

RONALD REAGAN

September 11, 1980

Mr. Harlon B. Carter
National Rifle Assn.
1600 Rhode Island Avenue
Washington, D.C. 20036

Dear Mr. Carter:

With a deep awareness of the responsibility I bear as the Republican Party's nominee for the office of President of the United States, I am writing to ask for your support of our effort to restore the faith of the American people in their government.

More than anything I want to bring back thoughtful, responsible leadership and direction to our country. I want to restore to our federal government the capacity to do the people's work without dominating their lives. America needs a government that will not only work well, but wisely; its ability to act tempered by common sense; and its willingness to do good balanced by the knowledge that much that government does in its attempt to help can also be harmful.

With inflation and interest rates having reached 20%, increasing dependence on foreign sources of energy, and national defense and foreign policies in disarray, we as a nation perhaps have never before faced as many challenges as we do this year and into the 1980's.

American sportsmen have been saddled by ill-advised Carter Administration policies on the use of land for recreation and on the legitimate use of firearms. The situation is particularly distressing.

The answer to these problems and to getting our nation heading in the right direction again is leadership. For nearly four years in the White House and many more in the Congress, our nation and the American people have suffered from a lack of strong, responsible leadership.

The pro-government, rather than the pro-people, policies of the Carter Administration have smothered the promotion and enjoyment of outdoor recreation by all sportsmen with too much regulation and interference, and too little common sense and understanding.

There are several specific steps I favor to restore enjoyment to the recreational pursuits of this country's sportsmen. These include:

- o promote the multiple use of public lands where it's compatible with good land and wildlife management;
- o support traditional authority of state agencies to manage fish, wildlife, and habitat on federal lands within state boundaries;

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Fund for by Reagan Bush Committee, United States Senator Paul Laxalt, Chairman Ray Buchanan, Treasurer.

- o support for a responsible policy on water that includes all requirements across the spectrum of water use and does not destroy traditional state supremacy in water law.
- o set aside the proposed Carter Department of Energy restriction on the use of recreational vehicles.
- o oppose federal restrictions on the use of firearms, and recognize that mandatory sentences for the commission of armed felonies are the most effective means to deter abuse of this right;
- o support Congressional initiatives to remove those provisions of the Gun Control Act of 1968 that do not significantly impact on crime but serve rather to restrain the law-abiding citizen in the legitimate use of firearms.
- o support the Federal Firearms Reform Act which would curtail the most glaring abuses of civil liberties currently practiced by the Bureau of Alcohol, Tobacco and Firearms;
- o support the Civilian Marksmanship Program.

As President I will be committed to making these policies a reality.

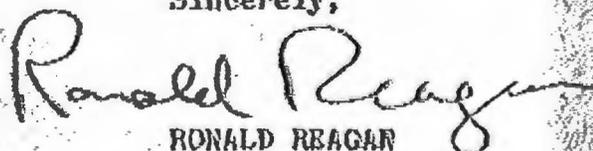
The opportunity in 1980 gives America the chance to move ahead to make a better world. We can no longer afford mediocre leadership that drifts from one crisis to the next, eroding our national will and purpose. The current appeals made by the Carter Administration are full of election-year rhetoric and broken promises.

The time is now to recapture our destiny. To do this it will take many of us, working together. I ask you to join with me to volunteer your help in this cause so that we can have a nation, a government and a future of which we and our children can be proud.

The time is now to unite, to renew our commitment to basic American values and to rekindle the American spirit, of which there is no equal on this earth, to tackle and overcome the tough challenges that face our nation in the 1980's.

United in spirit and purpose, let us go forward to make 1980 a year of victory -- for the people of the United States of America and the cause of freedom and the quality of life we so dearly cherish.

Sincerely,



RONALD REAGAN

ADMINISTRATION POSITION ON McCLURE-VOLKMER BILL

During the 1980 campaign, President Reagan specifically supported the McClure-Volkmer Firearms Reform Bill in speeches and in firearms magazine interviews. The thrust of the bill was also included in the GOP platform. At the 1981 NRA members banquet in Denver, which was well covered by the press and national T.V., Deputy Presidential Counselor Robert Garrick stated that the President had personally reaffirmed his support for the bill; that speech was approved by White House speech writers.

