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WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name ROBERTS, JOHN: FILES

Withdrawer

RBW 8/4/2005

File Folder [CORRESPONDENCE - MISCELLANEOUS (02/08/1983 - 02/28/1983)]

FOIA

F05-139/01

Box Number

COOK

19RW

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	FROM JOHN G. ROBERTS TO FRED F. FIELDING RE. KIM MORDEROSIAN	1	2/8/1983	B6	503
2	LETTER	FROM KIM I. MORDEROSIAN TO PRESIDENT REAGAN RE. CIVIL SUIT	2	1/11/1983	B6	504

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

- B-1 National security classified information [(b)(1) of the FOIA]
- B-2 Release would 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 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]
- B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) 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]

E.O. 13233

C. Closed in accordance with restrictions contained in donor's deed of gift.

WITHDRAWAL SHEET

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Collection Name

ROBERTS, JOHN: FILES

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RB 8/4/2005
W

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*No of
pages*

Doc Date

*Restric-
tions*

1 MEMO

1 2/8/1983 B6

503

FROM JOHN G. ROBERTS TO FRED F. FIELDING
RE. KIM MORDEROSIAN

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

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THE WHITE HOUSE

WASHINGTON

February 9, 1983

Dear Miss Morderosian:

Thank you for your recent letter to the President, describing the circumstances of your contemplated lawsuit against the Administrator of the General Services Administration. Since your letter concerns litigation against the Federal Government, I am certain you will understand that I am not at liberty to discuss the underlying merits of the dispute.

I do, however, recommend that you discuss this matter with your father.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Miss Kim I. Morderosian
8909 Applecross Lane
Springfield, Virginia 22153

FFF:JGR:aw 2/9/83

cc: FFFielding
JGRoberts
Subj.
Chron

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WASHINGTON

February 9, 1983

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Sincerely,

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Counsel to the President

Miss Kim I. Morderosian
8909 Applecross Lane
Springfield, Virginia 22153

FFF:JGR:aw 2/9/83

cc: FFFielding
JGRoberts
Subj.
Chron

**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

JL002

- O - OUTGOING
 - H - INTERNAL
 - I - INCOMING
- Date Correspondence Received (YY/MM/DD) 1/1

Name of Correspondent: Kim I. Morderosian

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Explanation of civil suit being filed against Gerald Farmer in regards to her father, Lawrence D. Morderosian

ROUTE TO:		ACTION	DISPOSITION			
Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>W/Holland</u>		ORIGINATOR	<u>8310118</u> ^{TR}			<u>1/1</u>
		Referral Note:				
<u>WAT18</u>		<u>D</u>	<u>8310118</u> ^R		<u>S</u>	<u>83101128</u> ^{TR}
		Referral Note:				
			<u>1/1</u>			<u>1/1</u>
		Referral Note:				
			<u>1/1</u>			<u>1/1</u>
		Referral Note:				
			<u>1/1</u>			<u>1/1</u>
		Referral Note:				

- ACTION CODES:**
- A - Appropriate Action
 - C - Comment/Recommendation
 - D - Draft Response
 - F - Furnish Fact Sheet to be used as Enclosure
 - I - Info Copy Only/No Action Necessary
 - R - Direct Reply w/Copy
 - S - For Signature
 - X - Interim Reply

- DISPOSITION CODES:**
- A - Answered
 - B - Non-Special Referral
 - C - Completed
 - S - Suspended

FOR OUTGOING CORRESPONDENCE:
 Type of Response = Initials of Signer
 Code = "A"
 Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
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2 LETTER

2 1/11/1983 B6

504

FROM KIM I. MORDEROSIAN TO PRESIDENT
REAGAN RE. CIVIL SUIT

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

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E.O. 13233

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Resumé
LAWRENCE DAVID MORDEROSIAN

EDUCATION: (Civilian): BA, MBA (Management, 1977), Law School (1959-1960), additional credits towards Ph D (Management); (Military): USAF Contract Management Schools: 1952, 1953, 1954, 1955; USAF Inspector General, Office of Special Investigations School: 1955, 1958, 1959; USAF Intelligence School: 1954, 1962.

LANGUAGES: Armenian, French, German, Spanish.

EXPERIENCE: *April, 1980 to Present Time: Federal Procurement Regulations Directorate, General Services Administration, Washington, D.C.: Assigned major projects in the development of Federal Procurement Regulations and the General Services Administration Regulations; plan the method for accomplishing the assignment, and carry the work through to completion on the basis of my own initiative and judgment; develop and monitor cooperative working relationships with officials of GSA, other agencies, industry, and associations.

April, 1979 to April, 1980: Bi-State Development Agency, St. Louis, Missouri: on "Loan" from the Federal Government to this public tax-supported agency; appointed Assistant Controller. Duties included: contract management; established a new property accounting system and program for the computer; conducted financial/contract audits, investigations of alleged abuses, fraud, waste, or mismanagement of Federal Grant Funds; assisted in establishing a Management Information System (MIS); position required experience, initiative, ingenuity, resourcefulness and sound judgment.

July, 1977 to April, 1979: Jefferson City, Missouri: On "Loan" from the Federal Government to the State Government of Missouri to provide expertise in the areas of: contract management; financial, contract, abuses, waste; welfare and medicaid fraud investigations; Contract/Fiscal audits of payments for health and social services; coordinated state fraud investigations in coordination with FBI, and IRS Intelligence; conducted criminal investigations with city/county Police Departments; established a Medicaid Management Information Systems (MMIS); served as Chairman of Special Committees for the Governor.

June, 1973 to July, 1977: Bonneville Power Administration, Dept. of Energy, Portland, Oregon: Total contract management responsibility for all BPA construction contracts; Assistant to Construction and Engineering Manager; advised supervisor of developments in executive management, contract activities, safety, Equal Employment Opportunity and environmental requirements; developed and coordinated programs for improving work effectiveness and relationships; conducted investigations of alleged irregularities in procurement activities, abuses, waste, or mismanagement (contracts/financial).

September, 1972 to June, 1973: Bureau of Reclamation, Dept. of Interior, Denver, CO: Assistant to the Branch Chief; Contracting Officer; developed policies and standards for contracts and procurement of materials and equipment; advised on the formulation of practices and methods for incorporating contract requirements for sophisticated research projects into specifications; established methods to be followed Bureau wide, to comply with mandatory requirements for construction contracts.

April, 1970 to September, 1972: Trust Territory of the Pacific Islands, Saipan, Marianas Islands, Dept. of Interior: Principal advisor to High Commissioner and Attorney General on all matters concerning contract management; administrative mismanagement; supervised all Trust Territory personnel engaged in procurement activities; supervised purchases of major power systems and construction projects; conducted investigations of alleged irregularities in procurement activities (fraud, collusion, etc.); acted as liaison between Trust Territory and contractor executives from Japan, Korea, Okinawa, Phillipine Islands.

***June, 1964 to Present Time:** Special Investigations Agency, Washington, D.C.: Established this agency which specializes in investigations involving allegations of security, intelligence, collusion, bribery, kickbacks, favoritism, conflicts of interest, etc., for national and multinational corporations; conduct investigations for Commonwealth of Virginia (fraud, collusion, etc.); plan, organize, and conduct covert and overt surveillances, counter-industrial espionage investigations; investigate complex casualty/insurance claims (suspected fraud); civil/criminal cases for Attorneys; court recognized expert in contract management and matters requiring investigation for alleged fraud.

April, 1961 to March, 1963: USAF, Base Procurement Officer: Full supervisory responsibility for procurement actions and administration of contracts; extended assignments in Contract Management with Military Airlift Command: conducted contract negotiations, price analysis, terminations; conducted contract and financial audits; worked with average annual budget of \$85,000,000.00.

January, 1954 to April, 1961: USAF, Inspector General, Office of Special Investigations: Supervisor with responsibility for planning, coordinating, directing as well as conducting investigations involving security, intelligence, and criminal cases; major cases involved allegations of fraud in complex financial (embezzlement), procurement and contracts, abuses, waste, and mismanagement, bribery, collusion, "kickbacks," homicide, etc. Sensitive nature of investigations required skills in written and oral presentations of findings in a clear and concise manner; worked with FBI, CID/CIC, ONI, CIA, in compliance with Interagency Agreements.

AWARDS: Thirteen (13) Letters of Commendation (1975-1980); Four (4) Outstanding Performance Ratings (1977-1980); Certified grade of "Fellow" in Contract Management (NCMA).

Special Investigations Agency

INTERNATIONAL

P.O. BOX 9933

WASHINGTON, D.C. 20015

Gentlemen:

Special Investigations Agency (SIA) is an organization composed of a group of professionally qualified and experienced investigators—personnel who have dedicated most of their entire adult lives to the investigation field in the following areas:

1. Criminal investigations, including but not limited to: Fraud, Embezzlement, Internal/External theft, etc.).
2. Counter - Industrial Espionage;
3. Contract Management;
4. Management Audits;
5. Personnel Background Investigations;
6. Industrial Security Surveys;
7. Prevention of sabotage (to including retail security);
8. Financial and technical know-how, personnel availability, plant structure relating to capabilities of contract performance;
9. Research studies of corporate facilities overseas.

The versatility and experience of the personnel making up this organization could, under any given assignment, show their high degree of professional performance on any investigative requirement on any business, large or small. All services listed above are conducted on a National and International scale.

The capabilities and potentialities of our organization can only be truly evaluated by the business organization having a need for such services. Business management has long recognized that internal dishonesty, if allowed to grow and flourish, could eventually destroy a successful business operation.

We sincerely believe that, if given the opportunity, we can render a valuable service to your company. Should you find the information contained in this letter of interest, we should appreciate an opportunity to call on you at your convenience for a more detailed and comprehensive discussion of our services.

Sincerely,

Lawrence D. Morderosian
Director

SUPPLEMENTAL STATEMENT

This supplemental statement is submitted in order to emphasize certain portions of my qualifications which might be of special interest to the reviewing officials in determining if I have the potential for becoming a member of the investigative team in your organization.

The enclosed documents include: SF 171, Resume', SPAs from 1977 to the present time, and, an OPM Notice of Rating which grants multiple specialty ratings: GM-1811-14, Criminal Investigator, specializing in "White Collar Crime" and Procurement/Contracting Specialist (GM-1102-14).

I have conducted criminal investigations for Federal, State and local Governments, as well as private industry. These investigations included: allegations of irregularities in procurement/contract awards, fraud, criminal conspiracy, collusion, kickbacks, homicide, personnel background investigations, etc.. Many investigations, especially for private industry were counter-industrial espionage and required that I work covertly. My assignments while on active duty in the Air Force, included working covertly for other Federal Departments on a "loan" basis. These cases involved national security intelligence matters. The majority of times I worked alone, and conducted very complex and sensitive investigations. I have testified on major fraud and embezzlement cases, many of which involved executive level corporation officials, senior military officers, Federal government or contractor employees.

I believe that my dual qualifications as a criminal investigator and procurement/contract management specialist are extremely beneficial. My knowledge of Federal, State and local government contract management, combined with court recognized status as an expert in conducting criminal investigations ("White Collar Crime"), has been determined by the OPM to place me in the top 3% of all Federal government criminal investigators.

