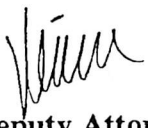


ROUTING AND TRANSMITTAL SLIP		DATE	
		June 4, 1994	
TO: (Name, office symbol, room number, Agency/Post)		Initials	Date
1. David Margolis			
2. cc with encl.: Jamie Gorelick			
3.			
4.			
5.			
REMARKS:			
Re: <u>Virgin Islands</u>			
Enclosed are all the materials I have on the Virgin Islands situation. When will the FBI's assessment of the situation be ready? When will you have a proposal for a coordinated set of DOJ recommendations for action there? I think we should have something for the AG <u>by June 10</u> . Thanks			
<small>DO NOT use this form as a RECORD of approvals, concurrences, disosals, clearances, and similar actions.</small>			
FROM: (Name, org. symbol, Agency/Post)		Room No. -Bldg.	
Merrick B. Garland  Principal Associate Deputy Attorney General U.S. Department of Justice		4206-Main DOJ	
		Phone No. 202-514-2105	

DEPARTMENT OF JUSTICE
EXECUTIVE SECRETARIAT CONTROL DATA SHEET

From: de LUGO, CONG. RON
To: AG. ODD: 04-28-94
Date Received: 04-13-94 Date Due: 06-13-94 Control #: X940414114199
Subject & Date

04-13-94 LETTER REQUESTING A COMMITMENT FROM THE DEPARTMENT TO COMBAT THE ESCALATION OF VIOLENT CRIME IN THE U.S. VIRGIN ISLANDS, THAT HAS SEEN THE UNPRECEDENTED VICIOUS KILLING OF THREE INDIVIDUALS IN A SPAN OF TWO WEEKS INCLUDING THE AMBUSH AND EXECUTION-STYLE MURDER OF A POLICE OFFICER. ADVISES THAT ON APRIL 12, 1994, THE GOVERNOR AUTHORIZED THE REQUEST FOR FEDERAL ASSISTANCE IN THIS MATTER. REQUESTS THAT THE VIRGIN ISLANDS RECEIVE ALL THE FEDERAL RESOURCES **

	Referred To:	Date:	Referred To:	Date:	
(1)	OLA;ANTHONY	05-27-94	(5)		W/IN:
(2)			(6)		
(3)			(7)		PRTY:
(4)			(8)		1
	INTERIM BY:		DATE:		OPR:
	Sig. For: OLA		Date Released:		MLH

Remarks

(1) CRM LETTER FOR REVIEW AND SIG. FINAL RESPONSE TO BE CONCURRED ON BY ODAG/FOIS BEFORE DISPATCH. MAL
05-27-94: OAG/VOS REQ. COPY OF INCOMING. (MLH)
05-31-94: NOTE FROM OAG/TEMPLETON TO ODAG/GARLAND "PER MORNING MEETING." MAU

Other Remarks:

FILE:

REMOVE THIS CONTROL SHEET PRIOR TO FILING AND DISPOSE OF APPROPRIATELY



U.S. Department of Justice

>121
please copy
to Mexico

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Ron de Lugo
U.S. House of Representatives
Washington, D.C. 20515

DRAFT

Dear Delegate de Lugo:

This responds to your letter to the Attorney General concerning an increase in the incidence of violent crime in the Virgin Islands.

We are working with the U.S. Attorney's Office in the Virgin Islands and the Federal Bureau of Investigation to address this critical issue. As you know, on March 1, 1994, Vice President Gore and the Attorney General announced the Administration's Anti-Violent Crime Initiative. Under the initiative, the U.S. Attorney in each district is coordinating efforts with all pertinent federal, state, and local prosecutors and law enforcement officials. The objective is to develop a community-based strategy that utilizes federal tools, such as pretrial detention, investigative grand juries, witness protection, and federal statutes, to enhance the effectiveness of state and local prosecutive efforts. We are committed to developing an effective strategy in your district and to assisting the territorial Attorney General in the discharge of her new responsibilities to prosecute major felony cases.

