Iran/Contra —
North Motion to Dismiss
Boland Amendment and
Memorandum in
Opposition

THE WHITE HOUSE
WASHINGTON

Date: 11/29/88

FOR: Arthur B. Culvahouse, Jr.

FROM: WILLIAM J. LANDERS
Associate Counsel to the President

Here is the pleading that the Independent Counsel filed in response to Justice's amicus. I'm still trying to get a copy of the "statement" referred to in the paper.

Attachment

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	)	
	)	
v	)	Criminal No. 88-0080 - 02 - GAG
	)	
OLIVER L. NORTH,	)	
	)	
Defendant	)	
	)	

INDEPENDENT COUNSEL'S MEMORANDUM OF POINTS AND AUTHORITIES IN RESPONSE TO THE MEMORANDUM OF LAW FILED BY THE DEPARTMENT OF JUSTICE AS AMICUS CURIAE WITH RESPECT TO THE INDEPENDENT COUNSEL'S OPPOSITION TO THE DEFENDANT'S MOTIONS TO DISMISS OR LIMIT COUNT ONE

Independent Counsel respectfully submits this memorandum in response to the memorandum of the Department of Justice as amicus curiae.[1/]

On November 18, 1988, the Department of Justice filed a memorandum with the Court, expressing its disagreement with certain portions of the Memorandum Of Points And Authorities In Opposition To Defendant's Motions To Dismiss Or Limit Count One (filed Oct. 25, 1988) (hereinafter "Govt. Mem."). For all the vigor of the

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[1/] See Memorandum of Law Filed by the Department of Justice as Amicus Curiae with Respect to the Independent Counsel's Opposition to the Defendant's Motions to Dismiss or Limit Count One (filed Nov. 18, 1988) (hereinafter "Amicus Br.").

Department's well-publicized advocacy,[2/] what is most striking about the Department's presentation is the limited area of its expressed disagreement with our position, and the extent to which that disagreement is directed not to the charges in the indictment but to collateral questions of constitutional law that the Department claims are implicated by its own, often mistaken, reading of Independent Counsel's memorandum.

First, the Department expresses no disagreement with any of Independent Counsel's responses to any of the defendant's motions directed toward any of the fifteen remaining counts of the indictment against the defendant North except for Count One. Moreover, even as to Count One, which charges a conspiracy with several separate objects, the Department expresses no disagreement with the criminality of the objectives charged in paragraphs 13(a)(2), 13(a)(3) and 13(b) -- its disagreement is limited, in other words, to its reading of Independent Counsel's position regarding paragraph 13(a)(1). Indeed, even as to that portion of the indictment, the Department does not maintain that the indictment does not state a crime, nor does the Department support defendant's

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[2/] We note that the Department's memorandum was distributed to the press for presentation at a press conference well before it was served on Independent Counsel or filed with the Court.

arguments.[3/] In effect, the Department's disagreement is confined to isolated statements in Independent Counsel's memorandum, and to what the Department regards as the "implications" of portions of Independent Counsel's arguments.

Second, the principal points insisted upon by the Department are either totally consistent with Independent Counsel's expressed position in this case or rest upon mischaracterizations of those positions. The miscellaneous arguments advanced by the Department simply do not affect the criminality of the conduct charged in the indictment.

ARGUMENT

I. COUNT ONE DOES NOT CHARGE THE DEFENDANT WITH VIOLATING UNENACTED CONGRESSIONAL "POLICIES"

The principal thrust of the Department's first argument is that Count One somehow charges the defendant with a crime for violating the "unenacted intent of Congress." Amicus Br. at 4. This mischaracterizes Independent Counsel's position.

[3/] Defendant has argued that Count One misinterprets the Boland Amendment, improperly includes references to Executive Order 12333 and National Security Decision Directive 159, presents the Court with non-justiciable political questions, charges multiple conspiracies and violates the constitutional requirement of fair notice. See Defendant's Pretrial Motions Numbers 39-42 and 44 (filed Oct. 11, 1988). The Department's memorandum does not make or support any of these arguments.