I have been accepted by the George Washington University Graduate School to study for a Master's Degree in "Crime in Commerce" (Criminology). The purpose of this continuing education is to increase my investigative capabilities and knowledge of innovations in criminal acts, (i.e., the computer industry).

There has been a large increase in foreign trade and the results of the competition between U.S. and foreign manufacturers has resulted in allegations of bribes, kickbacks, collusion, etc.. The ensuing investigations have created an increasing need for criminal investigators who are multi-lingual. I am fluent in Spanish, French and Armenian. I believe that court recognition of my expertise in conducting "white collar crime" type of investigations, plus multi-language capability would provide your organization with the capability of conducting national and multi-national investigations expeditiously and with the least amount of compromise.

Respectfully,

Lawrence D. Morderosian

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

February 24, 1983

FOR: FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Transmittal of Constituent
Mail by Senator Moynihan

Senator Moynihan has sent a brief note, addressed to the President, transmitting two letters from constituents to the President. One letter is from Paul Robert DiBenedetto, a blind individual recently convicted of mail fraud in the Southern District of New York. DiBenedetto claims his handicap prejudiced his defense, and argues that if the Department of Justice had issued regulations as required by the Rehabilitation Act of 1973, he would have been more fairly treated. The other letter is from Luis M. Barcelo, Chairman of "The National Veteran Coalition." Mr. Barcelo supports DiBenedetto's contention, and urges review of DOJ's delay in issuing the handicap regulations.

Copies of the DiBenedetto and Barcelo letters were also forwarded to the President by Congressman Ben Gilman. Ken Duberstein wrote a brief reply to Gilman and referred the letters to DOJ for direct response. Moynihan's letter should also have been routed to Legislative Affairs in the first place; it should now be sent there so that it and Gilman's referral are treated in the same fashion. I have drafted a memorandum to Duberstein for your signature.

THE WHITE HOUSE

WASHINGTON

February 24, 1983

MEMORANDUM FOR KENNETH M. DUBERSTEIN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING *Orig. signed by FFF*
COUNSEL TO THE PRESIDENT

SUBJECT: Transmittal of Constituent Mail
by Senator Moynihan

The attached note from Senator Moynihan forwarding two constituent letters to the President was recently routed to this office. I am advised that Congressman Gilman also forwarded copies of the same two constituent letters to the President, and that this package was, appropriately, routed to your office. You responded to Congressman Gilman and transmitted the constituent letters to the Department of Justice for direct response. I am sending the Moynihan letter to you so that it may be treated in the same manner.

Attachments

FFF:JGR:aw 2/24/83

cc: FFFielding
✓ JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

February 24, 1983

MEMORANDUM FOR KENNETH M. DUBERSTEIN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

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cc: FFFielding
JGRoberts
Subj.
Chron

11/10/10

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

O - OUTGOING

H - INTERNAL

I - INCOMING

Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: Daniel Patrick Moynihan

MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Paul R. Di Benedetto - Handicapped
Blind

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>W Holland</u>	<u>ORIGINATOR</u>	<u>83102108</u>			<u>1 1</u>
<u>CVAT18</u>	<u>D</u>	<u>83102108</u>		<u>5</u>	<u>83102118</u>
		<u>1 1</u>			<u>1 1</u>
		<u>1 1</u>			<u>1 1</u>
		<u>1 1</u>			<u>1 1</u>

ACTION CODES:

- A - Appropriate Action
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- I - Info Copy Only/No Action Necessary
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- B - Non-Special Referral
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- Type of Response = Initials of Signer
- Code = "A"
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Comments: _____

Keep this worksheet attached to the original incoming letter.
 Send all routing updates to Central Reference (Room 75, OEOB).
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 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

DANIEL P. MOYNIHAN
NEW YORK

United States Senate
WASHINGTON, D.C. 20510

January 31, 1983

*White House
Counsel*

*Send a
warm message!
To Roberts*

123497 *CU*

Respectfully referred to the
White House for such consideration
as the enclosed may warrant. Please
send me your written response in
duplicate along with the letter from
my constituent.

Sincerely,

Daniel Patrick Moynihan

Please mark to the attention of
Mr. Todd Weber.

The President
The White House
Washington, DC

Enclosure

JL

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
- H - INTERNAL
- I - INCOMING
Date Correspondence Received (YY/MM/DD) 83101125

Name of Correspondent: Benjamin A. Gilman

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Embassy letter from Paul Probst
re Benedetta, regarding his attempt to obtain
guidance for the retention of his deceased
persons in a judicial proceeding.

ROUTE TO: Office/Agency (Staff Name)	ACTION Action Code	Tracking Date YY/MM/DD	DISPOSITION	
			Type of Response	Completion Date YY/MM/DD
<u>LA Cube</u>	ORIGINATOR	<u>83101125</u>	<u>RD</u>	<u>A830209</u>
<u>99 DDT</u>	Referral Note:	<u>R 830216</u>		<u>1 1</u>
	Referral Note:	<u>Att. Dr. McConnell</u>		<u>1 1</u>
	Referral Note:			<u>1 1</u>
	Referral Note:			<u>1 1</u>
	Referral Note:			<u>1 1</u>

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February 9, 1983

Dear Ben:

Thank you for forwarding to the President a copy of your correspondence from Mr. Paul Robert DiBenedetto concerning the rights of handicapped individuals in programs and activities conducted by Executive agencies.

On your behalf, I will be pleased to convey your constituent's comments to the appropriate officials within the Administration. I am certain that they will carefully review the points which Mr. DiBenedetto has raised.

With best wishes,

Sincerely,

Kenneth M. Duberstein
Assistant to the President

The Honorable Benjamin A. Gilman
House of Representatives
Washington, D.C. 20515

cc: Bob McConnell w/copy of incoming, Legis. Affairs,
Dept. of Justice for DIRECT response

WH RECORDS MANAGEMENT HAS RETAINED ORIGINAL

KMD: CMP: KRJ: vml--

BENJAMIN A. GILMAN
26TH DISTRICT, NEW YORK

COMMITTEES:
FOREIGN AFFAIRS

SUBCOMMITTEES:
INTERNATIONAL ECONOMIC POLICY
AND TRADE
INTER-AMERICAN AFFAIRS

SELECT COMMITTEE ON
NARCOTICS ABUSE AND
CONTROL

COMMITTEES:
POST OFFICE AND CIVIL SERVICE

SUBCOMMITTEES:
POSTAL PERSONNEL AND
MODERNIZATION
HUMAN RESOURCES

USMA BOARD OF VISITORS

Congress of the United States
House of Representatives
Washington, D.C. 20515

January 19, 1983

121040

37
KD

The President
The White House
Washington, D. C. 20500

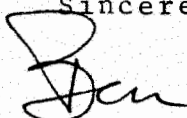
Dear Mr. President:

The attached correspondence has been received from my constituent, Paul Robert DiBenedetto, of 488 Strawtown Road, West Nyack, New York.

Mr. DiBenedetto has requested my assistance in having the enclosed letter forwarded to you for review. I would appreciate every possible assistance which can be rendered to Mr. DiBenedetto.

Thank you for your kind attention.

Sincerely,



BENJAMIN A. GILMAN
Member of Congress

BAG:nc

PLEASE REPLY TO:

WASHINGTON OFFICE:
2160 RAYBURN BUILDING
WASHINGTON, D.C. 20515

DISTRICT OFFICE:
44 EAST AVENUE
MIDDLETOWN, NEW YORK 10940

DISTRICT OFFICE:
Newburgh, New York 12550

DISTRICT OFFICE:
223 ROUTE 59

THE NATIONAL VETERAN COALITION

P.O. Box 272
Fairfax, Virginia 22080

Mr. Ronald Reagan
Honorable President
United States of America
White House
Washington, D.C.

Chairman-Luis M. Barcelo
(202) 638-5593
(703) 385-9025
(212) 430-9800

RE: Paul R. DiBenedetto-Handicapped Blind

Honorable Mr. President,

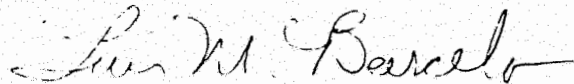
The National Veterans Coalition, upon reviewing the matters of Paul R. DiBenedetto have maintained that undue damages and unfair practices have emanated from the improper and unexplainable incompleteness of guidelines for the handicapped (including blind handicapped) persons.

U Under the amendment of the Rehabilitation Act of 1973 Title 29 U.S.C.A. Section 504 and 794 approved law, President Jimmy Carter was shocked by the non-compliance of law by the Justice Department and therefore issued an executive order on June 2, 1978 requiring that the Civil Rights Division of the United States Department of Justice commence to comply. It is our knowledge that to this moment this matter has not been complied with.

The National Veterans Coalition and its supporting organizations stand firm in support of the handicapped veterans and their families. We strongly urge your immediate review of this matter and any relevant pending matters, not adhering to the required essentials necessary to conform with the law.

This undue practice is unlawful and in violation of the Civil Rights Laws, thereby creating enormous punitive damages to American citizens and their families. Your offices have demonstrated absolute fairness while your capacity of President is present, we support you, please support our veterans, Thank you.

Respectfully yours,



Luis M. Barcelo
Chairman

SUPPORTING ORGANIZATIONS: The National Veterans Coalition-American Legion, Veterans of Foreign Wars, Disabled Veterans of America, National Congress of Puerto Rican Veterans, Italian War Veterans of America, Jewish War Veterans, National Black Veterans of America, Congress of Racial Equality, National Association of Puerto Rican Affairs, U.S.A. Holyland State Committee, National Legal Services, Westchester Business Development Organization, United Nations Hispanic Society, Media Cooperative.

Paul Robert DiBenedetto
488 Strawtown Road
West Nyack, N. Y. 10994
Tele. 914 634-5081

December 31, 1983

The President of the United States Ronald Reagan
The White House, Washington, 25, D. C.

My Dear Mr. President:

I AM WRITING TO YOU, AS CHIEF EXECUTIVE, IN CHARGE OF THE VARIOUS EXECUTIVE AGENCIES. YOU ARE THE ONLY PERSON WHO CAN ALTER THE WRONGS I HAVE SUFFERED DUE TO YOUR ADMINISTRATION AND THE PREVIOUS ADMINISTRATION'S TOTAL AND ABSOLUTE FAILURE TO COMPLY WITH 29 USCA 794, ENACTED INTO LAW IN 1978. TRUE, I HAVE AN APPEAL PENDING, BUT DUE TO SPACE AND OTHER PRACTICAL CONSIDERATIONS, THE ISSUE I ADDRESS IN THIS LETTER WILL NOT INCLUDE IT, NEVER THE LESS, I FEEL, WITHOUT YOUR ASSISTANCE, I AM DOOMED TO SUFFER A SERIOUS MISCARRIAGE OF JUSTICE DUE TO THE DEPARTMENT OF JUSTICE AND THE FEDERAL COURT SYSTEM'S FAILURE, FOR A FULL FIVE YEARS, TO AUGMENT THE DIRECTIVES OF THAT LEGISLATURE. THE SUBSTANCE OF 29 USCA 794 IMPOSES AN OBLIGATION UPON EACH EXECUTIVE AGENCY TO PROMULGATE WHATEVER REGULATIONS ARE NECESSARY TO INSURE THAT HANDICAPPED INDIVIDUALS ARE NOT THE OBJECT OF DISCRIMINATION. HOWEVER, DUE TO THE DEPARTMENT OF JUSTICE'S NEGLECT, GUIDELINES HAVE NOT BEEN CREATED WHICH IN MY INSTANCE RESULTED IN THE LOSS OF IMPORTANT CONSTITUTIONAL GUARANTEES.