Additional resources already have been committed to this effort. With the assistance of the Department of the Interior, this Department is providing a delegation of senior Assistant U.S. Attorneys to the Virgin Islands to assist in the training of local prosecutors. The FBI also has increased its resources to assist in the investigation of violent crime. There is an ongoing assessment of the need for additional resource commitments to develop and prosecute these cases.

I hope this information is helpful. If we can be of further assistance with regard to this or any other matter, please do not hesitate to contact this office.

Sincerely,

Sheila F. Anthony
Assistant Attorney General

RON DE LUGO
DELEGATE, VIRGIN ISLANDS
COMMITTEE ON NATURAL
RESOURCES
CHAIRMAN, SUBCOMMITTEE
ON INSULAR
AND INTERNATIONAL AFFAIRS
COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION
COMMITTEE ON EDUCATION
AND LABOR
SELECT COMMITTEE ON
NARCOTICS ABUSE AND CONTROL

Congress of the United States
House of Representatives
Washington, DC 20515

April 13, 1994

Ms. Janet Reno
Attorney General
U.S. Department of Justice
Tenth Street and Constitution Avenue NW
Washington, D.C. 20530

Dear Madam Attorney General:

I am writing to request a commitment from the Justice Department to combat the escalation of violent crime in my district, the U.S. Virgin Islands, that has seen the unprecedented vicious killing of three individuals in a span of two weeks including the ambush and execution-style murder of a police officer.

On Monday March 28, 1994, the day after the killing of the Virgin Islands police officer, Steven Hodge my office contacted Department of Justice, Office of Congressional Affairs to request what assistance the F.B.I could provide in this matter. Officer Hodge was shot fourteen times by four assailants in front of his home early March 27th. Congressional Affairs and one of the Special Agents on St.Thomas indicated that the Bureau and the local U.S. Attorney's office were standing ready to assist local officials when the request was made.

Since then, there have been two other violent murders committed in the territory, including that of a tourist from the West Coast. We have already had 11 homicides committed in the Virgin Islands for the year. If this pace continues, we would surpass the 1989 annual high of 27 homicides in the territory. The resources of our local law enforcement officials cannot cope with this situation and the community is increasingly apprehensive.

Yesterday the Governor authorized the request for Federal assistance. Today, I would like to request your personal commitment that the Virgin Islands will receive all the Federal resources and assistance required to investigate the murders and arrest the perpetrators as quickly as possible.

PLEASE RESPOND TO:
 WASHINGTON OFFICE:
2427 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-5501
(202) 225-1790
FAX (202) 225-9392
 DISTRICT OFFICES:
U.S. FEDERAL BUILDING, SUITE 256
ST. THOMAS, VI 00801
(809) 774-4408
FAX (809) 774-8033
 U.S. FEDERAL BUILDING, SUITE 313
3013 GOLDEN ROCK
ST. CROIX, VI 00820-4355
(809) 778-5900
FAX (809) 778-5111

EXECUTIVE SECRETARIAT

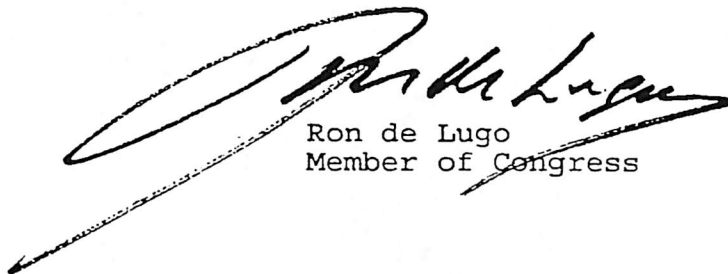
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Ms.. Janet Reno -- Page 2

I cannot stress strongly enough the urgency of the situation. We need your help and commitment.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Ron de Lugo". The signature is written over the typed name and title.

