



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.

FOIA(b)(7) - (C)

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.

FOIA(b)(7) - (C)

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.

fac

OFFICE OF
OPERATIONS

94 AUG 18 PM 2:55

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	<i>lot</i>
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



U. S. Department of Justice

Criminal Division

Office of the Assistant Attorney General

Washington, D.C. 20530

December 21, 1994

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL
FROM: Jo Ann Harris
Assistant Attorney General
SUBJECT: Child Support Enforcement

On August 12, 1994, you presided over a meeting to discuss the role of the federal government in enforcing the payment of child support. Attending this meeting were members of the Criminal Division, the Deputy Attorney General's Office, the Executive Office for U.S. Attorney's, U.S. Attorney Preston "Pete" Strom and representatives of the Department of Health and Human Services. The participants at this meeting agreed to significantly increase the number of federal criminal non-support cases under the Child Support Recovery Act of 1992 (CSRA). This memorandum summarizes the status of that plan.

ENFORCEMENT

- In early September, HHS forwarded 157 cases to DOJ for screening and referral by the Criminal Division and EOUSA to a U.S. Attorney's Office. The Criminal Division referred 154 of these cases to a U.S. Attorney's Office on September 19 and 20, 1994. Three of the cases were declined because there did not appear to be a violation of the CSRA.
- As of December 21, 1994, the U.S. Attorney's Offices have reported that charges can be filed immediately in 26 cases: 13 of these cases were forwarded by HHS; 13 cases were direct referrals from state agencies. The total arrearages for these 27 cases is \$883,903.00. Additionally, since December 7, 1994, charges have been filed in 5 cases: 1 of these cases was forwarded by HHS; 4 of these cases were direct referrals from state agencies. The total arrearages for these 5 cases is \$193,740.00. (Charts providing the amount of arrearage and the source of referral for each of these cases are attached.)

- We have requested that the Assistant U.S. Attorneys file charges on December 22, 1994 in all of the cases which are ready for prosecution.

- In October, 1994, HHS forwarded an additional 41 cases to DOJ for referral to a U.S. Attorney's Office. 25 of these cases will be forwarded to a U.S. Attorney's Office. 16 of these cases have already been referred to a U.S. Attorney's Office.

- Each U.S. Attorney's Office has designated an Assistant U.S. Attorney to act as a contact for child support enforcement.

- Each child support agency has designated personnel to act as a contact for custodial parents who wish to have their cases screened for referral to a U.S. Attorney's Office and to act as liaison with the local U.S. Attorney's Office to ensure future referrals of interstate non-support cases.

- In anticipation of a significant increase in the number of public inquiries about federal criminal child support enforcement, each U.S. Attorney's Office has been advised to 1) prepare receptionists to respond to such inquiries and to refer them to the AUSA Child Support Recovery Act Coordinator or paralegal; 2) ensure that CSRA Coordinators and paralegals are familiar with the CSRA, the DOJ guidelines and any local policies and guidelines which may exist; 3) maintain records of all custodial parents who have called for follow-up with state child support agencies or inform the state agency of the contact with the custodial parent and that the agency should expect to hear from the custodial parent; and 4) coordinate with state child support agencies to ensure that public inquiries are handled in a consistent manner.

TRAINING

- Two training conferences were held in San Diego on November 29-30, 1994 and December 1-2, 1994. An Assistant U.S. Attorney from each district, 57 F.B.I. agents, personnel from the Department of Health and Human Services and personnel from state child support agencies attended.

POLICY/PROCEDURAL RECOMMENDATIONS

- As a result of issues and concerns raised during the San Diego conference, a number of revisions to existing policy and procedures are under consideration.

PRESS/PUBLIC AWARENESS

- A joint press conference by you and Secretary of Health and Human Services Shalala is scheduled for December 22, 1994. The press conference will be accompanied by a press release from DOJ and most U.S. Attorneys who are bringing charges plan to do releases of their own.

- Continued communication with the groups concerned with child support enforcement.

Attachment

NEW CSRA CASE FILINGS
(By District, current as of 12/20/94)

District	Name of Defendant	Arrearage (\$)	Type of Referral	Comments
CA-E	Mark Pyeatte	30,000	HHS	
IN-N	Clyne Stanley	16,940	HHS	
IN-N	Gerald Black	28,043	HHS	
IN-N	Gary Moore	28,153	non-HHS	
IN-N	Ben Piegza	23,100	HHS	
IN-N	Danny Watson	11,190	non-HHS	
KS	Ricky Hampshire	34,606	non-HHS	
KS	Stephen Helvie	12,400	non-HHS	
NJ	John Zocco	70,000	HHS	
NJ	Cavalli	26,000	HHS	
OH-N	Worthington McKnew	15,000	non-HHS	
SD	Larry Freeman	6,585	HHS	
SD	Colin MacDonald	29,728	HHS	
SD	Dennis Hotchkin	31,431	HHS	
SD	Leonard Owen	31,000	HHS	
VA-E	Saamo Saar	125,043	non-HHS	"
VA-E	Horvath	67,200	non-HHS	"
VA-W	Montgomery	12,200	non-HHS	
VA-W	James Murphy	11,200	HHS	
WV-S	Michael Mulhare	15,000	non-HHS	
WV-S	Timothy Smoot	16,000	non-HHS	
WV-S	Swarah Rikhy	80,000	non-HHS	
TOTAL	26 cases	\$883,903.00		