I AM TOTALLY BLIND, AND HAVE BEEN SINCE BIRTH. I WAS CHARGED AND CONVICTED OF WIRE AND MAIL FRAUD IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK. THE GOVERNMENT'S CASE AGAINST ME AND FIVE CO-DEFENDANTS CONSISTED OF TWENTY THOUSAND PAGES OF EXHIBITS, AND, OR, MATERIAL THAT WAS ENTITLED TO REVIEW UNDER 29 USCA SECTION 3500 - PRIOR TO ITS UTILIZATION DURING THE COURSE OF THE TRIAL. PRIOR TO TRIAL, MY ATTORNEY MADE CERTAIN REQUESTS DIRECTED TOWARD ILLUMINATING THE FACT THAT MY BLINDNESS MADE AN UNFAIR TRIAL; SPECIFICALLY, MY ATTORNEY REQUESTED THAT ALL THE 29 USCA SECTION 3500 MATERIAL BE DELIVERED TWO WEEKS PRIOR TO TRIAL TO PERMIT ME TO REVIEW IT AND AN OPPORTUNITY BE ALLOWED FOR AN EXHIBIT TO BE READ TO ME BEFORE ITS INTRODUCTION INTO EVIDENCE BEFORE A WITNESS BE PERMITTED TO TESTIFY CONCERNING THAT DOCUMENT. THE TRIAL COURT, IN ESSENCE, DENIED BOTH REQUESTS AND ORDERED THAT 3500 MATERIAL BE DELIVERED A MERE TWO DAYS PRIOR TO A PARTICULAR WITNESS' TESTIMONY AND THAT THE EXHIBITS NOT BE READ TO ME UNLESS IT WAS DRAFTED IN A FOREIGN LANGUAGE. IT IS MY SINCEREST BELIEF THAT, IF THE DEPARTMENT OF JUSTICE HAD COMPLIED WITH 29 USCA 794, FIVE YEARS AGO, AS CONGRESS INTENDED, THE RESULTING GUIDELINES WOULD HAVE REQUIRED THE TRIAL JUDGE TO TAKE MY BLINDNESS INTO CONSIDERATION IN DECIDING MY PRETRIAL MOTIONS. BECAUSE OF THE DEPARTMENT OF JUSTICE FAILING TO COMPLY WITH 29 USCA 794, I WAS DENIED ALL ACCESS TO THE 3500 MATERIAL AND TO THE CONTENTS OF ALL THE EXHIBITS WHICH SIGHTED PERSONS ARE PERMITTED. IT IS INCONSISTANT AND DISCRIMINATING TO ALLOW THIS FOR DEFENDANTS WHO HAVE FULL USE OF ALL THEIR SENSES AND YET DENY THE SAME RIGHTS AND OPPORTUNITIES TO A TOTALLY BLIND PERSON WHO DOES NOT HAVE FULL USE OF ALL HIS SENSES. FURTHERMORE, SETTING ASIDE THE MATTER OF MY CONVICTION, THE DEPARTMENT OF JUSTICE AND THE FEDERAL BUREAU OF PRISONS HAVE FAILED TO SET UP GUIDELINES FOR THE CONDITIONS UNDER WHICH I WILL BE INCARCERATED, AND THEREFORE, I AM IN IMMINENT DANGER OF BEING PLACED IN A FEDERAL PENITENTIARY THAT IS UNABLE TO PROPERLY CARE FOR ME. IN FACT, INQUIRY HAS RESULTED IN MY REALIZATION THAT THE FEDERAL PRISON IN LEXINGTON, KY. IN WHICH I WILL BE INCARCERATED DOES NOT HAVE BRAILLE WRITERS, TALKING BOOKS OR ANY OTHER MEANS OR EQUIPMENT FOR ME TO OBTAIN INFORMATION AND COMMUNICATE WITH THE OUTSIDE WORLD. MORE IMPORTANTLY, THE PRISON FACILITY HAS NO BRAILLE LAW LIBRARY, WHICH DEPRIVES ME OF EQUAL ACCESS TO LEGAL RESEARCH WHICH THE OTHER PRISONERS DO HAVE A RIGHT TO. IN ADDITION, EVEN IF I WERE PROVIDED WITH THE VARIOUS TOOLS TO COMMUNICATE WITH THE OUTSIDE WORLD AND PERFORMED RESEARCH IN THE LEGAL LIBRARY, I, WOULD NEED A CONSTANT COMPANION OR A GUIDE, WHO WOULD READ TO ME AND CERTAINLY ONE TO ASSIST ME TO ACQUAINT MYSELF WITH THE ENVIRONMENT: AS WELL AS, FOR THAT MATTER, ASSIST ME IN TAKING CARE OF MY BASIC HUMAN NEEDS.

I AM RESPECTFULLY REQUESTING YOU, MR PRESIDENT, TO CORRECT THIS SITUATION SO THAT NO OTHER BLIND OR HANDICAPPED PERSON WILL EVER AGAIN HAVE TO GO THROUGH AN UNFAIR AND DISCRIMINATORY PROCEEDURE BY ANY EXECUTIVE AGENCY WHICH CAN ONLY BE DONE BY THE APPROPRIATE ACTION BEING TAKEN AS PROVIDED BY LAW UNDER 29 USCA 794; THAT IS, SETTING UP APPROPRIATE GUIDELINES. AS TO MYSELF, THE EXECUTIVE DEPARTMENT IS THE ONLY

AGENCY WHICH CAN UNDO THE WRONGS DONE TO ME BY ITS INACTION OF THE PAST FIVE YEARS.

I PRAY FOR EXECUTIVE CLEMENCY WHICH YOU ALONE HAVE THE POWER TO GIVE, BUT MOST OF ALL, PLEASE MAKE CERTAIN THAT NO HANDICAPPED AMERICAN CITIZEN EVER AGAIN UNDERGOES THE FRUSTRATION AND HUMILIATION CAUSED BY AN EXECUTIVE AGENCY NOT PROVIDING THE RIGHTS TO THOSE LESS FORTUNATE, AS GRANTED BY THE LAW OF THE LAND.

I EXPRESS MY SINCERE GRATITUDE TO YOU, MR PRESIDENT, FOR BEING ABLE TO PRESENT MY PLIGHT TO YOU. IT IS THE PLIGHT OF MANY OTHERS. ONLY YOUR UNDERSTANDING AND SENSE OF JUSTICE CAN RECTIFY THIS SITUATION. THANK YOU FOR YOUR TIME AND CONSIDERATION, AND MAY GOD BLESS YOU.

SINCERELY



Paul Robert DiBenedetto

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

12 JAN 1982

Honorable Daniel Patrick Moynihan
United States Senate
Washington, D.C. 20510

Dear Senator Moynihan:

This is in response to your inquiry concerning your constituent, Paul K. Dibeneditto. Mr. Dibeneditto is a blind person who was on trial in the District Court for the Southern District of New York and requested Braille copies of evidence produced in that trial. We have learned from the office of the United States Attorney for the Southern District of New York that Mr. Dibeneditto was convicted in that trial on November 3.

Although the Department of Justice has not yet issued regulations to implement the 1978 amendment to section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), which prohibits discrimination on the basis of handicap in programs and activities conducted by Executive agencies, we recognize that the statute imposes an obligation to provide effective communications to persons with visual impairments. I have been assured by the office of the United States Attorney for the Southern District of New York that every effort was made to accommodate Mr. Dibeneditto's handicap.

Specifically, the judge and the U.S. Attorney's office provided a Braillewriter, and tapes for a tape recorder which he used during the trial. Funds were provided for a paralegal to assist him during the trial, and court hours were reduced at his request to allow him adequate preparation time outside of court.

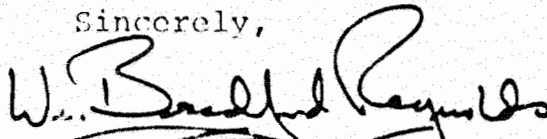
The vast majority of the documents used in the case were provided to Mr. Dibeneditto and his counsel during discovery in March 1981 and were available for him to review during all of the intervening months. To the extent that there were additional documents, they were provided well in advance of their introduction in court. Most government exhibits were pre-marked so Mr. Dibeneditto knew in advance which would be used. It would have been possible for him to have had any of the documents tape-recorded for his own use, but we do not know whether or not he did so. A court interpreter was provided to read documents presented while he testified. Most of the documents were his own records, and he demonstrated great familiarity with them.

occasionally correcting misstatements made by his counsel. Both he and his counsel received daily copies of the transcript.

Under these circumstances, we see no need for further action by this Department.

We hope that this has been responsive to your inquiry. If we can be of any further help to you, please let us know.

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Bradford Reynolds". The signature is fluid and cursive, with a large, sweeping initial "W".

Mr. Bradford Reynolds
Assistant Attorney General
Civil Rights Division

Conroy M.S.

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

February 24, 1983

FOR: FRED F. FIELDING
FROM: JOHN G. ROBERTS *JGR*
SUBJECT: Note from Glen Best on GSA Corruption

Private citizen Glen Best wrote the President a brief note asking him to comment on the suggestion that he "got cold feet" when he confronted the problem of corruption at GSA because he was concerned it might hurt him politically. Best enclosed a page from a Reader's Digest article which he believed conveyed this suggestion.

I assume this was routed to us because of the "corruption" charge, but the letter really merits only a concerned citizen type of response. I have drafted one for your signature, quoting a recent reference by the President to cleaning up GSA.

THE WHITE HOUSE

WASHINGTON

February 24, 1983

Dear Mr. Best:

I am writing in response to your letter to the President concerning corruption in the General Services Administration. In that letter you asked the President to comment on the suggestion that he "got cold feet" when attacking the problem of corruption in GSA because of fears that "it might hurt [him] politically."

Let me assure you that eliminating fraud, waste, and corruption in government was and remains a top priority of this Administration. Just last week, in an address before the Conservative Political Action Conference, the President stated:

"For too many years, bureaucratic self-interest and political maneuvering held sway over efficiency and honesty in government; Federal dollars were treated as the property of bureaucrats, not taxpayers. Those in the federal establishment who pointed to the misuse of those dollars were looked upon as malcontents or troublemakers.

This administration has broken with what was a kind of a buddy system. There have been dramatic turnabouts in some of the more scandal-ridden and wasteful federal agencies and programs. Only a few years ago the General Services Administration was racked by indictments and report after report of inefficiency and waste. Today at GSA, Jerry Carmen has not only put the whistleblowers back in charge -- he's promoted them and given them new responsibilities."

Thank you for writing.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Lt. Col. Glen Best, USAF (Ret)
581 Kamoku
#602
Honolulu, Hawaii 96826

FFF:JGR:aw 2/24/83 ✓
cc: FFFielding/JGRoberts/Subj./Chron

THE WHITE HOUSE

WASHINGTON

February 24, 1983

Dear Mr. Best:

I am writing in response to your letter to the President concerning corruption in the General Services Administration. In that letter you asked the President to comment on the suggestion that he "got cold feet" when attacking the problem of corruption in GSA because of fears that "it might hurt [him] politically."