The McClure bill, which has 61 Senate and 170 House cosponsors, is now being marked up by the Senate Judiciary Committee. Senator Kennedy has asked for the views on the bill of both the Treasury and Justice Departments, and further markup sessions have been delayed awaiting Administration views. Senator McClure and Congressman Volkmer have engaged in three lengthy negotiating sessions with Treasury (attended by NRA, chaired by Mike Uhlmann at the White House) at which numerous changes were agreed to by the sponsors. Treasury is in substantial agreement with the McClure bill as the sponsors have agreed to amend it.

However, Justice Department, in a draft position paper sent to the White House, is opposed to virtually everything in the bill and is clearly philosophically opposed to the President's public position. There is substantial reason to believe that Senator Kennedy has a copy of the Justice Department draft and hopes to embarrass the President and the Administration by publicizing the differences between agencies and between the President and his own departments. Further, if the Justice Department is allowed to present the views expressed in its draft position paper, or if any portion of Justice's philosophy is interpreted as Administration views, the conservative press and organizations can be expected to treat it as "yet another Reagan campaign promise broken."

On March 23 the Wall Street Journal quoted from the draft and stated "Top (Justice) department officials have expressed "strong opposition" to the McClure-Volkmer bill. "The department's views, contained in a 12-page memo draft from the White House, appear to conflict with President Reagan's position in the 1980 Presidential campaign."

Largely on the basis of Reagan's support for the McClure-Volkmer bill, the National Rifle Association endorsed Reagan and opposed Carter in full-page editorials in its magazines and newspapers, specifically called for his election in two million political mailings to NRA members, mailed more than 800,000 "get-out-the-vote" postcards the week before the election to members in 18 states where the vote was expected to be close, and conducted independent expenditure campaigns in Texas and Pennsylvania. Total reported expenditures by NRA and its PAC on Reagan's behalf was more than \$130,000.

If President Reagan is perceived as backing off on his earlier commitment, the impact will be both a political loss to his Administration and to the overwhelmingly Republican Senators and Congressmen who have benefited, and will otherwise benefit, from NRA's political operations. But if NRA members and other gun owners are disillusioned, the political losses will be significant.

Neither Justice nor Treasury should be allowed to testify before the Judiciary Committee. A thoroughly briefed Administration spokesman should testify, or the Committee should receive a message from a high-ranking official in the Administration, possibly signed by the President himself, specifically supporting the bill with no amendments other than those agreed to be the sponsor.

3/23/82
e R. J.

Bill to Ease Law on Gun Sales Is Attacked By Justice Agency as a 'Serious Setback'

By ROBERT E. TAYLOR

Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON—The gun lobby's campaign to eliminate some restrictions on firearms transactions is drawing fire from the Justice Department.

Top department officials have expressed "strong opposition" to the Firearms Owner Protection Act, which is backed by the National Rifle Association.

The department's views, contained in a 12-page memo drafted for the White House, appear to conflict with President Reagan's position in the 1980 presidential campaign. Candidate Reagan pledged his support of legislation to eliminate "abuse of power" in federal enforcement of the Gun Control Act.

The Justice Department memo warns that passage of the NRA-backed bill would "represent a serious setback for law enforcement and for the safety of our citizens without a corresponding benefit to the millions of law-abiding gun owners." It contends that the bill would make it easier for convicted felons to obtain guns, might lift the current ban on importing cheap handguns known as "Saturday night specials" and would make tracing some guns more difficult.

Neal Knox, the NRA's chief lobbyist, asserts these views are ill-conceived and prejudiced. He says that the Justice Department has long favored gun control and that Mr. Reagan "didn't clean out enough people put there by Jimmy Carter."

The pending bill "doesn't in any way make it easier for criminals to get guns," Mr. Knox insists. "Criminals don't have any trouble" obtaining firearms now, he adds.

Active support from the 2.2-million-member NRA has helped attract 58 cosponsors for the bill in the Senate and 171 in the House. The Senate Judiciary Committee last week deferred action on the measure so that the panel could ask the administration for its position. The committee is scheduled to resume consideration of the bill today.

The administration hasn't announced its stand. But the Justice Department's analysis criticizes several controversial provisions of the bill that would:

—Eliminate the requirement that many small dealers must obtain a federal license and keep records of their transactions. Republican Sen. James McClure of Idaho, the bill's chief Senate sponsor, says federal officers have often abused this requirement by enticing gun collectors into selling a few

guns, then charging them with dealing without a license. He would exempt those whose gun sales aren't mainly for "livelihood and profit."

