency directly and that NSC would not be a bottleneck.

June 8-9, 1988: We again contacted the Departments of State and Justice to arrange for initial meetings. Despite Mr. Levin's statement that we could deal directly with the agencies, both Mr. Harris at State and Mr. Rodriguez at Justice advised us the NSC instructed them not to deal with us until NSC had developed operational guidelines on what to do and what not to do on this assignment.

June 13, 1988: Mr. John L. Helgeson, Director of Congressional Affairs, CIA, responded to our notification letter. He stated that all agency activities in Central America and information it gathers is under close and continuing scrutiny by the House and Senate Intelligence Committees. Furthermore, the CIA advised all policy-related questions should be directed to the appropriate components of the Executive Branch. It stated that therefore it could not be of help to us.

June 15-16, 1988: We began efforts to contact Mr. Levin, NSC, to determine when the NSC guidance would be issued and we could continue our review. Mr. Levin requested another meeting to learn more about the review.

June 16, 1988: We conducted an initial meeting with representatives of the Customs Service. Mr. Bill Rosenblatt, Assistant Commissioner for Enforcement, did not provide any information and said he wanted first for the U.S. Attorneys Office to establish ground rules as to how much of the information Customs has is covered by grand jury secrecy provisions and what information they can provide to us.

June 22, 1988: We held a second meeting with the NSC and White House staff personnel. Attending for the Executive Branch were Mr. Nicolas Rostow, Special Assistant to the President and Legal Advisor; Mr. Dan Levin, Deputy Legal Advisor, NSC; Mr. Jonathan Scharfman, Assistant Legal Advisor, NSC; Mr. Dan McGrath, Legal Counsel, White House Staff; Mr. Bob Harris, Department of State; and another official from the Department of Justice.

We reiterated our purpose, and our requirements in terms of access to personnel and documentation to the extent that we could. We explained that we needed to conduct initial meetings to more fully determine our documentation needs. We discussed the availability of documents used in the deliberative process, grand jury and other enforcement actions, foreign intelligence, and other types of documentation. Some were considered to fall under executive privilege and not available to GAO, according to the administration officials. We discussed in general terms our access experiences in other kinds of highly sensitive assignments and pointed out that special security arrangements could be agreed upon if circumstances warrant.

At the request of Mr. Levin, we agreed to submit in writing a more detailed explanation of the specific types of documents and information we wanted access to so they could more fully consider our request. They promised a prompt response. We asked for a response within one or two weeks. Mr. Levin

was not willing to commit to a specific time period.

June 23, 1988: GAO hand delivered the explanatory letter to the NSC. The document explained that in order to accomplish our objectives, we planned to:

(1) obtain agency briefings that describe the general organizational structure and the operational procedures related to the agency's data collection, analysis, and dissemination systems;

(2) interview relevant agency personnel who are responsible for defining agency information needs with regard to General Noriega and Panama, implementing the information collection process, collecting and reporting raw data, and analyzing and disseminating data on Panama and General Noriega;

(3) review documents to include specific directives, instructions, or taskings to collect data on General Noriega or alleged illegal activities involving General Noriega, cables and reports from field offices regarding General Noriega's involvement in or toleration of illegal activities, analyses or summaries of field reporting on General Noriega, and geographic/subject-area studies discussing the role or suspected role of General Noriega in illegal activities; and

(4) examine the use of information about General Noriega in the foreign policy process by identifying the agencies, organizations, and individuals who play a role in deciding national security and foreign policy issues with regard to Panama and interview each and review documents to determine whether information about General Noriega reached them and how that information was used in making decisions.

June 27, 1988: We contacted Mr. Levin at NSC on the status of its response to our June 23 letter. He said they were preparing a response and it would be provided "promptly."

July 1, 1988: We called Mr. Levin again at NSC. He said they hoped to have a response soon. We inquired about who in the White House or the NSC is making the decisions and what the specific problems or objections are, and Mr. Levin declined to provide any information.

July 5, 1988: We again called Mr. Levin at NSC. He advised us that a letter was "in for signature," but he declined to predict when it would be signed. He also would not say what position the response would take or who it was with for signature. He said he would not "sit on" a signed response and that he would call us when it is signed.

July 7, 1988: We called Mr. Bob Harris, State Department, in another attempt to gain cooperation and were told State would not meet with us until it hears from NSC. We advised Mr. Harris that we planned to send a second letter to them specifically asking for an initial meeting and access to documents.

July 8, 1988: We called Mr. Paul Prise, DEA, asking to meet. He told us that NSC gave instructions not to meet with us until NSC gives the "go ahead." We advised a second letter was coming.

July 12, 1988: We sent a second letter, more detailed in what we requested in the way of cooperation to the Departments of State and Justice (DEA, Criminal Division and the U.S. Attorneys Office), and the NSC.

July 12, 1988: We attempted to continue our work at the Department of Defense. Up to this point, we had conducted a series of interviews with personnel involved in intelligence gathering and analysis in Latin America. We had identified and requested about 100 documents, files, reports, cables, etc., that we felt were relevant to our review. We

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had some additional meetings scheduled with agency personnel. We were advised by Mr. Nacho Morales, Army Intelligence and Security Command, that NSC directed DOD to postpone any meetings with us on the assignment. Mr. Craig Campbell, a GAO liaison official with the DOD/IG, confirmed that DOD was told to withhold contacts with us. Mr. Martin Sheina, DIA, told us he could not provide documents we had requested until NSC provides guidance.

July 13, 1988: We sent a letter to the Department of Defense, similar to those sent to State and Justice on July 12, 1988, asking for a resumption of cooperation—i.e., to provide the requested documents and to continue meeting with us.

July 13, 1988: Mr. Don Schramak, Justice liaison, said that the Justice General Counsel staff had been working with NSC to develop a response, and indicated that it would be sent within a day or so.

July 18, 1988: We received a letter from Mr. Nicolas Rostow, NSC, dated July 13, 1988, which expressed his disappointment that we had not narrowed the scope of the information we wanted and stated that the administration is still considering our request.

August 1, 1988: We telephoned Mr. Levin at NSC asking for the status of the response. He said it was being reviewed at the Department of Justice and there was no definite date it would be issued. He hoped it would be issued by the week of August 8, 1988.

August 2, 1988: We advised Mr. Levin, NSC, that Senator Kerry's staff had informed us that Senator Kerry is prepared to hold a press conference about the lack of cooperation with GAO. I advised Mr. Levin that the Senator's staff had stated that if we did not have guidelines by 9 o'clock a.m., August 8, 1988, or at least a definite delivery date, Senator Kerry would hold a press conference.

GENERAL ACCOUNTING OFFICE,
GOVERNMENT DIVISION,
Washington, DC, May 11, 1988.

MR. PETER F. GRUDEN,
Assistant Administrator, Planning and Inspection Division, Drug Enforcement Administration, Department of Justice.

DEAR MR. GRUDEN: The General Accounting Office, has been requested to undertake a study of Panamanian leader Gen. Manuel Noriega's alleged drug activities. The study, under code 472165, will examine (1) the broad parameters of U.S.-Panamanian relations over the past 20 years, (2) the type of information about Noriega developed by various intelligence and law enforcement agencies, (3) the extent to which this information reached foreign policy decision-makers, and (4) the role that such information played in decisions on U.S. foreign policy.

This work will be performed by Mr. Donald L. Patton, Group Director; Mr. James O. Benone, Evaluator-in-Charge; and Mr. Jon Chasson; of our Foreign Economic Assistance Group, National Security and International Affairs Division.

The work will be conducted in Washington at the Drug Enforcement Administration, the Department of State, the Department of Defense, the Department of the Treasury, and other federal agencies. We will advise you of any need to visit facilities outside the Washington area.

We appreciate your assistance in notifying the appropriate officials of the assignment. If you have any questions, please contact

Mr. Patton at 275-1898 or Mr. Benone at 275-7487.

Sincerely yours,

ARNOLD P. JONES,
Senior Associate Director.

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, May 12, 1988.

HON. FRANK C. CARLUCCI,
The Secretary of Defense.

Attention: DOD Office of the Inspector General, Deputy Assistant Inspector General for GAO Report Analysis.

DEAR MR. SECRETARY: The General Accounting Office, has been requested to undertake a study of Panamanian leader Gen. Manuel Noriega's alleged drug activities. The study, under code 472165, will examine (1) the broad parameters of U.S.-Panamanian relations over the past 20 years, (2) the type of information about Noriega developed by various intelligence and law enforcement agencies, (3) the extent to which this information reached foreign policy decision-makers, and (4) the role that such information played in decisions on U.S. foreign policy.

This work will be performed by Mr. Donald L. Patton, Group Director; Mr. James O. Benone, Evaluator-in-Charge; and Mr. Jon Chasson; of our Foreign Economic Assistance Group.

The work will be conducted in Washington at the Department of Defense, the Department of State, the Department of Justice, and other federal agencies. We will advise you of any need to visit Department facilities outside the Washington area.

We appreciate your assistance in notifying the appropriate officials of the assignment. If you have any questions, please contact Mr. Patton at 275-1898 or Mr. Benone at 275-7487.

Sincerely yours,

NANCY R. KINGSBURY,
Associate Director.

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, May 13, 1988.

MR. PAUL SCHOTT STEVENS,
Executive Secretary, National Security Council, Old Executive Office Bldg., Washington, DC.

DEAR MR. STEVENS: The General Accounting Office, has been requested to undertake a study of Panamanian leader Gen. Manuel Noriega's alleged drug activities. The study, under code 472165, will examine (1) the broad parameters of U.S.-Panamanian relations over the past 20 years, (2) the type of information about Noriega developed by various intelligence and law enforcement agencies, (3) the extent to which this information reached foreign policy decision-makers, and (4) the role that such information played in decisions on U.S. foreign policy.

This work will be performed by Mr. Donald L. Patton, Group Director; Mr. James O. Benone, Evaluator-in-Charge; and Mr. Jon Chasson; of our Foreign Economic Assistance Group, National Security and International Affairs Division.

The work will be conducted at the National Security Council, the Department of State, the Department of Defense, the Department of Justice, and other federal agencies.

We appreciate your assistance you can provide to our staff. If you have any questions,

please contact Mr. Patton at 275-1898 or Mr. Benone at 275-7487.

Sincerely yours,

JOSEPH E. KELLY,
Associate Director.

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, May 13, 1988.

HON. GEORGE F. SHULTZ,
The Secretary of State.

(Attention: GAO Liaison, Office of the Comptroller.)

DEAR MR. SECRETARY: The General Accounting Office, has been requested to undertake a study of Panamanian leader Gen. Manuel Noriega's alleged drug activities. The study, under code 472165, will examine (1) the broad parameters of U.S.-Panamanian relations over the past 20 years, (2) the type of information about Noriega developed by various intelligence and law enforcement agencies, (3) the extent to which this information reached foreign policy decision-makers, and (4) the role that such information played in decisions on U.S. foreign policy.