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Thank you for writing.

Sincerely,

Fred F. Fielding
Counsel to the President

Lt. Col. Glen Best, USAF (Ret)
581 Kamoku
#602
Honolulu, Hawaii 96826

FFF:JGR:aw 2/24/83
cc: FFFielding/JGRoberts/Subj./Chron

**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

John P. ... F6149

- O - OUTGOING
- H - INTERNAL
- I - INCOMING
Date Correspondence Received (YY/MM/DD) 1/1

Name of Correspondent: Glen Best

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Corruption in GSA

ROUTE TO: Office/Agency (Staff Name)	ACTION		DISPOSITION	
	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
<u>CU Holland</u>	DD	<u>821221</u>		<u>1/1</u>
<u>CU AT18</u>	D	<u>821222</u>	<u>S</u>	<u>8310105</u>
		<u>1/1</u>		<u>1/1</u>
		<u>1/1</u>		<u>1/1</u>
		<u>1/1</u>		<u>1/1</u>

ACTION CODES:
 A - Appropriate Action
 C - Comment/Recommendation
 D - Draft Response
 F - Furnish Fact Sheet to be used as Enclosure

I - Info Copy Only/No Action Necessary
 R - Direct Reply w/Copy
 S - For Signature
 X - Interim Reply

DISPOSITION CODES:
 A - Answered
 B - Non-Special Referral
 C - Completed
 S - Suspended

FOR OUTGOING CORRESPONDENCE:
 Type of Response = Initials of Signer
 Code = "A"
 Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
 Send all routing updates to Central Reference (Room 75, OEOP).
 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

581 Kamoku #602
Honolulu HI 96826

15 December 82

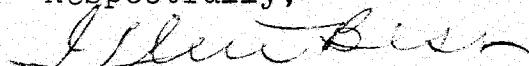
115998 CU

President Ronald Reagan
The White House
Washington DC

Dear Mr. President:

The attached article in October Readers Digest strongly implies that you got cold feet when you tackled the problem of corruption in the GSA because you were afraid it might hurt you politically. Could you please comment on this?

Respectfully,



Glen Best
Lt Col USAF (Ret)
486 20 5053
Republican Party

lenger's complaint was absurd, that the inspector general obviously had come to GSA with instructions to get rid of him. He vowed to fight the dismissal.

In a recent interview, Muellenberg denied that he went to GSA with any plans to get rid of Clinkscases. Furthermore, Muellenberg insisted that, when he took over, Clinkscases's Investigations Division "needed a lot of improvement." Clinkscases's response: "Our record speaks for itself. We had good reason to believe that what investigators uncovered in Cleveland, Baltimore and Washington existed elsewhere in the country. But once Muellenberg assumed control of investigations, the 'scandal' at GSA withered—and died."

GSA Administrator Freeman offered Clinkscases a face-saving job heading a unit reviewing declassification of government documents. To the administrator's consternation, Clinkscases declined the appointment. He could not bring himself to participate in what he believed to be a cover-up.

Freeman then named him deputy director of the same unit, and Clinkscases was ensconced in a small office piled high with stored chairs and desks. When the press spotlighted this, Freeman and Muellenberg denied that Clinkscases had been mistreated or demoted. But Clinkscases frankly told reporters he had nothing to do. Clearly, his enemies wanted him

out of GSA altogether and drummed up the "missing weapon" charge. But they couldn't make it stick.

Clinkscases and Davia delivered devastating testimony to a Senate subcommittee, pointing out that key people in the unearthing of the GSA scandal were gone, important cases had been abandoned, and auditors and investigators who did their jobs felt threatened. No action was taken. For the next year and a half one of the most successful government corruption fighters remained stuck in his storeroom office.

Unanswered Questions. During the 1980 Presidential campaign, Ronald Reagan made a major issue of fraud and waste in government. He pointed out that when a serious cleanup campaign had been mounted in GSA, Solomon had been forced out and Clinkscases removed from his job and mistreated. Reagan promised that if elected he would "put the corruption fighters back in charge. And they are going to be told to clean out that agency from top to bottom."

His campaign oratory notwithstanding, the new President was in no hurry to get on with the cleanup at GSA. While Muellenberg was returned to a post in the Justice Department, the White House replaced him with Joseph A. Sickon, a Carter Administration assistant inspector general for audits in the Department of Housing and Urban Development. Clinkscases languished in his storeroom for

another five months before the President named New Hampshire businessman Gerald P. Carmen GSA administrator.

One of Carmen's first acts was to commission Clinkscases and Davia to write a cleanup plan for the agency. They proposed new controls on the purchase of government office equipment and a 20-percent reduction in GSA office space nationwide, and set a moratorium on new furniture procurement. ("The government has enough office furniture to furnish the world," says Clinkscases.) Clinkscases was then named director of the Office of Oversight, with authority to search for ways to cut down on expense, waste and fraud.

At first glance, all seems well at last for Bill Clinkscases, whose cost-cutting saved taxpayers nearly \$13 million last year. But serious questions still remain: Why wasn't Clinkscases (or Davia) named GSA inspector general? Why hasn't the Clinkscases-Davia team been authorized to proceed with a full-scale nationwide investigation of GSA?

Could the problem be the same in the Reagan White House as it was in the Carter White House? Do Administration leaders fear that adverse political consequences would flow from a real cleanup at GSA? If that's the case, it's a shame for all of us.

For information on reprints of this article, see page 228

Band Stand

AND THEN there's the band director who says the football team gets all the glory while *his* aggregation is also out there for every game, rain or shine—tootling and banging their hearts out for the old alma mater. So, copying the way the athletic department handles its press releases, the band director wants it on record: "We got six new players with great hands for the trumpet section. The bass drummer could carry a little more weight, so we'll put him on a special program. We still need a little height in the trombones.

"We lost two good clarinets, a sousaphone and a glockenspiel through graduation. The glockenspiel is going to be hard to replace, but most of last year's starters are back, ready and eager to play. Every member of our team has heart and, more important, the brass section has lip. Remember, it's not whether you win or lose, but whether you start and finish together."

—Quoted by James Dent in Charleston, W. Va., *Gazette*

ACTOR PAUL NEWMAN: "I have often thought that my tombstone might well read: 'Here lies Paul Newman, who died a failure because his eyes suddenly turned brown. . . .'"

Corresp. Misc

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

February 24, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Perian Correspondence

Julia Perian of Forestville, Maryland has written the President, urging him to review the Abscam prosecutions personally and not simply refer her letter to the Department of Justice. Ms. Perian enclosed a copy of the Gannett News Service special issue on Abscam. I have drafted a reply noting that the White House does not interfere with specific DOJ criminal investigations or cases. Since Ms. Perian sent us the Gannett issue, I also thought it not inappropriate to provide her with two addresses, by the Attorney General and Judge Webster, presenting the other side.

Attachment

THE WHITE HOUSE

WASHINGTON

February 24, 1983

Dear Ms. Perian:

Thank you for your recent letter to the President concerning the Abscam investigations and prosecutions. I am confident you will appreciate that it would be inappropriate for White House officials to comment on the details of these cases, some of which, as you note in your letter, are still pending on appeal. As a matter of policy, the White House does not interfere in any way in the investigation or prosecution of specific criminal cases by the Department of Justice.

For your information, however, I have enclosed an address by the Attorney General and an address by the Director of the Federal Bureau of Investigation on the subject that you may find of interest.

Thank you for writing.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Ms. Julia P. Perian
5505 Lubbock Street
Forestville, Maryland 20747

Enclosures

FFF:JGR:aw 2/24/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

February 24, 1983

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Thank you for writing.

Sincerely,

Fred F. Fielding
Counsel to the President

Ms. Julia P. Perian
5505 Lubbock Street
Forestville, Maryland 20747

Enclosures

FFF:JGR:aw 2/24/83

cc: FFFielding
JGRoberts
Subj.
Chron



Department of Justice

ADDRESS

OF

THE HONORABLE WILLIAM FRENCH SMITH
ATTORNEY GENERAL OF THE UNITED STATES

TO

A PUBLIC FORUM

SPONSORED BY

THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK

7:00 P.M.
WEDNESDAY, JUNE 23, 1982
NEW YORK CITY

This evening I would like to outline my views on a law enforcement issue of substantial importance and current interest -- the use of undercover operations to investigate especially secretive crimes, including public corruption. Although undercover operations have evoked greater public attention recently, they have for years been a staple of law enforcement efforts against the most pernicious of crimes. The judicious use of undercover techniques has often been the only way to detect and deter the secretive activity that characterizes certain kinds of very serious crime, like public corruption. In fact, the federal effort against public corruption is older even than the FBI.

Seventy-three years ago, there was no Federal Bureau of Investigation. Although some investigations of federal crimes were undertaken by the Secret Service, they were few in number, lacked coordination, and were restricted in scope. In 1909 President Teddy Roosevelt -- and his Attorney General Charles Bonaparte -- determined that something had to be done to make federal law enforcement more effective. Congress, however, expressed reservations about expanding the use of the Secret Service or other federal agents -- especially if that could result in investigations of members of Congress. In typical fashion, Teddy Roosevelt -- who had previously served as the President of this city's Board of Police Commissioners -- responded directly to that concern, in words that bear a full repeating today:

"It is not too much to say that [the restriction on the use of Secret Service agents] has been of benefit only to the criminal classes... The chief argument

... was that the Congressmen did not themselves wish to be investigated by Secret Service men. Very little of such investigation has been done in the past; but it is true that the work of the Secret Service agents was partly responsible for the indictment and conviction of a Senator and a Congressman for land frauds in Oregon. I do not believe that it is in the public interest to protect criminals in any branch of the public service, and exactly as we have again and again ... prosecuted and convicted such criminals who were in the executive branch ..., so ... we should give ample means to prosecute them if found in the legislative branch. But if this is not considered desirable a special exception could be made in the law prohibiting the use of the Secret Service force in investigating members of Congress...."

Congress subsequently did approve a heightened federal effort that in 1910 was designated the Bureau of Investigation -- and in 1935, the FBI. It is worthy of note that Congress chose not to exempt itself from the scrutiny of federal law enforcement.

In the nearly three quarters of a century since the creation of the Bureau of Investigation, federal law enforcement has compiled an impressive record of effective investigations and enforcement. It is only during the last decade -- and especially

the last six years -- however, that federal resources have been concerted and effectively employed to fight the most secretive of crimes like public corruption. The key to that effort has largely been the refinement of undercover techniques.

To assess the need for undercover techniques, we must first gauge the magnitude of the evil we seek to combat. Drug-trafficking, organized crime, white-collar crime, and public corruption are all serious threats to our society. They occur beneath the surface of society and employ every imaginable device to remain hidden from public view. There usually is little incentive for the victims of these crimes to report their occurrence. Only active, undercover law enforcement can penetrate that veil of secrecy.

