AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

S. HRG. 107–603

CONFIRMATION HEARING ON THE NOMINATIONS OF JAY B. STEPHENS TO BE ASSOCIATE ATTORNEY GENERAL AND BENIGNO G. REYNA TO BE DIRECTOR OF THE U.S. MARSHALS SERVICE

HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

SEPTEMBER 20, 2001

Serial No. J–107–39

Printed for the use of the Committee on the Judiciary

U.S. GOVERNMENT PRINTING OFFICE

81–139 PDF WASHINGTON : 2002

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

COMMITTEE ON THE JUDICIARY

PATRICK J. LEAHY, Vermont, *Chairman*

EDWARD M. KENNEDY, Massachusetts	ORRIN G. HATCH, Utah
JOSEPH R. BIDEN, JR., Delaware	STROM THURMOND, South Carolina
HERBERT KOHL, Wisconsin	CHARLES E. GRASSLEY, Iowa
DIANNE FEINSTEIN, California	ARLEN SPECTER, Pennsylvania
RUSSELL D. FEINGOLD, Wisconsin	JON KYL, Arizona
CHARLES E. SCHUMER, New York	MIKE DEWINE, Ohio
RICHARD J. DURBIN, Illinois	JEFF SESSIONS, Alabama
MARIA CANTWELL, Washington	SAM BROWNBACK, Kansas
JOHN EDWARDS, North Carolina	MITCH MCCONNELL, Kentucky

BRUCE A. COHEN, *Majority Chief Counsel and Staff Director*
SHARON PROST, *Minority Chief Counsel*
MAKAN DELRAHIM, *Minority Staff Director*

CONTENTS

STATEMENTS OF COMMITTEE MEMBERS

Durbin, Hon. Richard J., a U.S. Senator from the State of Illinois 1
Hatch, Hon. Orrin G., a U.S. Senator from the State of Utah 3
Leahy, Hon. Patrick J., a U.S. Senator from the State of Vermont 40
Specter, Hon. Arlen, a U.S. Senator from the State of Pennsylvania 5

STATEMENTS OF THE NOMINEES

Reyna, Benigno G., Nominee to be Director of the U.S. Marshals Service 7
Questionnaire 10
Stephens, Jay B., Nominee to be Associate Attorney General 43
Questionnaire 50

SUBMISSIONS FOR THE RECORD

Grassley, Hon. Charles E., a U.S. Senator from the State of Iowa, statement in support of Jay B. Stephens, Nominee to be Associate Attorney General ... 7
Warner, Hon. John W., a U.S. Senator from the State of Virginia, statement in support of Jay B. Stephens, Nominee to be Associate Attorney General ... 6

CONFIRMATION HEARING ON THE NOMINATIONS OF JAY B. STEPHENS TO BE ASSOCIATE ATTORNEY GENERAL AND BENIGNO G. REYNA TO BE DIRECTOR OF THE U.S. MARSHALS SERVICE

THURSDAY, SEPTEMBER 20, 2001

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The committee met, pursuant to notice, at 10:35 a.m., in room SD–226, Dirksen Senate Office Building, Hon. Richard J. Durbin presiding.

Present: Senators Durbin, Leahy, Hatch, and Specter.

STATEMENT OF HON. RICHARD J. DURBIN, A U.S. SENATOR FROM THE STATE OF ILLINOIS

Senator DURBIN. The committee will come to order.

Chairman Leahy has called today's hearing on an expedited basis for nominations received recently from the administration. Given the terrible events of the last week, it is important that we move forward with the nominations of two critical appointments that we have before us today: the President's choices to head the U.S. Marshals Service and to serve as the third highest-ranking official at the Department of Justice, the Associate Attorney General.

Last Thursday, the committee considered the nomination of John Gillis, to head the Justice Department's Office for Victims of Crime, as well as a dozen United States Attorneys whose paperwork we expedited. The Senate confirmed them all last week, along with another nominee from Texas to head the Bureau of Justice Assistance within the Department.

I am proud of the way that this committee and the Senate have responded to the circumstances facing our Nation and the support we have been able to provide to the administration at this difficult time. This hearing tries to continue that effort.

