

# WITHDRAWAL SHEET

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DOCUMENT NO. & TYPE	SUBJECT/TITLE	DATE	RESTRICTION
1. note	Richard Hauser to Cicconi re INS position on Pedro Navarez, 1p [Item is still under review under the provisions of EO 13233]	5/4/83	
2. draft letter	re Navarez, 2p	n.d.	B6

### RESTRICTIONS

- B-1 National security classified information [(b)(1) of the FOIA].
- B-2 Release could disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA].
- B-3 Release would violate a Federal statute [(b)(3) of the FOIA].
- B-4 Release would disclose trade secrets or confidential commercial or financial information [(b)(4) of the FOIA].
- B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA].
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- B-7a Release could reasonably be expected to interfere with enforcement proceedings [(b)(7)(A) of the FOIA].
- B-7b Release would deprive an individual of the right to a fair trial or impartial adjudication [(b)(7)(B) of the FOIA].
- B-7c Release could reasonably be expected to cause unwarranted invasion or privacy [(b)(7)(C) of the FOIA].
- B-7d Release could reasonably be expected to disclose the identity of a confidential source [(b)(7)(D) of the FOIA].
- B-7e Release would disclose techniques or procedures for law enforcement investigations or prosecutions or would disclose guidelines which could reasonably be expected to risk circumvention of the law [(b)(7)(E) of the FOIA].
- B-7f Release could reasonably be expected to endanger the life or physical safety of any individual [(b)(7)(F) of the FOIA].
- B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA].
- B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA].

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F DOS  
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Washington, D.C. 20530

May 25, 1983

MEMORANDUM

TO : Jim Cicconi  
FROM : Tex Lezar

Attached is the Attorney General's memo I mentioned to you on the phone yesterday. It lays out several ways in which the President and Vice President could publicize the Administration's anti-crime initiatives. It suggests opening the effort with a televised address by the President (attached, written by Tony Dolan) discussing crime and announcing the creation of the President's Organized Crime Commission and the appointment of its Chairman.

Let me know what you think.

1. x.



# Office of the Attorney General

Washington, D. C. 20530

May 18, 1983

MEMORANDUM FOR: EDWIN MEESE, III  
JAMES A. BAKER  
MICHAEL K. DEEVER  
DAVID R. GERGEN

FROM: WILLIAM FRENCH SMITH *WFS*

SUBJECT: Proposed Presidential Involvement in  
Publicizing Administration Anti-Crime  
Initiatives

A great deal of progress has been made since the President's announcement last October of his Eight-Point Program to combat organized crime and narcotics trafficking. This progress suggests a number of possible events in which the President or Vice President could participate to dramatize the Administration's efforts to fight crime and to demonstrate the high priority the Administration places on successful implementation of the President's anti-crime programs. The following suggestions, which I recommend for the President's or Vice President's participation, relate to the President's Eight-Point Program.

## (1) TELEVISED PRESIDENTIAL SPEECH

Our strongest recommendation is for an Oval Office speech in the form of a report to the American people on the nature of the crime problem and what the President is doing about it. The speech would cite the Task Forces on Violent Crime and Victims of Crime; stress the addition of over 1000 agents and prosecutors to battle drug traffickers; announce the Organized Crime Commission's chairman and its mandate from the President; and make a dramatic push for enactment of the omnibus crime bill now before Congress.

Because of his involvement in earlier aspects of the President's Eight-Point Program, I asked Tony Dolan to revise an earlier draft so that we could use it as a starting point. The draft, which is very good, is attached.

## (2) CABINET-LEVEL COORDINATION

On the day of or after the address to the Nation, the President could attend a meeting of the Working Group on Drug Trafficking

and Organized Crime (part of the CCLP) to demonstrate his commitment to government-wide coordination of the Federal effort (and help head off continuing Hill efforts to create a "drug czar"). If done on the day of the speech, it could provide topical visuals for the evening news.

(3) MEMBERSHIP OF THE ORGANIZED CRIME COMMISSION

A Rose Garden event 2-3 days after the President's Oval Office address would provide an additional opportunity to gain publicity for the Organized Crime Commission by announcing its entire membership (some 19, including the Chairman) and having them all present--it's a prestigious group.

(4) STATE/LOCAL TRAINING AND GOVERNORS PROJECT

At the summer meeting of the National Governors' Association (July 31-August 2, Portland, Maine), the President (if he attends) could update the Nation's Governors on both the expanded state and local training programs instituted by Justice and Treasury at Glynco, Georgia, and on the Governors Project part of the Eight-Point Program. In addition, a Presidential or Vice Presidential visit to the training center at Glynco would focus attention on this highly successful program.

(5) ADDRESS TO UNITED STATES ATTORNEYS

The semi-annual conference of the 94 Presidentially-appointed U.S. Attorneys (July or September in Washington--date not yet set) provides an opportunity for the President to outline his plans to those who enforce his law enforcement priorities. In addition to pitching the importance of the organized crime/drug task forces he created, the President could also make clear to the USAs (and the public) the importance he places on other law enforcement priorities (fraud, waste and abuse; pornography; public corruption).

(6) PRISON CONSTRUCTION

While it would be inappropriate for the President to visit a prison in operation (for security and other reasons), a Presidential visit to a prison under construction would demonstrate that the Administration is doing something about one Violent Crime Task Force recommendation we seemed to reject (\$2 billion for a new facility for prisons). Possibilities include laying a cornerstone in Phoenix (at a facility now under construction) or groundbreaking in Los Angeles (where site selection is now underway).

(7) PRESIDENT TO OPEN ORGANIZED CRIME HEARINGS

The Organized Crime Commission hearings may be the best covered law enforcement event since Watergate. It would be highly effective to have the President as the leadoff witness at the first hearing both to identify himself closely with the work of the Commission and to put his focus on the initial coverage.

(8) ANNUAL REPORT ON ORGANIZED CRIME

The first annual Attorney General's report on organized crime could be presented to the President in October 1983 in a Rose Garden ceremony. The date is significant in that it will be one year from the President's announcement of his Eight-Point Program, and by then we will be able to report that the 12 new organized crime/drug task forces are up and running at full strength and full speed (we've promised that by the end of the summer).

First and foremost, however, we recommend a televised Presidential address on crime, including the announcement of the Chairman of the Organized Crime Commission. That speech would dramatically illustrate, to the President's great credit, this Administration's commitment to getting at the crime problem which--as every relevant poll shows--concerns the vast majority of Americas citizens. And there is good news to report, given the reduction in crime rates as reported by the FBI, and the increased citizen involvement all across the Nation in the battle against crime.

(Dolan)  
May 12, 1983  
10:30 a.m.

TELEVISED PRESIDENTIAL ADDRESS ON CRIME

Good evening. Tonight I want to speak to you about a problem that jeopardizes the personal safety of every American and threatens the moral and social cohesion of our people and the integrity of our Nation.

That problem? Crime in America.

Last year, more than half of you said you were afraid to walk the streets alone at night and 83 percent of you said you were more concerned about crime today than you were 10 years ago.

Your worry was fully justified. In the last 10 years, violent crime has gone up 53 percent. Crime in America has been an epidemic. Today it takes the lives of 25,000 Americans a year, it touches nearly a third of American homes and results in at least 8.8 billion a year in financial losses.

Just during the time I will be talking to you tonight, at least 1 person will be murdered, 9 women will be raped, 67 other Americans will be robbed, 97 will be seriously assaulted and 389 homes will be burglarized.

The American people feel our criminal justice system has broken down -- that it just isn't working. Nine out of ten Americans believe that the courts in their home areas aren't tough enough on criminals; another eight out of ten believe that our criminal justice system doesn't deter crime; and both statistics have gone up drastically in the past 10 or 15 years.

Americans are loosing faith in our way of justice. And because our judicial system is one branch of government that

relies for its independence on the implicit trust of the people, few developments could be more dangerous to our democratic way of life than this steady erosion of public confidence.

Yet the cold statistics demonstrate the failure of the criminal justice system to pursue, prosecute and punish criminals. In our Nation less than \_\_\_\_\_ of reported felonies end in a prison term for offenders. In some cities, like New York, the figure is less than 1 percent. And increasingly, a small band of lawless citizens are responsible for an overwhelming proportion of this crime. One recent study of 49 criminals indicated that they claimed responsibility for a total of 10,500 crimes; another study of 250 criminals showed responsibility for an astonishing 500,000 crimes over an 11-year period. Or again -- just to take one limited part of the crime picture -- transit police in New York estimate that 500 habitual offenders are responsible for 40 percent of the offenses committed in any given year. Indeed, half of all serious crimes in America are believed to be committed by 10 percent of the criminal class.

