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Collection Name ROBERTS, JOHN: FILES

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CAS 7/29/2005

File Folder JGR/ORGANIZED CRIME (2)

FOIA

F05-128/01

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6CAS

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	LETTER	MICHELE SINDONA TO FRED FIELDING RE PRESIDENT'S COMMISSION ON ORGANIZED CRIME	3	1/10/1985	B6	395
2	LETTER	MICHELE SINDONA TO JAMES HARMON RE INTERIM REPORT OF THE PRESIDENT'S COMMISSION ON ORGANIZED CRIME (ATTACHMENT TO ITEM #1)	8	1/10/1985	B6	396

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

B-1 National security classified information [(b)(1) of the FOIA]

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Child-porn crackdown yields results

By Jack Kelley
USA TODAY

A crackdown on child pornography by police and federal investigators across the USA is beginning to show results.

On Monday, federal agents raided the Buzzards Bay, Mass., studio of what U.S. Postal Inspector Daniel Mihalko described as one of the USA's largest distributors of pornographic videocassettes.

There were no arrests but

federal prosecutors are expected to take the case to a grand jury.

And in Los Angeles, movie projectionist Timothy Wood, 43, was convicted Monday of sexually exploiting his 5-year-old daughter by taking pictures of her posing nude. He could face up to a year in jail or \$2,000 fine.

"You've got a child pornographer in every community in this country," said John Raven, a social worker with the Louis-

ville, Ky., police department.

In October, a federal child-pornography task force was formed, and investigations are under way in nearly every state, the FBI said.

More than 12 cases are being investigated in New York City alone, said FBI Special Agent Michael Flanagan.

A 1978 federal law banned dissemination of pornographic material involving youngsters. Since then, police and the FBI report, the number of child-

pornography magazines has declined, and the number of black-market pictures and videotapes has increased.

In fiscal 1982, the FBI investigated 234 pornography cases. In the first half of fiscal 1983, there were 504 new investigations.

■ Indianapolis police last month confiscated 300 photographs and 10 videotapes of nude 13- and 14-year-old boys and girls after a six-month investigation.

■ Tulsa, Okla., police are investigating 20 pornography cases and have charged a juvenile court worker with photographing and sexually assaulting nude 8-year-old girls, and a part-time photographer with filming 13- to 15-year-old girls in sex bondage films.

■ Louisville police hang anti-pornography posters in bars and shopping centers and are getting 50 tips a month. One recent case involved 300 children, Raven said.

Inside Prison Walls, Murder by Machismo

Washington.

FEW QUESTIONS of public policy arouse stronger emotions than the difficult question of the death sentence. In our presumably civilized society, should capital punishment ever be imposed?

I have problems with the issue

By James J. Kilpatrick

when it is viewed in the large. There is little evidence to support the proposition that the possibility of a death sentence deters anyone from rape, kidnapping or murder. Granted that our Eighteenth-Century Constitution specifically sanctions capital punishment, it seems to me arguable that in the Twentieth Century the deliberate execution of a human being could well be regarded as both cruel and unusual. Justices William Brennan and Thurgood Marshall make persuasive arguments in this regard.

But I have no problem with accepting capital punishment in one specific area: If Thomas Silverstein, 30, and Clayton Fountain, 28, should be indicted this week for murder and later found guilty, they should be put to death. The trouble is, they won't be put to death. They are life-terminers at the federal penitentiary in Marion, Ill., and they are charged with the murder of two prison guards. But federal law now provides no more than another life sentence for such crimes.

There were two separate incidents about 10 hours apart on October 22. The Marion prison, it should be noted, is the tightest of all federal institutions; opened in 1963, it now functions as the Alcatraz of the 1980s. Here are confined more than 300 of the most dangerous convicts in the nation. Within the prison itself is a separate small

prison known as the control unit in H cell block. The most incorrigible prisoners are kept in the control unit under conditions, mandated by the Supreme Court, that ordinarily keep them confined to their cells for 23 of every 24 hours. Silverstein and Fountain were thus imprisoned last month.

