

ROUTING AND TRANSMITTAL SLIP

Date 10/18/93

| TO: (Name, office symbol, room number, building, Agency/Post) | Initials | Date |
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| Action       | File                 | Note and Return  |
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| Approval     | For Clearance        | Per Conversation |
| As Requested | For Correction       | Prepare Reply    |
| Circulate    | For Your Information | See Me           |
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REMARKS

What do you  
 think? for disc/  
~~Friday~~ 8am  
 Thursday meeting.

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

|   |                     |
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| FROM: (Name, org. symbol, Agency/Post)                      | Room No.—Bldg.      |
| Jo Ann Harris, Special Assistant<br>to the Attorney General | 2107 Main           |
|   | Phone No.<br>4-2601 |

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U. S. Department of Justice

Washington, D.C. 20530

OCT 15 1993

MEMORANDUM

TO: Jo Ann Harris  
Special Assistant to the Attorney General

FROM: *md* James S. Reynolds, Chief  
Terrorism and Violent Crime Section  
Criminal Division

SUBJECT: Formulation of Criminal Division Position Concerning  
Selection of EWG Chairperson

Last week I sent you a briefing memorandum concerning the origin, purpose, and composition of the Executive Working Group (EWG) for Federal-State-Local Prosecutorial Relations. A copy of that memorandum is attached for your convenience (Attachment 1). Subsequently, you attended a portion of the October EWG meeting.

An issue has arisen concerning selection of the next Chairperson for the EWG. Historically, the role of chairing the EWG has rotated, in sequence, among NAAG, NDAA, and the Department of Justice. Under the bylaws, the rotation is to be on a yearly basis. See bylaws at Article IV, page 3 (Attachment 2). However, the rotation process has broken down in recent years. District Attorney Ed Miller succeeded the Louisiana Attorney General as Chairperson at the start of 1988 and has continued to fulfill that role through this week's meeting.

In the past, when the Department has assumed the role of EWG Chair, it has, I am advised, been the Assistant Attorney General in charge of the Criminal Division who has served as Chairperson. For example, both Phil Heymann and Lowell Jensen chaired the EWG during a portion of their tenures as Assistant Attorney General. If we are to follow that past practice and the normal sequence of rotation, you would serve as the next Chair of the EWG.

At the conclusion of this week's EWG meeting, the Executive Director of NAAG raised with Ed Miller and me her request that the Chair rotate, effective at the next meeting (presently set for March 9-10, 1994) and that the new Chair be a state attorney general. This request appears to be based on NAAG's desire to give an Attorney General (apparently Jim Doyle of Wisconsin) a boost in his 1994 re-election bid. Although NAAG's assumption of the Chair

out of sequence deviates from past practice, it does not appear to violate the bylaws. Further, while Ed Miller's retention of the Chair for six years is a clear violation of the bylaws, it resulted in large part from a lack of enthusiasm by your two predecessors for assuming the role of Chairperson.

While I am unimpressed by NAAG's reason for deviating from the normal sequence, its proposal has a potential benefit for the Department. If, as I recommend, you assume the position of Chairperson, you may prefer to have a year of involvement with the EWG prior to undertaking that role. In any event, we need to advise NDAA and NAAG of your preference in this matter. If you prefer to assume the Chair starting in 1994, or wish to have a DAAG or U.S. Attorney assume the role at that time, I believe it likely that NAAG will acquiesce, although under the bylaws it could press the candidacy of one of its members to a vote.

Another issue to bear in mind relating to the EWG concerns how the function is to be staffed within the Division. I took over the staffing role on an interim basis when Paul Maloney, Special Counsel to Assistant Attorney General Mueller, left the Department at the end of the Bush Administration. Traditionally, the EWG staffing has been by a member of the immediate staff of the Assistant Attorney General. Accordingly, you may wish to consider assigning a member of your staff to this function.

Please advise me of your wishes concerning the Chairperson issue, as NAAG and NDAA are awaiting our response. If you have any questions or want to discuss the issue, I am available to meet at your convenience.