In recent years, the Department of Justice has dramatically altered its enforcement program and its priorities to seek out this type of crime. Late in 1975, the Attorney General's Committee on White Collar Crime was established. The Committee recommended an increased and improved effort -- including a less reactive approach to ferret out violations. In January 1976, the Department organized a new Public Integrity Section in its Criminal Division. In early 1977, many of the recommendations of the White Collar Crime Committee were implemented. In 1978 the FBI set up its Criminal Undercover Operations Review Committee, and specific written Guidelines on Undercover Operations were issued by the Justice Department just eighteen months ago.

Much of this process was a response to growing public concern -- and the public concern was fully expressed in the United States Congress. In the mid-1970s the Subcommittee on

Civil and Constitutional Rights of the House Judiciary Committee itself began to urge an enhanced effort against more sophisticated kinds of crime. Harvard's James Q. Wilson -- in an article reprinted in 1981 as part of that Subcommittee's record -- makes the following observations about a 1977 staff report of the House Subcommittee:

"The staff lamented the 'reluctance on the part of FBI personnel, particularly at the supervisory level, to get involved in more complex investigations that may require significant allocation of manpower for long periods of time.' And the report criticized the field offices for not mounting more undercover operations."

The Federal Bureau of Investigation bore the brunt of such criticism over the last five or ten years. Some said that the largest and most sophisticated law enforcement agency in the world was unable or perhaps unwilling to conduct the kind of sensitive undercover investigations necessary to root out drug-trafficking, organized crime, white-collar crime, and public corruption. Moreover, cynics noted that such investigations were unappealing to the Bureau because they did not produce striking increases in the numbers of crimes "solved." It was a dirty, lengthy, and risky business they said, not the stuff for which higher appropriations are voted.

Through a bipartisan effort over the past three Administrations, however, any inability or unwillingness to conduct undercover investigations has been steadily and decidedly

eliminated. Under Attorney General Edward Levi and Deputy Attorney General Harold Tyler, and later under Attorneys General Griffin Bell and Benjamin Civiletti -- and under FBI Directors Clarence Kelly and William Webster -- the FBI has demonstrated its willingness and its ability to conduct the necessary kinds of undercover investigations. The strides have been monumental. For example, following a lengthy undercover investigation, the FBI just yesterday apprehended the leaders of what appears to be a large and sophisticated Japanese commercial espionage ring attempting to pirate American computer technology. In the last two fiscal years, using less than one percent of its total budget, the FBI's undercover operations have netted illicit funds and property of over \$109 million. In just those two recent years, arrests arising from FBI undercover operations alone have totaled more than 2700 -- and resulted in nearly 1100 convictions.

The message is clear. Every corrupt public official, drug-trafficker, or organized crime figure should recognize that he is not beyond the reach of law.

In the course of our increased efforts against these kinds of carefully concealed crime and corruption, the Department of Justice quickly learned what must now be regarded as a fundamental tenet. An enforcement program can never succeed without the effective use of undercover investigations.

By their very nature, these are clandestine crimes. Payment of a bribe is not a public event. Neither the person who pays nor the person who takes a bribe heralds that fact from the roof tops. The person who pays, even if regarded as a victim, typically makes no report to the authorities.

In most cases, there is only one way for law enforcement to apprehend such criminals and to deter such crimes. It must interject its agents into the midst of corrupt transactions. It must feign the role of corrupt participant. In short, it must go undercover. If it does not, we as a society, as taxpayers, as persons with respect for law, can do nothing but tolerate this particularly pernicious and costly form of crime. And, to go further, our undercover techniques -- although they must be judicious and they must be controlled -- must also be innovative. Otherwise, we must settle for apprehending only those at the lower levels of corruption. Our techniques must be as sophisticated as those we want to catch.

Of course, undercover operations present certain dangers. The techniques are sensitive and by definition involve subterfuge. There is a potential for mischief, for undue invasion of privacy, for illegal activity committed by law enforcement agents themselves. Although exceedingly unlikely, every potential injustice must be considered and minimized. For that reason, the Department of Justice and the FBI have built controls into the system.

Undercover operations must be approved by a separate Review Committee made up of FBI specialists, members of the FBI's Division of Legal Counsel, and Department of Justice officials. The Committee reviews the propriety and legality of every operation involving any "sensitive issue" before it is begun. It reviews the continuation of every operation beyond six months -- and monitors most investigations with even greater frequency.

All undercover operations are now conducted under written guidelines that reflect the experience and insights gained

by the FBI and Department of Justice. These guidelines incorporate numerous safeguards beyond those necessary to comply with the law. No invitation to engage in an illegal activity may be offered unless:

- the corrupt nature of the activity is reasonably clear to the target;
- there are reasonable indications the operation will reveal illegal activity; and
- the character of the illegal transaction justifies the inducements offered.

In addition, the authorization of the FBI Director is necessary before any inducement may be offered to someone absent a reasonable indication that the person already has engaged or is engaging in the illegal activity being investigated. The Guidelines, which also cover the other kinds of activities necessary in undercover operations, are themselves reviewed against those lessons learned from on-going investigations.

Although these Guidelines had not formally been issued when the Abscam investigations were begun, the legality of the practices employed have been substantially demonstrated in the courts. It is most worthwhile to reflect upon the results of those investigations -- and of the videotape record they presented in court. Twenty-two individuals were indicted -- including six members of Congress, one U.S. Senator, one state senator, three city councilmen, one state official, and one federal employee. In eight separate cases, jury verdicts resulted in the conviction of eighteen persons -- while one defendant pleaded guilty. One person is still awaiting trial -- and two defendants died before

being tried. Out of twenty-two persons indicted, no individual was acquitted. To date, 96 jurors have found for the government, and no juror has exonerated any of the defendants. Although several cases are now on appeal, none of the eight defendants that raised the issue of entrapment has been successful on appeal. Only three of the eighteen defendants that raised due process questions have had any success on that issue even at the district court level. And the only two appellate courts that have thus far ruled on these verdicts have ruled in the government's behalf.

When it comes to undercover investigations, no one would claim that there could not be any mistakes. The subjects of such investigations -- and the corrupt influence peddlers with whom our agents must credibly deal -- are neither Boy Scouts nor regular attendees in Sunday School. The work is difficult, and the risks to federal agents are outweighed only by the seriousness of the crimes being investigated. Human frailties inevitably affect any government agency, and the pressures of undercover work multiply the stress. We have, however, learned from our experience. And we can learn further and improve upon practices and policies.

Before concluding, however, I want to emphasize one further point. Our investigations of public corruption have increased dramatically over the years in response to public and congressional desires. During 1981, as the result of federal prosecutions, over seven hundred public officials were convicted of corrupt activities -- only a few of whom were involved in Abscam. Since 1970 federal indictments have been returned against over 5000 federal, state, and local officials -- plus other individuals involved with them in corrupt activities. Nearly 80

percent of those indictments were returned in just the last six years. All of those figures indicate the seriousness with which the Department of Justice attacks public corruption.

In a democracy, it is essential for the public to have confidence in the integrity of influential and powerful institutions -- especially governmental institutions. And it is the effectiveness of federal law enforcement in uncovering public corruption that reassures the public in their belief in the high integrity of the overwhelming majority of their government officials. Nothing would do more to undermine public confidence than for federal law enforcement to be denied the means necessary to detect, prosecute, and deter crimes committed by the powerful.

In the case of the Abscam investigations -- and all federal undercover operations -- there is much that should be studied and improvements certainly can be made. Already, the Undercover Review Committee has been improved and Undercover Guidelines have been formally issued.

Clearly, Congress should itself review the propriety of federal law enforcement efforts -- just as it should seek to improve the effectiveness of those efforts. This Administration welcomes -- and will join in -- such an effort by the Congress. There cannot, however, be different rules of law enforcement for the governed and for those who govern. Although law enforcement techniques can always be improved -- both to protect those under suspicion and to protect the public -- they must not be emasculated, especially in a context that suggests special treatment for the powerful. Although the Abscam investigations were not undertaken or completed during this Administration, we are committed to the

use of effective law enforcement techniques of the kind Abscam employed. We will work to make them more effective and to ensure that they -- like all law enforcement procedures -- are fairly employed. We will also resist any effort to weaken effective federal law enforcement efforts aimed at detecting and deterring drug, organized , or white-collar crime -- including public corruption.

A foreign writer once observed that his homeland "fell because there was corruption without indignation." After surveying the federal effort against public corruption, I for one want to express my indignation -- not at the techniques or aims of law enforcement, but at the corruption uncovered. Let everyone who seeks to improve the efforts of law enforcement in these areas keep in mind that the American public itself is also indignant about the kind of criminal activity uncovered and videotaped during Abscam. The most important lesson is not that federal law enforcement techniques can be improved, but that public corruption clearly exists and must be effectively uncovered, prosecuted, and deterred.

During 1981, the first year of this new Administration, there were more federal indictments and convictions of corrupt officials at all levels than in any previous year. Those efforts -- and the undercover techniques they frequently require -- will continue. We will pursue public corruption by every necessary and legal means -- wherever the trail may lead. Weakening legitimate undercover investigations would be tantamount to granting some of the most virulent types of criminals a license to steal. That is something this Administration will not do.



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THE 1982 THOMAS F. RYAN LECTURE
BY
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DIRECTOR
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BEFORE THE
GEORGETOWN UNIVERSITY LAW CENTER
WASHINGTON, D. C.
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"The Informant, Electronic Surveillance, and the Undercover Agent: Serving the Ends of Justice."

SUMMARY

Sensitive investigative techniques including informants, electronic surveillance and undercover Agents are necessary to reach beyond the streets to the higher echelons of criminal enterprises. The FBI is employing those techniques in strict compliance with the law and Attorney General Guidelines.

Introduction - The concept of justice; achieving a balance in the use of sensitive investigative techniques (pgs. 1-3)

The Informant - Definition of; the cooperating good citizen; motivation of the criminal informant; how we control him (pgs. 4-9)

Electronic Surveillance - Frequency and areas of use; statutory controls; field procedures including minimization; effectiveness (pgs. 9-15)

Undercover Agents - Definition of; review process for undercover proposals; controls including Attorney General Guidelines; dangers involved; ABSCAM discussion-- the cooperating witness and the influence peddler (pgs. 15-29)

It's a great pleasure to be here this evening and to have the honor of delivering the third annual Thomas F. Ryan Lecture. . Earlier this evening, I had the pleasure of having dinner with Dean McCarthy and the members of the family of Thomas F. Ryan whose name is carried in this memorial lecture and to learn something of this gifted and caring young man.

Here at this great university, for almost 200 years problems of enormous magnitude and complexity have been addressed by a wide range of thinkers, scholars, and students. The same can be said of lawyers and law enforcement officers. For all who practice law and, indeed, all those who serve the law, we face continuing problems that call out for solutions--solutions based on principles that have been hammered out by those who have preceded us and which we must define and shape to meet the issues of today and the future.

Daniel Webster said that justice was the great interest of man on earth. He was talking about a concept. Justice unapplied remains simply that--a concept. And so it is in the administration of justice that lawyers and those who serve the law find the link between the concept and the reality of day-to-day problems that cry out for solution.

