



U.S. Department of Justice

Criminal Division

Assistant Attorney General

FOIA(b)(7) - (C)

Washington, D.C. 20530

August 26, 1994

MEMORANDUM

TO: Merrick Garland

FROM: Jo Ann Harris *Jo Ann Harris*

SUBJECT: [redacted] potential witness in war crimes tribunal

PURPOSE: To alert you to possible call to DAG from State Department officials seeking review of my position that State must pay Witness Protection Program expenses for [redacted] and family.

TIMETABLE: NA

SYNOPSIS: Since the State Department (or at least Madeleine Albright) seems to believe that Jamie was responsible for the Department's quick response to the State Department's desires to protect this so-called witness, you may get a call from the State Department regarding my position that the State Department got us into this, and should have to pay for it.

In fact, as you know, Molly Warlow was incredibly responsive to State's desires -- in spite of the fact that State made certain commitments based upon misinformation and no idea of the consequences. We arranged to move [redacted] to Germany; arranged for the war crimes prosecutor's agents to interview him there; sent OEO and U.S. Marshal representatives to Germany to evaluate [redacted] for the Witness Protection Program; and approved parole into this country and participation in the Witness Protection Program for him and his family.

My position -- which I have communicated to State -- is that we are stretching our witness protection authority to accommodate State; but we simply cannot stretch our Marshals' resources.

Mark told me yesterday afternoon that State intended to call higher levels of the Department to try to get me overruled. I talked with the AG last night. She seemed to support my position. If called, I hope the DAG will do the same.

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From: Sallie Saliba (SALLIE)
To: Gerry
Date: Tuesday, August 23, 1994 3:40 pm
Subject:

Per Price Floyd, State Dept., the State Dept.'s proposal is for them to pay \$50,000 over 2 years. I pointed out to him that \$25,000 a year was less than half of what the estimated expenses would be for a year, even taking into consideration that there would be no movement of household goods expenses. Apparently he and Jim Price came up with this proposal, and Ambassador Ralph Johnson is in agreement, as are the "money" people at State. The rationale is that State and DOJ are both contributing to the Tribunal, so it makes sense that each would bear some of the expense of this witness. Since there are foreign policy aspects, they want to contribute. They have already paid \$3,000 to get him where he is now. Johnson was planning to call today. I told him we would alert Mark Richard, and after that had been accomplished, I'd give him a call.

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From: Gerry Shur (GERRY)
To: SALLIE
Date: Tuesday, August 23, 1994 3:51 pm
Subject: [REDACTED] -Reply

Sallie,
Since the USMS has to pay this money out of their own pocket as the expenses accrue, I think State should reimburse in the same manner. As far as equal contributions go the USMS will be contributing enormous time to this family likely for years to come-long after State no longer reimburses. I think we should hold the line but it's Mark's call. Please fax your memo and this one to him and he can call the Ambassador after he's read them. You may also want to fax the estimated cost for the family of four supplied by the USMS for his info so he has before him what State has.

Gerry

The investigative case agents have projected that seven to ten trials may result from their investigations. It appears that these trials will most likely occur on foreign soil, therefore the Department of State must agree to reimburse the United States Marshals Service all costs incurred for the production of this witness in upcoming trials and hearings.

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WITSEC REIMBURSABLE EXPENSES

The cost for reimbursable expenses from state and or state subdivisions averages approximately \$103,000.00 a year for a family of four. The allocation of these costs is provided below:

Reimbursable expenses - Salaries and Expenses of Marshals - one year

PROTECTION (Salaries) (800 Unavoidable overtime hours @ \$25 p/h)	\$20,000	
AIRFARE (4 round trips @ \$660)	2,640	
SUBSISTENCE (16 days @ \$100)	1,600	
MISCELLANEOUS (4 trips @ \$15)	60	
TAXI FARE (4 trips @ \$15)	60	
ADMINISTRATIVE SUPPORT	<u>7,172</u>	
Sub-total	\$31,532	

Reimbursable expenses - Fees and Expenses of Protected Witnesses - Average family of four - one year

1181 - SUBSISTENCE	\$14,999	
1182 - HOUSING	12,778	
1183 - MEDICAL	6,000	
1184 - TRANSPORTATION	10,800	
1185 - DOCUMENTATION	3,200	
1186 - RELOCATION	6,500	
1187 - TRIAL/PRETRIAL	2,310	
1188 - MOVEMENT OF HHGS	8,000	
1189 - MISCELLANEOUS	5,000	
2519 - COMMAND POST	<u>1,650</u>	
Sub-total	\$71,237	
TOTAL	\$102,769	

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