A little after 10 A.M., Corrections Officer Eugene Clutts, 51, was escorting Silverstein back to his

cell from a shower room. In some fashion not altogether clear, Silverstein managed to pause at another prisoner's cell. He slipped his handcuffs, suddenly produced a 10-inch knife made from a piece of steel bed frame, and stabbed Clutts an estimated 40 times. The officer left a wife, two sons and a daughter.

About 8:30 that evening, Officer Robert L. Hoffman, 53, in the company of three other officers, was escorting Fountain back to his cell from a recreation period. It was the same story. Fountain is described as "a large, muscular man with big arms but small hands." He managed to slip his handcuffs, and with a homemade "shank knife" began to assault the officers. Hoffman left a wife, a son and a daughter.

There may have been a reason why the two murders, so very much alike, were only a few hours apart. The two convicts had a close relationship. Both were serving life terms for previous murders of inmates. Both were identified with a white-supremacist "Aryan Brotherhood." U.S. Attorney Frederick Hess of East St. Louis has speculated publicly that the two men were

engaged in "jailhouse machismo," playing a deadly game of keeping up with each other's murders. The two have shown "no remorse."

In testimony before a Senate subcommittee on November 9, Associate Attorney General D. Lowell Jensen characterized the killings as outrageous, "but also outrageous is the fact that a decade's inaction has left current federal law powerless to impose any meaningful sanction for these vicious crimes." It is now impossible, Jensen said, to punish or even to deter such prison murders. Absent a death sentence, current law gives a violent life-terminer free rein "to continue to murder as opportunity and his perverse motives dictate."

Bills have been introduced in both House and Senate to remedy this inexcusable situation. The tightly limited legislation would permit capital punishment for the killing of prison guards in federal institutions. Such an act would come too late to protect Officers Clutts and Hoffman, but it might provide a deterrent against future prison killers who now can kill as they please and laugh all the way back to their cells.

Kaufman Declines To Sign Secrecy Pact As Crime Unit Head

By LESLIE MAITLAND WERNER
Special to The New York Times

WASHINGTON, Dec. 2 — Judge Irving R. Kaufman, chairman of the President's Commission on Organized Crime, has refused to sign a pledge prepared by the White House for all panel members to abide by Justice Department ethical standards and not to disclose information without authorization.

The judge, who sits on the United States Court of Appeals for the Second Circuit, has told White House and Justice Department officials that he does not object to the substance of the agreement. Rather, according to those involved, Judge Kaufman thought it improper for a Federal judge to be asked to sign such a pledge.

"Judge Kaufman refused to sign because he felt it was offensive for a Federal judge and because it was contrary to principle and conscience," said one of those familiar with his position.

The pledge includes promises not to disclose without authorization information provided to the commission and not to use that information for personal benefit. Signers also agree not to advise clients on matters before the commission and not to participate in deliberations regarding a matter of personal financial interest.

The pledge, "Agreement of Nondisclosure of Information," does not apply to information that will be released

publicly in the commission's report, due to be submitted to President Reagan in March 1986.

The 19-member commission, formed by Mr. Reagan last July, has a mandate to investigate organized crime and evaluate the effectiveness of the Federal Government's efforts to fight it. It will receive sensitive information from the Federal Bureau of Investigation and other official sources.

The group met for the first time in closed session here Monday, and panel members were asked then to sign the agreement, drafted by the office of the White House Counsel, Fred F. Fielding. According to officials involved with the commission, all the other members, including Potter Stewart, former Associate Justice of the United States Supreme Court, signed the pledge.

STANDARD PLEDGE

On Tuesday, despite his refusal to sign the agreement, Judge Kaufman acted as chairman of the panel's first public hearing. Those familiar with the situation say he was asked by Mr. Fielding's office to reconsider his position. But it is not clear now whether he might change his mind or whether the White House will insist on his signing as a condition to his remaining with the commission.

Mr. Fielding did not return numerous calls to his office for comment, and Judge Kaufman declined to comment.