The Justice Department officials complain the exemption would "either remove controls from significant suppliers of underworld weapons or at best invite unnecessary litigation" over who was exempted.

—Allow interstate gun sales and transfers, generally barred under current law. The NRA contends these restrictions are too broad. The Justice Department objects mainly that the bill would lift the ban on sales by unlicensed gun sellers to persons from other states. The department's memo says this would complicate gun tracing and make it "considerably easier" for convicts to get guns.

—Allow dealers to sell their "personal" firearms without the record-keeping now required of all sales. The department's memo says that would establish a convenient source of guns to criminals and unauthorized persons.

—Require proof that a defendant knew he was breaking the law in order to convict him for violating the Gun Control Act. Currently, federal officers need only show that the violations occurred. Sen. McClure contends that most of those prosecuted under the act didn't know they were breaking the law. The Justice Department memo favors keeping the current standard.

The Justice Department officials worry that the NRA bill would move in the wrong

direction on gun laws.

Attorney General William French Smith's Task Force on Violent Crime last year recommended that federal firearms control be tightened. It urged that gun owners be required to report thefts or losses of handguns and that firearms sales be delayed while authorities checked on whether the purchaser was legally barred from gun ownership. Felons, mentally defective persons and drug addicts are among those who aren't allowed to own firearms, but under federal law they can obtain them before anyone checks their eligibility.

The NRA-backed bill, the Justice Department's memo says, would instead "impede the states in their effort to control firearms and inevitably lead to an increase in their misuse."

Democratic Sen. Edward Kennedy of Massachusetts has proposed relaxing restrictions on long guns only. He would retain current restrictions on handguns, ban sales of guns with barrels shorter than three inches and require a 21-day delay on delivery of a purchased handgun pending a police check on whether the buyer is barred from gun ownership.

Sen. McClure, in supporting the bill, argues that it would eliminate harassment of persons who commit unintentional or technical violations of the Gun Control Act. But he insists it wouldn't hurt law enforcement. Sen. McClure contends that would "redirect the efforts of federal authorities to the pursuit of real criminals."



NATIONAL RIFLE ASSOCIATION OF AMERICA
INCORPORATED 1871

1600 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D.C. 20036

HARLON B. CARTER
EXECUTIVE VICE PRESIDENT

March 23, 1982

Dear Mr. President:

A few nights ago, I was talking with a Congressman who said: "Outside the Beltway, they love Ronald Reagan." We believe that his assessment was absolutely correct, for with few exceptions the 2.25 million members of the National Rifle Association -- only a handful of whom live within the Beltway -- support you almost to a man, and woman. We appreciate you and what you are trying to do for this great nation, and we are glad to have played a role in electing you to your most difficult office.

With the many problems which we know you must resolve each day, I hesitate to bring you another, but it is a matter of great importance to the members of the National Rifle Association.

As a fellow member of the NRA, I know you are aware of the problems that the law-abiding gun owners of this country have had under the Gun Control Act of 1968. You have written and spoken about these problems -- and the solution -- many times in the past. That solution the McClure/Volkmer Bill, which you supported during the campaign, is now being considered in the Senate Judiciary Committee. It is being delayed, however, because Senator Edward Kennedy has requested the views of both the Treasury Department and Justice Department be presented before the vote occurs. We feel that he made that request because he knows of a Justice Department staff memorandum to the White House strongly opposing the McClure/Volkmer Bill.

We realize one Department memo does not constitute your position, nor that of your Administration, but we are very concerned about the perception that the President has changed his position and no longer supports Senator McClure's bill. To prevent the outcry that could result among our fellow NRA members if the Justice Department position is misinterpreted as the Reagan Administration position, I respectfully urge you to reaffirm your Administration's support of this bill. Your renewed personal expression of support is very important, especially since Senator McClure has amended his bill after three long negotiating sessions with the Treasury Department.

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Mr. President, I would not burden you with this problem if it were not of such importance to millions of law-abiding American sportsmen, and among them, especially to our members.

Thank you for your assistance.

Sincerely yours,


Harlon B. Carter
Executive Vice President

HBC:jcj

bcc: Neal Knox

The President
The White House
Washington, D.C.