This is why the perception is growing that the crime problem stems from the emergence of a new privileged class in America: A class of repeat offenders and career criminals who think they have a right to victimize their fellow citizens with impunity. This new class of criminals is openly contemptuous of our way of justice; they do not believe they will be caught, and if they are caught, they are confident that once their cases enter our legal system the charges against them will be dropped, postponed, plea

bargained away or lost in a maze of legal technicalities that make a mockery of our society's legitimate concern with civil liberties.

The rise in crime caused by a hardened criminal class was fostered partly from a misguided social philosophy that too often called for lenient treatment of these criminals. In fact, the same liberal social philosophy that helped cause our economic problem by expanding the unnecessary duties of Government was the same social philosophy that induced Government to ignore its more fundamental duties like punishing the guilty and protecting the innocent.

At the root of this liberal philosophy lies utopian presumptions about human nature that see man as primarily a creature of his material environment. By changing this environment through expensive social programs, this philosophy held that Government could permanently change man and usher in the rule of reason and an era of prosperity and virtue. In much the same way, individual wrongdoing was seen as a result of an underprivileged background or poor socio-economic conditions. This philosophy suggested, in short, that where there is wrongdoing or crime, society -- not the individual -- is at fault. We are to blame.

It is now clear there is a new consensus on the crime issue among the American people, one that utterly rejects the climate of leniency and philosophy that fostered it. The increase in citizen involvement in the crime problem, the tough new State statutes directed at repeat offenders and the widespread public

outcry against leniency in our court system makes it clear that after years of listening to elaborate, pseudo-intellectual apologies for crime -- the American people are reasserting what common sense has always taught: right and wrong does matter, individuals are responsible for their actions, evil is frequently a conscious choice and for those who make that choice and decide on a career of preying on the innocent retribution must be swift and sure.

Even as we were struggling with our serious economic and international problems, this Administration has been dealing with the threat of crime. In many ways, we have sought to speak for you, the millions of Americans who are fed up with crime, fed up with fear in our streets and neighborhood, fed up with lenient judges, fed up with a criminal justice system that too often treats criminals better than it does their victims.

In my first report to you on America's crime problem, I would like to outline what this Administration has been doing to fight crime and why your personal support is so vital to the further success of our efforts.

First, from our first day in office the Attorney General and I have given the most careful attention to our appointments to the Federal judiciary. I want you to know that we have been naming to the Federal bench -- including the Supreme Court -- justices who are aware of your deep concern about the crime problem and are determined to uphold the rights of society and the innocent as well as the rights of the accused.

Second, we have appointed and received the reports of two key presidential task forces on crime; one examining the effects on violent crime and how to deter it and the other studying the rights of those so frequently overlooked: the victims of criminal wrongdoing. More than 75 percent of the recommendations of the violent crime task force have been acted upon and legislative remedies in this area have been sent to the Congress for action. We are now acting on the recommendations of our victims of crime task force and some of those have been integrated in the omnibus crime bill we recently sent to the Congress and about which I will talk shortly.

Third, most important, this Administration has launched an all out assault on the menace of drug abuse in America. It is a menace that I know concerns every American, especially those of you who are parents and teachers. And it is a menace that is reportedly responsible for more than 50 or 60 percent of all property related crimes in America. So obviously if we are going to do anything about crime in America -- drug abuse is a critical point of departure.

It has been our point of departure. But before I describe to you our offensive against the drug trade, let me point out that in this area Federal law enforcement efforts have been particularly hurt by misguided Federal priorities of the past few years. As I said, when the Federal Government expanded and intruded into areas where it was neither competent nor needed, it started to ignore one of its most essential duties: the duty of protecting the innocent from crime. Even as crime was

increasing, the Federal commitment against it was decreasing in the key area of investigative personnel. Since 1973, for example, there has been a steady decline in Federal criminal investigators by almost \_\_\_\_ agents.

Yet even in the face of this obvious handicap, as we entered office we took immediate steps. We doubled the number of Federal investigators working on drug related cases. For the first time we involved the invaluable resources of the FBI in drug investigations. In 1982, the bureau began more than 800 such investigations including 200 joint investigations with the Drug Enforcement Administration.

Yet it was also obvious that more -- much more -- needed to be done to combat a drug trade that was growing increasingly lawless and increasingly violent. There was no better example of the havoc wreaked by these drug traffickers than their transformation of South Florida into a central conduit for illegal drugs and a focal point of violence and corruption. The prior efforts of the Federal Government there had been half-hearted and largely ineffective. I decided we owed to the people of Florida and to ourselves to take immediate and resolute action.

As many of you know, in response to requests from local and State authorities, we put together under the leadership of Vice President George Bush, a special task force dedicated to stopping the flood of illegal drugs. In only the first 12 months of its existence, this task force has enjoyed outstanding successes, accounting for more than \_\_\_\_ arrests, the seizure of \_\_\_\_

million in assets including vessel and the removal of over \_\_\_\_\_ pounds of cocaine, more than \_\_\_\_\_ pounds of marijuana and \_\_\_\_\_ dozen units of methaqualone.

Taking our cue from the success of our South Florida Task Force, I announced last November the formation of 12 additional task forces in key areas in the United States. Following the South Florida example, these task forces are now utilizing the wide range of the resources available to the Federal Government to fight the drug trade. This means that elements of the FBI, IRS, Immigration and Naturalization Service, United States Marshals, the United States Custom Service and the Coast Guard are being mobilized and used in a coordinated, concerted attack on the drug trade. In some instances, the Department of Defense will also assist in tracking and pursuing the drug traffickers.

Make no mistake: This is a major commitment. The formation of these task forces has meant more than 1,200 new investigators and prosecutors to Federal roles -- this means the addition of more personnel than currently on the entire staffs of our long standing strike forces on organized crime.

But an effective attack on the drug trade means more than criminal prosecutions. This Administration is determined to do all in its power to halt the source and supply of drugs in foreign countries. The Attorney General has traveled throughout Europe, Asia and Latin America consulting the top leadership in these governments and impressing upon them my own deep concern and that of the American people about drug manufacturers and traders in their countries. Border interdiction is also crucial

to this effort. For this purpose we have recently formed NIBIS which will coordinate these efforts. And finally, on a government-wide basis, we have also formed a cabinet level council on drug abuse which will greatly assist in coordinating the work of all the Federal agencies in this area.

Finally, let me note that while I am talking to you tonight about the law enforcement aspect of this attack on the drug trade, we are continuing to emphasize the other aspects of our national strategy against drug abuse, especially the all important programs of drug prevention and drug education. My wife, Nancy, has been particularly active in this area and she is one of the many thousands of committed parents, educators and other Americans who are helping to warn and educate our young people about the dangers of drug abuse. All of us owe them a debt of thanks.

Now, I believe the collected impact of our judicial appointments, commission findings and our assault on drug abuse is beginning to tell. Recent crime statistics showed a 4 percent decline in crime last year, the first such decline in a number of years. Undoubtedly, some part of this decline is due to growing public concern and stiffer sentencing at the State level as well as increased public participation in citizen watch and neighborhood watch groups. But a great part of it is also due to the attention now being given to the problem this Administration has focused on from the outset of our term in office: that of the career criminal.

Today more than 100 prosecutor's offices throughout the country have special Federally assisted prosecution units that focus on these repeat offenders. Of the first 19,000 suspects processed by these career criminal units, 88 percent were convicted of the major charge brought against them and the average sentence was 14 years -- far longer than in the past. Some of this success against repeat offenders is reflected in the fact that the Federal and State prison population increased last year by 11.6 percent -- one of the highest growth rates recorded.

But a 4 percent decline in the crime rate is no cause for rejoicing -- particularly since the crime rate has increased by more than 252 percent since 1962. Indeed, if the crime rate only declined by 4 percent in the years ahead it would take more than 30 years to return to the level of 1962.

So this is hardly the time for complacency.

We want to continue the progress we have made. We want to go to the heart of the career criminal problem in America.

Now obviously the drug traffickers form a key part of the problem and that's why we have focused on them. But I think drug traffickers themselves are only a symptom of the deeper problem. Too often in the past we as a people have tended to draw distinctions between violent crimes and more sophisticated crimes, or between crimes like drug-pushing and crimes like bribery. The truth is though that crime never comes in comfortable categories -- it is an organic or perhaps I should say cancerous phenomenon. If one kind of habitual offender prospers in the community of crime, so ultimately do the others.