Attachment

ATTACHMENT 1




Washington, D.C. 20530

OCT 7 - 1993

MEMORANDUM

TO: Jo Ann Harris  
Special Assistant to the Attorney General

FROM:  James S. Reynolds, Chief  
Terrorism and Violent Crime Section  
Criminal Division

SUBJECT: Executive Working Group Meeting  
on October 13-14, 1993

This memorandum is provided in connection with the upcoming meeting of the Executive Working Group (EWG) for Federal-State-Local Prosecutorial Relations. The meeting will be held in Room 383/385 of the Hall of States, 444 N. Capitol Street, N.W., Washington, D.C. It commences at noon with a buffet lunch, with the first remarks due to begin at 12:30. The meeting continues to 5:00 p.m., followed by a reception from 5:00-6:00 p.m. A copy of the agenda is attached. Attachment 1. We are also attaching the current membership list (Attachment 2); a recent report of an EWG task force concerning possible measures to improve federal, state, and local law enforcement cooperation (Attachment 3), and the minutes from the last meeting (Attachment 4).

Since this will be your first meeting with the EWG, the following material is provided to familiarize you with the Group.

1. Origin

The concept of the EWG was formulated in 1979 by Philip Heymann, Assistant Attorney General, Criminal Division, following his address to a National District Attorneys Association (NDAA) legal conference. When Mr. Heymann spoke of coordination by the Department of Justice with state and local prosecutors, he was confronted with numerous complaints. As a result of Mr. Heymann's pledge to improve coordination, the EWG was created.

2. Purpose

The purpose of the EWG is to enhance coordination among federal, state, and local prosecutors by providing a mechanism for

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an ongoing exchange of ideas and concerns. The EWG addresses law enforcement coordination issues of general application, legislative proposals, and training opportunities. The guiding principle of the EWG is that concerns are shared in an informal, non-public setting conducive to candor. Consistent with this goal, speakers deliver their remarks while seated with the members and other attendees at a group of tables arranged in a rectangle. The EWG does not provide formal advice or recommendations on law enforcement issues.

### 3. Composition

The EWG is comprised of six members selected by NDDA, six members selected by the National Association of Attorneys General (NAAG), and six members selected by the Department of Justice. The federal membership has traditionally been comprised of U.S. Attorneys, recommended by the Attorney General's Advisory Committee of U.S. Attorneys, and by Criminal Division attorneys selected by the Assistant Attorney General.

The EWG is chaired on a rotating basis. The current chairman is Ed Miller, District Attorney, San Diego, California. The chair is currently due to shift to one of the federal members of the EWG. The group meets in Washington, D.C., typically three times a year for a period of 1-2 days. Staffing for the meetings is provided by the Criminal Division, usually by someone assigned to the Assistant Attorney General's Office. I took over the staffing role on an interim basis from Paul Maloney, Special Counsel to Assistant Attorney General Mueller, when Paul left the Department at the end of the Bush Administration.

We have prepared and sent over to Mark Richard proposed memoranda to the Attorney General and Deputy Attorney General briefing them on their appearances before the EWG. There may, however, be alterations in the current agenda, as we were advised today that the Attorney General anticipates delivering a major address on crime on Wednesday and may wish to link it to the EWG meeting by, for example, delivering it immediately prior to that meeting and inviting EWG members to attend.

Should you have any questions or need any further information concerning the EWG meeting, please let me know.

Attachment

ATTACHMENT 2

## BY-LAWS

of the

## EXECUTIVE WORKING GROUP FOR FEDERAL-STATE-LOCAL

## PROSECUTORIAL RELATIONS

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ARTICLE I

## Name - Purpose

The name of this organization is the Executive Working Group for Federal-State-Local Prosecutorial Relations which is hereinafter referred to as the Executive Working Group. The purpose of the Executive Working group is to encourage and enhance the efforts of Federal-State-Local Law Enforcement Committees and other forms of intergovernmental liaison.

ARTICLE II

## Functions

The functions of the Executive Working Group are set forth as follows:

a. Exchange information regarding the use of law enforcement resources with respect to law enforcement problems;

b. Exchange information in order to foster an understanding of the different approaches that are being taken by Federal, State and Local prosecutorial and law enforcement authorities;



c. Exchange information on legislative proposals that may affect questions of law enforcement which are of concern to Federal, State and Local law enforcement authorities;

d. Provide a forum for identifying areas in which additional data will be exchanged regarding law enforcement;

e. Encourage the establishment of Federal-State-Local Law Enforcement Committees or other relations; and

f. Exchange information relative to training efforts.