CSRA FILINGS SINCE 12/7/94

(By District)

District	Name of Defendant	Arrearage (\$)	Type of Referral	Comments
AZ	Donald W. Schroeder	24,300	non-HHS	Complaint filed 12/15/94
AZ	Allan Mussari	40,385	non-HHS	Complaint filed 12/15/94
MI-W	Theodore Roosevelt Nix	28,836	HHS	Indicted 12/7/94
WA-W	Paul William Nielson	20,219	non-HHS	Information filed 12/15/94
WA-W	Donald Leonard Adamson	80,000	non-HHS	Information filed 12/15/94 (two counts)
TOTAL	5 cases	\$193,740.00		



FOR IMMEDIATE RELEASE
THURSDAY, DECEMBER 22, 1994

AG
(202) 616-2771
TDD (202) 514-1888

**ATTORNEY GENERAL RENO ANNOUNCES PLAN TO CRACK DOWN ON
DEAD-BEAT PARENTS WHO FAIL TO PAY CHILD SUPPORT**

WASHINGTON, D.C. -- Federal prosecutors today targeted deadbeat parents in 13 states as part of a government effort to get parents to pay off an estimated \$34 billion they owe for child support.

Twenty-eight cases were filed, seeking almost \$1 million in overdue payments, as Attorney General Janet Reno announced a three-point plan to aggressively investigate and prosecute parents who are in default in making child support payments. Twenty-three of the cases were filed yesterday. Charges were filed against five other parents within the last two weeks. An additional 15 cases were brought in the past year.

Another 25 cases were referred today by the Department of Health and Human Services to federal prosecutors, and more than 200 cases are under active review, the Department said.

"We're not just talking about shirking a parental responsibility--we're talking about breaking the law," said Reno. "These 28 cases are only the beginning of our enforcement

(MORE)

efforts. By working together with HHS, the FBI and state and local child support agencies, we will pursue the most egregious instances--parents who have the ability to pay but simply thumb their nose at the court and at their children," Reno added.

Today's action was taken under the 1992 Child Support Recovery Act. That law made it a federal offense, for the first time, to willfully fail to pay more than \$5,000 in court-ordered support for a child living in another state. First time offenders are charged as misdemeanants, subject to up to six months in prison and a \$5,000 fine. Repeat offenders are subject to a felony prosecution, and up to two years in prison and a \$250,000 fine.

In addition to federal enforcement action, the plan also calls for comprehensive training of federal prosecutors and FBI agents to implement the program, and close coordination with state child support agencies who conduct the vast majority of enforcement activities. Each of the 94 U.S. Attorney's offices has designated a child support enforcement coordinator. Prosecution guidelines have been developed to assist federal prosecutors to go after the most egregious non-support cases in a uniform and fair manner.

Today's announcement marks an important step in the Department's continuing strategy to assist state agencies in the enforcement of child support obligations, said Reno.

(MORE)

Thus far, cases have been brought in Arizona, California, Florida, Indiana, Kansas, Michigan, New Jersey, New Mexico, Ohio, South Dakota, Virginia, Washington, and West Virginia.

The estimated \$34 billion owed for child support is based upon the difference between \$14 billion that is collected from dead-beat parents and \$48 billion which is the total amount owed if all child support orders were in place and all non-custodial parents paid their full amount based on their ability to pay.

The three-point plan:

1) Aggressively Investigate and Prosecute

- Reviewed hundreds of referrals from HHS. One hundred sixty cases have already been reviewed by the Criminal Division and sent to U.S. Attorneys' offices.

2) Develop Effective and Efficient Federal/State/Local Partnerships

- Established referral and information-sharing procedures between U.S. Attorneys offices and state child support agencies.

The Department expects that this increased coordination of state and federal enforcement efforts to result in increased and more efficient criminal child support enforcement.

3) Provide Comprehensive Training and Support to Prosecutors

- Over the past year, the Department has designated a child support enforcement coordinator in each of the nation's 94 U.S. Attorney's offices.

- Issued comprehensive prosecution guidelines to assist U.S. Attorneys prosecute the most egregious child support cases in a uniform and fair manner.

- Held child support training conferences for federal and state prosecutors, FBI agents, and state and federal social service officials on ways to investigate and prosecute child support cases.

###

94-720