Sometimes within the concept of justice itself there are competing values, each of undeniable worth. Those who enforce our laws will often find themselves positioned between such values. If the law enforcement officer listens to one set of voices, he may hear the words "leave us alone." If in other

times he listens to another set of voices, he may hear the words "do something about it." The voices of individual liberties and personal privacy and the voices of a society collectively demanding to be kept safe and free advance and recede as with the tide; yet, both sets of voices speak of values deeply treasured by us all. The law enforcement officer must not chart his course entirely by the drift and ebb of the tides and the amplitude of the voices. He must chart his course as best he can by the navigational aids laid out for him, case by case, statute by statute, by lawyers, judges and legislators. It is not an easy task.

We know that freedom unchecked in any way is anarchy. We know that freedom suppressed is repression. At either of these extremes the promise of "liberty and justice for all" would be empty rhetoric.

Margaret Chase Smith, the distinguished former Senator from Maine, said something that made a great impression on me back in the years of dissent. She said that given a choice between anarchy and repression, the American people would reluctantly choose repression. That choice must never be thrust upon us.

Our task, particularly those of us involved in the administration of justice, is to strike the balance true, and in our ability to strike that balance lies our future as a land of ordered liberty.

This is my concept of what justice is all about. Now let me turn to its application in a crucial area of modern law enforcement.

Today, the need for achieving the right balance is no place more obvious than in the handling and use of informants, electronic surveillance, and undercover Agents. These are sensitive and sometimes intrusive investigative techniques. We use them because they are extremely effective and often indispensable, and because we have confidence in the safeguards that we have put in place. These techniques are used only when necessary and in a manner that minimizes their intrusiveness.

These three techniques are something you have all heard about, partly because they are interesting, but also because they are dramatically effective investigative tools which have been a part of some of our most important successes. They have helped us reach beyond the streets to the upper echelons of criminal enterprises--to those responsible for some of the most serious and often hidden and protected forms of crime--organized crime, espionage, terrorism, and corruption of public officials.

These techniques help us do this by providing information--the key to any successful criminal investigation. This is so obvious that it should not need repeating to this audience. Yet, I say it because it is so fundamental. Without information, we are simply not in business.

The Informant

The traditional approach to investigating crime is a direct one: Our Agents knock on doors, identify themselves, ask questions and collect evidence. But this approach has limitations, especially when dealing with sophisticated criminal enterprises or consensual crimes.

We hear a lot about victimless crimes. I prefer the term consensual. There is no such thing as a "victimless" crime. In a consensual crime, you have a willing participant on either side, whether it's in narcotics, or prostitution, or gambling or bribery. These crimes are not committed in the middle of Main Street or on Pennsylvania Avenue, and you have no one ready to complain about them. The victim is not one of the participants. The victim is the American people, whom the scam, the fraud, or the corruption taints and robs.

In order to deal with these crimes we have to have other techniques, and the informant is one of these. He is perhaps law enforcement's most important tool. Any police officer will tell you that if he doesn't solve a bank robbery within 24 to 48 hours, he's not likely to solve it without the help of an informant.

The informant is usually someone a part of, or on the fringe of, the criminal world who is willing to give information, provided his identity is protected. This type of informant hangs around with the wrong people, and for a variety of reasons he's willing to talk about them. And that's exactly why we need him.

Of course, not everyone who passes us information is a criminal. And the mere act of stepping forward with information shouldn't make any of us uncomfortable. It can be a gesture of great responsibility and courage. In 1981, after years and years of investigation by law enforcement, Joe Bonanno, Sr., the former "boss" of the New York-based Bonanno family, was sentenced to five years in prison following his conviction on charges of conspiracy to obstruct justice. This was made possible because of a man named Lou Peters, a California Cadillac dealer, in the sleepy town of Lodi, California. He came forward to work with us. An organization that was fronting for the Bonanno group had offered Lou \$2 million for his Cadillac agency, and Lou knew that it was worth about \$1 million. When he checked, he found that Bonanno wanted to use his automobile agency to launder funds and thought that sleepy Lodi would be a nice place to do it. But the Bonanno group didn't reckon with Lou. When Lou learned of this connection, he came to us and agreed to work with Bonanno and pass information to us. In the course of the investigation, he eventually found it necessary to obtain a legal separation from his wife and children in order to protect them from any possible reprisals. It was a dangerous situation. But after a year and a half of his help, we were able to obtain the evidence that convicted Bonanno. While this act of heroism was unusual, there are many, many Americans from all walks of life who have provided us information about crime.

Informants with a criminal past come to us for different reasons. Some do it for money. Some do it for revenge. Some do it as a result of prosecutorial pressure. Some enjoy the thrill of surviving by their wits in the enemy camp. Others are former willing victims who become fed up and want to do something about it. Almost all seem to be influenced by the fact that we are the FBI. They trust us.

For many of these reasons, Joey Teitelbaum became our informant. For a long time he had paid off union officials to prevent labor troubles that threatened his business. Once he became our informant, he continued these payments while working with some of our undercover Agents. This was the start of an extensive investigation of union corruption on the docks that involved twenty of our field offices from Miami to New York. We called it UNIRAC, standing for union racketeering, and it produced over 110 convictions, including that of famous labor leader Anthony Scotto.

Of course, some informants come to us because they are in trouble. This was Jimmy Fratianno's predicament. He was a lifetime organized crime member who had worked with many of the organized crime bosses across the country. After learning that there was a contract on his life, he agreed to talk to us under Government protection. Fratianno has testified in several important cases, including one that produced convictions of the entire ruling hierarchy of the Los Angeles crime "family." He has also provided a tremendous amount of background information

about the structure, the interrelationships, and the activities of organized crime groups across the United States.

Now, Fratianno is no angel. By his own testimony, he has participated in several contract killings. But the point I'd like to make is that the test for using an informant is not his lovability; it is his reliability. This may be an unpleasant idea for some, but there is often no other way to obtain needed information.

Our main concern with informants is control. Once a potential informant indicates his willingness to cooperate, the recruiting agent initiates a suitability inquiry which may last several weeks. We are interested in such things as the informant's potential productiveness, his reliability, his involvement in crime, the likelihood of violent behavior, his motives for cooperating and his ability and his willingness to follow our instructions. All of these factors have to be carefully weighed. During the early stages of our relationship with an informant, we find out as much about him as we can; we cross-check his stories, and establish a track record. If he is going to lie to us, we want to find out before we need him.

Because of our cautious and yet, I think, straightforward way of handling informants, our relations with them are generally pretty good. We promote long-term personal relationships. Mutual trust is the key. We do not use throwaways as other law enforcement agencies are inclined to do. Informants know we will make every effort to protect their identities as

long as they follow our instructions, and we are prepared when necessary to drop a case to protect an informant's identity. The Justice Department has consistently backed us up on that approach.

We take some other steps to insure tight control. We maintain careful records. This is very important in a world of accountability. The hip-pocket informant, in my mind, is an occasion for mischief, and it's important that we be able to manage and keep careful records of what our informants do, what our instructions to them are, and the manner in which they are used. Without this kind of recordkeeping, we're not going to be accountable, and we're not going to have the ability to carefully review the informant's performance. And that relates to something else: the looseness of the present provisions in the Freedom of Information Act. We must keep records on informants, but we must also be able to protect informants' identities. Even the perception that we cannot do so is damaging.

We give each informant precise instructions on what he can and cannot do. For example, the Agent is required to tell the informant he cannot commit crimes and expect protection. We will report his crimes to state or local agencies that have jurisdiction, or we'll take action ourselves in Federal cases. Here, the Agent is guided both by internal Bureau regulations and Attorney General guidelines. In some cases, where the stakes are high enough, it may be necessary for an informant to participate in less serious criminal activity. This is permitted by the

guidelines with prior notice, appropriate monitoring, and supervisory approval. Such permission, I might add, does not extend to participation in violent crime or to the initiation of criminal acts.

In 1980, two years ago, a criminal informant advised us of a plan by two Ku Klux Klan members to shoot up the house of a Black man in Detroit. As the case progressed, we knew there was a real potential for violence, but we wanted our informant to be with these people wherever they went. We gave him specific instructions about what he was not to do. We followed him closely, and he stayed out of trouble. With the information that he supplied, we were able to make arrests before a violent crime could be committed.

The informant is the key to many criminal investigations--not only because of the information he can provide, but because he makes possible the use of other techniques. This includes electronic surveillance and the undercover Agent. Very often, for example, the information we have obtained from the informant provides the probable cause that we need to obtain a court-ordered electronic surveillance.

Electronic Surveillance

We use electronic surveillance and undercover Agents much less frequently than informants. In 1981, there were 106 installations of electronic surveillance by Federal law enforcement agencies. The majority were in support of FBI operations and most involved narcotics and racketeering. This

number, I think, reflects our concern over the intrusiveness of this technique, the very high screening standards that we use before making application to the courts, and the considerable expense involved. The average cost for each installation was about \$50,000, and the highest one during that period was over \$400,000. Electronic surveillance also requires a substantial investment of time and effort, but it yields rich dividends.

It may be helpful here, I think, for me to define some terms for you. Electronic surveillance may involve intercepting telephone conversations, known as wiretapping, or concealing a microphone in a specific location. Consensual monitoring, on the other hand, refers to the recording of conversations by one of the participants--usually an informant, or a cooperative witness, or one of our own undercover Agents. Consensual monitoring, because there's no expectation of privacy at one end, does not require court authorization.

As you know, a Federal statute restricts the use of court-authorized electronic surveillance to certain kinds of violations, and it also requires that a court find probable cause before authorizing a device. I review each of the affidavits submitted from the field in support of a request for electronic surveillance. The statute has other operating restrictions that govern which conversations can be monitored and the length of time a device may remain in place. These restrictions are known as minimization procedures--an important area I'll come back to later.

Administrative and judicial restrictions and checks are necessary measures to guard against potential abuses. These controls; which I think work well, and the obvious advantages of electronic surveillance make a strong argument for its use if we are going to attack sophisticated criminal enterprises.

Our task is difficult. The close loyalties, the code of silence, and the constant testing that describe organized crime place our informants and undercover Agents in constant danger. An informant may not be close enough to the hierarchy to get the information that we're looking for. There are about 2,000 members of the most popularly known organized family group with about 10,000 associates. Our informant is lucky for our purposes if he's one of the associates. The same may be true of an undercover Agent, who has an additional handicap. It may take him months or even years to get deep inside a criminal enterprise. And then we may be faced with the prospect of pulling him out when he is asked to commit some violent criminal act. This is part of the ongoing testing that I mentioned. The wiretap and other forms of electronic surveillance eliminate these risks and exploit the need of organized crime members to meet in person or use the telephone in conducting their far-flung business activities. It is very effective.

It also provides very persuasive evidence at time of trial. I'm absolutely convinced that without the tapes of Anthony Scotto's conversations his conviction in our UNIRAC case

would not have been possible. He brought into the courtroom the governor and two former mayors of New York City to testify as to his character, and he attempted to offer an explanation for his conversation. But the full venality of what was happening took place on those tapes, and the jury heard and had no reasonable doubt of his guilt.

The use of unconsented electronic surveillance raises substantial issues of privacy. Congress has addressed these issues by regulating the scope and the management of such activities. The objective of this legislation is to limit the use of interceptions to criminal conversations. This is called minimization, and the statute requires that the court order shall provide for it. The statute also provides for a series of checks to ensure that the court has an adequate fund of information upon which to make a sound determination.