The street mugger, the burgler, the drug pusher, the mobster, the corrupt policeman or public official are not independent citizens, they form their own criminal subculture, they contribute to, they prosper in a climate of lawlessness. They need each other, they use each other and they protect each other.

Now for many years, we have tolerated in America -- not just in the illegal drug traffic but in many other areas -- a syndicate of career criminals whose power infects every part of our society. The personal suffering, the cost to our society in human and fiscal terms, the lawlessness their very existence fosters has made this network of professional criminals a costly and tragic part of our history.

Today the power of organized crime reaches into every part of America -- it is estimated that La Cosa Nostra has millions of assets in legitimate business from nightclubs to cheese factories to meat packing companies to garment firms. It controls several hundred corrupt union locals. It runs burglary rings, fences for stolen goods, holds a virtual monopoly on the heroin trade. It thrives on illegal gambling, pornography, gunrunning, car theft, arson and a host of other illegal activities. The existence of this network run by regional and national commissions and its willingness -- and too often its success -- in corrupting and gaining protection from those in high places -- is an affront to every law-abiding American and an inspiration to every street punk or two-bit criminal who hopes someday to make it in the big time.

The reasons for the mob's success are clear. Its tactics and techniques are well known. Organizational cohesion and discipline, vows of secrecy and loyalty, insulation by its leaders from direct criminal involvement, bribery and corruption of law enforcement and public officials, violence and threats against those who would testify or resist this criminal conspiracy all have contributed to the curtain of silence that surrounds its activities.

Through the years, a few dedicated Americans have broken this curtain of silence and fought this menace. Their names are familiar: Prosecutor Thomas Dewey and Judge William Seabury, Federal agent Elliot Ness, Senators Kefauver and McClellan, Attorney General Kennedy, investigative reporter Don Bolles. But for too long, this fight has been left to a few dedicated policemen, prosecutors, journalists or public officials and too often their efforts have resulted in only temporary gains against this criminal menace.

The time has come to make these gains permanent. The time has come for all of us to assist in the fight to break the power of the mob in America.

A few months ago, I announced a national strategy to expose, prosecute and ultimately cripple organized crime in America. I want to review this program with you tonight. It's goal is the removal of a blot on American history that has lasted nearly a 100 years.

Let me say now: I have often heard it said no government can ultimately eliminate or end the illegal activities that

provide much of the revenue and support for organized crime. But that is only true as far as it goes -- government cannot stop every form of illicit activity nor can it eliminate the human impulses that lead to them. But it can break apart and ultimately destroy tightly knit networks of criminals and racketeers who live off of these activities. This we intend to do.

First, the new task forces will concentrate initially on the drug trade as their first priority. But these task forces will also work with and eventually add their resources to the work already being directly aimed at the syndicate by the Department of Justice's organized crime strike forces.

Second, few weapons against organized crime have proven more effective or more important to law enforcement than the investigations carried on by the Kefauver Committee in the early 50's or the McCellan Committee and the Senate Permanent Committee on Investigations which heard testimony on Federal informant Joseph Vallachi in the 1960's. Several presidential commissions on crime have been appointed since then, each has lasted only a year and had neither the time nor the resources to fully investigate the syndicate and lay out a national strategy for its elimination.

Accordingly, I am pleased to announce this evening that one of America's most distinguished jurists, Judge Irving Kaufman of the 2nd Circuit Court <sup>of Appeals in</sup> ~~of~~ New York, has agreed to lead a panel of 15 distinguished Americans from diverse backgrounds and professions, most with practical experience in combatting

organized crime. The purpose of this commission, which will last for up to 3 years, will be to organize public hearings that will undertake a region by region analysis of organized crime's influence, measure its impact on American society and the administration of justice and make legislative recommendations. Judge Kaufman has won widespread praise for the many important commissions in the area of judicial and law enforcement area he has headed, he has a reputation for independence and sound judgement. Today I met with him here in the Oval Office along with Senator Thurmond and Congressman Rodino, the chairmen of the Senate and House Judiciary Committees who have also agreed to serve on the commission. All of us were of one mind on the importance of this commission and the work it will do for the American people.

Third this Administration in conjunction with recommendations of the commission will enlist the Nation's governors in bringing about needed criminal justice reforms. For example, without effective enforcement of local and State statutes against various kinds of racketeering like illegal gambling, this vital source of revenue for organized crime will never be fully dried up. This Governor's Project would attempt to bring to the attention of the States the importance of such initiatives; it would also serve as an important sounding board for State and local authorities.

Fourth, it is absolutely essential that all the diverse agencies and law enforcement bureaus of the Federal Government be brought together in a comprehensive attack on organized crime.

Until now, no such coordinating group has existed and interagency cooperation has sometimes suffered as a result. Tomorrow, I will attend the first meeting of the Cabinet Council on Organized Crime chaired by the Associate Attorney General. Their job will be to review interagency and intergovernmental cooperation in the struggle against organized crime, and when necessary, bring problems in these areas to my attention.

Fifth, part of the agenda of tomorrow's meeting will be a yearly report I have asked the Attorney General to submit on the status of the fight against organized crime. This requirement, although simple and inexpensive, establishes a formal mechanism through which the Justice Department will take a yearly inventory of its efforts in this area and give an accounting to the Congress and the American people.

Sixth, for many years, the FBI training academy has provided valuable training and assistance to local law enforcement agents. However, as the complexity and sophistication of organized crime has increased, many of our State and local agencies, which are schooled in the suppression of street crime, have been at a disadvantage in dealing with these new threats.

We have now established through the Department of Justice and Treasury a National Center for State and Local Law Enforcement Training at the Federal facility in Glynco, Georgia which is assisting local law enforcement agents and officials in attacking organized crime involvement in areas like arson, bribery, computer theft, contract fraud and bid rigging as well as drug smuggling.

Seventh, it does little good to step up public exposure and prosecution of career criminals if these criminals are turned loose because of an inadequacy of jail space. Accordingly, we have appropriated more than \_\_\_\_\_ for new jail facilities, the first such increase in many years.

Eighth and finally, this Administration is opening up a legislative offensive against the career criminal. I believe the omnibus crime bill that we have already sent to the Congress is a critical step in this. Let me take a few minutes to describe it to you. Because we need to restore public confidence in the reasons and good sense of our criminal justice system, some reforms are long overdue. It is time to reform a bail system that lets drug and drug pusher escape clear and well established determinant sentencing for crime and justice because of its leniency. It is time to end the wide disparity in sentences imposed by different judges for the same crime -- we need determined <sup>the</sup> sentencing law<sup>s</sup>. It is time to abolish our parole system -- it hasn't worked, hasn't helped prevent crime or rehabilitate criminals, it's been an invitation to corruption, it's provided a revolving door for some major crime figures.

We also need to reform the exclusionary rule -- a rule unique to our system that frequently forces dropping of the charges against criminals because of some minor or technical mistake made by investigation. One recent National Institute of Justice study showed that of all the drug felons arrested in 1981 in California nearly 30 percent were returned to the streets because of perceived problems with the exclusionary rule.

We need to restore the Federal death penalty. We need to revise the insanity defense, we need tougher labor racketeering laws and criminal forfeiture laws to assist in the fight against the mob.

Now last year some of these reforms were passed in the Senate by a vote of 95 to 1. Unfortunately, virtually none of this legislation was acted upon by the House of Representatives. It was bottled up in committee.

Tonight I am asking those of you who have long wanted something done about crime to help us. Contact your elected representatives, tell them you support the Administration's omnibus crime bill.

We need your help in order to pass this legislation, in order to get our organized commission underway, in order to continue the progress we have been making against crime.

I believe this program will prove to be a highly effective attack against crime especially the career criminals at the heart of organized crime. In its first year it is costing less than what is spent in one day on illegal drugs in this country or what is spent in one week by many other Federal programs. But let this much be clear: Our commitment to this program is unshakeable -- there will be no half-furled banners or uncertain trumpets. We intend to cripple the mob, dry up their profits, and put their members behind bars where they belong.

During its <sup>two years</sup> ~~first year~~ and three quarters in office, this Administration has been faced with the legacy of many years of misguided Federal priorities. We had to cut the spiralling costs

of massive spending programs and enormous taxation in order to put America back on the road to economic recovery. At the same time we had to rebuild our Nation's defenses and find scarce resources for essential programs to fight crime and drug smuggling.