This work will be performed by Mr. Donald L. Patton, Group Director; Mr. James O. Benone, Evaluator-in-Charge; and Mr. Jon Chasson; of our Foreign Economic Assistance Group.

The work will be conducted in Washington at the Department of State, the Department of Defense, the Department of Justice, and other federal agencies. We will advise you of any need to visit State Department facilities outside the Washington area.

We appreciate your assistance in notifying the appropriate officials of the assignment. If you have any questions, please contact Mr. Patton at 275-1898 or Mr. Benone at 275-7487.

Sincerely yours,

JOSEPH E. KELLY,
Associate Director.

GENERAL ACCOUNTING OFFICE,
GENERAL GOVERNMENT DIVISION,
Washington, DC, May 16, 1988.

MR. JOHN C. KEENEY,
Assistant Attorney General, Criminal Division, Department of Justice, Washington, DC.

DEAR MR. KEENEY: The General Accounting Office, has been requested to undertake a study of Panamanian leader Gen. Manuel Noriega's alleged drug activities. The study, under code 472165, will examine (1) the broad parameters of U.S.-Panamanian relations over the past 20 years, (2) the type of information about Noriega developed by various intelligence and law enforcement agencies, (3) the extent to which this information reached foreign policy decision-makers, and (4) the role that such information played in decisions on U.S. foreign policy.

This work will be performed by Mr. Donald L. Patton, Group Director; Mr. James O. Benone, Evaluator-in-Charge; and Mr. Jon Chasson; of our Foreign Economic Assistance Group, National Security and International Affairs Division.

We would like to meet with knowledgeable Criminal Division officials. We also plan to conduct work at other Department of Justice offices, the Department of Defense, the Department of State, and other federal agencies.

We appreciate your assistance in notifying the appropriate officials of the assignment. If you have any questions, please contact

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Mr. Patton at 275-1898 or Mr. Benone at 275-7487.

Sincerely yours,

ARNOLD P. JONES,
Senior Associate Director.

GENERAL ACCOUNTING OFFICE,
GENERAL GOVERNMENT DIVISION,
Washington, DC, May 16, 1988.

Mr. MANUEL RODRIGUEZ,
Legal Counsel, Executive Office for U.S. Attorneys, Department of Justice.

DEAR MR. RODRIGUEZ: The General Accounting Office, has been requested to undertake a study of Panamanian leader Gen. Manuel Noriega's alleged drug activities. The study, under code 472165, will examine (1) the broad parameters of U.S.-Panamanian relations over the past 20 years, (2) the type of information about Noriega developed by various intelligence and law-enforcement agencies, (3) the extent to which this information reached foreign policy decisionmakers, and (4) the role that such information played in decisions on U.S. foreign policy.

This work will be performed by Mr. Donald L. Patton, Group Director; Mr. James O. Benone, Evaluator-in-Charge; and Mr. Jon Chasson; of our Foreign Economic Assistance Group, National Security and International Affairs Division.

We would like to meet with the U.S. Attorneys in both Miami and Tampa, Florida, who have brought indictments against Gen. Noriega to discuss the genesis of the indictments, identify other people that we should talk with, and obtain information about the cases. We also plan to conduct work at other Department of Justice offices, the Department of Defense, the Department of State, and other federal agencies.

We appreciate your assistance in notifying the appropriate officials of the assignment. If you have any questions, please contact Mr. Patton at 275-1898 or Mr. Benone at 275-7487.

Sincerely yours,

JOHN ANDERSON,
ARNOLD P. JONES,
Senior Associate Director.

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, May 24, 1988.

HON. WILLIAM H. WEBSTER,
Director, Central Intelligence Agency.
Attention: Director, Office of Legislative Liaison.

DEAR MR. WEBSTER: The General Accounting Office, has been requested to undertake a study of Panamanian leader Gen. Manuel Noriega's alleged drug activities. The study, under code 472165, will examine (1) selected aspects of U.S.-Panamanian relations over the past 20 years, (2) the type of information about Noriega developed by various intelligence and law-enforcement agencies, (3) the extent to which this information reached foreign policy decisionmakers, and (4) the role that such information played in decisions on U.S. foreign policy.

This work will be performed under the direction of Nancy R. Kingsbury, Associate Director by Mr. Donald L. Patton, Group Director; Mr. James O. Benone, Evaluator-in-Charge; and Mr. Jon Chasson; of our Foreign Economic Assistance Group.

The work will be conducted in Washington at the Department of State, the Department of Defense, the Department of Justice, and other federal agencies.

We would like to meet with Agency representatives to discuss these issues and obtain the Agency's perspective on them. We appreciate any assistance you can provide to

our staff in this regard. If you have any questions, please contact Mr. Patton or Mr. Benone at 275-5790.

Sincerely yours,

FRANK C. CONAHAN,
Assistant Comptroller General.

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, June 23, 1988.

Mr. C. NICHOLAS ROSTOW,
Special Assistant to the President and Legal Advisor, National Security Council.

DEAR MR. ROSTOW: As you are aware, Senator John Kerry, Chairman of the Subcommittee on Terrorism, Narcotics, and International Operations and Representative Bill Alexander, are concerned that information about illegal activities by high-level officials of other nations may not be adequately considered in U.S. foreign policy decisions. At their request, the General Accounting Office is undertaking an initial case study of how information about General Noriega was developed by various government agencies, and what role such information played in policy decisions regarding Panama.

To satisfy this request, we will:

- (1) Obtain an agency overview. At each agency that develops relevant information on General Noriega or his possible involvement in illegal activities, we will receive a briefing that outlines the general organizational structure and the operational procedures related to the agency's data collection, analysis, and dissemination systems.

- (2) Interview relevant personnel. Once we understand the basic organizational structure, we will then interview key personnel responsible for (1) defining agency information needs with regard to Noriega and Panama, (2) implementing the information collection process, (3) collecting and reporting raw data, and (4) analyzing and disseminating data on Panama and Noriega.

- (3) Review documents. As we learn more about each agency's collection and reporting processes, we will request relevant documents. We anticipate that these will include: specific directives, instructions, or tasks to collect data on Noriega or alleged illegal activities involving Noriega, cables and reports from field offices regarding Noriega's involvement in or toleration of illegal activities, analyses or summaries of field reporting on Noriega, and geographic/subject-area studies discussing the role or suspected role of Noriega in illegal activities.

- (4) Examine the use of information about Noriega in the foreign policy process. After completing a systematic review at each agency, we will attempt to determine how agency reporting on Noriega may have influenced foreign policy decisions on Panama. We will first identify the agencies, organizations, and individuals who play a role in deciding national security and foreign policy issues with regard to Panama. Through interviews and a review of relevant documents, we will determine whether information about Noriega reached them, and how that information was used in making decisions.

As part of our review, we will contact appropriate officials of the National Security Council who are now or were in the past involved in policy decisions regarding Panama. We intend to discuss their knowledge and utilization of information concerning General Noriega's illegal activities.

We understand that this review will involve potentially sensitive material that may require special controls and safeguards. We are willing to discuss this issue with you and take appropriate precautions.

Mr. Levin indicated that you would handle this request expeditiously, and I look forward to hearing from you early next week. If you have any additional questions about our review, please contact Mr. Patton at 275-1898 or Mr. Benone at 275-7487.

Sincerely yours,

NANCY R. KINGSBURY,
Associate Director.

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, July 12, 1988.

Mr. LAWRENCE S. McWHORTER,
Director, Executive Office for U.S. Attorneys, Department of Justice, Washington, DC.

DEAR MR. McWHORTER: As we informed your staff in our letter of May 16, 1988, the General Accounting Office is undertaking a case study of how information about General Noriega was developed by various government agencies, and what role such information played in policy decisions regarding Panama. As agreed with your staff, we initially postponed audit work at the Justice Department until we had met with National Security Council officials to more fully explain our review objectives and give them an opportunity to coordinate agency participation in our review. However, because the National Security Council has not acted, and because of the high level of congressional interest in this assignment, we must now implement our review independently at each agency.

We are therefore requesting that you provide us with the following:

1. Documents outlining the organizational components involved in, and the operational procedures related to the U.S. Attorney requests for and analysis of foreign intelligence data.

2. Documents relating to the investigations of alleged drug trafficking by General Noriega conducted by the U.S. Attorneys in Miami and Tampa.

3. Any memos, reports, analyses, studies, briefing papers, meeting records, or other documents generated by the office of the U.S. Attorneys which discuss allegations of illegal activities by General Noriega, and interagency communications on these matters.

We anticipate that as our review progresses, we will make additional requests for documentation.

To facilitate our review, we request that appropriate officials meet with us at an opening conference no later than July 20. At that time, we will establish a schedule for obtaining the needed documents.

With the input and cooperation of U.S. Attorney officials, I am confident that we can successfully complete our review in a timely manner.

If you have any additional questions about our review, please contact Mr. Donald L. Patton at 275-1898 or Mr. James O. Benone at 275-7487.

Sincerely yours,

NANCY R. KINGSBURY,
Associate Director.

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, July 12, 1988.

Mr. EDWARD S. DENNIS,
Assistant Attorney General, Criminal Division, Department of Justice, Washington, DC.

DEAR MR. DENNIS: As we informed your staff in our letter of May 16, 1988, the General Accounting Office is undertaking a case study of how information about General

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Noriega was developed by various government agencies, and what role such information played in policy decisions regarding Panama. We initially postponed audit work at the Justice Department and several other government agencies until we had met with National Security Council officials to more fully explain our review objectives and had given them an opportunity to coordinate agency participation in our review. However, because the National Security Council has not acted, and because of the high level congressional interest in this assignment, we must now implement our review independently at each agency.

We are therefore requesting that you provide us with the following:

1. Documents outlining the organizational components involved in, and the operational procedures related to, the Criminal Division's development of law enforcement information and its requests for and analysis of foreign intelligence data provided by the various collection agencies.

2. Any memos, reports, analyses, studies, briefing papers, meeting records, or other documents generated by the Division which discuss allegations of illegal activities by General Noriega or the possible impact of such activities on U.S. relations with Panama.

We anticipate that as our review progresses, we will make additional requests for documentation.

To facilitate our review, we request that appropriate officials meet with us at an opening conference no later than July 20. At that time, we will establish a schedule for obtaining the needed documents.

With the input and cooperation of Criminal Division officials, I am confident that we can successfully complete our review in a timely manner.

If you have any additional questions about our review, please contact Mr. Donald L. Patton at 275-1898 or Mr. James O. Benone at 275-7487.

Sincerely yours,

NANCY R. KINGSBURY,
Associate Director.

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, July 12, 1988.

Mr. JOHN C. LAWN,
Drug Enforcement Administration,
Washington, DC.