The first check is statutory--the probable cause requirement. It's up to us to show that there is probable cause to believe our subject is engaged in criminal activity, that he is likely to discuss this activity over the telephone (in the case of a wiretap), and that he is likely to use a particular phone. We must also establish that other investigative procedures have failed or are too dangerous or are likely to fail. Much of this information usually comes from an informant who has personal knowledge of the subject's habits. Before issuing a court order, the judge is also entitled to know how many times previously the designated person and location have been subject to applications for interception. He can see if we're returning again and again to a dry well.

Once the FBI has permission to install an intercept, our Agents prepare for the actual listening and recording of the conversation. And that's an act of discipline. They do this according to internal procedures, using equipment that facilitates restricting unnecessary intrusions. They know that minimization is a potential area of challenge in the courts, and they don't want to lose a case through sloppy work.

Before an operation begins, our field supervisors and Department of Justice attorneys make sure that the Agents working the case understand the minimization procedures which are going to be used. For the ordinary telephone intercept, the procedures are simple. When a light flashes indicating that the phone is in use, the Agent is permitted to listen in. This automatically triggers the tape recording equipment. If someone other than the persons covered by the order is on the line--for example, if it's the wife of the subject--the Agent is required to hang up. This simultaneously cuts off the tape recorder. If it's the subject, who is talking, we may continue to listen until we have verified the nature of the conversation. If the conversation is unrelated to criminal activity, we hang up. If it's about illegal betting on the football game, whether or not that's the criminal activity in which we were originally interested, we may continue to listen to the conversation.

There is another procedure. When a subject's initial conversation requires hanging up, we are permitted to cut back in from time to time to determine if the conversation has become criminal in character.

Some electronic surveillances require even more elaborate procedures. For example, we have wiretapped business telephones. Because there's a greater danger of intruding on innocent callers, we will usually maintain a physical surveillance of the business and only cut in on calls when our subject is on the premises.

We also have a requirement that minimization procedures be outlined in our affidavit seeking the court order. This makes us plan in advance and puts on record self-imposed procedures.

Almost all major organized crime investigations rely on electronic surveillance. In the last two years, we have convicted over 1,000 persons in organized crime investigations including over 300 syndicate members and their associates. Many of these successes would not have been possible without electronic surveillance. A good example is an investigation involving the Philadelphia organized crime "family," an investigation we called GANGPLANK. It focused on allegations of gambling, loansharking and racketeering, and lasted five years. Most evidence in that investigation came from electronic surveillance, including consensual monitoring of a cooperative witness and several court-authorized electronic installations which included video recording. In May, of this year, a jury convicted six high-level Philadelphia family members of racketeering. Two others who were indicted were executed gangland style, and others were murdered before they could be indicted. In all, the Philadelphia family has been severely weakened.

We learned a great deal about who's who in the Philadelphia organized crime scene--which men held what "family" positions, who the "made" or initiated members were, other kinds of information about the structure of the family and, of course, information about various criminal activities.

Other examples abound. This is a vitally important tool and is being managed in accordance with the requirements of the law. It is being used sparingly and with significant results. Similarly, important information is being developed in our Foreign Counterintelligence program. The FBI has the responsibility for protecting this country from the ravages of hostile intelligence gatherers operating here. We are using electronic surveillance in a similar way in support of this program under the supervision of a special court established by the Foreign Intelligence Surveillance Act.

Undercover Agents

Several recent prosecutions have focused attention on a third investigative technique--the undercover Agent. But, before I discuss some of the things I think you're interested in, some of the things that we do to be sure that those sensitive operations are carried out within the rule of law, I should make some general observations. This is an area in which I have encountered misunderstandings and confusion, and they need to be set right.

The undercover Agent is in danger of being romanticized beyond what he is in reality. He is not a panacea for law

enforcement. In fact, less than one percent of our field resources are dedicated to undercover work exclusive of salaries. Nor is he the threat to civil liberties that some people make him out to be. He does not have the same built-in contacts that informants have with the criminal world. Yet he is more reliable. He is, after all, one of our Special Agents--trained to know and respect the law. He (and I should also say, she) can be trusted with large sums of money that are required in some of our current undercover operations. And he is more disciplined and sensitive to individual rights. The bottom line for the undercover Agent is control, discipline, and staying power.

The length, complexity, and sensitive nature of undercover projects call for careful planning and control. Most proposals for undercover projects originate in the field after every other measure has failed. By the time they reach their final form, they reflect the institutionalized experience of field and Headquarters supervisors and managers who have been there before. These officials examine every proposal from every possible angle including its goals, worthiness, and cost. They seek to determine whether the tactics proposed might involve entrapment, present some other legal problem, or expose third parties to risk of liability. Unsound proposals are identified and rejected.

The review process begins in the field, and it continues at Headquarters. An undercover operations review committee, which I put in place in 1978, with representatives

from the Department of Justice carefully scrutinizes each proposal that survives initial review by our Criminal Investigative and Legal Counsel Divisions. And incidentally, by the time a proposal comes this far, it has already had the sign-on approval of the United States Attorney or the Strike Force Attorney in the field as well as the Special Agent-in-Charge of our office in that division.

Many projects are modified or else entirely scrapped because they don't measure up. Many are just too expensive for our budget to handle. Others have unsolvable legal problems. The potential for entrapment must be considered in all undercover operations. We know we are going to be confronted with that. As a practical matter entrapment is, as you know, a narrow and a difficult defense to maintain. The prosecution can offset such a claim by showing that the defendant was predisposed to commit the crime.

In the ABSCAM cases we recognized the potential for entrapment. We planned carefully, and we took great care during the investigation to avoid it. This meant extensive and close monitoring. While all the meetings with the public officials were being conducted, we had a strike force attorney from the Department of Justice observe actual transactions in nearby rooms on closed-circuit television. This must have been a first. Whenever the U.S. Attorney or the Strike Force Attorney believed it was necessary, he would pick up the telephone and make a pretext call to the undercover Agent and give him appropriate advice.

In reviewing undercover proposals we have severely limited or rejected many because they just did not measure up to one or more important standards including those that go beyond mere issues of legality. We are concerned about liability to third parties. We can't always prevent it, but we're concerned about it and we include that in careful planning. We don't want to injure anyone who might be led to do business or otherwise deal with the undercover enterprise. And we have to consider the safety of the general public. Thus, we modified a proposal to operate a night club targeting local government fire inspectors who were believed to be taking bribes to overlook fire safety deficiencies. We just did not want to be in a position of operating a business which might jeopardize the lives and property of others. Similarly, we rejected certain proposals where government agents would be required to engineer and direct the very criminal activity we were seeking to correct. We are mindful of the due process issues implicated by such conduct, and we just do not wish to undermine the integrity of an important technique by our own conduct.

In other situations, it is possible to respect the privacy interests of others by simply limiting the activities of a Special Agent acting undercover. In one case, that I recall, a Special Agent who would have had unlimited access to business files was instructed to gather only information that came to her attention in the ordinary course of performing her office duties. This was not required. It was simply a logical and prudent precaution.

In our control of undercover operations, we are also assisted by Attorney General Guidelines. Although they were not issued until February 1, 1981, these were designed to set forth practices that had developed out of our previous experiences. One of their most important provisions established conditions that must be present before inviting a subject to engage in an illegal activity, such as the taking of a bribe. First, there must be a reasonable indication that the undercover operation will reveal illegal activity. Second, the corrupt nature of the activity must be reasonably clear to the subject. And third, the nature of any inducement must be justifiable in view of the character of the illegal transactions in which the individual is invited to engage. So, we can't offer unrealistic sums of money just to see where a person's breaking point might be. These are carefully structured requirements that serve us well.

I mentioned earlier the special relationship we have with our informants. Naturally, there is also great concern for our undercover Agents. Great care goes into the selection of Agents for undercover roles. We select them only from volunteers and then give them additional training in legal matters specifically connected with their undercover assignments.

We recognize that undercover work places unusual stress upon Agents and their families. It's difficult to live a double identity as some of our Agents do for months and sometimes even years. Because of the stress and the immediate danger to the Agents, we keep in close contact with them as often as possible.

We are proud of the accomplishments of these Agents. A good example of what can be achieved is a very important recent operation that produced racketeering convictions against important organized crime figures in New York and many indictments in other parts of the country. It involved eight FBI undercover Agents, including one whom I visited in Tampa one day after midnight during the operation. Great precautions were taken not to draw attention to any of these Agents. You've probably read or seen stories about this case in the newspapers, especially about one Agent who worked in New York and assumed his role six years ago. In his undercover role, he was known as "Donnie Brasco." His first introduction to organized crime "family" members was arranged by various informants who claimed to have worked with him before. (Again you see the inter-use of these techniques). That got him in the door. Then it was up to him to establish his own reputation and work his way into the group's confidence. Initially, contact was all on a social level. He was a likeable guy, he had money, and he was able to develop a rapport with family members. He knew when to walk away from certain conversations, and he didn't press himself on anyone.

Later, we placed a second undercover Agent in a southern city as the operator of a nightclub. The focus of this investigation was on illegal gambling and police corruption. At the same time, Donnie Brasco let his criminal friends in New York know he had an associate who had a nightclub with a gambling operation in another city. This added to his credibility. He

was soon asked by the New York people with whom he was dealing to oversee some important operations in this region, too. Here, you see the mobility in organized crime. Increasingly, he was viewed as one of the group's favored young associates, and in time, there was talk of making him a member. This level of trust was unprecedented, and it allowed Donnie Brasco to learn a tremendous amount about the family--enough to later justify a full-fledged assault with electronic surveillance.

When we terminated the undercover phase of our investigation, our operation had worked so well that initially our Agent's criminal associates refused to believe he was an FBI Agent. When he disappeared, they thought we had kidnaped him. After they learned the truth, we heard that threats were being made against him. So, as an unusual precaution, we contacted the heads of the families that were involved. We simply advised them that we were aware of the threats and would prosecute anyone attempting to harm or intimidate one of our Agents.

Believe me, the danger to this Agent and to many others was and is real. Just a few days ago, one of our Agents was severely beaten and left for dead in a narcotics undercover operation. He managed to escape. And we will conduct an investigation that will result in convictions of those responsible. But the danger is here, and it has to be recognized. In all undercover cases, protection of our Agents is our first priority. You may be sure that in the case I earlier described to you, every possible precaution has been taken to protect the Agent and his family.

The results of this investigation show the effectiveness of the undercover technique. But there are many other equally persuasive examples. In the BANCOSHARES case in Florida, for example, we targeted the laundering of drug money coming in from Colombian drug cartels. We had a successful operation in the BLACKTUNA case in which we had applied our financial expertise to track tremendous unlauded sums of money through the banks. And so, the drug cartels decided to launder their money before putting it into the banks. They began to look for brokers to launder it, and so we went into the brokerage business. In a year and a half, our undercover Agents laundered about \$170 million in cash. As a result of that investigation, we arrested about 31 subjects. Thirty more are under indictment but out of our reach in other countries. We seized property and cash, including \$18 million in cash and bank accounts, seven airplanes, 20 automobiles and a \$4 million, 4,600-acre ranch. It was a major blow against key elements of four of the seven major Colombian cartels in Southern Florida.