It has not been an easy task but we are now embarked on the road to recovery of both our economic strength and our position of leadership in the world. I do not think it is overly optimistic to say that because of those efforts our children will see an America that is more peaceful and prosperous and a world where the threat of totalitarianism eventually fades and the promise of peace and freedom eventually triumphs.

And when historians do look back at our time, I hope they also will be able to say that in addition to addressing other problems we also made every effort to combat the criminal syndicates that for too long played a role in our national life.

In the end, it comes down to a simple question we must ask ourselves: What kind of people are we if we continue to tolerate in our midst this enemy within, this confederation of professional criminals?

The American people want the mob and its associates brought to justice and their power broken. We do this not out of vengeance or a love of legalities but for the sake of the innocent and the law that is the protection of liberty.

"Justice," James Madison wrote in the Federalist Papers, "is the end of government. It is the end of civil society. It ever

has been and ever will be pursued until it is obtained, or until liberty be lost in the pursuit."

Tonight, I ask for your support in this effort to eradicate the drug menace, to fight organized crime, to make our streets and houses safe again and to return America to the days of respect for the law and for the rights of the innocent.



U.S. Department of Justice  
Office of the Attorney General

Counselor to the Attorney General

June 22, 1983

NOTE FOR JIM CICCONI:

Attached is the memo  
we discussed yesterday.

A handwritten signature in black ink, appearing to be "Ken", is written above the typed name "Ken".

Ken

f DOJ memos



# Office of the Attorney General

Washington, D. C. 20530

May 18, 1983

MEMORANDUM FOR: EDWIN MEESE, III  
JAMES A. BAKER  
MICHAEL K. DEEVER  
DAVID R. GERGEN

FROM: WILLIAM FRENCH SMITH *WFS*

SUBJECT: Proposed Presidential Involvement in  
Publicizing Administration Anti-Crime  
Initiatives

A great deal of progress has been made since the President's announcement last October of his Eight-Point Program to combat organized crime and narcotics trafficking. This progress suggests a number of possible events in which the President or Vice President could participate to dramatize the Administration's efforts to fight crime and to demonstrate the high priority the Administration places on successful implementation of the President's anti-crime programs. The following suggestions, which I recommend for the President's or Vice President's participation, relate to the President's Eight-Point Program.

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and Organized Crime (part of the CCLP) to demonstrate his commitment to government-wide coordination of the Federal effort (and help head off continuing Hill efforts to create a "drug czar"). If done on the day of the speech, it could provide topical visuals for the evening news.

(3) MEMBERSHIP OF THE ORGANIZED CRIME COMMISSION

A Rose Garden event 2-3 days after the President's Oval Office address would provide an additional opportunity to gain publicity for the Organized Crime Commission by announcing its entire membership (some 19, including the Chairman) and having them all present--it's a prestigious group.

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At the summer meeting of the National Governors' Association (July 31-August 2, Portland, Maine), the President (if he attends) could update the Nation's Governors on both the expanded state and local training programs instituted by Justice and Treasury at Glynco, Georgia, and on the Governors Project part of the Eight-Point Program. In addition, a Presidential or Vice Presidential visit to the training center at Glynco would focus attention on this highly successful program.

(5) ADDRESS TO UNITED STATES ATTORNEYS

The semi-annual conference of the 94 Presidentially-appointed U.S. Attorneys (July or September in Washington--date not yet set) provides an opportunity for the President to outline his plans to those who enforce his law enforcement priorities. In addition to pitching the importance of the organized crime/drug task forces he created, the President could also make clear to the USAs (and the public) the importance he places on other law enforcement priorities (fraud, waste and abuse; pornography; public corruption).

(6) PRISON CONSTRUCTION

While it would be inappropriate for the President to visit a prison in operation (for security and other reasons), a Presidential visit to a prison under construction would demonstrate that the Administration is doing something about one Violent Crime Task Force recommendation we seemed to reject (\$2 billion for a new facility for prisons). Possibilities include laying a cornerstone in Phoenix (at a facility now under construction) or groundbreaking in Los Angeles (where site selection is now underway).

(7) PRESIDENT TO OPEN ORGANIZED CRIME HEARINGS

The Organized Crime Commission hearings may be the best covered law enforcement event since Watergate. It would be highly effective to have the President as the leadoff witness at the first hearing both to identify himself closely with the work of the Commission and to put his focus on the initial coverage.

(8) ANNUAL REPORT ON ORGANIZED CRIME

The first annual Attorney General's report on organized crime could be presented to the President in October 1983 in a Rose Garden ceremony. The date is significant in that it will be one year from the President's announcement of his Eight-Point Program, and by then we will be able to report that the 12 new organized crime/drug task forces are up and running at full strength and full speed (we've promised that by the end of the summer).

First and foremost, however, we recommend a televised Presidential address on crime, including the announcement of the Chairman of the Organized Crime Commission. That speech would dramatically illustrate, to the President's great credit, this Administration's commitment to getting at the crime problem which--as every relevant poll shows--concerns the vast majority of Americas citizens. And there is good news to report, given the reduction in crime rates as reported by the FBI, and the increased citizen involvement all across the Nation in the battle against crime.

(Dolan)  
May 12, 1983  
10:30 a.m.

TELEVISED PRESIDENTIAL ADDRESS ON CRIME

Good evening. Tonight I want to speak to you about a problem that jeopardizes the personal safety of every American and threatens the moral and social cohesion of our people and the integrity of our Nation.

That problem? Crime in America.

Last year, more than half of you said you were afraid to walk the streets alone at night and 83 percent of you said you were more concerned about crime today than you were 10 years ago.

Your worry was fully justified. In the last 10 years, violent crime has gone up 53 percent. Crime in America has been an epidemic. Today it takes the lives of 25,000 Americans a year, it touches nearly a third of American homes and results in at least 8.8 billion a year in financial losses.

Just during the time I will be talking to you tonight, at least 1 person will be murdered, 9 women will be raped, 67 other Americans will be robbed, 97 will be seriously assaulted and 389 homes will be burglarized.

The American people feel our criminal justice system has broken down -- that it just isn't working. Nine out of ten Americans believe that the courts in their home areas aren't tough enough on criminals; another eight out of ten believe that our criminal justice system doesn't deter crime; and both statistics have gone up drastically in the past 10 or 15 years.

Americans are loosing faith in our way of justice. And because our judicial system is one branch of government that

relies for its independence on the implicit trust of the people, few developments could be more dangerous to our democratic way of life than this steady erosion of public confidence.

Yet the cold statistics demonstrate the failure of the criminal justice system to pursue, prosecute and punish criminals. In our Nation less than \_\_\_\_\_ of reported felonies end in a prison term for offenders. In some cities, like New York, the figure is less than 1 percent. And increasingly, a small band of lawless citizens are responsible for an overwhelming proportion of this crime. One recent study of 49 criminals indicated that they claimed responsibility for a total of 10,500 crimes; another study of 250 criminals showed responsibility for an astonishing 500,000 crimes over an 11-year period. Or again -- just to take one limited part of the crime picture -- transit police in New York estimate that 500 habitual offenders are responsible for 40 percent of the offenses committed in any given year. Indeed, half of all serious crimes in America are believed to be committed by 10 percent of the criminal class.

This is why the perception is growing that the crime problem stems from the emergence of a new privileged class in America: A class of repeat offenders and career criminals who think they have a right to victimize their fellow citizens with impunity. This new class of criminals is openly contemptuous of our way of justice; they do not believe they will be caught, and if they are caught, they are confident that once their cases enter our legal system the charges against them will be dropped, postponed, plea

bargained away or lost in a maze of legal technicalities that make a mockery of our society's legitimate concern with civil liberties.

The rise in crime caused by a hardened criminal class was fostered partly from a misguided social philosophy that too often called for lenient treatment of these criminals. In fact, the same liberal social philosophy that helped cause our economic problem by expanding the unnecessary duties of Government was the same social philosophy that induced Government to ignore its more fundamental duties like punishing the guilty and protecting the innocent.

At the root of this liberal philosophy lies utopian presumptions about human nature that see man as primarily a creature of his material environment. By changing this environment through expensive social programs, this philosophy held that Government could permanently change man and usher in the rule of reason and an era of prosperity and virtue. In much the same way, individual wrongdoing was seen as a result of an underprivileged background or poor socio-economic conditions. This philosophy suggested, in short, that where there is wrongdoing or crime, society -- not the individual -- is at fault. We are to blame.