DEAR MR. LAWN: As we informed your staff in our letter of May 11, 1988, the General Accounting Office is undertaking a case study, under code 472165, of how information about General Noriega was developed by various government agencies, and what role such information played in policy decisions regarding Panama. At the request of your staff, we initially postponed audit work at the Drug Enforcement Administration until we had explained our review objectives to the National Security Council and had given them an opportunity to coordinate the executive agency participation in our review. However, because the National Security Council has not acted, and because of the high level of congressional interest in this assignment, we must now implement our review independently at each agency.

We are therefore requesting that DEA provide us with:

1. Documents outlining the organizational structure and the operational procedures related to DEA's development of law enforcement information and its foreign intelligence data collection analysis, and dissemination systems.

2. Documents which establish DEA's procedures for (a) defining foreign intelligence information needs with regard to General Noriega and Panama, (b) implementing the

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information collection, process, (c) collecting and reporting raw data, and (d) analyzing and disseminating data on Panama and General Noriega.

3. Specific directives, instructions, or tasks to collect data on General Noriega or his alleged illegal activities, cables and reports from field offices regarding his involvement in or toleration of illegal activities, analyses or summaries of field reporting on him, and geographic/subject-area studies discussing his role or suspected role in illegal activities.

To facilitate our review, we are requesting an opening conference with appropriate officials no later than July 20. At that time, we will more fully discuss the specific parameters of our audit work and establish a schedule for obtaining the needed documents.

With the input and cooperation of DEA officials, I am confident that we can successfully complete our review in a timely manner.

If you have any additional questions about our review, please contact Mr. Donald L. Patton at 275-1898 or Mr. James O. Benone at 275-7487.

Sincerely yours,
NANCY R. KINGSBURY,
Associate Director.

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, July 12, 1988.

Mr. PAUL SCOTT STEVENS,
Executive Secretary, National Security Council, Old Executive Office Building,
Washington, DC.

DEAR MR. STEVENS: As we informed you in our letter of May 13, 1988, and Mr. Rostow in our letter of June 23, the General Accounting Office is undertaking a case study of how information about General Noriega was developed by various government agencies, and what role such information played in policy decisions regarding Panama. At the request of the National Security Council staff, we initially postponed audit work at the Council and several other government agencies until we had met with them to more fully explain our review objectives and had given them an opportunity to coordinate agency participation in our review. However, because we have not received a response to our letter of June 23, and because of the high level of congressional interest in this assignment, we must now implement our review independently at each agency.

We have sent requests to each agency, asking that appropriate officials meet with us to establish a timetable for collecting and reviewing relevant documents. We ask that the National Security Council provide us with:

1. Documents outlining the organizational structure and the operational procedures related to the National Security Council's requests for and analysis of foreign intelligence data provided by the various collection agencies.

2. Any memos, reports, analyses, studies, briefing papers, meeting records, or other documents generated by the National Security Council staff which discuss allegations of illegal activities by General Noriega and the possible impact of such activities on U.S. relations with Panama.

We anticipate that as our review progresses, we will make additional requests for documentation.

To facilitate our review, we request that appropriate officials meet with us at an opening conference no later than July 20. At that time, we will establish a schedule for obtaining the needed documents.

With the input and cooperation of National Security Council officials, I am confident that we can successfully complete our review in a timely manner.

If you have any additional questions about our review, please contact Mr. Donald L. Patton at 275-1898 or Mr. James O. Benone at 275-7487.

Sincerely yours,
NANCY R. KINGSBURY,
Associate Director.

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, July 12, 1988.

HON. GEORGE F. SHULTZ,
The Secretary of State,
(Attention: GAO Liaison, Office of the Comptroller.)

DEAR MR. SECRETARY: As we informed you in our letter of May 13, 1988, the General Accounting Office is undertaking a case study, under code 472165, of how information about General Noriega was developed by various government agencies, and what role such information played in policy decisions regarding Panama. At the request of your staff, we initially postponed audit work at the State Department until we had explained our review objectives to the National Security Council and had given them an opportunity to coordinate the executive agency participation in our review. However, because the National Security Council has not acted, and because of the high level of congressional interest in this assignment, we must now implement our review independently at each agency.

We are therefore requesting that the State Department provide us with:

1. Documents outlining the organizational structure and the operational procedures related to the State Department's foreign intelligence data collection, analysis, and dissemination systems.

2. Documents which establish the State Department's procedures for (a) defining foreign intelligence information needs with regard to General Noriega and Panama, (b) implementing the information collection process, (c) collecting and reporting raw data, and (d) analyzing and disseminating data on Panama and General Noriega.

3. Specific directives, instructions, or tasks to collect data on General Noriega or his alleged illegal activities, cables and reports from embassies regarding his involvement in or toleration of illegal activities, analyses or summaries of field reporting on him, and geographic/subject-area studies discussing his role or suspected role in illegal activities.

We anticipate that many of these documents are available within the Offices of the Assistant Secretary of State for Inter-American Affairs, the Assistant Secretary for Intelligence and Research, and the Assistant Secretary for Narcotics Matters.

To facilitate our review, we are requesting an opening conference with appropriate officials no later than July 20. At that time, we will more fully discuss the specific parameters of our audit work and establish a schedule for obtaining the needed documents.

With the input and cooperation of State Department officials, I am confident that we can successfully complete our review in a timely manner.

If you have any additional questions about our review, please contact Mr. Donald L. Patton at 275-1898 or Mr. James O. Benone at 275-7487.

Sincerely yours,
NANCY R. KINGSBURY,
Associate Director.

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GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, July 13, 1988.

Hon. FRANK C. CARLUCCI,
The Secretary of Defense,
(Attention: DOD Office of the Inspector General, Deputy Assistant Inspector General for GAO Report Analysis).

DEAR MR. SECRETARY: As we informed you in our letter of May 12, 1988, the General Accounting Office is undertaking a case study, under code 472165, of how information about General Noriega was developed by various government agencies, and what role such information played in policy decisions regarding Panama. With the cooperation of Department of Defense officials, including those from the military services and other Defense agencies, we have already made substantial progress toward achieving our review objectives. However, we were advised on July 12, 1988, that these officials have been directed to postpone meeting with us and providing us with documents until the National Security Council provides guidance on the extent that the Department should participate in our review.

Since initiating this review, we have fully briefed the National Security Council staff on our review objectives and methodology and allowed them time to provide guidance to executive branch agencies. However, because the Council has not issued such guidance and because of the high level of congressional interest in this assignment, we have advised the Council that we must now implement our review independently at each agency.

We are therefore requesting that the Department resume cooperating with us on this assignment and provide us with documents we need to accomplish our review objectives. In addition to the documents that we already have requested, we need to obtain:

1. Cables and intelligence reports generated by, or in the possession of, the Department of Defense and its various components which discuss General Noriega and his alleged illegal activities.

2. Any other memos, reports, analyses, studies, briefing papers, meeting records, other documents, or recorded information generated by, or in the possession of, the Department or its components which discuss allegations of illegal activities by General Noriega and the possible impact of such activities on U.S. relations with Panama.

To facilitate our review, we would appreciate being advised in writing no later than July 20, 1988, of your intended action on this matter.

With the Department's renewed cooperation, I am confident that we can successfully complete our review in a timely manner. If you have any additional questions about our review, please contact Mr. Donald L. Patton at 275-1898 or Mr. James O. Benone at 275-7487.

Sincerely yours,

NANCY R. KINGSBURY,
Associate Director.

ENCLOSURE III

NATIONAL SECURITY COUNCIL,
Washington, DC, July 13, 1988.

Ms. NANCY R. KINGSBURY,
Associate Director, National Security and International Affairs Division, General Accounting Office, Washington, DC.

DEAR Ms. KINGSBURY: I am writing in response to your request concerning a study of the alleged drug activities of Manuel Noriega, and the role information about such activities played in decisions about U.S. foreign policy (Study #472165).

As described in Mr. Kelly's May 13, 1988, letter to Paul Stevens and your June 23, 1988, letter to me, your request seeks access to sensitive law enforcement and intelligence files covering a substantial period of time. In our meeting, your staff confirmed that your three areas of interest were intelligence files, law enforcement files, and the deliberative process of the Executive branch, including internal communications and deliberations leading to Executive branch actions taken pursuant to the President's constitutional authority. I was disappointed that your letter did not contain any narrowing of the request. The request raises important statutory and constitutional issues. The Administration is analyzing them now, and when its deliberation is complete, I shall reply further to your letter of June 23, 1988.

Sincerely,
NICHOLAS ROSTOW,
Special Assistant to the President
and Legal Adviser.

ENCLOSURE IV

CENTRAL INTELLIGENCE AGENCY,
Washington, DC, June 13, 1988.

Mr. FRANK C. CONAHAN,
Assistant Comptroller General, National Security and International Affairs Divisions, General Accounting Office, Washington, DC.

DEAR MR. CONAHAN: The Director has asked me to respond to your letter of 24 May 1988 that described the General Accounting Office's investigation of allegations made against General Noriega of Panama.

All Agency activities in central America, as well as information we receive concerning other U.S. Government activities in the region, are subject to close and continuing scrutiny by the House and Senate Intelligence Committees. Furthermore, any assessment of policy-related questions should be directed to the appropriate components of the Executive Branch, such as the Department of State and Defense.

I am sorry that we cannot be more helpful in this case.

Sincerely,
JOHN L. HELGERSON,
Director of Congressional Affairs.

DEPARTMENT OF STATE,
Washington, DC, August 2, 1988.
NANCY KINGSBURY,
Associate Director, General Accounting Office, National Security and International Affairs Division.

DEAR Ms. KINGSBURY: I am pleased to respond to your July 12 letter on the proposed case study your office is undertaking about how U.S. government agencies used information about General Noriega in its policy decisions regarding Panama.

As you are aware, the National Security Council staff and the Office of White House counsel have been working closely with your office on this investigation. All executive branch agencies have been instructed by the White House not to take any action on your request until various legal issues have been analyzed by the Administration. Accordingly, at the present time it will not be possible for the Department to meet with your staff or produce information until this examination is completed. For the time being, Nicholas Rostow, Legal Adviser to the National Security Council, is acting as the Administration's point of contact on this matter.

Sincerely,
ROGER B. FELDMAN,
Comptroller.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, I passed an amendment in the Crime Subcommittee and in the full Judiciary Committee that was bipartisan, and noncontroversial, about these clandestine drug labs, which are a particular problem in my beautiful State of California. Due to California's size and its ability to grow almost anything, the domestic growing of illegal crops has become a real problem. More ominous though are the hidden drug labs that sometimes are defended with booby traps, including high explosives. It is a tragic situation, recognized by all to the extent that everybody on the subcommittee and on the major committee said that my legislation on clandestine labs was fine and desperately needed.

Because of a jurisdictional dispute, and only because of that, my language was taken out of the final bill produced by the Rules Committee.

Last night, however, in the Rules Committee they agreed to allow me to offer my language again as an amendment, when we take this bill up again in September. I am still put at a disadvantage by these actions, however, as it will appear that I am trying to alter the original language of the bill. This is always an uphill battle.