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NEAL KNOX
EXECUTIVE DIRECTOR

TELEPHONE:
(202) 828-6320

March 23, 1982

The Honorable Strom Thurmond
Senate Judiciary Committee
2226 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Thurmond:

Reference is made to the draft letter of the Department of Justice to the White House concerning S.1030, as introduced, and the substitute bill accepted for consideration by the Committee on March 18, 1982, which appears to have been widely circulated. As you may be aware, that draft memorandum was extensively quoted in the March 23 Wall Street Journal, which noted that the memo was in conflict with President Reagan's campaign pledges. The following observations are offered concerning Justice's comments:

The proper starting point in any analysis of the Gun Control Act and proposed changes to it, is not, as the draft Justice letter states, the purpose of the Gun Control Act and the gun control recommendations of the Attorney General's Task Force. The proper starting point is the dismal record resulting from some fourteen years of enforcement of the Gun Control Act. This statute, which places technical mala prohibita restrictions on the receipt, possession and transfer of firearms, has not diminished violent crime and has been totally irrelevant to effective law enforcement, except in so far as it has diverted law enforcement resources from addressing violent criminal activities. The Act does not address, or purport to address, misuse of firearms. It has merely provided a basis upon which to establish a bureaucracy, which has sustained itself by making technical cases against law abiding citizens who do not misuse firearms, but who nonetheless become surrogate defendants for the misusers, who remain insulated from detection and apprehension.

The Gun Control Act has failed to achieve the objectives outlined in Justice's letter. It has failed to prevent felons from obtaining guns despite its record-keeping provisions, its mail order prohibitions, and its restrictions on interstate transactions. Instead of admitting the obvious failure of the

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Act's basic assumptions and theories, once they had been put into practice, the Justice draft suggests, in essence, that the Government do much more of what has already failed and adopt the recommendations of the Attorney General's Task Force.

The Justice draft lists four features of S.1030 which it considers the most objectionable. Number 1 is basically a complaint that new 18 USC 921(a)(14), which defines the term "engaged in the business" as applied to dealers, would make it more difficult to make a criminal case against an individual for engaging in the business of dealing in firearms without a license. The committee should be aware of the type of case made by the Treasury Department and prosecuted by the Department of Justice under the rubric of dealing without a license. The defendant is usually a lower middle income individual who has had no prior convictions. The investigative agency generally has set in motion the chain of circumstances which led to the case and at some point induced the defendant to commit an act upon which the violation is based. The government's conduct usually falls short of entrapment under the subjective test, favored by the majority in Sorrells, United States, 287 US 435 (1932), although satisfying the objective test favored by the minority in that case. The conduct of the Government in this type of case is nonetheless irresponsible and the change in definition of "engaged in the business" would be salutary since fewer citizens could be victimized by predatory investigative tactics. The Committee should not, moreover, be misled by Justice's use of such phrases as "significant suppliers of underworld weapons." The Treasury Department rarely, if ever, makes cases against "significant suppliers." The use of the phrase "flow of guns into the wrong hands" is also misleading in its implication that the Gun Control Act, or any other "gun control" statute, has somehow the potential to prevent criminals from acquiring firearms. It would have been refreshing if the Justice draft had been somewhat candid, as was Deputy Assistant Secretary of the Treasury Robert E. Powis on page 5 of his memorandum of October 22, 1981, to Assistant Secretary John M. Walker, Jr., when he stated:

Interdiction sought to identify the major sources of crime guns located outside of targeted urban areas and interdict the flow of such guns before they reached the street criminals. The program was largely unsuccessful because the traffic in crime guns was not a nationwide problem of significant proportions.

It would also have been refreshing if the Justice draft had frankly acknowledged, in discussing its major objection number 2, that the prohibition of the sale of a firearm by a resident of

one state to a resident of another is in the Gun Control Act because Congress believed in 1968 that it was the only type of sale it had the power to turn into a crime. The prohibition on interstate transfers is, of course, merely a case-making tool since interstate and intrastate transfers are indistinguishable and intrinsically neutral in their relation to potential misuse.