As is discussed in detail in our earlier memorandum, the charge in Count One rests on the firmly established principle that the offense of conspiracy to defraud the United States includes agreements "to interfere with or obstruct one of its lawful governmental functions by deceit, craft or trickery, or at least by means that are dishonest." Hammerschmidt v. United States, 265 U.S. 182, 188 (1924). As cases like Haas v. Henkel, 216 U.S. 462 (1910), make clear, the gravamen of the offense is not the violation of any particular statute, but the intention to cripple a lawful government program or function through deceit.

In this case, the function of the United States that defendant North conspired to obstruct was the operation of a series of congressional enactments and rules promulgated by the executive branch. The deceitful means were a series of deceptive actions including direct lies to congressional committees lawfully inquiring into his activities. North's deceptive acts did not merely violate some "unenacted intent of Congress." Amicus Br. at 4. Rather, as is plainly laid out in our memorandum, the activities of North and his co-conspirators were designed to defy a whole series of enacted legal restrictions on covert activities, including the Intelligence Oversight Act, 50 U.S.C. § 413; the Hughes-Ryan Amendment, 22 U.S.C. § 2422; Executive Order 12333; National Security Decision Directive 159; and, of course, the Boland

Amendment. Govt. Mem. at 27-28, 48-92. It was not the "policy" or "unenacted intent" of these provisions, but their express provisions and legal effect, that covert operations be accomplished pursuant to presidential finding and prompt reporting to Congress, and that United States Government military assistance to the Contras cease. Defendant is charged not with violating the spirit or "policy" of these legal restrictions, but with obstructing their actual operation through deceptive means.

The element of deception is of course central to the entire notion of fraud, and the repeated emphasis on deceit in Independent Counsel's memorandum is entirely ignored in the Department's submission. Far from asserting that executive officials' mere "policy disagreements" with Congress are criminal, Independent Counsel has explicitly refrained from asserting even that open defiance of enacted congressional restrictions on foreign military ventures would be criminal. Govt. Mem. at 28-29. What converts a wrongful defiance of legal restrictions into criminal activity is the effort to defeat operation of the law through "deceit, craft, or trickery, or at least by means that are dishonest." Hammerschmidt, 265 U.S. at 188. The indictment charges that defendant strove to obstruct enacted laws and to prevent Congress from exercising its constitutional functions, by -- among other things -- deliberately lying to Congress about what he was doing. The charge thus does not consist simply

of the violation of the laws.[4/] But to point out that the gravamen of the offense is obstruction of congressional functions and of a program consisting of a whole set of legal restrictions is emphatically not, as the Department would have it, to accuse defendant North of violating merely some amorphous, unenacted policy.[5/]

[4/] Indeed, as several Supreme Court cases demonstrate, and as we point out in our memorandum, see Govt. Mem. at 86 & n.64, a violation of § 371 could be made out even if the conspirators did not violate any of the rules whose operation they conspired to obstruct. See Dennis v. United States, 384 U.S. 855, 861-62 (1966); Lutwak v. United States, 344 U.S. 604, 611 (1953); see also, e.g., United States v. Harding, 81 F.2d 563, 567 (D.C. Cir. 1936); United States v. Nersesian, 824 F.2d 1294, 1313 (2d Cir.), cert. denied, 108 S. Ct. 355 (1987); United States v. Richter, 610 F. Supp. 480, 485-87 (N.D. Ill. 1985), aff'd, 785 F.2d 317 (7th Cir.), cert. denied, 479 U.S. 855 (1986); United States v. Anderson, 579 F.2d 455, 458-59 (8th Cir.), cert. denied, 439 U.S. 980 (1978). For purposes of this case, however, any disagreement over this point -- compare Amicus Br. at 5 with Govt. Mem. at 86 -- is abstract and hypothetical. Independent Counsel's proof will show that defendant North's activities did violate the Boland Amendment and the other restrictions referred to. The Department is entirely correct that, in the cases it cites, "[t]he 'policy' violated was not derived from some unenacted congressional intent but from the terms of the statute[s]" involved, Amicus Br. at 10 n.5, that is also the exact situation in this case.

[5/] At times, indeed, the Department's characterization of Independent Counsel's position is simply mystifying. For example, the Department accuses Independent Counsel of "suggest[ing]" that Congress governs through policies rather than laws, and that "these governing 'policies' cannot even be identified discretely." Amicus Br. at 16. The basis for attributing this decidedly peculiar view to Independent Counsel is an assertion that the enactment of various statutes evidences a policy "to control and limit covert action in particular and covert military support for the Nicaragua Contras in particular." Id. at n.11 (quoting Govt. Mem. at 28). But it is perfectly evident that those statutes do exemplify precisely such a policy. And the protracted effort by defendant to engage in covert activity without

(continued...)