I would just like to read a statement that I put out to the Rules Committee yesterday explaining my point of view.

□ 1115

This was hand delivered last night to Hon. CLAUDE PEPPER:

DEAR MR. CHAIRMAN: Only moments ago, I became aware that the Rules Committee will drop my language regarding Clandestine Drug Laboratories, in Subtitle B of Title VI. This language was accepted by the majority staff of the Crime Subcommittee even before subcommittee markup occurred. This language then survived markup before the full Judiciary Committee without amendment. In short, Mr. Chairman, this provision to establish a Task Force on Clandestine Drug Laboratories has always enjoyed a significant bipartisan support in Congress and within the Drug Enforcement Agency.

Let me add that the DEA is anxious, very anxious to get this language in the legislation, since they are the major repository of the chemicals used in these drug labs.

I am disappointed, to say the least, that the Rules Committee would circumvent the committee process which I have followed so diligently.

I am grateful to the Rules Committee that this was corrected:

It is my understanding that the language will be allowed as an amendment to the drug bill during floor debate. I would certainly hope that I would at least be granted this opportunity.

Mr. Chairman, I certainly hope that you can see your way clear to either reinstating my language. * * *

And he did that. I would like to thank him for it. I look forward to offering it on the floor in September.

August 11, 1988

CONGRESSIONAL RECORD — HOUSE

H 6855

At that time I will bring back some firsthand testimony about what is happening in my State, with the clandestine laboratories and how the chemicals they use have become a major health hazard.

I think the drug issue is becoming more bipartisan in the Presidential campaign. I hope so, from Jessie Jackson on the left all the way up to the Libertarian Party on the right. Well, maybe they are hopeless.

Note for the Dornan amendment on clandestine drug labs in September.

I include for the Record my full letter to the chairman of the Rules Committee along with my amendment, as follows:

HOUSE OF REPRESENTATIVES,
August 10, 1988.

Hon. CLAUDE PEPPER,
Chairman, Rules Committee, H-312, The Capitol.

DEAR MR. CHAIRMAN: Only moments ago, I became aware that the Rules Committee will drop my language regarding Clandestine Drug Laboratories, in Subtitle B of Title VI. This language was accepted by the majority staff of the Crime Subcommittee even before subcommittee markup occurred. This language then survived markup before the full Judiciary Committee without amendment. In short, Mr. Chairman, this provision to establish a Task Force on Clandestine Drug Laboratories has always enjoyed significant bipartisan support in Congress and within the Drug Enforcement Agency.

I am disappointed, to say the least, that the Rules Committee would circumvent the committee process which I have followed so diligently. This action by the Rules Committee has put me at a significant disadvantage. During the amendment procedure it will appear as if I am trying to amend the original language of this bill, when in fact, mine is the original language of the bill.

It is my understanding that my language will be allowed as an amendment to the Drug bill during floor debate. I would certainly hope that I would at least be granted this opportunity.

Mr. Chairman, I certainly hope that you can see your way clear to either reinstating my language into the original text as reported or permit me to offer this provision on the House floor during debate in September.

I appreciate in advance your consideration.

Sincerely,
ROBERT K. DORNAN,
U.S. Congressman.

Mr. Speaker, my amendment as a bill was entitled, "Joint Federal Task Force on Clandestine Drug Laboratories Establishment Act of 1988." It combined the expertise of both the Drug Enforcement Agency and the Environmental Protection Agency to formulate and implement a program for the cleanup and disposal of hazardous waste produced by clandestine drug labs nationwide.

Mr. Speaker, I became aware of the tremendous increase in the number of seizures of clandestine drug labs by way of an Orange County register article which detailed some of the problems encountered by the Buena Park City Police Department.

The register article made it abundantly clear that our local police de-

partments do not have the budget or the equipment to handle the disposal and cleanup of poisonous and highly flammable chemicals recovered in speed labs. Under current law our police departments are the victims of their own successes. They get stuck with the bill for disposal and cleanup.

The DEA has confirmed a tripling of the number of drug labs in the last 2 years, which are most heavily concentrated in San Diego and Sacramento counties. Methamphetamine or PCP labs produce extremely hazardous substances which have been found in apartment buildings, motor homes, and other densely populated urban environments.

My legislation is environmentally oriented in the sense that it draws particular attention to the long-term health hazards caused by the residual chemicals which frequently find their way into local water supplies and livestock.

Until today, the issue of cleanup and disposal of clandestine drug lab waste has been a political football. Federal, State, and local authorities have all been arguing over jurisdiction, to the detriment of overall policy. My amendment if adopted in September should bring this needless squabbling to a screeching halt.

Mr. PEPPER. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the able gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the rule makes in order an amendment establishing a federal death penalty. I think this is a tragic mistake. Members know that death rows are disproportionately black and they know that a black who kills a white is 4 to 10 times more likely to receive the death sentence than a white who kills a black.

Despite these very disturbing facts, many Members feel they cannot vote against an antidrug measure in an election year.

Mr. Speaker, the death penalty is not an effective antidrug measure. Indeed, the death penalty would be counterproductive.

Many States with the death penalty have higher murder rates and worse drug problems than States without it.

The death penalty will hurt our international efforts to fight drugs. The countries we are trying to work with will not extradite a person to the United States if the death sentence can be imposed. Let me quote the chief assistant U.S. attorney in Miami. Last month he said, "If we imposed the death penalty, we wouldn't be able to get any of the true drug lords. It would be self-defeating."

Third, the cost of executing a person is enormous. In Florida, the full cost of an execution is nearly \$3.2 million. It is insane to sink \$3.2 million into executing a single person when we are struggling to find adequate resources

for measures that have been proven effective like drug treatment and putting more agents on the street.

I urge my colleagues to reject the rhetoric that the death penalty is tough on drugs. I urge my colleagues to resist the claim that it is politically dangerous to vote against the death penalty.

Mr. Speaker, aside from these problems, the death penalty amendment that will be brought to the floor suffers many flaws that make it particularly unfair. Other Members and I have introduced a series of amendments intended to mitigate some of these flaws.

An amendment has been made in order ensuring that defendants facing the death penalty will have adequate, experienced legal representation. Another important amendment ensures that the jury's sentencing discretion is properly guided by a complete listing of the mitigating factors they can consider.

A third issue involves the preservation of appeal rights.

A total of eight procedural amendments have been made in order. If the death penalty is offered, I ask my colleagues to support these amendments. If the Federal Government is going to be given the power to intentionally kill certain convicts, the procedures should be as scrupulous and fair as we can make them.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. GILMAN].

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of this rule to the Omnibus Antidrug Initiative Act of 1988. I commend my colleagues on the Rules Committee for fashioning a rule that would permit this comprehensive drug measure to be brought to the floor for consideration at this time and I commend the leadership on both sides of the aisle for their support of this critically needed legislation.

While I regret that this rule did not allow consideration of my amendment which would have provided sorely needed antidrug resources, this measure—omnibus drug bill II—does build on the Antidrug Abuse Act of 1986 and will provide desperately needed resources for drug crop eradication, for interdiction, local law enforcement, treatment, and most importantly, for education.

The 1986 Antidrug Act did not win the war against drugs and this act alone cannot win this war. We are engaged in a long-term struggle against the curse of drugs. The soul of our Nation is at stake. The American people, in poll after poll, indicate that drug trafficking and drug abuse is the most important issue facing our Nation. And with good reason.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

ASSOCIATE DIRECTOR
FOR ECONOMICS AND GOVERNMENT

Drug file

Aug 19, 1988

John -

These are the sheets we have on the Brady amendment. As I've noted, Meese stated his support for the amendment and a BATF witness expressed support in Senate testimony Aug 2. Thus, it's on track for support, unless something new comes up today -

Carol.

August 17, 1988

Lead Agency: TR
Others: DOJ

PROHIBITIONS ON THE USE OF FIREARMS

Bill: D'Amato/DeConcini (S. 2205 Senate Dem.)

Makes it unlawful to possess a firearm or other dangerous weapon in a Federal courthouse.
(Sec. 199A)

Bill: Byrd (S. Senate Dem.)

Foley-Michel
Bill: ~~Wright~~ (H.R. 5210 House Dem.)

Establishes a 7-day waiting period for sale of handguns by licensees to nonlicensees (Sec. 903).

Bill: Michel (H.R. 4842 House Rep.)

Requires an additional 10 year sentence for those convicted of assaulting a Federal Officer with a firearm.

Prohibits possession of any firearm or dangerous weapon in a Federal courthouse or court facility except by specified public officials and law enforcement personnel.

Includes other provisions to strengthen penalties for possession of firearms and explosives. (Sec. 2081-2088)

Bill: Dole (S. Senate Rep.)

Increases current mandatory sentences for using firearms in the commission of a crime of violence or drug crime.

White House Conference for a Drug Free America

National Drug Policy Board

Prohibits the possession of firearms in federal courthouses and of explosives in airports; imposes Federal minimum mandatory prison sentences of 5 years for persons convicted of possession of illegal automatic weapons, and of 10 years for using a firearm in an assault on a Federal officer.

Administration Position

The Administration would support the Byrd bill provisions which prohibit possession of firearms and other dangerous weapons on Federal facilities if narrowed to apply only to firearms and if "facility" is more narrowly defined. We oppose provisions that prohibit possession or transfer of firearms on private or public school property, because it addresses a purely State and local concern. We support provisions which treat juvenile proceedings as "convictions" for purposes of sentence enhancement under the Armed Career Criminal Act, 18 U.S.C. sec. 924(e), where the defendant has 3 prior convictions for violent felonies or drug trafficking crimes (sec. 2913). We could also support provisions which require Federal firearms licensees to report to the Government sales of 2 or more "paramilitary" firearms within 5 consecutive business days to an unlicensed person (sec. 2921), if the term "paramilitary" is defined.

With regard to the DeConcini provisions which would prohibit possession of firearms and other dangerous weapons within any Federal courthouse, the Administration (ATF) would support the amendment if it is incorporated within the Gun Control Act.

The Administration would support provisions in the Wright bill that would establish a 7-day waiting period for sale of handguns by licensees to nonlicensees if technical corrections are made.

Status

Letters of support have been sent to the House and Senate Judiciary Committees and the Senate Governmental Affairs Committee.

Phil McGuire, Associate Director, Bureau of Alcohol, Tobacco and Firearms, testified August 2 before the Senate Judiciary Committee.

ATF has provided informal technical assistance to various committee and law enforcement subgroup staff.

August 17, 1988

Lead Agency: TR
Others: DOJ

Amendment to the House Bill
Deletes Provision for A Waiting Period for Purchase of A Hand Gun

Bill: House (H.R. 5210)

Strikes the "Brady Amendment" section requiring a waiting period before purchase of a handgun.

Sponsor: Volkmen^R

Presumed Administration Position

The Administration supports the Brady amendment which would establish a 7-day waiting period for sale of hand guns. We therefore oppose its deletion, as proposed by Volkmen^R.