### ARTICLE III

#### Membership - Size

a. The Executive Working Group shall consist of no more than 18 voting members representing the following three organizations:

(1) U. S. Department of Justice:

(6) voting members

(2) National District Attorneys Association:

(6) voting members

(3) National Association of Attorneys General:

(6) voting members

b. The Executive Working Group may also have associate non-voting members representing Federal-State-Local and national prosecutorial and law enforcement agencies and associations who

may attend meetings at the invitation of majority vote of the officers of the Executive Working Group.

c. The size of the Executive Working Group shall not exceed 30 in number including associate members, but excluding support staff.

ARTICLE IV

Officers - Staff

a. The officers of the Executive Working Group shall be a chairman, a vice-chairman and a second vice-chairman nominated and selected from each of the three member organizations and to serve for a period of one year. No organization can succeed itself in any one office. No organization may occupy more than one office at any one time.

b. Staff support for the Executive Working Group shall be provided by the Criminal Division of the United States Department of Justice. However, the organizations named above in Article III will designate such permanent liaison personnel as may be required to carry out the functions of the Executive Working Group and such organizations will provide supplemental staffing as needed.

ARTICLE V

Principal Office - Meeting Place and Time

a. The Executive Working Group will hold its meetings at the United States Department of Justice, Washington, D.C.

However, the Chairman with the concurrence of a majority of the voting membership may convene a meeting of the Executive Working Group at any time and place.

b. The principal Office of the Executive Working Group and its staff shall be at the United States Department of Justice, Washington, D.C.

#### ARTICLE VI

a. The Chairman, with the concurrence of the two Vice-Chairmen may appoint such standing or ad hoc committees as he deems necessary to carry out the purpose and functions of the Executive Working Group as contained in Articles I and II of these By-Laws.

b. Any such committee appointed under this Article shall have as its Chairman a voting member of the Executive Working Group.

c. Membership on any such committee, appointed under this Article, need not be limited to voting or associate non-voting members but may include any person or persons who it is felt may assist the Executive Working Group carry out its purpose of functions.

#### ARTICLE VII

##### Amendment(s)

These by-laws may be amended by the affirmative votes of a majority of the members at any meeting properly convened of the Executive Working Group provided that notice of such amendment(s) and the nature thereof shall have been given to the members of

the Executive Working Group at least one month prior to the date of the meeting at which said amendment(s) are to be presented for consideration. Members not present at such meeting may vote by proxy. All other decisions requiring concurrence of the Executive Working Group shall be determined by a majority vote of the Executive Working Group present at the meeting properly convened.


ARTICLE VIII


Practice - Procedure

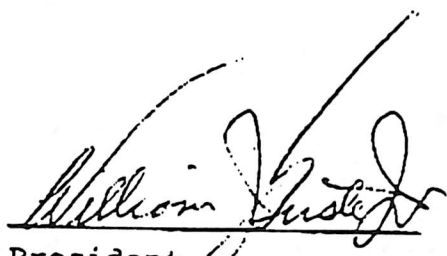
All meetings and related communications shall take place in an atmosphere conducive to a free, candid and confidential expression of ideas among members and associate members.

The Executive Working Group is designed to open discussion and to encourage the free exchange of information. The Executive Working Group is not to be utilized as an advisory body for or to provide any advice or recommendations to the Federal, State or Local Governments.

Members serving on the Executive Working Group shall be designated by the organization which they represent. Said designation shall be binding unless and until withdrawn by the sponsoring organization.

  
Assistant Attorney  
General, Criminal  
Division, Department  
of Justice

  
President  
National District  
Attorneys  
Association

  
President  
National Association  
of Attorneys  
General

It is moved and seconded that Article VI of the by-laws of the Executive Working Group for federal-state-local prosecutorial relations be repealed and replaced with the following:

ARTICLE VI  
Committees

a) The Chairman, with the concurrence of the two Vice-Chairmen may appoint such standing or ad hoc committees as he deems necessary to carry out the purpose and functions of the Executive Working Group as contained in Articles I and II of these By-Laws.

b) Any such committee appointed under this Article shall have as its Chairman a voting member of the Executive Working Group.

c) Membership on any such committee, appointed under this Article, need not be limited to voting or associate non-voting members but may include any person or persons who it is felt may assist the Executive Working Group carry out its purpose or functions.

Proposed draft of new Article VI

By Dick Cohen