I welcome our nominees and thank them for their cooperation. I especially want to thank Chief Reyna, who flew here on short notice from Texas. Chief Reyna is the President's nominee to direct a crucial component of our Federal law enforcement network, the United States Marshals Service.

The Service was created more than 200 years ago by the first Congress in the Judiciary Act of 1789, the same legislation that established the Federal judicial system. Our Marshals and Deputy Marshals support and protect the Federal courts around America.

They also track fugitives, transport Federal prisoners, and maintain seized assets. In the last 10 days, the U.S. Marshals Service has played a pivotal role in the largest criminal investigation in our Nation's history. I commend the 4,000 Deputy Marshals across the Nation, along with the Acting Director of the Service, Louie T. McKinney, and all of the Acting U.S. Marshals for their continuing dedication and sacrifice.

Since 1976, Chief Benigno Reyna has worked for and headed the police department of Brownsville, Texas, where he served as chief from 1995 until his retirement this past May. During his tenure at the department, he participated in a remarkable collaboration between the Brownsville community and the adjacent city of Matamoros, located across the Mexican border. The two communities have worked together to establish policies on cross-border arrests and the extradition of minors to their home country of Mexico or the United States.

Because of Brownsville's unique geographical location at the U.S. border, there is considerable interaction between the Brownsville police and Federal law enforcement agencies, such as the DEA, the FBI, and the Border Patrol. In December 1999, the Brownsville Police Department became the third site in the United States to implement a multi-agency wireless radio interoperability communications system. This system allows for field unit-to-unit communications between Brownsville police and Federal law enforcement agencies. I am sure that Chief Reyna will discuss the success of this program.

The second nominee this morning is Jay Stephens to serve at the Department of Justice, who will serve beneath the U.S. Attorney General and Deputy Attorney General. Before joining the private sector in 1992, Mr. Stephens served as a Federal prosecutor, a deputy counsel to President Reagan, and a top aide in the Justice Department under both Deputy Attorney General and Associate Attorney General. From 1988 to 1993, the nominee was U.S. Attorney for the District of Columbia, managing the largest U.S. Attorney's office in the country.

The position of Associate Attorney General has always been important, and it is especially important today. Among the many duties of the Associate Attorney General are oversight responsibility for the Civil Rights Division and the Office of Justice Programs, which include the Office for Victims of Crime and our Federal assistance programs to policemen, firemen, and other public safety officers.

In response to the devastation we witnessed as a Nation on September 11, the Office for Victims of Crime is assisting many victims and their families. The resources for our victims assistance and counseling programs, as well as the Federal contribution to State and national assistance and compensation programs, are essential.

The Civil Rights Division, which plays an important role in the lives of all Americans, will have a special role in helping the FBI and local authorities ensure the rights of Arab Americans and individuals of the Muslim faith in these tense times. It bears repeating, as the President has spoken to us, that no one should become a tar-

get of hate or discrimination because of their religion, nationality, or ethnic background.

The Office of the Associate Attorney General also has responsibility for the Antitrust Division, the Civil Division, the Tax Division, and the Environment and Natural Resources Division. The next Associate Attorney General will have to make a number of difficult decisions that require the full confidence and trust of Congress and the American people.

That person will also oversee the Department's efforts to seek reimbursement from the tobacco industry for billions of dollars of health-related expenses shouldered by American taxpayers and families. The Associate Attorney General will help to prosecute the Government's antitrust lawsuits as well. He will bear responsibility for protecting our citizens from environmental harm—a substantial responsibility.

Before calling the two witnesses to the table, I would like to invite my colleagues, Senator Hatch and Senator Specter, to make their opening remarks.

STATEMENT OF HON. ORRIN G. HATCH, A U.S. SENATOR FROM THE STATE OF UTAH

Senator HATCH. Thank you, Mr. Chairman. It is both an honor and a pleasure to welcome both of these two excellent people to our committee. Both have excellent experience that is very, very much appreciated by myself and other members of the committee. Both are good men, backed by good women, and both have the experience to be able to do these two jobs in ways that will make America proud.