Officials said the pledge resembled a Justice Department agreement that is standard for employees and was patterned on a pledge drafted for signing

by members of the National Bipartisan Commission on Central America, chaired by Henry A. Kissinger.

The Reagan Administration has attempted to crack down on the unauthorized release of sensitive information. Last March the President issued a directive that would have imposed life-long censorship on 100,000 officials who handle highly sensitive information and would have expanded the use of

polygraph, or lie-detector, tests, to investigate unauthorized disclosures. Carrying out of both measures was delayed until next April by Congressional action.

Judge Kaufman is a strong supporter of First Amendment guarantees of free speech and freedom of the press. Some people suggest these views contributed to his decision not to sign an agreement that could be construed as a voluntary waiving of Constitutional rights.

According to those involved with the panel, Judge Kaufman did not object to a nondisclosure provision in proposed legislation for the commission that the Justice Department has sent to Congress but was offended at being asked to sign a pledge. Unauthorized disclosures and the use of information by a commission member "except in the performance of his duties" would be barred as part of legislation that would enable the commission to subpoena witnesses, to grant limited immunity from prosecution and to gain information that it otherwise could not receive under the Privacy Act of 1974.

Not the First Dispute

The dispute between Judge Kaufman and the Administration over the pledge is not their first. Previous disagreements have centered on regulations defining the commission's structure and operations and describing the powers of its chairman. The Judge believed that the Justice Department was at-

tempting to limit the commission's independence, and the Justice Department contended it was merely enforcing statutes regarding the establishment of such Presidential commissions.

As a result of these past disputes, the commission's first executive director, Peter Vaira, the former United States Attorney from Philadelphia, was forced to resign, and no one has yet been hired to take his place.

Commission members interviewed about the current dispute said they had no problem signing the secrecy pledge. Some who are lawyers said they could understand the need for such an agreement not to divulge any information to potential clients who could benefit by knowledge gained by the commission.

-2-

Text of Nondisclosure Form

Special to The New York Times

WASHINGTON, Dec. 2 — Following is the text of the nondisclosure form that Judge Irving R. Kaufman has declined to sign as chairman of the President's Commission on Organized Crime:

I agree that I will abide by the controls established by the Department of Justice and any applicable Federal laws to prevent the unauthorized disclosure of any information provided to the President's Commission on Organized Crime ("the Commission").

I further agree that I will adhere to all terms and conditions on the basis of which any information (whether classified, privileged, or not) is submitted to the Commission; and I will not disclose or use any such information for personal benefit, unless such information is already in the public domain. This agreement shall not apply to information that is publicly released through the report of the Commission or by any authorized official of the Federal government. I agree to comply with all statutes and regulations, in particular those relating to ethics, conflicts of interest and standards of conduct, applicable to Department of Justice employees. In addition, I hereby agree that during my tenure as a member of the Commission, I will not advise, directly or indirectly, any client with respect to any matters that will be, or may reasonably be expected to be, reviewed by the Commission.

I further agree to disqualify myself from all or part of the Commission's

deliberations if I feel I have any financial interest or any relation with a third party which might be deemed likely to affect the integrity or impartiality of the Commission's report and recommendations; and to consult with the designated agency ethics official of the Department of Justice before taking any action if I have any doubt or question as to whether it is in accordance with this agreement.

THE WHITE HOUSE

WASHINGTON

April 25, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: RICHARD A. HAUSER *RMS*

SUBJECT: Letter from Deak-Perera on President's
Commission on Organized Crime

Lowell Jensen has provided us with a copy of a letter to the President from Nicholas Deak, Chairman of Deak-Perera, as well as a copy of Lowell's response. Mr. Deak is highly critical of the conduct of James Harmon, the Commission's Executive Director. That criticism would appear justified assuming the facts are correctly stated. Lowell indicated in a telephone conversation that he will use Deak's letter to admonish Mr. Harmon and the Chairman of the Commission.

(You will note that this letter was apparently routed to Carlton Turner and then on to the Department of Justice.)