The Department's claim that Independent Counsel's theory "potentially criminalizes any political dispute between Executive officials and Congress over foreign policy," Amicus Br. at 4, thus wildly mischaracterizes Independent Counsel's position. Contrary to the Department's paraphrase, "the crux of this conspiracy theory is" not "an evasion of Congress' 'policy' . . . ." Id. Rather, the crux of the conspiracy is the effort to deceive Congress about the activities being conducted in defiance of specific laws, in order to prevent the exercise of the congressional functions those laws were adopted to protect.

II. THE DEPARTMENT'S DISCUSSION OF THE PRESIDENTIAL POWER OVER FOREIGN AFFAIRS IS IRRELEVANT TO THE CHARGES IN THIS INDICTMENT

The second principal contention advanced by the Department is less a single point than a collection of general observations on Executive power. The Department, defending the interests of the Executive Branch, no doubt approaches certain abstract questions of constitutional law from a somewhat different vantage point than that advanced in

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5/ (...continued)
complying with the specific requirements of those statutes or in violation of specific prohibitions on covert actions in a particular country is properly characterized, not merely as a conspiracy to violate individual rules, but as a scheme to defeat the entire apparatus of regulations thus enacted. Such a characterization has no resemblance to a "suggest[ion]" that "Congress governs not just by laws but also by unenacted policies and intentions." Id. at 16.

Independent Counsel's memorandum. But is only by mischaracterizing Independent Counsel's position that the Department can turn a difference in emphasis having no bearing on the actual issues into a claim that Independent Counsel's position is "inconsistent with the Constitution." Amicus Br. at 18.

Once again, the Department's attack is not on what Independent Counsel says, but on what, in the Department's view, Independent Counsel "suggests" and "implies." Amicus Br. at 19. Independent Counsel has very clearly not taken certain positions that the Department of Justice attributes to him.[6/] The other "suggestions" that the Department objects to -- which concern constitutional law and, in particular, the extent of the role of Congress in foreign affairs -- are in fact in accord with documented views of the framers of the Constitution. More to the point, as the Department acknowledges, those theories of constitutional law are not the theory of the indictment. They are offered merely as evidence establishing the "only" proposition

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[6/] For example, the Department accuses Independent Counsel of "impl[ying]" that "lawful government functions are only those articulated by Congress." Amicus Br. at 19. The passage cited in support of this extraordinary view, Govt. Mem. at 16-17, is on its face not a listing of the "only" lawful government functions, but a description, closely following the words of the indictment, of the functions North is accused of obstructing -- and even this includes Executive Branch regulations as well as congressional enactments in describing the restrictions North is accused of conspiring to obstruct.

regarding the constitutional role of the National Legislature needed to support the indictment: that the Congress has a legitimate role with respect to foreign affairs. See Govt. Mem. at 74, cited in Amicus Br. at 19.

The Department's submission appropriately focuses on the undoubted and significant Executive responsibility for foreign affairs. Although the Department's views are in many respects overstated,[7/] we have no quarrel with most of the general propositions asserted. Since Independent Counsel's memorandum is concerned primarily with describing the government functions that defendant is accused of subverting -- the appropriations and oversight functions of Congress -- the memorandum naturally dwells on the existence and importance of these functions. But Independent Counsel's memorandum expressly recognizes the existence of significant -- and, indeed, exclusive -- Executive authority in various areas relating to foreign affairs. See Govt. Mem. at 76, 80-81. More to the point, nothing in the indictment or in the

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[7/] Thus, for example, the Department cites broad dicta in United States v. Curtiss-Wright Export Corp., 299 U.S. 304 (1936), as if those dicta represented binding authority, see Amicus Br. at 20-22, 31, and without recognizing authority questioning its correctness, see Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 635 n.2 (1952) (Jackson, J., concurring) (noting that "[m]uch of the Court's opinion [in Curtiss-Wright] is dictum," and adding that "[i]t was intimated [in that opinion] that the President might act in external affairs without congressional authority, but not that he might act contrary to an Act of Congress"). The significance of Curtiss-Wright is discussed in a more balanced fashion in Govt. Mem. at 76.