I have an awful lot of kind remarks to say about both of you, but I think I would just put those in the record at this particular point and thank you both for your willingness to serve. In this day and age, it is not always easy to find the best people to come in and serve, but I think this administration has been doing a very good job of doing that, and I commend all of those who are willing to take cuts in pay and to do the work of the public in public serve that both of you are now going to be able to do. We hope that we can get your confirmations through rather quickly so that you can both take your places in these very, very important jobs.

Mr. Reyna, this job you have is an extremely important one. I have worked rather closely with the U.S. Marshals Service over the years and appreciate the heroic work that most all of them do. You come very highly recommended and you will have a great friend in me, and I think others on this committee.

Jay Stephens, I have known you for a long time. You have been a person of utmost integrity and ability, and I personally am just very pleased that you have been willing to come out of the private sector, where I know you are compensated much more handsomely, to work for the public in one of the most important jobs in Justice and the world. We appreciate your wife and your children, and, Mr. Reyna, your wife and family for being willing to make the sacrifices that are necessary for you to do these jobs in a way that will bring credit not only to you but to our country and your families.

So I just want to thank both of you for being willing to serve, and I will put my further remarks about your sterling accomplishments and abilities into the record at this point.

Thank you, Mr. Chairman.

[The prepared statement of Senator Hatch follows:]

STATEMENT OF HON. ORRIN G. HATCH, A U.S. SENATOR FROM THE STATE OF UTAH ON THE NOMINATIONS OF JAY B. STEPHENS TO BE ASSOCIATE ATTORNEY GENERAL AND BENIGNO G. REYNA TO BE DIRECTOR OF THE UNITED STATES MARSHALS SERVICE

It is both an honor and a pleasure to be here this morning with two extremely well-qualified nominees for important positions in the Department of Justice. I congratulate the two of you on being selected by President Bush to serve in high office. And I know that, due tot he events of last week, the Department needs your service more than ever. You will begin your jobs during a time of great need for diligent hard work. After reviewing your distinguished records, I have no doubt that you will do great service to the citizens of this country upon confirmation.

Our nominee for the position of Associate Attorney General is Jay Stephens. This position is critical to the operation of the Justice Department. Its responsibilities include not only advising the Attorney General and Deputy Attorney General on broad range of issues, but also supervising many important components of the Department, including the Antitrust, Civil, Civil Rights, Tax, and Environmental and Natural Resources Divisions.

Mr. Stephens is no stranger to DOJ, having first worked there in 1974 as an Assistant Special Prosecutor for the Watergate Special Prosecution Force. He subsequently served as an Assistant U.S. Attorney in the D.C. U.S. Attorney's Office, then in a number of leadership positions at DOJ during the Reagan Administration. In 1988, he returned to the D.C. U.S. Attorney's Office to assume the top job of United States Attorney during the Bush Administration.

But Mr. Stephens's impressive legal experience is not limited to DOJ. He was a partner at Pillsbury, Madison & Sutro (now Pillsbury Winthrop), one of the nation's preeminent law firms. At present, his legal talent benefits Honeywell International, where he is Corporate Vice President & Deputy General Counsel. Mr. Stephen's wealth of experience with both civil and criminal litigation, as well as his familiarity with the operation of DOJ at myriad levels, will serve him well in the position of Associate Attorney General.

Out other nominee, Ben Reyna, is also highly qualified for the position to which he has been nominated: Director of the U.S. Marshals Service. The Marshals Service is critical because it:

- Provides security for the nation's approximately 800 federal judicial facilities;
- apprehends the majority of Federal fugitives;
- operates the Federal Witness Security Program;
- maintains custody of federal prisoners and handles their transportation;
- executes court corders and arrest warrants; and
- responds to emergencies including terrorist incidents and other crisis situations.

Mr. Reyna has achieved—during his 25-year in law enforcement—just the kind of broad and deep experience in modern police practices needed for this job. Mr. Reyna served as Chief of Police in the city of Brownsville, Texas for 6 years—after working up the ranks from Police Cadet, Patrolman, Sergeant, Lieutenant, and Commander. He led a police department of 233 sworn police officers in confronting the widest variety of law enforcement issues handled by police departments in our country. With Brownsville's proximity to an international border and a Mexican city with a population of 700,000, Mr. Reyna has been responsible for everything from drug interdiction to the annual spring break migration of approximately 40,000 students per week who cross the border to purchase alcohol. One of his most profound accomplishments is obtaining very close cooperation with a variety of United States agencies as well as the authorities in Mexico. Mr. Reyna has also served as the City of Brownsville Emergency Management Coordinator, responsible for operations plans for weather-related incidents and other hazardous situations.