It is now clear there is a new consensus on the crime issue among the American people, one that utterly rejects the climate of leniency and philosophy that fostered it. The increase in citizen involvement in the crime problem, the tough new State statutes directed at repeat offenders and the widespread public

outcry against leniency in our court system makes it clear that after years of listening to elaborate, pseudo-intellectual apologies for crime -- the American people are reasserting what common sense has always taught: right and wrong does matter, individuals are responsible for their actions, evil is frequently a conscious choice and for those who make that choice and decide on a career of preying on the innocent retribution must be swift and sure.

Even as we were struggling with our serious economic and international problems, this Administration has been dealing with the threat of crime. In many ways, we have sought to speak for you, the millions of Americans who are fed up with crime, fed up with fear in our streets and neighborhood, fed up with lenient judges, fed up with a criminal justice system that too often treats criminals better than it does their victims.

In my first report to you on America's crime problem, I would like to outline what this Administration has been doing to fight crime and why your personal support is so vital to the further success of our efforts.

First, from our first day in office the Attorney General and I have given the most careful attention to our appointments to the Federal judiciary. I want you to know that we have been naming to the Federal bench -- including the Supreme Court -- justices who are aware of your deep concern about the crime problem and are determined to uphold the rights of society and the innocent as well as the rights of the accused.

Second, we have appointed and received the reports of two key presidential task forces on crime; one examining the effects on violent crime and how to deter it and the other studying the rights of those so frequently overlooked: the victims of criminal wrongdoing. More than 75 percent of the recommendations of the violent crime task force have been acted upon and legislative remedies in this area have been sent to the Congress for action. We are now acting on the recommendations of our victims of crime task force and some of those have been integrated in the omnibus crime bill we recently sent to the Congress and about which I will talk shortly.

Third, most important, this Administration has launched an all out assault on the menace of drug abuse in America. It is a menace that I know concerns every American, especially those of you who are parents and teachers. And it is a menace that is reportedly responsible for more than 50 or 60 percent of all property related crimes in America. So obviously if we are going to do anything about crime in America -- drug abuse is a critical point of departure.

It has been our point of departure. But before I describe to you our offensive against the drug trade, let me point out that in this area Federal law enforcement efforts have been particularly hurt by misguided Federal priorities of the past few years. As I said, when the Federal Government expanded and intruded into areas where it was neither competent nor needed, it started to ignore one of its most essential duties: the duty of protecting the innocent from crime. Even as crime was

increasing, the Federal commitment against it was decreasing in the key area of investigative personnel. Since 1973, for example, there has been a steady decline in Federal criminal investigators by almost \_\_\_\_\_ agents.

Yet even in the face of this obvious handicap, as we entered office we took immediate steps. We doubled the number of Federal investigators working on drug related cases. For the first time we involved the invaluable resources of the FBI in drug investigations. In 1982, the bureau began more than 800 such investigations including 200 joint investigations with the Drug Enforcement Administration.

Yet it was also obvious that more -- much more -- needed to be done to combat a drug trade that was growing increasingly lawless and increasingly violent. There was no better example of the havoc wreaked by these drug traffickers than their transformation of South Florida into a central conduit for illegal drugs and a focal point of violence and corruption. The prior efforts of the Federal Government there had been half-hearted and largely ineffective. I decided we owed to the people of Florida and to ourselves to take immediate and resolute action.

As many of you know, in response to requests from local and State authorities, we put together under the leadership of Vice President George Bush, a special task force dedicated to stopping the flood of illegal drugs. In only the first 12 months of its existence, this task force has enjoyed outstanding successes, accounting for more than \_\_\_\_\_ arrests, the seizure of \_\_\_\_\_

million in assets including vessel and the removal of over \_\_\_\_\_ pounds of cocaine, more than \_\_\_\_\_ pounds of marijuana and \_\_\_\_\_ dozen units of methaqualone.

Taking our cue from the success of our South Florida Task Force, I announced last November the formation of 12 additional task forces in key areas in the United States. Following the South Florida example, these task forces are now utilizing the wide range of the resources available to the Federal Government to fight the drug trade. This means that elements of the FBI, IRS, Immigration and Naturalization Service, United States Marshals, the United States Custom Service and the Coast Guard are being mobilized and used in a coordinated, concerted attack on the drug trade. In some instances, the Department of Defense will also assist in tracking and pursuing the drug traffickers.

Make no mistake: This is a major commitment. The formation of these task forces has meant more than 1,200 new investigators and prosecutors to Federal roles -- this means the addition of more personnel than currently on the entire staffs of our long standing strike forces on organized crime.

But an effective attack on the drug trade means more than criminal prosecutions. This Administration is determined to do all in its power to halt the source and supply of drugs in foreign countries. The Attorney General has traveled throughout Europe, Asia and Latin America consulting the top leadership in these governments and impressing upon them my own deep concern and that of the American people about drug manufacturers and traders in their countries. Border interdiction is also crucial

to this effort. For this purpose we have recently formed NIBIS which will coordinate these efforts. And finally, on a government-wide basis, we have also formed a cabinet level council on drug abuse which will greatly assist in coordinating the work of all the Federal agencies in this area.

Finally, let me note that while I am talking to you tonight about the law enforcement aspect of this attack on the drug trade, we are continuing to emphasize the other aspects of our national strategy against drug abuse, especially the all important programs of drug prevention and drug education. My wife, Nancy, has been particularly active in this area and she is one of the many thousands of committed parents, educators and other Americans who are helping to warn and educate our young people about the dangers of drug abuse. All of us owe them a debt of thanks.

Now, I believe the collected impact of our judicial appointments, commission findings and our assault on drug abuse is beginning to tell. Recent crime statistics showed a 4 percent decline in crime last year, the first such decline in a number of years. Undoubtedly, some part of this decline is due to growing public concern and stiffer sentencing at the State level as well as increased public participation in citizen watch and neighborhood watch groups. But a great part of it is also due to the attention now being given to the problem this Administration has focused on from the outset of our term in office: that of the career criminal.

Today more than 100 prosecutor's offices throughout the country have special Federally assisted prosecution units that focus on these repeat offenders. Of the first 19,000 suspects processed by these career criminal units, 88 percent were convicted of the major charge brought against them and the average sentence was 14 years -- far longer than in the past. Some of this success against repeat offenders is reflected in the fact that the Federal and State prison population increased last year by 11.6 percent -- one of the highest growth rates recorded.

But a 4 percent decline in the crime rate is no cause for rejoicing -- particularly since the crime rate has increased by more than 252 percent since 1962. Indeed, if the crime rate only declined by 4 percent in the years ahead it would take more than 30 years to return to the level of 1962.

So this is hardly the time for complacency.

We want to continue the progress we have made. We want to go to the heart of the career criminal problem in America.

Now obviously the drug traffickers form a key part of the problem and that's why we have focused on them. But I think drug traffickers themselves are only a symptom of the deeper problem. Too often in the past we as a people have tended to draw distinctions between violent crimes and more sophisticated crimes, or between crimes like drug-pushing and crimes like bribery. The truth is though that crime never comes in comfortable categories -- it is an organic or perhaps I should say cancerous phenomenon. If one kind of habitual offender prospers in the community of crime, so ultimately do the others.

The street mugger, the burgler, the drug pusher, the mobster, the corrupt policeman or public official are not independent citizens, they form their own criminal subculture, they contribute to, they prosper in a climate of lawlessness. They need each other, they use each other and they protect each other.

Now for many years, we have tolerated in America -- not just in the illegal drug traffic but in many other areas -- a syndicate of career criminals whose power infects every part of our society. The personal suffering, the cost to our society in human and fiscal terms, the lawlessness their very existence fosters has made this network of professional criminals a costly and tragic part of our history.

Today the power of organized crime reaches into every part of America -- it is estimated that La Cosa Nostra has millions of assets in legitimate business from nightclubs to cheese factories to meat packing companies to garment firms. It controls several hundred corrupt union locals. It runs burglary rings, fences for stolen goods, holds a virtual monopoly on the heroin trade. It thrives on illegal gambling, pornography, gunrunning, car theft, arson and a host of other illegal activities. The existence of this network run by regional and national commissions and its willingness -- and too often its success -- in corrupting and gaining protection from those in high places -- is an affront to every law-abiding American and an inspiration to every street punk or two-bit criminal who hopes someday to make it in the big time.

The reasons for the mob's success are clear. Its tactics and techniques are well known. Organizational cohesion and discipline, vows of secrecy and loyalty, insulation by its leaders from direct criminal involvement, bribery and corruption of law enforcement and public officials, violence and threats against those who would testify or resist this criminal conspiracy all have contributed to the curtain of silence that surrounds its activities.