Independent Counsel's memorandum raises the issues hypothesized in the Department's brief.

Thus, we have no particular quarrel with the Department's assertion that Congress' appropriations power may not be used to limit exclusive Executive prerogatives. Amicus Br. 23-24. The Department's assertion that Independent Counsel's memorandum "appear[s] inconsistent with these principles," id. at 24, refers to a passage that in fact makes exactly the Department's point. The Department's apparent objection is only that Independent Counsel said that such congressional action "may" be unconstitutional, rather than that it "is" unconstitutional. Id. at 25. The use of the appropriations power relevant to this case is of course to deny funding to United States support for a foreign military insurgency. Nothing in the Department's brief asserts that this congressional action is unconstitutional.[8/]

Similarly, we have no quarrel with "the President's constitutional right and responsibility to protect diplomatic and intelligence secrets." Amicus Br. at 27. If Independent Counsel's memorandum "fails to acknowledge" the proposition, id., that is simply because it has no bearing on the case.[9/]

[8/] Nor does the Department lend any support to defendant North's contention that a constitutional refusal to fund such support for a foreign insurgency must constitutionally exempt the National Security Council staff from its prohibitions.

[9/] Once again, the Department's effort to find assertions that "could be read to be inconsistent" with its views in Independent Counsel's memorandum is unsuccessful. As the (continued...)

Finally, we have no disagreement, and the Department does not even attempt to infer one, with the general proposition that the Boland Amendment does not, and constitutionally could not, prohibit the President from urging foreign governments or private citizens to contribute to the support of the Contras. Amicus Br. at 29. Such a program of persuasion and argument is of course well within the constitutional prerogatives of not only the President, but of every American citizen. Once again, however, that proposition is irrelevant to this case. The defendant North is charged not with "encouraging United States citizens to take lawful actions," id., but with using his official position to conduct an organized effort to supply the Contras with money and weapons. There is all the difference in the world between a public official's urging private citizens to

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2/ (...continued)
Department is forced to acknowledge, "reporting to Congress [is] the rule for all covert operations." Amicus Br. at 27 (quoting Govt. Mem. at 23). There is surely no need in this case to address the precise limits of the President's discretion concerning what reporting is "timely," 50 U.S.C. § 413, since (1) the President himself has in fact suggested that, in most cases, "timely" notice means notice within two days of the initiation of covert activity, see Amicus Br. at 28 n.17, and (2) this case involves not a decision by the President to withhold notice for a brief period necessary to protect national security information but a charge that subordinate Executive officers conspired to withhold information forever about covert activity that had in fact been prohibited by Congress. Nor does anything in Independent Counsel's memorandum, the indictment or the facts of the case involve the President's power "to meet covertly with foreign leaders . . . or to persuade foreign leaders to oppose . . . a totalitarian government." Id. at 28.

support a cause, and his urging them to contribute to a fund that he controls and that he will use to purchase specific military supplies he has determined to be desirable to supply to foreign revolutionaries whom Congress has denied the financial support of the United States Government.

In short, there is no substantial or relevant difference between the views of Executive power expressed by amicus and those advanced in the Independent Counsel's memorandum. To the extent that the Department's submission has assisted in clarifying those views, we hope this exchange has been helpful to the Court. We equally hope, however, that the Department's willingness to attribute divergent views to the prosecution has not obscured the issues in this case, or the clear fact that the Department has conspicuously failed to support any of the defendant's constitutional claims.

CONCLUSION

Independent Counsel submits that Count One is valid in all respects, that the contentions set forth in the Department of Justice's amicus brief that challenge certain aspects of Count One are meritless, and that defendant North's motions to dismiss or otherwise limit Count One should be denied.