BATF testified August 2 that "he" supports 7-day wait - in response to question, not in closed testimony.

A.G. Meese has stated that he supported 7-day wait provision.

The liberals are hoping that, within a few weeks, the American people will, as the liberals see it, regain their senses and return the nation to the hands of those who once gave it double-digit inflation, plummeting real family income -- (applause) -- economic stagnation, international setbacks, and lectures on malaise -- (laughter and applause) -- or, as the liberals put it, return the nation to those who stand, not for ideology, but for competence. (Laughter.)

Yes, they're hoping that within a few months they can wipe the slate clean and nominate judges who reflect their values and vision of the law. For us conservatives, the task must be to pin down just what that vision and those values are, which is not necessarily an easy task in a time when liberalism has become the masked marvel of American political discourse. (Laughter and applause.)

And while we're asking questions about the liberal agenda, we must be forthright about our own -- a decent respect, not just for the rights of criminals, but for those of the victims of crime; a respect for the real world in which the police work day to day; and an end to the kind of fanciful readings of the Constitution that produce such decisions as *Roe v. Wade*. (Applause.)

So this is my message to you today -- to hold the torch high, to stay in the battle. Too much is left to do. The battle is far from over. And all is yet to win or lose. But we stand with the founders of our nation in this ongoing struggle to protect our freedom. Thomas Jefferson reminded us that, "Our peculiar security is in the possession of a written Constitution." And he implored, "Let us not make it a blank paper by construction." For as James Madison wrote, if " -- the sense in which the Constitution was accepted and ratified by the nation is not the guide to expounding it -- there can be no security for a faithful exercise of its powers." It was true then. It is true now. It will be true always.

And just this morning I have to add something in here -- a little experience -- I received word of one of our drug agents. He was sitting in a car. He was actually providing protection to a home where the people in that home had been threatened -- their lives threatened because of their work against drugs. He was shot. And just before coming over here I made a telephone call to the hospital.

The bullet entered through the chin and came out from the forehead, very close to the eye. And the voice on the phone in the hospital room turned out to be his father's, because he cannot speak. It will probably be a year of continued surgery before he is able to come back among us. And he told me that his son couldn't speak but could hear. So he said, "I will hold the phone to his ear. And when you hear the tapping, that will mean he's on and listening." And so I was able to tell him of our pride in him and how much we appreciated his great sacrifice and all, and how much he would be in our prayers as the time went on until he is healed. And then said goodbye, and again he tapped on the phone with his finger to let me know that he had heard. And his father came on and I said goodbye to him. And his father then said he had just been handed a slip of paper by his son. He said his son was thanking me for the call.

Well, I -- this morning earlier I had read some of the statements by the opposition Congressmen to these -- this death penalty amendment that was passed yesterday and that I mentioned earlier. And I heard their sheer horror at the idea that we should be taking someone's life or just killing someone else in connection with drugs. And I've been thinking about that ever since this telephone call. I'd like to engage some of them in personal confrontation. In fact, I'll go out of my way to do it. (Applause.)

Well, I want to thank you all -- not only for your warm welcome, but thank you for what you are doing, and God bless you all.

END

1:52 P.M. EDT

THE WHITE HOUSE
Office of the Press Secretary

*Drug
file*

For Immediate Release

September 9, 1988

REMARKS BY THE PRESIDENT
TO THE FEDERALIST SOCIETY
LAWYERS CONVENTION

The Mayflower Hotel
Washington, D.C.

1:38 P.M. EDT

THE PRESIDENT: Thank you very much. Thank you all very much. And thank you, Ken. And a special thank you, as well, to your national co-chairmen -- Steve Calabresi, David McIntosh, and Lee Liberman.

Before I begin my remarks, let me say that, as some of you may know, today is Ken Cribb's last day in our administration. Liberals all around town are breaking out the champagne. (Laughter.) But I can't think of any better place than the Federalist Society to say, "Ken, thank you, Godspeed, and God bless you." (Applause.)

How far we've come these last eight years, not only in transforming the operations of government, not only in transforming the departments and agencies and even the federal judiciary, but also in changing the terms of national debate -- and nowhere is that change more evident than in the rise of the federalist society on the campuses of America's law schools.

To think if it, in schools where just a few years ago the critical legal studies movement stood virtually unchallenged, like some misplaced monster of prehistoric radicalism -- (laughter and applause) -- today you are vexing the dogmatists of the left. The federalist society is changing the culture of our nation's law schools. You are returning the values and concepts of law as our founders understood them to scholarly dialogue and, through that dialogue, to our legal institutions.

Yes, you are insisting that the Constitution is not some elaborate ink-blot test in which liberals can find prescribed policies that the people have rejected. You are fighting for renewed respect for the integrity of our Constitution, for its fundamental principles and for its wisdom. And in this, of course, you've had multitudes of friends and supporters in our administration, and that includes a certain tenant of a nearby unit of public housing. (Laughter.)

Yes, how far we've come since our administration arrived in Washington almost eight years ago. Those we replaced and most of the jurists they appointed had a very different view of the law from ours. They and the liberal elite -- they spoke for believed that judges should be free to reinterpret the Constitution with few fetters on them because the Constitution mustn't remain, as one of their allies and our critics has put it, "frozen in ancient error because it is so hard to amend."

Well, we replied that the principal errors of recent times had nothing to do with the shortcomings of the Founding Fathers. They had to do with courts that played fast and loose with the instrument the Founding Fathers devised. Yes, some law professors and judges said the courts should save the country from the Constitution. We said it was time to save the Constitution from them.

We pointed in particular to a bizarre twisting of values

MORE

that had crept into our criminal law -- to the confusing of criminals and victims; to an attitude that the law was not a vehicle for uncovering truth and administering justice but a game in which clever lawyers tried to trip up the police on the rules.

We said that we intended to nominate judges and justices who didn't share the skepticism of our extreme liberal friends about the fundamental values that underpin our laws and society. We would select judges who would reaffirm the core beliefs of our free land. And we have. You know the names on the court criers list, including Rehnquist and O'Connor and Scalia, Kennedy, and of course, Judge Robert Bork.

Well, already we can see the new realism that these and so many others have brought to our courts. I'm happy to report that as more and more of our appointees have served, federal courts have become tougher and tougher on criminals. The average federal prison sentence grew by almost a third from 1980 to 1986.

And what's more, as our judges by argument and example reversed long-standing attitudes about crime and criminals that prevailed in both federal and state courts, we also started to see crime rates drop. Between 1980 and 1987, the overall crime rate fell by nearly seven percent, while nearly 2 million fewer households were hit by crime in 1987 than in 1980.

Yet these statistics -- heartening as they are -- reflect only the surface of the changes of the last eight years, changes that have extended out beyond the judiciary into every aspect of law enforcement on the federal and even state level.

Eight years ago, even the idea of a war on drugs was greeted with amused smiles in this smug capital. The last liberal administration had started to lose interest in narcotics cases all together. Each year they brought fewer cases to trial, and by their last year in office, convictions were down by half.

We changed that. We hired more than 4,000 new agents and prosecutors, and under the Vice President's leadership, federal, state and local law enforcement officials started working together to stop the smuggling of illegal drugs into our nation.

Still, some failed to take our emphasis on crime seriously. Their friends in Congress held up our reforms of the federal criminal code for years. And more recently they cut funding for the Coast Guard -- among the most important agencies in our battle against the international drug rings -- and gave the money to Amtrak. (Laughter.) You know, I keep wondering about the liberals. (Laughter and Applause.) Will they ever learn the difference between special interests and the national interest?

While others have talked about beating back the drug lords, we've delivered. During our administration, drug convictions have nearly tripled and have included such notorious kingpins as Juan Ramon Matta, while cocaine seizures are up over 1,800 percent.

And for the first time we are, thanks to the legal reforms I mentioned, seizing assets that have been acquired with drug money. Some time back I visited Florida. I was told of the dozens of boats and planes that we had confiscated from drug dealers. And on a table I saw for the first time in my life what \$20 million looks like. It had been seized from the drug rings, too, and it was stacked up on that table.

The liberals have scoffed when I've said we are winning the war on drugs. But since we came to office, thanks to the work of a certain lovely lady, Americans, and particularly young people, have heard our plea and are just saying "no" to drugs. (Applause.) I might inject right here if I could that that "Just Say No" came from Nancy's answer to a student's question in a schoolroom. She was

speaking to the students and a little girl said, "Well, what do you say when someone offers you drugs?" And Nancy said, "Just say no." Well today, there are over 12,000 "Just Say No" clubs in the schools of America. And among high school seniors, for example, the overall number of illegal drug users has dropped, and, in fact, the number using cocaine dropped an unprecedented 20 percent last year. So long as anyone uses drugs, the number will be too high. Still, we've made enormous progress.

Are we hurting the drug rings? Well, the drug lords may have answered that question themselves a few weeks ago, with an assassination attempt on the Secretary of State. There were reports that the attempt was linked directly to the drug trade, and, if true, this desparate move is a clear sign of the toll we're taking.

But we're not satisfied. We're proposing to step up the pressure -- to make convicted drug kingpins subject to the death penalty.

And let me offer here my thanks and congratulations to the House of Representatives. Yesterday a broad bipartisan coalition passed the Gekas Amendment, providing for the death penalty against those who commit murder in the course of a drug felony, -- (applause) -- the McCollum Amendment, denying federal benefits to those convicted of certain drug crimes, and the Lungren Amendment, allowing a good faith exception to the exclusionary rule. These provisions, if they also pass the Senate, will represent a giant step forward in the war on drugs and an achievement of things we have long sought.

And yet, as at other junctures in the war on drugs, once again too many liberals oppose us -- but now they turn around and charge that we're running a phony war on drugs. Well, I have a hunch that in November the American people will decide who's bogus and who's for real. (Applause.)

The Senate could help us in this and our other battles against crime by bestirring itself and acting on the 28 judicial nominations that we have submitted but that have not yet been confirmed. The Senate's inaction has become a matter of such serious concern that recently the judicial conference declared a state of "judicial emergency" in various districts and circuits -- too many courts are too far under strength.

This is not politics as usual. In 1980, only 17 nominations had not been acted on by the end of the year. And of these, all but five had been nominated on or after the end of July. Some of our nominees have been waiting for a year.

For example, Pamela Rymer, who has already proven herself to have a thorough understanding of the problems of crime and the criminal justice system as a district court judge, has been waiting for Senate approval as an appeals court judge since April, even though she received the ABA's highest rating of competence.

Another impressive nominee is Judith Richards -- Hope, I should say -- I stopped on the middle name -- Judith Richards Hope for the D.C. circuit. Mrs. Hope, among the most prominent of lawyers in this country, has also been waiting for a confirmation hearing since April. In contrast, in 1980, Ruth Bader Ginsburg was nominated by my predecessor to the same court on April 14th, eight years to the day before Mrs. Hope's nomination, and was confirmed scarcely two months later. Despite Mrs. Hope's favorable rating from the ABA and well recognized legal abilities, she continues to wait.