Through the years, a few dedicated Americans have broken this curtain of silence and fought this menace. Their names are familiar: Prosecutor Thomas Dewey and Judge William Seabury, Federal agent Elliot Ness, Senators Kefauver and McClellan, Attorney General Kennedy, investigative reporter Don Bolles. But for too long, this fight has been left to a few dedicated policemen, prosecutors, journalists or public officials and too often their efforts have resulted in only temporary gains against this criminal menace.

The time has come to make these gains permanent. The time has come for all of us to assist in the fight to break the power of the mob in America.

A few months ago, I announced a national strategy to expose, prosecute and ultimately cripple organized crime in America. I want to review this program with you tonight. It's goal is the removal of a blot on American history that has lasted nearly a 100 years.

Let me say now: I have often heard it said no government can ultimately eliminate or end the illegal activities that

provide much of the revenue and support for organized crime. But that is only true as far as it goes -- government cannot stop every form of illicit activity nor can it eliminate the human impulses that lead to them. But it can break apart and ultimately destroy tightly knit networks of criminals and racketeers who live off of these activities. This we intend to do.

First, the new task forces will concentrate initially on the drug trade as their first priority. But these task forces will also work with and eventually add their resources to the work already being directly aimed at the syndicate by the Department of Justice's organized crime strike forces.

Second, few weapons against organized crime have proven more effective or more important to law enforcement than the investigations carried on by the Kefauver Committee in the early 50's or the McClellan Committee and the Senate Permanent Committee on Investigations which heard testimony on Federal informant Joseph Vallachi in the 1960's. Several presidential commissions on crime have been appointed since then, each has lasted only a year and had neither the time nor the resources to fully investigate the syndicate and lay out a national strategy for its elimination.

Accordingly, I am pleased to announce this evening that one of America's most distinguished jurists, Judge Irving Kaufman of the 2nd Circuit Court <sup>of Appeals</sup> of New York, has agreed to lead a panel of 15 distinguished Americans from diverse backgrounds and professions, most with practical experience in combatting

organized crime. The purpose of this commission, which will last for up to 3 years, will be to organize public hearings that will undertake a region by region analysis of organized crime's influence, measure its impact on American society and the administration of justice and make legislative recommendations. Judge Kaufman has won widespread praise for the many important commissions in the area of judicial and law enforcement area he has headed, he has a reputation for independence and sound judgement. Today I met with him here in the Oval Office along with Senator Thurmond and Congressman Rodino, the chairmen of the Senate and House Judiciary Committees who have also agreed to serve on the commission. All of us were of one mind on the importance of this commission and the work it will do for the American people.

Third this Administration in conjunction with recommendations of the commission will enlist the Nation's governors in bringing about needed criminal justice reforms. For example, without effective enforcement of local and State statutes against various kinds of racketeering like illegal gambling, this vital source of revenue for organized crime will never be fully dried up. This Governor's Project would attempt to bring to the attention of the States the importance of such initiatives; it would also serve as an important sounding board for State and local authorities.

Fourth, it is absolutely essential that all the diverse agencies and law enforcement bureaus of the Federal Government be brought together in a comprehensive attack on organized crime.

Until now, no such coordinating group has existed and interagency cooperation has sometimes suffered as a result. Tomorrow, I will attend the first meeting of the Cabinet Council on Organized Crime chaired by the Associate Attorney General. Their job will be to review interagency and intergovernmental cooperation in the struggle against organized crime, and when necessary, bring problems in these areas to my attention.

Fifth, part of the agenda of tomorrow's meeting will be a yearly report I have asked the Attorney General to submit on the status of the fight against organized crime. This requirement, although simple and inexpensive, establishes a formal mechanism through which the Justice Department will take a yearly inventory of its efforts in this area and give an accounting to the Congress and the American people.

Sixth, for many years, the FBI training academy has provided valuable training and assistance to local law enforcement agents. However, as the complexity and sophistication of organized crime has increased, many of our State and local agencies, which are schooled in the suppression of street crime, have been at a disadvantage in dealing with these new threats.

We have now established through the Department of Justice and Treasury a National Center for State and Local Law Enforcement Training at the Federal facility in Glynco, Georgia which is assisting local law enforcement agents and officials in attacking organized crime involvement in areas like arson, bribery, computer theft, contract fraud and bid rigging as well as drug smuggling.

Seventh, it does little good to step up public exposure and prosecution of career criminals if these criminals are turned loose because of an inadequacy of jail space. Accordingly, we have appropriated more than \_\_\_\_\_ for new jail facilities, the first such increase in many years.

Eighth and finally, this Administration is opening up a legislative offensive against the career criminal. I believe the omnibus crime bill that we have already sent to the Congress is a critical step in this. Let me take a few minutes to describe it to you. Because we need to restore public confidence in the reasons and good sense of our criminal justice system, some reforms are long overdue. It is time to reform a bail system that lets drug and drug pusher escape clear and well established determinant sentencing for crime and justice because of its leniency. It is time to end the wide disparity in sentences imposed by different judges for the same crime -- we need determinative sentencing law<sup>s</sup>. It is time to abolish our parole system -- it hasn't worked, hasn't helped prevent crime or rehabilitate criminals, it's been an invitation to corruption, it's provided a revolving door for some major crime figures.

We also need to reform the exclusionary rule -- a rule unique to our system that frequently forces dropping of the charges against criminals because of some minor or technical mistake made by investigation. One recent National Institute of Justice study showed that of all the drug felons arrested in 1981 in California nearly 30 percent were returned to the streets because of perceived problems with the exclusionary rule.

We need to restore the Federal death penalty. We need to revise the insanity defense, we need tougher labor racketeering laws and criminal forfeiture laws to assist in the fight against the mob.

Now last year some of these reforms were passed in the Senate by a vote of 95 to 1. Unfortunately, virtually none of this legislation was acted upon by the House of Representatives. It was bottled up in committee.

Tonight I am asking those of you who have long wanted something done about crime to help us. Contact your elected representatives, tell them you support the Administration's omnibus crime bill.

We need your help in order to pass this legislation, in order to get our organized commission underway, in order to continue the progress we have been making against crime.

I believe this program will prove to be a highly effective attack against crime especially the career criminals at the heart of organized crime. In its first year it is costing less than what is spent in one day on illegal drugs in this country or what is spent in one week by many other Federal programs. But let this much be clear: Our commitment to this program is unshakeable -- there will be no half-furled banners or uncertain trumpets. We intend to cripple the mob, dry up their profits, and put their members behind bars where they belong.

During its <sup>two years</sup> ~~first year~~ and ~~three quarters~~ in office, this Administration has been faced with the legacy of many years of misguided Federal priorities. We had to cut the spiralling costs

of massive spending programs and enormous taxation in order to put America back on the road to economic recovery. At the same time we had to rebuild our Nation's defenses and find scarce resources for essential programs to fight crime and drug smuggling.

It has not been an easy task but we are now embarked on the road to recovery of both our economic strength and our position of leadership in the world. I do not think it is overly optimistic to say that because of those efforts our children will see an America that is more peaceful and prosperous and a world where the threat of totalitarianism eventually fades and the promise of peace and freedom eventually triumphs.

And when historians do look back at our time, I hope they also will be able to say that in addition to addressing other problems we also made every effort to combat the criminal syndicates that for too long played a role in our national life.

In the end, it comes down to a simple question we must ask ourselves: What kind of people are we if we continue to tolerate in our midst this enemy within, this confederation of professional criminals?

The American people want the mob and its associates brought to justice and their power broken. We do this not out of vengence or a love of legalities but for the sake of the innocent and the law that is the protection of liberty.

"Justice," James Madison wrote in the Federalist Papers, "is the end of government. It is the end of civil society. It ever

has been and ever will be pursued until it is obtained, or until liberty be lost in the pursuit."

Tonight, I ask for your support in this effort to eradicate the drug menace, to fight organized crime, to make our streets and houses safe again and to return America to the days of respect for the law and for the rights of the innocent.

5-14/83

THE WHITE HOUSE  
WASHINGTON

TO: *Jim Cicconi*  
FROM: *Richard A. Hauser*  
*Deputy Counsel to the President*

FYI:  \_\_\_\_\_

COMMENT: \_\_\_\_\_

ACTION: \_\_\_\_\_

*This is not a case  
where reversal of INS's  
position should be sought.*

**RONALD W. REAGAN LIBRARY**

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Photo by SCOTT SINES

PEDRO NARVAEZ AND SON PETE STAND IN FRONT OF THEIR PAID-FOR \$60,000 HOME . . . family fights deportation while clinging to their own American dream

# S.A. businessman battles deportation after 18 years

By CECIL CLIFT  
FEDERAL REPORTER

A successful painting contractor and his wife — who admit they entered the country illegally 18 years ago — received a temporary last-minute reprieve Wednesday in their efforts to block their deportation to Mexico.