Justice is also somewhat disingenuous in raising the matter of unrecorded sales by licensees in connection with "tracing" firearms, a practice which has become extremely important to Treasury in view of its make-work attributes. Thus, in recent years, ATF has undertaken to trace firearms for so-called survey or analytical purposes. Terms such as "flow of firearms", "sources of guns used in crimes", and "interdiction of firearms", are often used in discussions of "survey tracing". No connection ever has been established, of which we are aware, between such "survey tracing" and solving crimes or apprehending criminals. It must be remembered that firearms tracing is not a separate discipline nor a unique investigative tool, but merely an investigative undertaking which should be carried out when it is a logical step in a criminal investigation. Nonetheless, there is no evidence that tracing firearms has been a factor in solving criminal cases or in acquiring significant admissible evidence nor has an argument been made, of which we are aware, that there is a present inability to accomplish useful and necessary tracing.

Justice's major objection, Number 3, is to the provision that a dealer be allowed to maintain a personal collection apart from his inventory from which he could make occasional unrecorded sales. Once again, Justice does not relate its objection to crime in any concrete way or attempt to prove that dealers would be more likely than others to sell firearms from their personal collections to persons who wish to use them to commit crimes. Its objection is based on a mere speculative conclusion that unrecorded sales are bad. No stronger proof could exist to show that agency's innate suspicion of American citizens and its desire to expand its surveillance of them.

Similar comments apply to objection number 4. There is no body of evidence to show that firearms licensees keep their records any less efficiently or diligently than any other businessmen subject to government regulations or that punishing their failures to keep accurate records contributes to effective law enforcement or the reduction of violent crime. There is also no evidence that these inspections produce major cases or leads to major cases. There is, however, ample evidence to show that dealers in firearms have been harassed and frightened by thousands of make-work inspections. Their end result or work product is generally a report attempting to justify a purely

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bureaucratic initiative unrelated to crime or its detection.

Justice's comments on the Secretary's rule-making authority underscores its inability to understand the plight of gun owners and the purpose of S.1030. Its purpose is to free gun owners at least a little from the tentacles of bureaucrats who promulgate nit-picking regulations, violations which are punishable as felonies.

The purpose of the other provisions of the bill to which Justice objects are also for the relief of citizens who have been unjustly affected by the Gun Control Act:

Relief from firearms disabilities: a violation of the Gun Control Act should not permanently disable a person from owning or possessing a firearm since such a conviction does not involve misuse. Similarly, the average federal felony has nothing whatsoever to do with public safety. It appears fundamentally unjust that a person disabled because of a Gun Control Act violation or a violation of the income tax law should be disabled from owning a firearm for self-defense or be subject to the capricious whim of a bureaucrat. A person convicted of a violent felony could still be denied a relief from disability under S.1030.

License Revocation: The bill states that the Secretary may revoke a license only when a licensee has "willfully violated" a provision of the Act thus making revocation procedure consistent with denial procedure. This is intended to prevent revocations for violations caused by inadvertant error. In addition, the bill clarifies Congress' original intent that a court, in a revocation proceeding, conduct a full hearing when reviewing the Secretary's revocation or denial of a license.

If criminal proceedings are brought against a licensee for violations of the Act and he is not convicted, the bill provides that the Secretary is barred from denying or revoking his license based on the violation which provided the basis for the criminal charges. This provision will prevent Treasury Department retaliation against a person who successfully defends himself in a criminal proceeding.

Forfeiture proceedings: The bill provides that only a firearm or ammunition involved in or used in any violation of law shall be subject to seizure and forfeiture, and must be returned to the owner if the case is disposed of by any verdict other than guilty or no charges are brought within 120 days. Only the particular firearms or quantity of ammunition involved in the violation are subject to seizure and forfeiture. In addition, if the owner of the seized property prevails in the forfeiture

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action he shall be awarded attorney's fees. The bill provides also that if a court finds that any other action by the government under the Act was without foundation or in bad faith, it shall allow attorney's fees to the defendant.

The purpose of these provisions is to protect dealers and gun owners from civil actions by the Treasury Department if they have not been found guilty in a criminal action. Under current law the Treasury often seizes an entire firearms collection and, although no prosecution ensues, fails to return the firearms. Prosecutions, however, may be threatened to extract information, to prevent motions for the return of property from being made, or to coerce the firearms owner to assist Treasury in entrapment schemes directed against other collectors or licensees.