I don't need to tell anyone here the principal reason for the delays. The liberals may talk about crime and drugs, but the thing that they care about is their agenda -- and protecting, as best they can, the one branch of government where their agenda has clearly held sway.

The liberals are hoping that, within a few weeks, the American people will, as the liberals see it, regain their senses and return the nation to the hands of those who once gave it double-digit inflation, plummeting real family income -- (applause) -- economic stagnation, international setbacks, and lectures on malaise -- (laughter and applause) -- or, as the liberals put it, return the nation to those who stand, not for ideology, but for competence. (Laughter.)

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And while we're asking questions about the liberal agenda, we must be forthright about our own -- a decent respect, not just for the rights of criminals, but for those of the victims of crime; a respect for the real world in which the police work day to day; and an end to the kind of fanciful readings of the Constitution that produce such decisions as *Roe v. Wade*. (Applause.)

So this is my message to you today -- to hold the torch high, to stay in the battle. Too much is left to do. The battle is far from over. And all is yet to win or lose. But we stand with the founders of our nation in this ongoing struggle to protect our freedom. Thomas Jefferson reminded us that, "Our peculiar security is in the possession of a written Constitution." And he implored, "Let us not make it a blank paper by construction." For as James Madison wrote, if " -- the sense in which the Constitution was accepted and ratified by the nation is not the guide to expounding it -- there can be no security for a faithful exercise of its powers." It was true then. It is true now. It will be true always.

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The bullet entered through the chin and came out from the forehead, very close to the eye. And the voice on the phone in the hospital room turned out to be his father's, because he cannot speak. It will probably be a year of continued surgery before he is able to come back among us. And he told me that his son couldn't speak but could hear. So he said, "I will hold the phone to his ear. And when you hear the tapping, that will mean he's on and listening." And so I was able to tell him of our pride in him and how much we appreciated his great sacrifice and all, and how much he would be in our prayers as the time went on until he is healed. And then said goodbye, and again he tapped on the phone with his finger to let me know that he had heard. And his father came on and I said goodbye to him. And his father then said he had just been handed a slip of paper by his son. He said his son was thanking me for the call.

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Well, I want to thank you all -- not only for your warm welcome, but thank you for what you are doing, and God bless you all.

Doug

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

September 9, 1988

REMARKS BY THE PRESIDENT
TO THE FEDERALIST SOCIETY
LAWYERS CONVENTION

The Mayflower Hotel
Washington, D.C.

1:38 P.M. EDT

THE PRESIDENT: Thank you very much. Thank you all very much. And thank you, Ken. And a special thank you, as well, to your national co-chairmen -- Steve Calabresi, David McIntosh, and Lee Liberman.

Before I begin my remarks, let me say that, as some of you may know, today is Ken Cribb's last day in our administration. Liberals all around town are breaking out the champagne. (Laughter.) But I can't think of any better place than the Federalist Society to say, "Ken, thank you, Godspeed, and God bless you." (Applause.)

How far we've come these last eight years, not only in transforming the operations of government, not only in transforming the departments and agencies and even the federal judiciary, but also in changing the terms of national debate -- and nowhere is that change more evident than in the rise of the federalist society on the campuses of America's law schools.

To think if it, in schools where just a few years ago the critical legal studies movement stood virtually unchallenged, like some misplaced monster of prehistoric radicalism -- (laughter and applause) -- today you are vexing the dogmatists of the left. The federalist society is changing the culture of our nation's law schools. You are returning the values and concepts of law as our founders understood them to scholarly dialogue and, through that dialogue, to our legal institutions.

Yes, you are insisting that the Constitution is not some elaborate ink-blot test in which liberals can find prescribed policies that the people have rejected. You are fighting for renewed respect for the integrity of our Constitution, for its fundamental principles and for its wisdom. And in this, of course, you've had multitudes of friends and supporters in our administration, and that includes a certain tenant of a nearby unit of public housing. (Laughter.)

Yes, how far we've come since our administration arrived in Washington almost eight years ago. Those we replaced and most of the jurists they appointed had a very different view of the law from ours. They and the liberal elite -- they spoke for believed that judges should be free to reinterpret the Constitution with few fetters on them because the Constitution mustn't remain, as one of their allies and our critics has put it, "frozen in ancient error because it is so hard to amend."

Well, we replied that the principal errors of recent times had nothing to do with the shortcomings of the Founding Fathers. They had to do with courts that played fast and loose with the instrument the Founding Fathers devised. Yes, some law professors and judges said the courts should save the country from the Constitution. We said it was time to save the Constitution from them.

We pointed in particular to a bizarre twisting of values

MORE

that had crept into our criminal law -- to the confusing of criminals and victims; to an attitude that the law was not a vehicle for uncovering truth and administering justice but a game in which clever lawyers tried to trip up the police on the rules.

We said that we intended to nominate judges and justices who didn't share the skepticism of our extreme liberal friends about the fundamental values that underpin our laws and society. We would select judges who would reaffirm the core beliefs of our free land. And we have. You know the names on the court criers list, including Rehnquist and O'Connor and Scalia, Kennedy, and of course, Judge Robert Bork.

Well, already we can see the new realism that these and so many others have brought to our courts. I'm happy to report that as more and more of our appointees have served, federal courts have become tougher and tougher on criminals. The average federal prison sentence grew by almost a third from 1980 to 1986.

And what's more, as our judges by argument and example reversed long-standing attitudes about crime and criminals that prevailed in both federal and state courts, we also started to see crime rates drop. Between 1980 and 1987, the overall crime rate fell by nearly seven percent, while nearly 2 million fewer households were hit by crime in 1987 than in 1980.

Yet these statistics -- heartening as they are -- reflect only the surface of the changes of the last eight years, changes that have extended out beyond the judiciary into every aspect of law enforcement on the federal and even state level.

Eight years ago, even the idea of a war on drugs was greeted with amused smiles in this smug capital. The last liberal administration had started to lose interest in narcotics cases all together. Each year they brought fewer cases to trial, and by their last year in office, convictions were down by half.

We changed that. We hired more than 4,000 new agents and prosecutors, and under the Vice President's leadership, federal, state and local law enforcement officials started working together to stop the smuggling of illegal drugs into our nation.

Still, some failed to take our emphasis on crime seriously. Their friends in Congress held up our reforms of the federal criminal code for years. And more recently they cut funding for the Coast Guard -- among the most important agencies in our battle against the international drug rings -- and gave the money to Amtrak. (Laughter.) You know, I keep wondering about the liberals. (Laughter and Applause.) Will they ever learn the difference between special interests and the national interest?

While others have talked about beating back the drug lords, we've delivered. During our administration, drug convictions have nearly tripled and have included such notorious kingpins as Juan Ramon Matta, while cocaine seizures are up over 1,800 percent.

And for the first time we are, thanks to the legal reforms I mentioned, seizing assets that have been acquired with drug money. Some time back I visited Florida. I was told of the dozens of boats and planes that we had confiscated from drug dealers. And on a table I saw for the first time in my life what \$20 million looks like. It had been seized from the drug rings, too, and it was stacked up on that table.

The liberals have scoffed when I've said we are winning the war on drugs. But since we came to office, thanks to the work of a certain lovely lady, Americans, and particularly young people, have heard our plea and are just saying "no" to drugs. (Applause.) I might inject right here if I could that that "Just Say No" came from Nancy's answer to a student's question in a schoolroom. She was

speaking to the students and a little girl said, "Well, what do you say when someone offers you drugs?" And Nancy said, "Just say no." Well today, there are over 12,000 "Just Say No" clubs in the schools of America. And among high school seniors, for example, the overall number of illegal drug users has dropped, and, in fact, the number using cocaine dropped an unprecedented 20 percent last year. So long as anyone uses drugs, the number will be too high. Still, we've made enormous progress.

Are we hurting the drug rings? Well, the drug lords may have answered that question themselves a few weeks ago, with an assassination attempt on the Secretary of State. There were reports that the attempt was linked directly to the drug trade, and, if true, this desparate move is a clear sign of the toll we're taking.

But we're not satisfied. We're proposing to step up the pressure -- to make convicted drug kingpins subject to the death penalty.

And let me offer here my thanks and congratulations to the House of Representatives. Yesterday a broad bipartisan coalition passed the Gekas Amendment, providing for the death penalty against those who commit murder in the course of a drug felony, -- (applause) -- the McCollum Amendment, denying federal benefits to those convicted of certain drug crimes, and the Lungren Amendment, allowing a good faith exception to the exclusionary rule. These provisions, if they also pass the Senate, will represent a giant step forward in the war on drugs and an achievement of things we have long sought.

And yet, as at other junctures in the war on drugs, once again too many liberals oppose us -- but now they turn around and charge that we're running a phony war on drugs. Well, I have a hunch that in November the American people will decide who's bogus and who's for real. (Applause.)

The Senate could help us in this and our other battles against crime by bestirring itself and acting on the 28 judicial nominations that we have submitted but that have not yet been confirmed. The Senate's inaction has become a matter of such serious concern that recently the judicial conference declared a state of "judicial emergency" in various districts and circuits -- too many courts are too far under strength.

This is not politics as usual. In 1980, only 17 nominations had not been acted on by the end of the year. And of these, all but five had been nominated on or after the end of July. Some of our nominees have been waiting for a year.

For example, Pamela Rymer, who has already proven herself to have a thorough understanding of the problems of crime and the criminal justice system as a district court judge, has been waiting for Senate approval as an appeals court judge since April, even though she received the ABA's highest rating of competence.

Another impressive nominee is Judith Richards -- Hope, I should say -- I stopped on the middle name -- Judith Richards Hope for the D.C. circuit. Mrs. Hope, among the most prominent of lawyers in this country, has also been waiting for a confirmation hearing since April. In contrast, in 1980, Ruth Bader Ginsburg was nominated by my predecessor to the same court on April 14th, eight years to the day before Mrs. Hope's nomination, and was confirmed scarcely two months later. Despite Mrs. Hope's favorable rating from the ABA and well recognized legal abilities, she continues to wait.

I don't need to tell anyone here the principal reason for the delays. The liberals may talk about crime and drugs, but the thing that they care about is their agenda -- and protecting, as best they can, the one branch of government where their agenda has clearly held sway.

The liberals are hoping that, within a few weeks, the American people will, as the liberals see it, regain their senses and return the nation to the hands of those who once gave it double-digit inflation, plummeting real family income -- (applause) -- economic stagnation, international setbacks, and lectures on malaise -- (laughter and applause) -- or, as the liberals put it, return the nation to those who stand, not for ideology, but for competence. (Laughter.)

Yes, they're hoping that within a few months they can wipe the slate clean and nominate judges who reflect their values and vision of the law. For us conservatives, the task must be to pin down just what that vision and those values are, which is not necessarily an easy task in a time when liberalism has become the masked marvel of American political discourse. (Laughter and applause.)