Respectfully submitted,

LAWRENCE E. WALSH
Independent Counsel

Gerard E. Lynch
William M. Treanor
John Q. Barrett
Associate Counsel

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November 19, 1988

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true copy of the attached Independent Counsel's Memorandum Of Points And Authorities in Response To The Memorandum Of Law Filed By The Department of Justice As Amicus Curiae With Respect To The Independent Counsel's Opposition To The Defendant's Motions To Dismiss Or Limit Count One to be delivered by hand to Edward S.G. Dennis, Jr., Esq., Assistant Attorney General, Criminal Division, United States Department of Justice, 10th Street & Constitution Avenue, N.W., Washington, D.C. 20530; Williams & Connolly, 839 Seventeenth Street, N.W., Washington, D.C. 20006; Janis, Schuelke & Wechsler, 1728 Massachusetts Avenue, N.W., Washington, D.C. 20036; Fulbright & Jaworski, Suite 400, 1150 Connecticut Avenue, N.W., Washington, D.C. 20036; and Sharp, Green & Lankford, 1785 Massachusetts Avenue, N.W., Washington, D.C. 20036, this 19th day of November, 1988.

William M. Treanor

William M. Treanor
Associate Counsel

Statement of Douglas W. Kmiec, Assistant Attorney General, Office of Legal Counsel:

We agree with Judge Gesell that disputes concerning the separation of powers should be worked out within the Department of Justice and not the court, and we hope that in the future the IC will give us an opportunity to discuss his pleadings before he files them. Had he done that in this instance, his response to our amicus brief suggests that much of the overstatement and unclarity in his initial filing could have been moderated or corrected in a way acceptable to the Department and the Executive Branch. In this respect, we are pleased that the IC's response to our amicus indicates that he is premising his conspiracy count on, to use his words, "activities being conducted in defiance of specific laws" not the unenacted policies of Congress. In addition, the IC has stated that he has "no disagreement . . . with the general proposition that the Boland Amendment does not, and constitutionally could not, prohibit the President from urging foreign governments or private citizens to contribute to the Contras." These were the two principal points of our amicus.

Ann,
As we discussed.
Please attach to IC's reply to DOJ amicus brief I sent over earlier.
Thanks, J

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 88-0080 - 02 - GAG
	)	
OLIVER L. NORTH,	)	
	)	
Defendant.	)	
	)	

GOVERNMENT'S MEMORANDUM IN PARTIAL OPPOSITION TO MOTION OF THE DEPARTMENT OF JUSTICE FOR LEAVE TO FILE AS AMICUS CURIAE A MEMORANDUM OF LAW WITH RESPECT TO THE INDEPENDENT COUNSEL'S OPPOSITION TO THE DEFENDANT'S MOTIONS TO DISMISS OR LIMIT COUNT ONE

The Department of Justice has moved as amicus curiae for an order permitting it to file, after the date now set for argument, a memorandum attacking the Government's characterizations of "basic constitutional principles of separation of powers and Executive Branch authority."*/ The Government respectfully opposes the extension of time sought by this motion.

FACTUAL BACKGROUND

The schedule of pretrial defense motions in this case was set months ago by the Court's Orders. In August of this

*/ See Motion of the Department of Justice for Leave to File as Amicus Curiae a Memorandum of Law with Respect to the Independent Counsel's Opposition to the Defendant's Motions to Dismiss or Limit Count One (filed Nov. 10, 1988), at 2.

year, the Court directed the defendant North to file all pretrial motions by October 10, 1988. See Aug. 5, 1988 Order, para. (2); accord Nov. 7, 1988 Order (denying North's motion seeking additional time within which to file additional pretrial motions). In compliance with that Order, North filed a series of motions, many of which attacked the legal sufficiency of various counts in the indictment. On October 12, 24 and 25, 1988, the Government filed legal memoranda opposing each of North's motions. Thereafter, the Court rejected North's request to postpone indefinitely the filing of reply memoranda. See Oct. 31, 1988 Order. The Court instead identified legal issues and particular motions that are to be argued at a hearing on November 21, 1988. See Oct. 31, 1988 Order (reinstating the October 18, 1988 Scheduling Order).

The Administration had prompt notice of the Government's positions. It is well aware of the efforts of the Court to manage fairly and effectively the necessary pretrial proceedings. The views to be expressed are, we gather, views that it has expressed before. Our only request is that the Department of Justice file its brief prior to argument. Many parts of the United States Government have followed the evolution of the present case. White House and agency counsel have closely followed the pretrial proceedings themselves. They certainly knew of the Court Orders setting the schedule for the briefing of motions. Notwithstanding this level of attention and knowledge, however, none of these officials

notified the Court or the Independent Counsel of their desire to express views on legal matters until today. Indeed, the Office of Independent Counsel was led to believe that, by this late date, no filing as amicus curiae would be forthcoming. See Declaration Of Christian J. Mixter (attached hereto as Exhibit A).