Again, it is a great pleasure to welcome both of you to the Committee. I look forward to this hearing, and to working with Chairman Leahy and others to make sure the Committee and the full Senate hold timely votes on you nominations.

Senator DURBIN. Thank you, Senator Hatch.

Senator Specter, do you have an opening statement?

STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Senator SPECTER. Yes. Thank you, Mr. Chairman.

I commend the chairman for moving ahead with these two nominations to try to put the full team in place to handle the very difficult problems which we are facing today. I believe it is necessary for the committee and the full Senate and the full Congress to act expeditiously on many issues which are pending.

Just a word or two, and I shall communicate this directly to the chairman as well. It is my hope that we will move ahead very promptly on the package presented by the Attorney General yesterday on wiretaps and search and immigration issues.

The Attorney General said that he would like to have the legislation enacted this week. I think that is not doable. To have it presented in an outline form on Wednesday and to start discussions is asking too much for the Congress to respond on the kinds of complicated issues which are involved here which impact very directly upon constitutional rights, recognizing the importance of prompt action so that the executive branch can have in place what it needs.

It would be my hope that we would be holding hearings on this subject before this week is up. This is Thursday morning. It is a busy week. Many of our colleagues are on their way to New York, and many of us stayed back to handle pressing issues. This hearing is important. The Appropriations Subcommittee on Transportation will be hearing from Secretary Mineta this afternoon on what is going to happen with the airlines and many other important issues. And, of course, it is not business as usual.

Senator Hatch and I had a chance before yesterday's meeting to talk very briefly to Attorney General Ashcroft, and it was our hope that we might have gotten the Deputy Attorney General or the Assistant Attorney General for Criminal or the Assistant Attorney General for Legal Counsel up to start to discuss this legislative package so that we could have fairly prompt action.

When you talk about some of the emergency provisions to try to give special agents-in-charge at the FBI authority to apply for emergency warrants, a preliminary review suggests to me that we ought to be having U.S. Attorneys do that. The Attorney General has already said he is going to have each U.S. Attorney have its own task force—we moved in Philadelphia to have the U.S. Attorney sworn in on an expedited basis on Monday—or some of these provisions on immigrants perhaps to have a sunset provision so that they are not permanent, and see how they work where we have an opportunity for greater legislative analysis.

But the point is that this committee has had a lot of experience in the field. The chairman was vice chairman of the Intelligence Committee in the mid–1980s. Senator Hatch serves on the Intelligence Committee. Senator Durbin has had extensive experience in the field. I have had some chairing the Intelligence Committee, on this committee, and in the prosecutorial role.

So it is my hope—and staff will hear this and, as I say, I will communicate directly with Chairman Leahy—that we might move

ahead. We are not going to act precipitously, but we ought to act expeditiously.

I wanted to make those few comments at this time. Thank you, Mr. Chairman.

Senator DURBIN. Thank you, Senator Specter, and I would like to join in. There were many of us who hoped that we could go to New York as well, but we have important business here and part of it relates to the two nominees who are before us today. Our hearts are with our colleagues who are up there viewing the tragic scene.

I might also say that I was advised that the Attorney General's proposed changes were received yesterday afternoon. They are substantial and we want to make certain that we move expeditiously, but take some care to make certain that we don't make decisions we might regret at some later time.

I think your recommendation of early hearings is an excellent one and I hope that Senator Leahy will be able to move forward on that quickly.

Now, we have statements which will be made part of the record from Senators—Senator Hutchison, on behalf of Mr. Reyna, as well as Senator Warner, on behalf of Mr. Stephens, and Senator Grassley. Without objection, they will be made part of the record.

[The prepared statement of Senator Warner follows:]

STATEMENT OF HON. JOHN WARNER, A U.S. SENATOR FROM THE STATE OF VIRGINIA, ON THE NOMINATION OF JAY B. STEPHENS TO BE A U.S. ASSOCIATE ATTORNEY GENERAL

Chairman Leahy, Senator Hatch, and my other distinguished colleagues on the Senate's Judiciary Committee, I am pleased to introduce to you today Jay Stephens, who has been nominated to serve as Associate Attorney General in the United States Department of Justice.