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Well, I want to thank you all -- not only for your warm welcome, but thank you for what you are doing, and God bless you all.

END

1:52 P.M. EDT

THE WHITE HOUSE

WASHINGTON

DRUG ADVOCACY WORKING GROUP

September 9, 1988

Agenda

Introduction

Marion Blakey
Director of Public Affairs

Update on
Legislative Activities

John Tuck
Assistant to the President

Current White House
Activities

Dr. Ian Macdonald
Director, Drug
Abuse Policy Office

Drug Policy Board Report

David Pickens
Executive Director

Report on Drug-Free
America Week

Dr. Ralph Reed
Assistant Secretary for
Health, Department of Health
and Human Services

and

Angie Hammock, Director
National Campaign for a Drug-
Free America

THE WHITE HOUSE

WASHINGTON

September 9, 1988

MEMORANDUM FOR MEMBERS OF THE DRUG ADVOCACY WORKING GROUP

FROM: MARION C. BLAKEY
DIRECTOR OF WHITE HOUSE PUBLIC AFFAIRS

SUBJECT: Calendar of Drug Events

The attached calendar is a list of upcoming anti-drug efforts by government agencies, as well as public events and proclamation days which could include administration participation. This calendar is an update of a previous calendar distributed at the last meeting in July.

As you know, each agency is responsible for sending us a weekly calendar of events which we use to provide a daily update of important agency events for senior White House staff and for the participating agencies. This is updated by the agency public affairs offices via electronic mail ("profs") or by using the White House "fax" facilities. Our fax number is (202) 395-5221. Please make a point of including your anti-drug events as a part of your weekly and daily reports. On the basis of these reports we will again update the calendar and provide it to you.

CALENDAR OF ANTI-DRUG EVENTS

September 9, 1988

- September 11 National Hispanic Heritage Week
- September 13 ABC Nightline: The Koppel Report: a national town meeting on the legalization of drugs. A three hour live program from 10-11 and 11:30-1:30 broadcast simultaneously on radio in 50 states. There will be a studio audience of 300, a six member panel in the first hour and a 12 member panel for the remainder.
- Department of Agriculture will hold a press conference in Sacramento announcing the establishment of a nationwide "hot line" to report marijuana cultivation and clandestine laboratories in the national forest system.
- September 14 The Treasury Department will sponsor the rededication of the Customhouse in Norfolk, Virginia.
- September 15 National Drug Abuse Resistance Education Day
- The Treasury Department will sponsor the rededication of the Customhouse in Yorktown, Virginia.
- September 18 Congress on Transportation Futures, Washington, D.C. Attendance: 350
- September 22 Congressional Black Caucus Foundation, Washington, D.C. Attendance: 3,000
- September 26 Women in Communications, Washington, D.C. Attendance: 350
- HUD Michael Dorsey will speak to the National Association of Housing and Redevelopment Officials (NAHRO) Annual Conference in New York on anti-drug initiatives.

OCTOBER

- October 6 Federal Criminal Investigators Association,
Ft. Lauderdale.
- October 7 The Treasury Department will sponsor the
rededication of the Customhouse in Port
Huron, Michigan.
- October 15 International Association of Chiefs of
Police, Portland, Oregon.
- October 16 American Trucking Association, Los Angeles.
Attendance: 6,000
- October 21 Italian American Leaders meeting, Washington,
D.C.

NOVEMBER

- November 30 The Treasury Department will sponsor the
rededication of the Customhouse in Baltimore,
MD

THE WHITE HOUSE

WASHINGTON

DRUG ADVOCACY WORKING GROUP

September 9, 1988

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Update on Legislative Activities	John Tuck Assistant to the President
Current White House Activities	Dr. Ian Macdonald Director, Drug Abuse Policy Office
Drug Policy Board Report	David Pickens Executive Director
Report on Drug-Free America Week	Dr. Ralph Reed Assistant Secretary for Health, Department of Health and Human Services and Angie Hammock, Director National Campaign for a Drug- Free America

DRUG ADVOCACY WORKING GROUP

Roosevelt Room

Friday, September 9

Department of Education	Dick Hayes Director, Drug Abuse Prevention Oversight Staff
Department of Defense	Mary Lou Sheils Special Assistant to the Secretary
Department of Interior	Allan Levitt Deputy Director of Public Affairs
Department of State	Mike Privitera Deputy Assistant Secretary for Public Affairs
International Narcotics Matters	Jerrold Mark Dion Deputy Assistant Secretary for INM
Department of Transportation	Catherine Bedell Deputy Assistant Secretary for Public Affairs
Federal Aviation Administration	Kathleen Harrington Assistant Administrator
Coast Guard	Marc Wolfson Assistant Chief, Public Affairs
Department of Energy	David Blee Principal Deputy Assistant Secretary for Congressional, Intergovernmental & Public Affairs
Department of Commerce	Bill Hansen Deputy Director of Public Affairs
Department of the Treasury	Charlie Powers Deputy Assistant Secretary for Public Affairs
Customs	Carolyn Dankel Special Program Advisor, Public Affairs Office
Bureau of Alcohol, Tobacco and Firearms	Jerry Rudden Chief of Public Affairs

Department of Justice

Pat Korten
Director of Public Affairs
Timothy Sullivan
Senior Public Affairs
Specialist

National Drug Policy Board

Dave Pickens
Executive Director
Bill Prince
Deputy Director

Drug Enforcement Agency

Bob Feldkamp
Chief of Public Affairs

Federal Bureau of
Investigation

Robert Davenport
Deputy Assistant Director of
Congressional & Public Affairs
Demery Bishop, Chief
Research Division

Immigration &
Naturalization Service

Bonnie Derwinsky
Deputy Director, Congressional
& Public Affairs

Department of Agriculture

Carol Babb
Public Liaison Office

Department of Labor

Jerry Blakemore
Acting Assistant Secretary
Office of Public and
Intergovernmental Affairs

Department of Health & Human
Services

Dr. Ralph Reed
Deputy Assistant Secretary
for Health
Stephanie Lee-Miller
Assistant Secretary for
Public Affairs
Richard Teske
Deputy Assistant Secretary
for Public Affairs

National Institute of
Health

Ann Thomas, Director
Public Information

Alcohol, Drug and Mental
Health Administration

Angie Hammock, Director,
National Campaign for a Drug-
Free America

Department of Housing and
Urban Development

Jayne Gallagher
Director of Public Affairs

United States Information Agency

Gene Biglow, Senior Research
Officer, Latin America

Office of Personnel Management

Jim Lafferty
Director of Public Affairs

Office of Management & Budget

Carol Crawford
Associate Director for
Economics and Government
Frank Kalder, Budget Examiner

First Lady's Office

Elaine Crispen
Press Secretary to the
First Lady

Vice President's Office

Capt. John Shkor
Prospective Director, National
Narcotics Border Interdiction
System

Drug Abuse Policy Office

Dr. Ian Macdonald
Director

White House

John Tuck
Assistant to the President and
Director of the Office of the
Chief of Staff

Phil Brady
Deputy Counsel to the
President

Marion Blakey
Director of Public Affairs

Nelson Warfield
Deputy Director of
Public Affairs

Jerry Becker
Associate Director of
Public Affairs

Susan Lenderking
Associate Director of
Public Affairs

John's copy

*John
Tuck*

**THE WHITE HOUSE
WASHINGTON**

September 6, 1988

MEMORANDUM FOR ALAN KRANOWITZ

FROM: JOHN TUCK

SUBJECT: ATTACHED INFORMATION

Marty Gold brought this to my attention.
I wanted to make sure you were aware of
it.

JOHN C. TUCK
Assistant to the President

GOLD AND LIEBENGOD, INC.

SUITE 950

1455 PENNSYLVANIA AVENUE, N. W.

WASHINGTON, D. C. 20004

(202) 639-8899

September 6, 1988

The Honorable John Tuck
The White House
Washington, D.C. 20500

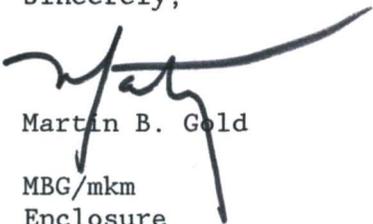
Dear John:

Per our conversation of this morning, I am enclosing a fact sheet regarding the laboratory certification problem in the House Drug Bill, as well as a Dear Colleague from Congressman Bliley.

We understand that HHS supports the Bliley amendment and that the question of an Administration position is under review at OMB. If this understanding is accurate, we need to break the issue loose. It is in the Administration's interest to support Bliley and I believe they should do so overtly.

Best regards,

Sincerely,



Martin B. Gold

MBG/mkm

Enclosure

THOMAS J. BLILEY, JR.
3rd DISTRICT, VIRGINIA

MEMBER OF
COMMITTEE ON ENERGY
AND COMMERCE
COMMITTEE ON DISTRICT
OF COLUMBIA
SELECT COMMITTEE ON
CHILDREN, YOUTH AND FAMILIES

WASHINGTON OFFICE
213 CANNON OFFICE BUILDING
(202) 225-2815

DISTRICT OFFICE
SUITE 101
4914 FITZGHUGH AVENUE
RICHMOND, VA 23230
(804) 771-2809

Congress of the United States
House of Representatives
Washington, DC 20515

September 1, 1988

Dear Colleague:

On September 7, the House is scheduled to consider legislation designed to address this Nation's number one domestic problem--drug abuse. On balance, H.R. 5210, the "Omnibus Drug Initiative Act of 1988," has considerable merit. However, I am strongly concerned about those provisions in Title X of the bill that would establish standards for certification of laboratories engaged in drug testing.

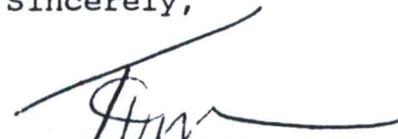
My concerns with regard to these laboratory standards are two-fold: First, these provisions were not included in the bill approved by the Energy and Commerce Committee. Thus, they have not been subject to the scrutiny of the legislative process. Second, this legislation sets extremely rigorous and unrealistic quality assurance standards which most laboratories would be unable to meet and which would undermine drug testing programs. For these reasons, I intend to offer an amendment that would substitute far more realistic standards and help in the development of fair drug testing programs.

Under H.R. 5210, if a laboratory makes even one error, the penalty is severe. If a laboratory identifies the drug incorrectly in one positive specimen, it faces automatic suspension for a minimum of 6 months (or one year for some kinds of errors). If the laboratory incorrectly reports the presence of any drug in one blank or negative specimen, its certification is permanently revoked without regard to the reason for the error. Any of these penalties is likely to put a drug testing laboratory out of business. Moreover, the bill denies the facility due process since it provides no opportunities for appeal, reinspection, or recertification.

Under my amendment, a drug testing laboratory is subject to the current guidelines and standards for Federal workplace drug testing published in the Federal Register on April 11, 1988. Furthermore, a laboratory may be certified by the Secretary or be inspected and recommended for certification by a private accrediting body approved by the Secretary. Therefore, my amendment will provide for more flexible and less punitive certification standards than required by H.R. 5210.