Willfull: The bill adds "willfully" to the penalty provision, thereby requiring the government to prove that a defendant violated the Act deliberately and with knowledge. Thus, it would no longer be possible to obtain convictions for unintentional mistakes and will make it more difficult to obtain convictions of persons whom Treasury has induced or inveigled into violations.

The 1968 Gun Control Act has turned into convicted felons persons who had no intention to violate the act. In one case, the application of the act was so harsh that the trial judge imposed a sentence of one day of probation. The appellate court concurred with the trial judge's views that it could find no reason the government chose to prosecute these cases. The appellate court noted the harsh results of a felony conviction for "a mere technical violation of the statute" and agreed that "an application for a Presidential pardon would seem to be justified." United States v. Ruisi, 460 F.2d 153, 157 (1972). Justice cited Ruisi for the proposition that the 1968 Gun Control Act did not require scienter to be an element of the offense. Justice's opposition to the requirement that scienter be proved is, once again, additional proof that the agency is more interested in making cases against the unwary than in dealing justly with them or in reducing violent crime.

I wish to call the Committee's attention to Justice's assumption that the mere availability of firearms to citizens generally, will somehow cause crime. This assumption has, in fact, been rebutted by a study conducted with Justice funding. The research, conducted by Professors Wright and Rossi of the University of Massachusetts at Amherst under a \$287,000 grant from the National Institute of Justice in the U.S. Department of Justice entitled "Weapons and Violent Crime," reviewed literature and studies to determine what definitive evidence exists on issues relating to weapons, violence and crime. It examined the

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amount and quality of criminal justice data available on weapons through a national survey of 609 law enforcement agencies and an analysis of court records of a sample of 5,000 felony cases processed by the Los Angeles Superior Court. In short, the research proved exhaustive. And its findings were unequivocal. The researchers concluded that "there is little evidence to show that gun ownership among the population as a whole is, per se, an important cause of criminal violence."

Professors Wright and Rossi found that many of the common assumptions about the firearms and crime issue are unsupported. They found that fifty percent of American families acknowledge gun ownership and that three-fourths of these privately owned guns are used for sport and recreation; the remainder for self-defense. They found "no persuasive evidence" to support the allegation that "most homicide would not occur were firearms generally less available." And they concluded that "any action taken to deny firearms to would-be criminals will necessarily deny them to a vastly larger group of persons who will never contemplate, much less commit, a violent criminal act"--a cost which must be "weighed against the anticipated benefits before a rational policy decision can be made."

The cost to which these researchers alluded is two-fold: the cost to life and the cost to civil rights and civil liberties.

Professors Wright and Rossi found that privately owned handguns seem to be about as effective a deterrent to crime as is the legal system. "Available evidence suggests that the probability that a person burglarizing an occupied house will be shot is about at one percent. As it turns out, this is nearly the same probability that an offender will be apprehended, charged, convicted, and sentenced. Actually, guns may be a more effective deterrent since a burglar making his own cost-benefit analysis is bound to count the possibility of being shot to death as a more serious risk than that of spending a few years in prison." (CONTACT, University of Massachusetts at Amherst, Vol. VII, No. 4, p. 6, 1982)

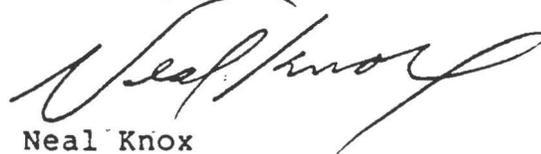
In analyzing the alleged relationship between availability of handguns and so-called "family" homicide, Wright and Rossi pointed to a study done in Kansas City which shows that 85-90 percent of family homicides occurred in households to which police had already been summoned, in many cases repeatedly, to break up violent quarrels. Thus, when family homicides do occur they are not unexpected outbreaks caused by the availability of handguns, but rather the culmination of a long history of

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violence. And the researchers concluded that in a violence-prone household, one must assume a "substitution factor"--a knife, rifle or shotgun--items as or more deadly than handguns.

In view of Justice's references to the recommendations of the Attorney General's Task Force, we are also enclosing additional comments on those recommendations as well as a copy of my statement submitted to this Committee on March 4, 1982. These documents cover certain matters raised by Justice which are not addressed by this letter.

Best regards,

A handwritten signature in cursive script, appearing to read "Neal Knox", written in dark ink.

Neal Knox

NK:jw
Enclosures