Our entire undercover operation for 1980 and 1981 amounted to \$7 1/2 million, exclusive of salaries. Aside from all the corrupt public officials identified in those investigations and prosecuted, we recovered over \$109 million on that investment.

In other significant cases which you've read about, we've successfully applied the undercover technique to expose public corruption, to identify those responsible for stealing our

Nation's secrets and our high technology, and to arrest persons involved in the shipment of weapons to terrorists. Certainly no discussion of undercover operations is complete without a discussion of ABSCAM. Tonight I would like to focus on two aspects of those cases--first, the distinction between a cooperating witness and a corrupt influence peddler, and then, how the corrupt influence peddlers led us to individual politicians.

An undercover operation that is designed to identify criminal practices normally requires the assistance of one or more cooperating witnesses. These are people who know that in the end, they may be called upon to testify. They are not confidential informants. These individuals have a wide range of backgrounds and motives for cooperating. They may be victims of a system of payoffs and kickbacks, and they want to be relieved of this burden. Our labor racketeering cases are often developed in this way. Witnesses may be in serious trouble with the law and looking for a way to soften the blow. In such cases, their expertise in the criminal techniques in the area under investigation and their familiarity with the particular criminal actors are of vital importance to the success of the operation. Their credibility as witnesses in a trial may be of very uncertain value in view of their background, but their credibility in dealing with criminal contacts provides our Agents with access and credibility that otherwise might take years, if ever, to develop. You heard a lot about sleaziness. ABSCAM was purposefully sleazy in order to establish credibility with

sleazy people. Now the cooperating witness knows, of course, that he is dealing with the FBI. He is required to remember that. The FBI expects him to adapt his conduct to FBI requirements. Melvin Weinberg was the cooperating witness in the ABSCAM cases.

In contrast to Weinberg, the corrupt influence peddlers in ABSCAM did not know they were dealing with the FBI. They thought they were dealing with individuals like themselves who were interested in achieving results by purchasing influence. The influence peddler often fronts for a corrupt public official and is sometimes called a "bag" man. In ABSCAM, they were themselves subjects of our investigations. In what they thought was a very confidential setting, they spoke of their political contacts and the political corruption that could be utilized in the services of the Arab sheiks. In all that followed, these influence peddlers were not Government informants, cooperating witnesses or Government operatives. They were, as the courts have found, engaged in crime. Those who have been tried have been convicted. It is important that these distinctions be understood.

The question most frequently asked about ABSCAM is: "How did you select or target the individual Congressmen?" We are also asked, "Did you just hand out a honey pot to see who might come?" The answer is that we did neither. We worked from leads.

ABSCAM began in early 1978 as an operation to recover stolen artwork and securities. Our Agents were working with a

convicted swindler, Melvin Weinberg, who agreed to cooperate with the Government in the hope of receiving a lenient sentence. The scenario was simple. We heard street talk, criminal street talk, that Arab money was available to purchase stolen art. So we formed a company, Abdul Enterprises Limited, and spread the word around in the network of con men that Arab businessmen had money available for shady transactions. We recovered about \$1 million worth of art in that way.

In the fall of 1978, a group which had sold us phony certificates raised a new prospect--involvement in Atlantic City gambling. But we needed a casino license. Our sources told us "no problem," that Camden, New Jersey, Mayor Angelo Errichetti could get us one--for a price.

Our operatives met with Errichetti who boasted that with his assistance we could get a license--without his help, it would be impossible. Errichetti indicated that a cash payment would be necessary in order to obtain his assistance.

With the concurrence of the Strike Force, our New York Office furnished FBI Headquarters with details of the bribe offer. We approved the offer of a \$25,000 payment, and we directed that all bribes be documented on video and audio tape. This procedure was followed throughout ABSCAM.

In January, 1979, a \$25,000 payment was made to Errichetti. He subsequently introduced us to Kenneth MacDonald, Vice Chairman of the New Jersey Casino Commission. Errichetti later, with MacDonald at his side, received a \$100,000 bribe as MacDonald's intermediary.

In July, 1979, a meeting was held on a yacht in Florida, one we previously seized and named "The Left Hand." Errichetti and others were there to discuss the proposed casino transaction. During the cruise, FBI undercover Agent Anthony Amoroso, posing as the Arabs' righthand man, remarked that the sheiks might have to flee their country and seek asylum in the United States. Errichetti and his law partner, Howard Criden, began to identify Congressmen who, in return for cash, would take actions to guarantee asylum for the fictitious sheiks.

And in the following months, Errichetti, his associates and others brought Congressmen to us that they claimed would assist the sheiks for cash. As you know, we made \$50,000 payments to five Congressmen and a \$25,000 payment to another. In one case, Congressman Thompson himself assumed the role of a corrupt influence peddler after having accepted a \$50,000 bribe and suggested that a close friend who was a Congressman from New York would assist us. Acting on Congressman Thompson's suggestion, arrangements were made for Congressman Murphy to meet with our operatives. At the meeting Congressman Murphy accepted a \$50,000 criminal gratuity, so the jury found.

And so it was throughout ABSCAM. We followed leads-- leads that we developed as the American people expect. But not one Member of Congress was ever suggested by one of our Agents or by Mel Weinberg. The names were all suggested by the corrupt influence peddlers. There is a point that is often missed in asking what the problems are with honesty in Government.

More attention ought to be paid, in my view, to the bees that swarm around the honey, the influence peddlers themselves.

Throughout ABSCAM these influence peddlers talked at length about their political connections. In the course of these discussions many additional names were mentioned. Some of these just turned out to be mere puffery. Safeguards which we had in place reduced the likelihood that innocent officials might come to an undercover meeting at the behest of a corrupt influence peddler. In this case, the sheik's representative said the sheik does not want to talk to anyone that does not want to do business with him. Do not bring anybody here to be sold. We want him to know what it is all about, because I want one on one to hear it. That was the kind of sleazy language used. The requirement that criminal representations be made before any bribe money was passed operated as a fall back protection for any innocent public official who might somehow come to the meetings notwithstanding those precautions.

The objectives in ABSCAM were the same as those in every criminal operation. We pursued allegations of criminality and developed evidence of criminal activity. In that process, we worked closely with attorneys in the Department of Justice and in the field. They provided us advice and counsel. On the basis of the evidence presented, the Department then exercised its prosecutive discretion. They decided to prosecute those against whom indictments were returned.

The ABSCAM cases have been tried before nine separate juries, each of which observed the witnesses, heard the testimony on direct and cross examination, and listened to the arguments of able attorneys. These juries returned guilty verdicts against all nineteen defendants in these cases.

The cases have received intense judicial review at the trial and appellate levels. Judge Pratt, in New York, for example, conducted a due process hearing that lasted 16 days.

There has not been a single instance where a defendant in an ABSCAM related case, appealing his conviction by a jury at the trial court level, has been found innocent of criminal wrongdoing by an appellate court. Additionally, at the present time, only one United States District Court has set aside a jury conviction of an ABSCAM defendant based upon alleged improprieties in the investigative techniques employed by the FBI. And that action--in the case of former Congressman Kelly--is currently being appealed by the Government. The Government has received favorable rulings in five opinions by the Second Circuit and one opinion by the Third Circuit on legal issues raised at trial.

After reviewing these decisions and our record in the ABSCAM investigation, I am convinced that the FBI selectively targeted no public official and violated no Constitutional safeguards. I do not assert that there were not problems during this lengthy and complex investigation, or that, from twenty-twenty hindsight there were not ways in which the investigation could have been improved. Of course, there were. If, however, we have confidence in the judicial process, it seems fair to say that overall this investigation has been a service to the Nation.

minimal intrusion involved in that situation was more than offset by the additional measure of safety provided to passengers in flight. Experience reinforces that view, and I believe the public would be outraged today if this procedure were suddenly removed.

So, too, I believe that the sensitive techniques I have described tonight are so necessary to combat high impact crime that privacy interests must yield to a reasonable degree to allow their lawful use.

Informants, electronic surveillance, and undercover Agents are needed and are being used to combat the growing sophistication of modern criminal enterprises. Just as important, they are being used judiciously, selectively, and in strict compliance with the law and Attorney General Guidelines.

The use of these techniques is one part of our effort to provide modern, effective, and constitutional law enforcement. We know that we stand at the port of entry to the criminal justice system. If we fail, no prosecutor and no judge can correct our error. So we must not fail. We must and will do the work that the American people expect of us in the way that the Constitution demands of us.

JL003

**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

O - OUTGOING

H - INTERNAL

I - INCOMING

Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: Julia P. Perian

MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Coverup of the government's abuses in ABSCAM

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CU Holland</u>	ORIGINATOR	<u>8310118</u>			<u>1 1</u>
<u>CUAT 18</u>	Referral Note: <u>D</u>	<u>8310118</u>		<u>S</u>	<u>8310128</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>

ACTION CODES:

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet to be used as Enclosure

- I - Info Copy Only/No Action Necessary
- R - Direct Reply w/Copy
- S - For Signature
- X - Interim Reply

DISPOSITION CODES:

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
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Comments: _____

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Rebuts

Julia P. Perian
5505 Lubbock St.
Forestville, Md. 20747

January 7, 1983

Handwritten:
The President
The White House
Washington, D.C.

120290 *all*

Dear Mr. President:

It is not too late for you to halt one of the great crimes of this government. The coverup of the government's abuses in Abscam. Please have a trusted White House counsel and adviser investigate and report to you of the criminal coverup still being carried out by your Justice Department.

Glance through this Gannett News Service compilation of crimes by our government.

The truth will out. Appeals are on their way to the Supreme Court.

You should call for a Special Prosecutor to investigate the government's activities. Why wait and have it appear that your administration is involved when it is not.

This matter started under the Carter Administration, many are convinced for political reasons. Holdovers have controlled this coverup and have even convinced some of your appointees the merits of protecting the reputation of the FBI and Justice Department by continuing the coverup.

The Senate report, while largely a whitewash, has page after page of critical text on Justice officials and activities. Slowly the story is coming out.

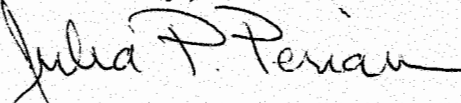
Even worse, the Justice Department is fighting tooth and nail to keep secret a report of the Bureau's own Office of Professional Responsibility which contains explosive evidence of criminal behavior on the part of the highest officials, current and recently departed members of the Justice Department and the Federal Bureau of Investigation.

Do not be a party to this by just standing by and doing nothing.

All I ask is that you have your own staff review the story inside the Justice Department and after reading their report, I know you will do what is right.

I trust in your continued wisdom and the greatness of your office and our country.

Sincerely,


JULIA P. PERIAN

Sir:

I would appreciate it if this letter were not referred to the Justice Department for response, but handled and filed within the White House. Thank you.

I am a former government employee of 14 years, U.S. Congress.
Senate Judiciary Committee
House Select Committee on Outer Continental Shelf
House Panama Canal Subcommittee - Pro U.S. control
House Coast Guard Subcommittee
House Oceanography Subcommittee - Pro US control law of sea
House Merchant Marine Committee - Pro US merchant Marine