ARGUMENT

Independent Counsel rejects the suggestion that it should have solicited the views of the Department of Justice or that it has mischaracterized the law. While the Independent Counsel does not object to the submission of legal views by the Department, it strenuously opposes this wholly unjustified eleventh hour motion by the Department of Justice for an extension of time.

Given the amount of time that has elapsed since this Office began its investigation, there is no valid reason for the inability of any government department to file promptly -- and on the Court's schedule -- briefs that set forth their legal views on North's various motions. The indictment clearly presented the legal issues relating to the Boland Amendment. Truly interested observers, including White House and Department of Justice counsel, have known since early August 1988 that defendant North would file his pretrial legal motions on October 11, and the motions and supporting memoranda that North did file became matters of public record on that date.

White House and Department of Justice counsel in particular have also known, since October 25, the legal positions that this Office would take in response to North's motions, and they have had over two weeks since then to formulate and present their views.

As the Court has emphasized in Orders denying North's repeated requests to postpone various deadlines, this case has reached the stage of final trial preparation, and matters that arise must be handled according to schedule. See, e.g., Nov. 7, 1988 Order. Where the parties themselves have demonstrated their readiness to brief and argue defendant's motions according to the Court's plan, the time needs of amicus curiae should not be allowed to disrupt the pretrial schedule.

CONCLUSION

For the foregoing reasons, the Government submits that the motion of amicus curiae seeking an extension of time should be denied.

Respectfully submitted,

LAWRENCE E. WALSH
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November 10, 1988

A

CRIMINAL ACTION NO.
88-0080-02-GAG
EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 88-0080 -
	)	02 - GAG
OLIVER L. NORTH,	)	
	)	
Defendant.	)	
	)	

DECLARATION OF CHRISTIAN J. MIXTER

CHRISTIAN J. MIXTER hereby declares and says:

1. I am an Associate Counsel with the Office of Independent Counsel. I make this Declaration in opposition to the Motion of the Department of Justice for Leave to File as Amicus Curiae a Memorandum of Law with Respect to the Independent Counsel's Opposition to the Defendant's Motions to Dismiss or Limit Count One, filed today.

2. On Wednesday, October 12, Monday, October 24, and Tuesday, October 25, 1988, the Office of Independent Counsel served and filed memoranda in opposition to various motions to dismiss made in behalf of defendant North. On or about Wednesday, October 26, I asked William J. Landers, Esq., Associate Counsel to the President, whether the Administration intended to file an amicus brief in connection with the legal positions that had been taken in the papers filed by Independent Counsel on October 24 and October 25. Mr. Landers responded that copies of Independent Counsel's memoranda had

been distributed to the relevant departments within the Administration and that the Administration would advise this Office by Friday, October 28 whether it disagreed with any of the legal positions taken in Independent Counsel's memoranda. Mr. Landers went on to say that, if such advice were provided to this Office, the Administration might then decide to submit an amicus filing, but that if this Office heard nothing by October 28, we could assume that no amicus brief would be forthcoming. The Office of Independent Counsel received no further communication from the Administration on this subject until today.

3. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Christian J. Mixter
Associate Counsel

Executed on this 10th day November, 1988

CERTIFICATE OF SERVICE

I hereby certify that I have caused true copies of the attached Government's Memorandum In Partial Opposition To Motion Of The Department Of Justice For Leave To File As Amicus Curiae A Memorandum Of Law With Respect To The Independent Counsel's Opposition To The Defendant's Motions To Dismiss Or Limit Count One to be hand delivered to the Edward S.G. Dennis, Jr., Assistant Attorney General, Criminal Division, United States Department of Justice, 10th Street & Constitution Avenue, N.W., Washington, D.C. 20530; Williams & Connolly, 839 Seventeenth Street, N.W., Washington, D.C. 20006; Janis, Schuelke & Wechsler, 1728 Massachusetts Ave., N.W., Washington, D.C. 20036; Fulbright & Jaworski, Suite 400, 1150 Connecticut Ave., N.W., Washington, D.C. 20036; and Sharp, Green & Lankford, 1785 Massachusetts Ave., N.W., Washington, D.C. 20036, this 10th day of November, 1988.

John Q. Barrett
Associate Counsel