



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 11, 2002

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Daniel J. Bryant *DJB*  
Assistant Attorney General

SUBJECT: Weekly Report for February 11 - February 22, 2002

**NEXT WEEK**

The Senate and House will be in recess February 18 - 22.

**THIS WEEK**

- **Prosecutorial Deliberations relating to the Boston FBI's Handling of Informants:** On February 13 and 14, the House Government Reform Committee will hold hearings on the California murder prosecution of an FBI informant, who was in the Witness Security Program at the time of the crime. The Department has been asked to provide witnesses to testify about the Department's actions on behalf of the informant. On February 6, I testified before the Committee about the history of congressional access to our deliberative prosecutorial documents; the Committee continues to decline our requests to meet about these documents, which it subpoenaed on September 6, 2001. (F. Burton)
- **The Cyber Security Act of 2001 (H.R. 3482):** On February 12, Deputy Assistant Attorney General John Malcolm will testify before the House Judiciary Subcommittee on Crime on Title I of this bill, which provides direction to the Sentencing Commission, criminalizes Internet advertising of illegal devices, specifies penalties for computer infrastructure crimes and authorizes the National Infrastructure Protection Center. The Department is developing a views letter supporting Title I with certain changes but strongly objecting to Title II, which would move the Office of Science and Technology from the National Institute of Justice to its own office within the Office of Justice Programs. The Subcommittee is expected to markup the bill on February 14. (Daley, Bernhardt)
- **Intellectual Property Rights:** On February 12, United States Attorney John Gordon from California will testify before the Senate Foreign Relations Committee hearing on international and domestic piracy, focusing on the criminal distribution of copyrighted software and entertainment products and the impact on our economy. United States Attorney Gordon will highlight the efforts of the Department to combat piracy. (Daley)
- **Refugee Processing:** On February 12, INS Commissioner Ziglar will testify at a Senate Immigration Subcommittee hearing on refugee processing since September 11 and whether

the Administration will meet the processing goal of 70,000 for this fiscal year. (D. Burton)

- **Visa Waiver Program:** On February 13, INS Official Mike Cronin will testify at a House Immigration Subcommittee hearing on the visa waiver program and terrorism. (D. Burton)

#### LAST WEEK

- **World-Wide Threat Hearing:** The CIA, State, DoD, and FBI participated in a February 6 open hearing before the Senate Intelligence Committee on world-wide threats facing the United States; Executive Assistant Director Dale Watson testified for the FBI. A follow-up closed briefing took place later that afternoon. (Walter)
- **Nominations:** On February 11, the Senate confirmed the judicial nominations of Michael Melloy, U.S. Court of Appeals for the 8<sup>th</sup> Circuit, and Jay Zainey, E.D. Louisiana.

On February 7, the Senate Judiciary Committee held a second hearing on the nomination of Charles Pickering, Sr., to be a United States Circuit Judge for the Fifth Circuit and approved following district court judges: Robert Blackburn, Colorado; David Bunning, E.D. Kentucky; James Gritzner, S.D. Iowa; Cindy Jorgenson, Arizona; and Richard Leon, D.C. Also approved were the following U.S. Attorneys: Thomas P. Colantuono, New Hampshire; and James Vines, M.D. Tennessee; the following U.S. Marshals: James Dawson, SD West Virginia; Brian M. Ennis, Nebraska; Nehemiah, Flowers, SD Mississippi; Arthur J. Hedden, ED Tennessee; Johnny L. Hughes, Maryland; William Jenkins, MD Louisiana; Randy M. Johnson, Alaska; David G. Jolley, WD Tennessee; Chester M. Keely, ND Alabama; John W. Lloyd, ED Oklahoma; Ronald R. McCubbin, WD Kentucky; David Murtaugh, WD Indiana; Michael W. Roach, WD Oklahoma; Eric E. Robertson, WD Washington; David D. Viles, Maine; and Larry W. Wagster, ND Mississippi. (Scott-Finan)

- **PENTTBOMB:**

[REDACTED] On February 6, FBI representatives joined CIA and DoD in resuming weekly closed Member case updates for the House Intelligence Committee. Another Member briefing is scheduled for February 13. A hearing on legislation introduced by Senators Lieberman and McCain to create a commission to investigate the causes of the September 11 attacks took place in the Senate Government Affairs Committee on February 7; the House and Senate Intelligence Committees are proceeding with their own plan to convene a joint investigation into the same matter although details have not yet been worked out. (Walter)

FOIA EXEMPTION (b) 5