I urge you to oppose the present language which may result in wholesale withdrawal or elimination of laboratories from drug testing programs and I ask you to support my amendment. With best regards, I am

Sincerely,



Thomas J. Bliley, Jr.

H.R. 5210 - OMNIBUS DRUG INITIATIVE ACT OF 1988
SECTION ON STANDARDS FOR CERTIFICATION OF LABORATORIES ENGAGED IN
DRUG TESTING

Included in the Omnibus Drug Initiative Bill is a section on standards for certification of laboratories engaged in drug testing. This bill language was not reviewed by Members on the Subcommittee on Health and the Environment or the full Committee on Energy and Commerce. It was simply submitted by Chairman Dingell to be included as a provision in the Omnibus Drug Initiative Bill. As a result of circumventing the legislative process, nationwide drug testing standards will be implemented without the benefit of Committee scrutiny.

The points listed below are important reasons why the section on standards for certification of laboratories engaged in drug testing should be reviewed. They clearly raise questions as to why this language should be evaluated carefully in the normal course of the legislative process.

Reasons Why The Bill Language Should Not Be Passed:

* The bill is punitive.

It requires that if a laboratory reports even a single false positive, it is automatically and permanently suspended from participation in the drug testing program, regardless of the circumstances. In the case where a true positive specimen is incorrectly categorized as to class of drugs, a laboratory must be suspended for a minimum of one year. Where a positive specimen is properly categorized but the specific drug is misidentified, the minimum period for suspension is six months. The language contains no opportunity for appeal, recertification, or reinspection. Not that errors should be tolerated, but the bill's emphasis lies in punishing errors rather than correcting mistakes.

The bill prohibits certification of any laboratory affiliated directly or indirectly with a laboratory whose certification has been revoked or suspended. Therefore, the error on the part of one certified laboratory in a group of affiliated laboratories, would disqualify all laboratories in that group from the drug testing program.

* The bill is unworkable.

For the first time, requirements are introduced pertaining to the toxicological analysis of blood specimens in connection with drug testing programs. This language raises several new technical and policy questions. The mandate to assay blood for all analytes is impossible to achieve due to the fact that the quantity of all drugs in blood is usually 10 to 100 times less than usually found in urine.

The bill language requires laboratories engaged in drug testing to test for any quantity of a drug. If there are no defined limits of detectability, the question of what represents a false positive or negative will be unanswerable.

* The bill is costly.

Bill language requires that a drug test must include an analysis of all traces of any drug found during the test, which is unduly expensive and time consuming. Rather, a list or group of drugs should be developed and be clearly limited to drugs of abuse.

A Sound Alternative -- The Bliley Amendment

Representative Thomas Bliley will propose an amendment which requires the Secretary of Health and Human Services to establish model standards for drug testing laboratories and allows the Secretary the leeway to approve qualified non-profit organizations to conduct inspections consistent with these guidelines. Control of the inspection program remains with the Department, and the Secretary is accountable for its quality. At the same time, the Department can avail itself of a cadre of trained and experienced inspectors to assist in program implementation.

Inspections conducted under such a partnership will be corrective rather than punitive, they will improve laboratories and not disqualify them, they will assure maintenance of rigorous quality standards, and will produce timely and legally defensible results.

CONGRESS DOPES OUT A DRUG BILL

■ TOP OF THE POLITICAL CHARTS

For jittery politicians, this year's omnibus drug legislation is the equivalent of a hanging curve ball--it gives them the chance to hit a home run with angry voters by talking tough and voting tough on drugs just prior to an election. Absent burning security or pocketbook concerns, dealing with the drug epidemic tops America's agenda. And though it's a hot topic in the presidential campaign, the real action on the issue will come when Congress returns this week from a recess.

Fiery rhetoric on some 36 amendments will dominate the House as it opens debate this week, though overwhelming passage of the whole bill is expected when the furor dies. The Senate hopes to address the issues shortly thereafter and pass its version of the measure by the end of the month. Given a couple of weeks to work out differences, Congress should be ready to send a bill to the President by mid-October. Cost estimates run from \$1.4 billion to \$2.6 billion. The bill will almost surely be signed by Reagan--who opposes some features of the legislation that is being drafted predominantly by Democrats--because he privately frets that the drug epidemic is one of the few big problems he couldn't overcome.

The election-year frenzy over the bill is both good and bad. The political pressure motivates Congress to act and quickens what is often a painfully slow deliberative process. But critics believe it leads to lowest-common-denominator policymaking, in which anything appearing tough will pass, while sound policy and civil liberties get lost in the process.

■ BREAD-AND-BUTTER CRIMEBUSTING

The final law will be a grab bag. Many experts believe it lacks a coherent strategy. But it does begin to reflect the emerging consensus that reducing demand for illicit drugs--as opposed to stopping supply--represents the best hope for long-term success.

So the legislation will provide new money and new programs for prevention, education and treatment. Among them: A new grant program for treatment of IV-drug users to combat the transmission of AIDS, and prevention projects aimed specifically at youth gangs, runaways, homeless youth and juvenile delinquents.

Other provisions are hardly radical: Beefed-up funding for the DEA, the FBI, Customs, the Immigration and Naturalization Service, federal prisons and the Coast Guard, as well as more cash--and a streamlined grant process--for state and local law enforcement. The Federal Aviation Administration's drug-fighting role will be enhanced with stiffer rules on aircraft registrations. Also included: New controls on chemicals used to process cocaine and heroin and new regulations to combat money laundering.

■ USER-UNFRIENDLY POLICY

Most of the fireworks will come over only a few proposals. Some form of death penalty for drug-related crimes will likely pass, even though many think this will cripple the overseas war on drugs because key countries won't extradite drug criminals to the U.S. if they face death. And there will be plenty of debate over the proper form and mix of "user accountability" sanctions--the denial of federal benefits like education and housing loans to those convicted of drug offenses, though some form of crackdown will be imposed. Also likely: Approval of good-faith exceptions to the so-called exclusionary rule, which bars the use of illegally obtained evidence, and the creation of some form of federal "drug czar"--but there's wide disagreement over how much power the post should hold. Chances for passage of a proposed seven-day waiting period for handgun purchases are rated too close to call.

■ COVERT ACTION

Meanwhile, several lower-profile "sleeper" issues in the bill may ultimately prove equally important. For instance, Congress might write tough new standards for drug-testing labs and fund new research to evaluate what really works in the war on drugs. Another little-noticed proviso will put money into experimental X-ray imagery that could scan commercial cargo containers, a popular conveyance for illegal drugs. And there will be a renewed call for intelligence agencies to take the ultimate step in the international drug war: Use covert action against drug traffickers.

by Gordon Witkin

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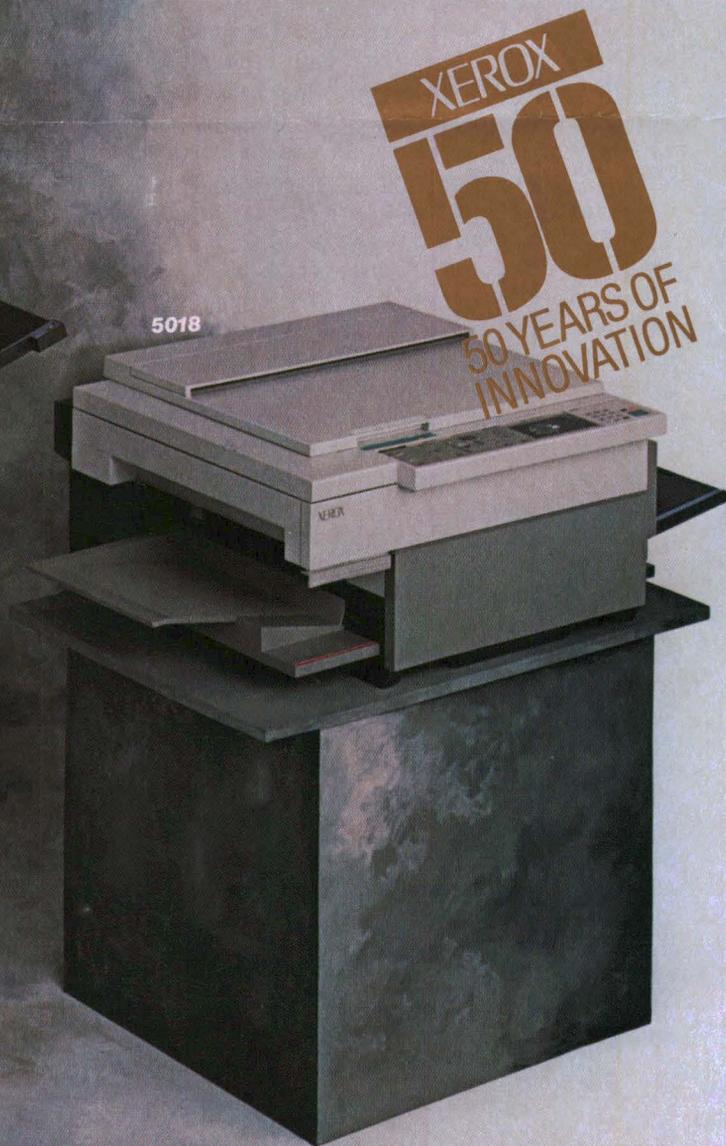
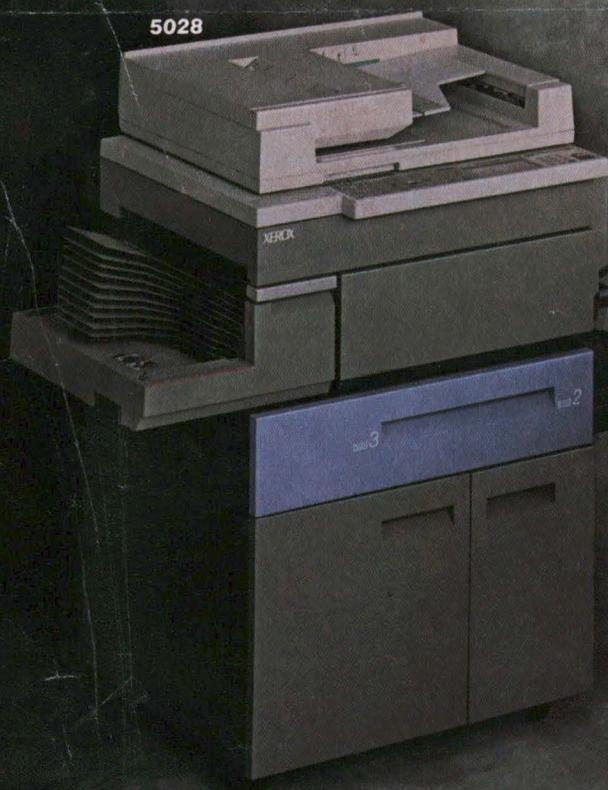
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