Ron de Lugo
Member of Congress

RDL:pkp



U. S. Department of Justice

Criminal Division

Washington, D.C. 20530

MEMORANDUM

MAY 26 1994

TO: Michael A. Sussman
Special Assistant

FROM: *ru* Mary Incontro, Acting Chief
Terrorism and Violent Crime Section

SUBJECT: Violent Crime in the Virgin Islands

FOIA(b)(7) - (C)
FOIA(b)(6)

Last week, in Clearwater, Florida, Kevin Di Gregory and I spoke to Susan Via, the Assistant United States Attorney in the Virgin Islands who, along with interim U.S. Attorney Ron Jennings, is investigating the homicide of a local police officer. The attached memorandum from Kevin to the Deputy Attorney General summarizes the substance of that meeting and AUSA Via's concerns about the impact of public corruption on investigations conducted by the U.S. Attorney's Office.

Prior to January 1994, the U.S. Attorney's Office prosecuted major felony cases in the Virgin Islands. In January, that authority was transferred to the territorial Attorney General. As of now, there is a breakdown in the relationship between the two offices and a lack of coordination on violent crime issues and cases. Illustrative of this breakdown is the territorial AG's recent request for assistance from the Department in the training of local prosecutors. The local U.S. Attorney has offered to provide training to local prosecutors for the last year and a half, but those offers were declined.

Additionally, the territorial AG recently appealed to the Third Circuit the imposition of a gag order by the district court in the federal investigation relating to the homicide of the police officer. As the attached memorandum explains, the U.S. Attorney's office has evidence suggesting a connection between this homicide and corruption in the local government, and the possibility that the "hit" was ordered by the lieutenant governor.

There is considerable pressure in the islands for the appointment of a local U.S. Attorney. [redacted]

[redacted] U.S. Attorney Ron Jennings advised me that in conducting a background check on this candidate this week,

the FBI interviewed the territorial AG, who posed two questions: (1) whether a new U.S. Attorney can fire the AUSAs currently employed in the office, and (2) in the case of attrition, whether the U.S. Attorney can select the replacement AUSAs.

The FBI is placing a new SAC, Dick Schwein, in its office in Puerto Rico, which oversees the Virgin Islands. David Margolis has asked Larry Potts for an assessment of the violent crime problems in the Virgin Islands.

I recommend the following:

- 1) The Department should ensure that the Bureau gives high priority to evaluating and addressing the violent crime and corruption problems in the Virgin Islands.
- 2) At a high level, the Department should talk to Ron Jennings and obtain his assessment of those issues, and the relationship between his office and the local prosecutor's office.
- 3) Based on the results of those two steps, the Department should consider a visit to the Virgin Islands to talk to the territorial AG and attempt to achieve better coordination and cooperation between the two offices.

I will continue to stay in contact with the U.S. Attorney. Please let me know if I can be of assistance in resolving these issues.



U. S. Department of Justice
Criminal Division

Office of the Deputy Assistant Attorney General

Washington, D.C. 20530

May 20, 1994

MEMORANDUM FOR THE DEPUTY ATTORNEY GENERAL

FROM: Kevin V. Di Gregorio
Deputy Assistant Attorney General

SUBJECT: The Virgin Islands

On Wednesday, May 18, 1994, while attending the National Violent Crime Conference in Clearwater, Florida, I spoke with Susan Via, an attendee and an Assistant United States Attorney in the Virgin Islands.

She related that there was widespread governmental corruption in the Territorial Government which reached the governor's office. The United States Attorney's Office is conducting an investigation into the death of a local police officer. Evidence obtained suggests the officer's killing was the result of his knowledge of widespread police corruption and that the killing may have been ordered by the lieutenant governor.

During the course of the investigation, the officer's body was exhumed and a second autopsy was performed resulting in the discovery of projectiles not found in the original autopsy. The Territorial Attorney General wants to issue a press release about the exhumation. The District Court issued a gag order preventing her from doing so. She has appealed to the Third Circuit.