Attachment

cc: John Roberts ✓



U.S. Department of Justice

Office of the Associate Attorney General

The Associate Attorney General

Washington, D.C. 20530

April 20, 1984

Mr. Nicholas L. Deak
Chairman of the Board
Deak-Perera
29 Broadway
New York, New York 10006

Dear Mr. Deak:

Your letter to the President with regard to the operation of the President's Commission on Organized Crime has been referred to me.

The matters you have raised concerning the events connected with the Commission's recent hearings in New York City are being given appropriate review. Please be assured of our concern, and of the commitment of the Commission, that the important work of the Commission will proceed in a productive fashion.

Sincerely,

D. Lowell Jensen
Associate Attorney General

DLJ:mwj

/ bcc: Richard A. Hauser
Deputy Counsel to the President

#205085

3-1

Deak-Perera SINCE 1928

Nicholas L. Deak
Chairman of the Board

March 22, 1984

RECEIVED

APR 13 1984

CRIMINAL DIVISION

Carlton Turner

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

Dear Mr. President:

Apparently you authorized \$5,500,000 toward the establishment of the "President's Commission on Organized Crime".

I and my colleagues were approached by the Commission's Executive Director, Mr. James Harmon, for information referring to the transfer of some \$97,000,000 in cash, which took place in 1980 through 1982 and went through one of our offices in the United States. Mr. Harmon probably was not aware that we called to the attention of the U.S. Treasury the above case and assisted law enforcement agencies in the prosecution of the principals involved.

When Mr. Harmon brusquely demanded my personal appearance at his New York City hearings, it was politely explained to him that business pressures prohibited an appearance; however, I offered to have our general counsel, who is fully familiar with this area, testify on our behalf. Apparently, because Mr. Harmon thought our counsel's appearance would not be newsworthy, he declined the offer. Nevertheless, because of our interest in cooperating with the Government in this important area of crime prevention, I rearranged my busy schedule to meet personally with Mr. Harmon at our offices in order to try to assist him in his endeavours. We provided him with substantial information at that time.

Among the areas discussed was our currency reporting policies and procedures. As most Government authorities are aware, in early years, both the Government and industry had great difficulty with currency reporting procedures and controls. There was no exception. As a result of our own early difficulties in the 1970's and at a great cost, we have developed and implemented our current policies and procedures which, we believe, are the best model in the industry.

123-51-0

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#1 APR 3 1984
U.S. DEPARTMENT OF JUSTICE
CRIMINAL DIVISION

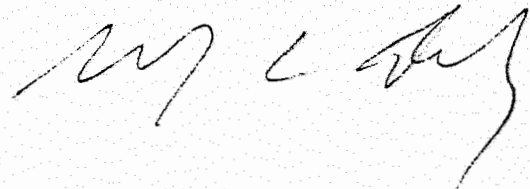
29 Broadway · New York, N.Y. 10006 · Tel: (212) 820-2460
Dec. Unit 10
Office of Enforcement Operations
Dec. Unit 2
OC&R Section

We know your interest, Mr. President, and the interest of your Administration is to reduce Government formalities and involvement in the private sector. It seems that your Commission is exploring the possibilities for introducing new requirements for the filing of additional reports by financial institutions. Financial institutions are already over-burdened with a myriad of Government regulations for which the public eventually has to pay. It would be much more desirable if the United States Treasury and other Government agencies would better organize the follow-up of the reports which they are already getting from responsible financial institutions in compliance with existing laws and regulations.

From our observations of the Commission's communications with us and its March 14, 1984 hearing, I believe and respectfully state that your Commission, as it presently conducts itself, is counter-productive and may hurt the reputation of law abiding, responsible institutions who desire to cooperate and comply fully with existing regulations.

In my humble opinion, Mr. President, somebody on your staff should be directed to review the manner in which the Commission conducts its investigations in order to assure that it is productive and not just a publicity platform for its Executive Director or others.