The U.S. Naturalization and Immigration Service had ordered the independent businessman, Pedro Narvaez, 47, and his wife, Rosario, also 47, to leave the country by Tuesday of this week.

But a motion filed by their attorney on Tuesday seeking a writ of habeas corpus and a follow-up motion filed Wednesday for a temporary restraining order in the matter has resulted in delaying the deportation.

An arrangement hammered out late Wednesday afternoon between attorneys for both sides will allow the couple to remain in San Antonio until the hearing.

A spokesman for U.S. District Judge Fred Shannon, to whom the

case was assigned, said a hearing on the order may not be held until early next week at the latest.

Shannon is trying another case in Del Rio this week.

Narvaez referred questions about the matter to his son, Pete, 22, the eldest of his eight children.

"My parents are really worried," Pete Narvaez said. "But so are the kids.

"We were waiting for amnesty. But it never came."

Pete Narvaez said his parents deserve to remain in the United States because they have proven to be outstanding citizens, hard workers and productive tax-paying residents.

Papers filed in federal court say Mr. and Mrs. Narvaez have accumulated assets worth \$150,000 since arriving in the United States from Chihuahua, Mexico, in 1965.

The painting contracting business started by Narvaez is very successful and employs as many as 15 workers during busy times, according to

a petition filed by the couple's attorney, Robert A. Shivers.

The \$60,000 house at 405 Arbor Place where the couple and four of their eight children reside is paid for, the petition adds.

Although the immigration service originally held an evidentiary hearing on an earlier deportation order in 1976, a decision upholding the order was not rendered until two years later.

The deportation order for this week was delivered after the couple exhausted their appeal remedies.

Shivers, in his petition for a temporary restraining order, asks the immigration service to hold another evidentiary hearing so the couple can once again present their case before immigration officials.

Meanwhile, the Narvaez family is living day by day, clinging to their own American dream.

"It's been hard on my parents," said Pete Narvaez. "And it's been hard on us, too."

## her vane

O AND VICINITY — Fair and warm Thursday with a winds light and variable. Low Thursday night in the cloudy Friday with a high in the low 70s. Temperature ranged between 76 and 57.

AREA FORECAST — Fair and dry through Monday, and 70s with 80s lower Rio Grande Valley. Lows, the near 60s lower coast and the lower Valley.

YESTERDAY'S TEMPERATURES

7 a.m.	62	1 p.m.	71	7 p.m.	67
8 a.m.	63	2 p.m.	74	8 p.m.	64
9 a.m.	65	3 p.m.	76	9 p.m.	61
10 a.m.	69	4 p.m.	74	10 p.m.	58
11 a.m.	72	5 p.m.	73	11 p.m.	58
Noon	72	6 p.m.	72	Midni	57

HUMIDITY — 63 percent as of 7 p.m. Wednesday.  
Total rainfall for the 24 hours ending at 7 p.m.

## TEXAS WEATHER

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Alpine	79 33 .00	Lufkin	67 57 .05
Amarillo	71 28 .00	Marfa	73 34 .06
Beaumont	65 60 1.14	Midland	76 38 .00
Childress	68 40 .00	Palacios	77 62 .22
Col. Sta.	74 58 .10	Port Arthur	65 60 1.14
Dallas	63 53 1.50	Presidio	88 46 .09
Dalhart	72 28 .00	San Angelo	73 45 .00
El Paso	59 51 1.19	Silphenville	63 49 .09
El Worth	68 60 .22	Txrkana	68 48 .00
Galveston	73 59 .15	Waco	70 57 .77
Houston	66 52 .00	Wich. Falls	65 46 .22
Longview	66 52 .00	Wink	81 46 .00

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Reno	66 46 .00	Wichita	54 28 .00		
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## FOREIGN READINGS

f DoJ  
memo



U.S. Department of Justice  
Office of Legal Policy

Assistant Attorney General

Washington, D.C. 20530

MEMORANDUM

April 27, 1983

TO: Members of the Cabinet Council on  
Commerce and Trade

FROM: Jonathan C. Ros *JCR*  
Assistant Attorney General  
Office of Legal Policy

SUBJECT: The Administration's Proposed Amendments  
to the Freedom of Information Act

At last week's CCCT meeting on the export of critical technology, representatives of several departments asked about the Justice Department's proposals to amend the Freedom of Information Act, including the proposals to better protect information relating to defense technology.

At the request of the Attorney General, I am enclosing a copy of the Administration's proposed amendments to the FOIA, which were introduced as S. 1751 in October 1981. After a process of negotiation and compromise, a revised version of FOIA reform legislation was approved unanimously by the Senate Judiciary Committee in May 1982 as S. 1730. This compromise version has been reintroduced in this Congress as S. 774 (copy attached at Tab 1), and has been endorsed by the Administration. Attached at Tab 2 is a copy of my recent testimony in support of S. 774 and a brief analysis of the provisions of the bill.

Of particular concern to the members of the CCCT, both the original version of S. 1751 and the compromise version of S. 774 contain provisions to protect defense technology from disclosure under the FOIA. The bills would provide a new exemption from disclosure (Exemption 10 in S. 774) for any technical data that may not be lawfully exported outside the United States without the appropriate authorization or license.

The provision is intended to complement the existing statutory prohibitions on the export of critical military technology which might be used for purposes contrary to American interests. The principal statutes are the Arms Export Control Act, 22 U.S.C. § 2751 et seq., and the Export Administration Act of 1979, 50 U.S.C. App. § 2404. Much of this technical information subject to export controls is, however, not classified pursuant to Executive Order, and thus could not be

withheld from disclosure under Exemption 1 of the FOIA. The proposed Exemption 10 would supply this basis for withholding.

The proposal drew some criticism in the last Congress, principally from representatives of small businesses that compete for military procurement contracts and therefore require access to what is referred to as "production engineering and logistics information" for use in preparing bids and in performing such contracts. Although there appears to be a sufficient basis for the disclosure of the necessary information to contractors in other provisions of law, these contractors generated some controversy over the proposed exemption by arguing that the FOIA is necessary to assure their access to this information.

The compromise version of S. 774 addresses these concerns by adding a new § 560 to 5 U.S.C. to authorize agencies to establish reasonable procedures to provide limited access to certain technical data to qualified contractors. Unlike disclosures under the FOIA, disclosure under § 560 would be discretionary and would be made with such restrictions against redissemination as necessary. This would permit access by contractors while allowing agencies to deny access by others.

In a number of other areas, S. 774 would make much needed improvements in the provisions of the FOIA. The principal focus of the bill is in the area of law enforcement, where it would make a number of extremely important and long overdue changes to prevent its abuse by those who would subvert effective law enforcement. Principally, these changes would increase the protection for investigatory records and records relating to confidential informants, and would provide substantial protection against the disclosure of information relating to organized crime. Although these changes, in a few respects, do not go quite far enough to remedy the demonstrated weaknesses in the present law, there is no doubt that the changes made by the bill would accomplish the greatest part of what the Administration set out to do in advancing changes to improve effective law enforcement.

Other improvements in the bill would permit agencies to charge the full cost of processing FOIA requests, subject to provisions for waiver of these fees; extend somewhat the existing time limits of the Act for processing requests; provide greater protection for agency manuals and instructions to investigators, auditors and negotiators; exempt Secret Service records that relate to its protective function; broaden the existing personal privacy exemption; and provide new procedures to protect against the disclosure of confidential business information.

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Office of the Attorney General

Washington, D. C. 20530

April 20, 1983

MEMORANDUM FOR: Cabinet Council on Legal Policy

FROM: William French Smith, *WFS*  
Attorney General

SUBJECT: Background Paper on Current Status  
of the Immigration Reform Legislation

This memorandum sets forth the current status of immigration reform legislation in the 98th Congress.

Historical Overview

Following receipt of the Final Report of the Select Commission on Immigration and Refugee Policy in March of 1981, the President established a Cabinet Task Force, chaired by the Attorney General, to study the Commission's recommendations for comprehensive immigration reform. Based on that review the Administration submitted a legislative package of immigration reform proposals to the Congress in October of 1981 which embodied the most important recommendations of the Select Commission.