Assistant United States Attorney Via also expressed concern about the United States Attorney candidate [redacted] Via stated that if the candidate were confirmed, she (Via) would resign.

FOIA(b)(7) - (C)
FOIA(b)(6)



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MAY 27 2 22 PM '94

Assistant Attorney General

OFFICE OF THE ATTORNEY GENERAL

Washington, D.C. 20530

May 27, 1994

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH THE DEPUTY ATTORNEY GENERAL

MS [DAL Has A Copy]

FROM: Eleanor D. Acheson, Assistant Attorney General
Office of Policy Development

EDA
bjm

Bernie Delia, Senior Counsel
Office of Policy Development

BD

SUBJECT: Status of U.S. Attorney Candidates for Puerto Rico and the Virgin Islands

Puerto Rico

There are currently two candidates under active consideration for the vacancy in Puerto Rico, Osvaldo Carlo-Linares and Barbara Sanfiorenzo. We have been working on the files of both of these individuals for a number of months. In addition, Congressman Carlos Romero-Barcelo has asked that a new name, that of Russell A. Del Toro Sosa, also be considered.

Osvaldo Carlo-Linares' background investigation was begun on April 6 after a Department of Justice vet found him to be qualified. A partial report was delivered to the Department on Wednesday May 25. The partial report contains a question regarding the status of an OPR investigation and some questions surrounding child custody for his children. Apparently, Mr. Linares had a particularly difficult divorce. The F.B.I. will apprise us of when we can expect the remainder of the report. While we cannot say definitively without seeing the entire report, none of the problems raised in the F.B.I. report should bar Mr. Linares' nomination.

The background investigation for Barbara Sanfiorenzo was begun on April 18 after a vet found her to be qualified. The F.B.I. told us that the field report is being typed in Puerto Rico and will be sent to the Bureau early next week. They anticipate language translation problems similar to those encountered in Mr. Linares' file, so we will probably not have anything from them until the end of next week at the earliest.

Earlier this month Congressman Carlos Romero-Barcelo asked the President to consider another candidate, one of the Congressman's former law partners, Russell A. Del Toro Sosa. The Congressman contends that Mr. Linares and Judge Sanfiorenzo are not the best qualified candidates. The apparent basis of his objection is that both Mr. Linares and Judge Sanfiorenzo are members of the Commonwealth Party. Mr. Del Toro is a member of the Statehood Party.

Based on a conversation with Kevin O'Keefe at the White House on Thursday May 26, it is our understanding that Mr. Linares is the candidate of choice, so long as there is no disqualifying information in the F.B.I. report.

Virgin Islands

In 1993 Virgin Islands Delegate to Congress Ron de Lugo proposed Leon Kendall as a candidate to be U.S. Attorney. The local Virgin Islands' Democratic Party endorsed another person, Azekeh Jennings. Both candidates were vetted by the Office of Policy Development and both were found to be not qualified for the position. Their names were never sent to the F.B.I. for investigation.

At the same time, we also conducted a vet on James Hurd, the first assistant in the U.S. Attorney's Office. His name had been sent to the White House and independently provided to the Department of Justice. Mr. Hurd is a 49-year-old African-American male who was born in Kansas. He received his J.D. from the University of Maryland in 1975 and his B.A. from Howard University in 1967. With the exception of two years in private practice, Mr. Hurd has been a prosecutor for all of his career. The vet revealed that he is an intelligent, energetic, and well-respected lawyer who received overwhelmingly positive reviews from everyone. The only negative factor cited by anyone was that while he is African-American, Mr. Hurd was not born in the Virgin Islands. In addition, some people asserted that Mr. Hurd is a Republican. We understand that this is not the case, and in any event he is a dedicated and experienced prosecutor.

