



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

December 4, 2000

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM:

Robert Raben   
Assistant Attorney General

SUBJECT:

Weekly Report for December 4, 2000 - December 8, 2000

The House will return from recess on December 4; the Senate will return on December 5.

**THE WEEK AHEAD**

**Racial Profiling:** On December 4, Senator-elect Jon Corzine will be meeting with the Deputy Attorney General, representatives of the Civil Rights Division and the Associate Attorney General's office, as well as the Office of Legislative Affairs, about racial profiling in New Jersey. (Scott-Finan)

**2000 Election:** On December 4, representatives of the Associate Attorney General's office and the Office of Legislative Affairs will meet with House Committee on the Judiciary Chairman Henry Hyde to discuss the response of the Department of Justice to complaints concerning the conduct of the general election on November 7, 2000. (Tanner)

**Transition:** On December 4, the Government Management, Information and Technology Subcommittee (Horn, Chair) of the House Government Reform Committee will hold a hearing on whether the Presidential Transition Act of 1963 is being fully implemented, focusing on the decision of the General Services Administration to withhold transition funds while this year's election challenges are heard in the courts. The Department was not invited to testify at this hearing. (Scott-Finan)

**Council of Europe Convention on Cyber Crime Briefings:** On December 4, the Departments of State, Commerce and Justice will brief Senate Foreign Relations Committee staff, Senate Judiciary Committee staff, and Intelligence staff on the status of the draft convention. (Walter, Daley)

**DEA Houston:** On December 4, representatives of the Office of Legislative Affairs, Drug Enforcement Administration and the U.S. Attorney's Office for the Southern District of Texas will meet with staff of the House Committee on Government Reform to discuss the oversight hearing to be held on December 6, 2000. The discussion will focus on ways in which the Committee will be able to conduct appropriate oversight of whether a DEA criminal investigation was closed as a result of political pressure without intruding on ongoing criminal investigations and jeopardizing criminal prosecutions. (Tanner)

**Bankruptcy:** On November 1, Senator Lott brought a cloture vote on bankruptcy reform legislation to the floor. The motion failed to achieve the necessary 60 votes, largely due to Senators who were out of town and could not cast their vote. We do not yet know whether Senator Lott will resubmit the motion when the Senate reconvenes on December 5. The President is currently expected to veto the legislation. There is some reconsideration of next steps, on both sides of the aisle, due to the uncertainty of the Presidential election. (Wilson)

**Use of Controlled Substance During Religious Ceremonies:** Congressman DeFazio's office, on behalf of a constituent church, has requested a meeting with the Deputy Attorney General on their use of a controlled substance during religious ceremonies. Senators Gordon Smith, Ron Wyden and Edward Kennedy are in support of the meeting. DEA has been engaged in preparing a response to a letter from Congressman DeFazio on the same subject. The Deputy Attorney General has requested the Criminal Division organize and attend the meeting. We hope to have the meeting go forward on December 5. A subsequent meeting will be held with congressional staff at a later time, to discuss how, under the Constitution and the Religious Freedom Restoration Act, the Department must review such requests. (Owen)

**FISA:** The Senate Intelligence Committee has requested Department and FBI briefings on the status of a pending FISA application; we are working with staff to set up a time to do so this week. (Walter)

**Wen Ho Lee:** Draft responses to questions for the record from Senator Leahy, in follow up of the September 26 and 27 hearings, are being prepared by the Criminal Division. A draft response to the Intelligence Committees and the Senate Judiciary Committee on conditions of confinement is being finalized in consultation with the Marshals Service. Responses to document requests for sealed records and deliberative materials are being deferred until after conclusion of the debrief; Committee staff have been informed of this. Senator Specter's staff have requested access to the underlying documents used to prepare the Bellows report. Further hearings, if any, will be deferred until after the debriefings are completed. (Walter)

**Telecom:** The DeWine/Kohl telecom merger bill [S. 467], which the Department and FBI oppose because it does not provide adequate protections for law enforcement and national security concerns, is among the measures that could be attached to an appropriations or omnibus bill. OMB and appropriations staff have been alerted to the Department's objections and we are monitoring the bill's status. (Walter)

**GAO Review of Offices of Professional Responsibility:** Senator Thurmond, as Chairman of the Senate Judiciary Subcommittee on Criminal Justice Oversight, asked the General Accounting Office (GAO) to conduct a review of the operations and policies in the Offices of Professional Responsibility (OPR) at both the FBI and Main Justice, focusing on OPR activities pertaining to a pending criminal investigation in Boston. We have advised the Subcommittee staff that the OPR report on the matter is under seal by the Court in Boston and that the reasons for the seal, which pertain to the pending criminal investigation, remain. In light of this information and other concerns we have expressed about potential interference in the pending matter, it is not clear that the Subcommittee will ask GAO to pursue their inquiry at this time. (Burton)

**FOIA Request Regarding Our Communications with the House Ethics Committee:** We have been notified that congressional periodical, Roll Call, has requested DOJ records, including OLA attorney notes, regarding our communications with the House Ethics Committee over the past two years about a pending criminal investigation in Boston and a related investigation of the House Ethics Committee about Congressman Bud Shuster. [REDACTED]

[REDACTED] We are awaiting additional information from the Office of Information and Privacy about how FOIA should be applied to this situation. (Burton)

**Subpoena for House Administrative Records:** We have resolved the issues with an Assistant House General Counsel that arose in connection with two grand jury subpoenas for House administration records relating to an investigation of the Campaign Financing Task Force. The Assistant Counsel insisted upon obtaining information about the underlying investigation, although he would not agree to keep the information confidential. In conversations over the last week, we provided sufficient information to accommodate his information needs, consistent with our interests in the confidentiality of our grand jury proceedings in general and this investigation in particular. We expect congressional compliance with the subpoenas by December 8, 2000. (Burton)

**Leak prosecutions:** We have informally learned that Senator Shelby has decided to drop his attempt to include a leak prosecution provision in a second attempt to pass the Intelligence Authorization Bill for 2001. The Senate is attempting to hotline the bill before adjournment but it has at least one hold on it; the House already passed by voice vote the bill with the leak prosecution provision stripped out. If the bill does not pass, Specter's staff indicate he will try to attach the FISA-related parts of the bill to an appropriations or omnibus package before sine die adjournment. (Walter)

#### **THE WEEK IN REVIEW**

**Pardons:** On November 30, staff from the Office of Legislative Affairs, Office of the Deputy Attorney General, and the Office of the Pardon Attorney met with the House Judiciary Committee Democratic staff to discuss the pardon process. (Scott-Finan, Pearlman)