The principal provisions of the Administration bill were (1) penalties on employers who knowingly hire illegal aliens, (2) legal status for illegal aliens who were in the U.S. before January 1, 1980, (3) an expanded temporary foreign worker program where domestic workers are unavailable, (4) reform of our procedures to return persons who enter the U.S. illegally, (5) expanded legal authorities to deal with mass arrivals of undocumented aliens, and (6) increased legal immigrant admissions for Canada and Mexico.

After extensive hearings on the Administration bill, Senator Simpson and Congressman Mazzoli, the Chairmen of the Senate and House Immigration Subcommittees, respectively, in March of 1982 introduced their own immigration reform legislation which incorporated most of the Administration's proposals. The most significant exception to that incorporation was the deletion of the Administration's mass immigration emergency plan. At the Cabinet Council meeting on April 16, 1982, it was decided that the Simpson-Mazzoli bill would become the Administration's vehicle for immigration reform.

Thereafter, on August 17, 1982 the U.S. Senate passed a substantially unchanged Simpson-Mazzoli bill on an overwhelming, bipartisan vote of 80-19. The following month the House Committee on the Judiciary reported its amended version of the legislation to the House floor where it became stalled during the post-election "lame duck" session.

### Current Status

On February 17, 1983 Senator Simpson introduced the Immigration Reform and Control Act of 1983, S. 529, an identical bill to the legislation which passed the Senate in the 97th Congress. On the same date Congressman Mazzoli introduced H.R. 1510, identical in all major respects to the reform legislation reported by the House Committee on the Judiciary.

Expedited hearing schedules were established by both the Senate and House Immigration Subcommittees. The Senate hearings commenced on February 24th and lasted four days. Several Administration witnesses testified in support of the legislation including the Attorney General and Diego Asencio of the Department of State. On the House side three weeks of hearings began on March 1 ultimately accumulating 26 hours of testimony, including generally supportive statements, from an expanded list of Administration witnesses.

During the week of April 4, 1983 both the Senate and House Immigration Subcommittees completed mark-up on their respective bills. The Senate bill was reported to full Committee on a voice vote and House Subcommittee passage was accomplished on a gratifying 7-1 vote.

Most recently, on April 19th, the Senate Committee on the Judiciary completed its consideration of S. 529 and reported it favorably to the full Senate on a 13-4 vote. Floor action has tentatively been scheduled for April 28 but other scheduling priorities and bill report printing requirements could easily cause that date to slip. The dates for full Committee and floor action in the House are unknown at this time although the former could occur as early as the first week in May.

### Significant Remaining Issues

The immigration reform issues which remain problematic principally reflect the differences between the Senate and House bills. One of the most significant of those issues is the appropriate mechanism for assisting state and local governments with the costs which arise as the newly legalized residents access welfare programs. The Senate bill takes the

strongly preferred approach of establishing a block grant/ impact aid program by which the Administration would be committed to fund at \$1.1 billion for four years. The House bill authorizes the Federal government to reimburse 100% of all State and local welfare programs for those legalized including educational expenses. OMB has estimated that the four year cost of this approach would be \$4.8 billion for welfare expenditures and \$2.5 billion for educational program support.

A corollary to this issue is whether to advance the legalization eligibility date in light of the fact the immigration reform effort is one year older. The House Immigration Subcommittee has already brought this issue into sharp focus by adopting a 1981 "one tier" legalization program with a four year federal benefit ineligibility. The Senate bill maintains last year's Administration supported "Grassley compromise" which provides permanent resident status for eligible aliens who continuously resided in the United States since before 1/1/77 and temporary resident status for such aliens who arrived here before 1980 with adjustment to permanent status after three years. In the Senate ineligibility for federal benefits would extend for three years from the time permanent resident status was obtained.

To date we have consistently opposed advancing the eligibility date both on equity grounds and from the point of view of limiting federal outlays. Our argument has been that legalization is not intended to give legal status to all illegal aliens but only to those who have demonstrated a commitment to this country by long term continuous residence as contributing, self-sufficient members of their community. Any other standard would be unfair to our legal residents and to legal immigrants waiting patiently in line, often for years, to obtain immigrant visas. Every effort will be made ultimately to obtain the legalization program outlined in the Senate bill.

Another contentious issue is the appropriate mechanism for assisting agricultural employers who have become dependent on an illegal migratory workforce. Both the Senate and House bills establish a more streamlined statutory H-2 program for agricultural workers. Following Subcommittee mark-up the House bill also contains a supplementary program permitting agricultural employers to hire "undocumented" workers, subject to numerical limitations established by the Attorney General, for a three-year "transition" period. The Senate has also expressed interest in this proposal and it is certain to be considered as a floor amendment.

The Administration's position has been that the "compromise" package of E-2 "streamlining" amendments, ratified by the April 16, 1982 Cabinet Council meeting, would provide sufficient statutory assurance of a workable program for obtaining foreign workers where domestic workers are unavailable. However, we will closely monitor the discussions which are ongoing between agricultural and labor interests on the transition program concept to insure that our operational concerns are addressed.

Two other important, though less problematic, differences between the Senate and House bills should be mentioned. The first is the changes in our current system for legal immigration contained in the Senate bill principally the "overall cap" of 425,000 on legal immigration including immediate relatives. The House bill, at the insistence of Chairman Rodino, specifically rejects changes in our current preference system. The Administration has likewise argued that changes in our legal immigration system should be deferred until after we have addressed the more urgent problem of uncontrolled illegal migration. Indications are that that view will prevail in conference and significant other portions of the Senate bill may well be obtained in exchange.

The second "second tier" issue concerns the Senate and House treatment of our current overburdened adjudication and asylum system. The Senate bill provides for more streamlined procedures which promise some finality in judgments while the House procedures are in several particulars even more cumbersome than current law. Attempts will be made to narrow the gap by amending the House bill and strong efforts will be made to have our preference for the Senate procedures prevail.

### Prospects

The introduction of bills already considered by both Houses and the early mark-up schedules have brightened considerably the prospects for final enactment of a comprehensive immigration reform bill. Likewise nationwide editorial support and public opinion as evidenced in opinion polls will encourage Congressional action. Nevertheless, it is generally agreed that enactment will need to take place during the first session of the 98th Congress as the second session will in all probability be dominated by Presidential politics.

WHY CLOSE SCRUTINY OF IMMIGRATION BILL COSTS  
IS ESSENTIAL

- 1) There are no dollars in the FY 1984-88 budget for any aspect of the immigration bill -- block grant, administrative costs, Congressional add-ons, or new I.D. system.
- 2) The conference negotiations will occur in a context in which the unbudgeted spending liability for 1984-88 is high by all accounts:

<u>CBO Estimate of Senate Bill</u>	<u>OMB Estimate of Senate Bill</u>	<u>OMB Estimate of House Bill</u>
\$4.6 billion	\$7.7 billion	\$12.8 billion

- 3) Even prior to considerations of welfare and education cost exposure, the potential basic costs of the Senate bill are considerable:

	<u>Senate Bill, 1984-88 (Millions)</u>	
	<u>OMB</u>	<u>CBO</u>
o Administrative.....	\$1,178	890
o Worker I.D.....	1,198	1,300
o Administration's capped block grant.....	<u>1,320</u>	<u>1,320</u>
o Total.....	\$3,696	\$3,510

- 4) The most serious cost exposure, however, is that state and local governments will construe the one-time legalization of between 900,000 and 2.5 million undocumented aliens as a "major national policy action" entitling them to "Impact Aid" type Federal reimbursement for resulting actual and alleged local health, education and welfare costs. The Congressional pressure behind this impact aid claim will be overwhelming and the fiscal exposure large:

	<u>1984-88</u>
o House education aid at \$1,100/child and 611,000 eligibles.....	\$3,820
o Edward's 100% general assistance reimbursement during Federal welfare ineligibility.....	\$2,378
o Fish medicaid exception for public health and serious injury.....	\$2,366
o Fish exception for aged/disabled on food stamps and SSI.....	\$608
o Social Security DI not subject to welfare ban.....	\$460-617
o HHS estimate of Senate uncapped block grant.....	\$4,245

5) In light of these potential cost exposures, it is imperative that all Administration participants in Senate/House/Conference process:

- a) Hammer hard on cost-threat issue;
- b) Strongly oppose education impact aid provisions of House bill;
- c) Strongly oppose Edwards amendment's 100% Federal reimbursement-modeled after the refugee program;
- d) Insist on longest possible ineligibility from Federal AFDC, SSI, food stamps and medicaid programs -- and no loopholes (Fish Amendment);
- e) Stress that block grant is transition fiscal assistance rather than entitlement-type impact aid.