Delegate de Lugo was not willing to endorse Mr. Hurd and instead last month sent us the name of Audrey L. Thomas-Francis. She received her B.A. in 1973 from the College of the Virgin Islands, her M.A. in Secondary Education from the University of Connecticut in 1978, and her J.D. from Howard University in 1984. She was a teacher for a number of years. After law school, she clerked for the federal court for two years,

worked in a private law firm for two years, and worked for one year as a legal advisor to a territorial commissioner. She is currently serving as an Assistant U.S. Attorney.

Her potential candidacy did not generate the same passionate opposition as Mr. Kendall's and Mr. Jennings' did. The vet revealed that she is a competent lawyer, although with probably less courtroom experience than we would prefer. The office is currently conducting a major public corruption investigation that will quite likely result in several cases and generate a great deal of controversy in the territory. While Ms. Thomas-Francis might be able to manage an office unburdened by these types of cases, we are not at all certain that she could handle the pressures these matters will bring to bear on her and her office. She has a pleasant temperament and demeanor and would be able to get along with the staff as well as local officials. This latter point cuts two ways. It is important to have someone who can work cooperatively with the territorial government, given the recent change in felony prosecution jurisdiction from the federal district court to the territorial court. However, regarding these public corruption cases, there is a question of whether the public will perceive her relationship to individuals involved in the local government in a negative light, even if the prosecutions are handled appropriately.

In our view, Ms. Thomas-Francis suffers from comparison to Mr. Hurd. He is an exceptionally capable and competent prosecutor who has the benefit of many years of trial experience. He has risen through the ranks at the office and been twice awarded by the Department for his service. Ms. Thomas-Francis may have the potential to become a good U.S. Attorney but, for the most part, is untested and unproven. The Chief Judge of the District Court and the former interim U.S. Attorney were principally concerned that her lack of experience has not prepared her for these large-scale public corruption cases. Ms. Thomas-Francis is not without her supporters, all of whom contend that she is more than able to do the job. Her name was referred to the F.B.I. on May 6 for a background investigation.

Pete Mabe was installed as the interim U.S. Attorney in 1993. As the process for selecting a permanent U.S. Attorney dragged on, Chief Judge Thomas Moore became increasingly impatient with the manner in which the office was being run under Mr. Mabe's direction. In April 1994 the Chief Judge indicated his intention to remove Mr. Mabe. The Chief Judge is a former member of this office and knows of these potential public corruption prosecutions. On May 1 the Chief Judge installed Ron Jennings as the interim U.S. Attorney. Mr. Jennings' appointment was vehemently opposed by Delegate de Lugo, the Governor and Lieutenant Governor of the Virgin Islands, as well as other officials because he is white and the newest member of the office, even though he has almost 20 years of legal experience and has been an Assistant U.S. Attorney for a good portion of his career. By all accounts, the office has been doing well during his brief tenure.

On Monday May 23, Assistant Attorney General Acheson met with the Deputy Attorney General to discuss the selection of a U.S. Attorney in this district. The Deputy was of the opinion that as a result of the public corruption investigation and likely resulting cases, it was important for the Department of Justice to recommend that either Mr. Hurd or Mr. Jennings be appointed the permanent U.S. Attorney. The Deputy asked that Department communicate this information to Kevin O'Keefe at the White House and ascertain how best to apprise Delegate de Lugo. Eldie Acheson has spoken with Mr. O'Keefe who is not too happy with this course of action, and he is considering how to proceed.

From the extensive conversations and contacts we have had, we are of the opinion that it is very important that either Mr. Hurd or Mr. Jennings be installed as the next U.S. Attorney for the Virgin Islands. Delegate de Lugo's insistence that this appointment be a native Virgin Islander is not reasonable considering the candidates whose names have been forwarded to us. He has admitted in conversations that Mr. Hurd is a fine prosecutor and a well-respected lawyer, who is disqualified only because he was not born in the Virgin Islands. Given the very real crime problems in the Virgin Islands as well as potential trouble that the corruption cases, if filed, may engender, we should put the full weight of the Department behind the Deputy's suggestion for handling this selection.