Respectfully yours,



NLD:sq

THE WHITE HOUSE

WASHINGTON

February 2, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Correspondence Concerning Report of the
President's Commission on Organized Crime

Michele Sindona has written to offer you the benefit of his expertise on organized crime. He enclosed a copy of a letter he wrote to James Harmon of the President's Commission on Organized Crime, criticizing certain passages in an interim report of the Commission that touched upon Sindona's own activities. This office should not correspond with Sindona about his activities; the letter should be referred to Justice. A draft doing so is attached.

Attachment

THE WHITE HOUSE

WASHINGTON

February 4, 1985

MEMORANDUM FOR CAROL E. DINKINS
DEPUTY ATTORNEY GENERAL

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

SUBJECT: Correspondence Concerning Report of the
President's Commission on Organized Crime

The attached letter from Michele Sindona, objecting to certain aspects of an interim report of the President's Commission on Organized Crime, is referred to you for whatever direct response or other action you consider appropriate. I have not responded to Mr. Sindona in any way.

Many thanks.

Attachment

FFF:JGR:aea 2/4/85

cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

February 4, 1985

MEMORANDUM FOR CAROL E. DINKINS
DEPUTY ATTORNEY GENERAL

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence Concerning Report of the
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29

J1003

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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

Name of Correspondent: Michele Sindona

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

Subject: His appointment with regard to the U.S. National Security

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>8510129</u>		<u>1/1</u>
<u>WAT-18</u>		<u>D</u>	<u>8510129</u>	<u>S</u>	<u>85102109</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: See: ID 051906

Keep this worksheet attached to the original incoming letter.
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DOC Document Type

No of Doc Date Restriction

NO Document Description

1 LETTER

3 1/10/1985 B6

395

MICHELE SINDONA TO FRED FIELDING RE
PRESIDENT'S COMMISSION ON ORGANIZED
CRIME

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2 LETTER

8 1/10/1985 B6

396

MICHELE SINDONA TO JAMES HARMON RE
INTERIM REPORT OF THE PRESIDENT'S
COMMISSION ON ORGANIZED CRIME
(ATTACHMENT TO ITEM #1)

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THE WHITE HOUSE

WASHINGTON

May 28, 1985

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: JOHN G. ROBERTS /5/
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Magazine Article Regarding
Organized Crime

Counsel's Office has reviewed the proposed magazine article by the President on organized crime. We have no legal objection to publication of such an article. The Department of Justice must, of course, review the draft to ensure the accuracy of the various cited statistics and to ensure that no statement in the article presents any problems with respect to possible ongoing prosecutions or investigations. The Department should also verify the accuracy of the historical descriptions of mob activity, in particular in those instances in which the article names names (e.g., page 6).

In addition, I question whether the approach of the article is suitable for this particular subject. On page 13 the article purports to introduce "a program for action; how every American can help." In fact what follows is not so much a "program for action" as a recital of goals and important facts about efforts against the mob. Further, there is not much the average citizen can do in this area. Efforts against the mob require trained investigators and prosecutors; the mob cannot be defeated through a "block watch" program.

More specific comments follow:

Page 5, line 8: I really do not think that a desire on the part of the American people to do something about the mob accounts in any significant measure for the success of the "Godfather."

Page 5, lines 13-14: Delete "for _____ Magazine." The President should not appear to promote the particular magazine in the text of the article.

Page 10, paragraphs 2-3: Both paragraphs strike me as entirely unnecessary.

Page 12, lines 13-18: The President should not refer to these recommendations until a decision is made by the Administration on whether they will be accepted.

Page 15, second full paragraph: The Organized Crime Commission is not a court set up to determine guilt or innocence, and I do not think a bank or other financial institution can be criticized for observing normal rules of confidentiality rather than throwing open its books on the say-so of the Commission. There is a very real danger that the Commission may exceed appropriate limits in branding as "mob-affiliated" any organization that does not cooperate with it, as it defines appropriate cooperation, and the President should be careful not to associate himself with such heavy-handed tactics. I would delete the third sentence of this paragraph, and substitute something along the following lines: "Organizations that have been penetrated by the mob must be cleansed of this infection or put out of business."