The Office of the Associate Attorney General advises and assists the Attorney General and the Deputy Attorney General in formulating and implementing policies and programs pertaining to justice, federal and local law enforcement, and public safety matters.

The Associate Attorney General also oversees several DOJ components, including the antitrust division, the civil division, the civil rights division, and the violence against women's office, to name only a few.

Mr. Chairman, I have known Mr. Stephens for several years as a result of his many years of public service in Washington, D.C. and from his many years as a Virginia resident. I am confident that Jay Stephens will serve as an excellent Associate Attorney General.

Jay Stephens has extensive experience in the Justice Department. From 1977–1981 he served as an Assistant United States Attorney for the District of Columbia. From 1981–1985, Mr. Stephens held several positions in the Department of Justice, including Principal Associate Deputy Attorney General.

In March of 1988, while he was serving as Deputy Counsel to President Reagan, President Reagan appointed Mr. Stephens to serve as United States Attorney for the District of Columbia, a position he served in until 1993.

Since leaving public service in 1993, Jay Stephens has worked as a partner in the Washington, D.C., law firm of Pillsbury, Madison & Sutro and as corporate vice president and deputy general counsel of Honeywell.

Clearly, Mr. Stephens has extensive professional experience that makes him highly qualified to serve as Associate Attorney General for the Justice Department. He has dedicated a large portion of his career to public service, and I am thankful for his willingness to serve our country once again.

[The prepared statement of Senator Grassley follows:]

STATEMENT OF HON. CHARLES E. GRASSLEY, A U.S. SENATOR FROM THE STATE OF IOWA ON THE NOMINATION OF JAY B. STEPHENS TO BE ASSOCIATE ATTORNEY GENERAL

It is my pleasure to introduce Jay Stephens, a distinguished Iowan who has been nominated to serve as Associate Attorney General at the Justice Department. Jay Stephens was born in Akron, Iowa, graduated from Harvard College in 1968 and Harvard Law School in 1973. He is married to Julie Marie Stephens, and has four children. Mr. Stephens brings exemplary experience and knowledge to the position of Associate Attorney General, and he will be a tremendous asset for the Justice Department.

Mr. Stephens began his legal career as a law firm associate, and then served as an Assistant Special Prosecutor for the Watergate Special Prosecution Force. In 1976, he was appointed as an Associate General Counsel for the Overseas Private Investment Corporation.

From 1977 to 1981, Mr. Stephens served as an Assistant United States Attorney for the District of Columbia in Washington, D.C. In 1981, he joined the Department of Justice as Counsel to the Assistant Attorney General of the Criminal Division and as Principal Associate Deputy Attorney General. During both of these positions, he served on the FBI's Undercover Operations Review Committee.

From 1986 to 1988, Mr. Stephens had the privilege to serve as Deputy Counsel to the President, where he was responsible for providing advice and counsel to the President and senior White House staff on a wide range of legal and policy issues. He was the principal liaison to the Secret Service and the FBI on White House and Presidential appointment matters, as well as the White House liaison to the Department of Justice through the Deputy's office and the Office of Legal Counsel.

For the next five years, Mr. Stephens continued to serve in a senior-level position as an United States Attorney for the District of Columbia. From 1993 to 1997, he served as a co-managing partner of a large international law firm, and from 1997 to the present, he has served as a senior legal officer at Honeywell International.

Jay Stephens has had a truly impressive career. He has shown exceptional public service and responsibility, and has demonstrated stellar credentials and legal expertise. So it is with great respect and admiration that I commend Jay Stephens to the Committee for your favorable recommendation. I hope that the Judiciary Committee and the full Senate will move to confirm Jay Stephens promptly. We need as many good men and women in positions of leadership in law enforcement and justice administration, particularly in the wake of the cowardly attacks on the World Trade Center and the Pentagon.

Senator DURBIN. I would like to ask Mr. Reyna if he would please come forward for the administration of the oath.

Do you swear that the testimony you are about to give before the committee will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. REYNA. I do.

Senator DURBIN. Mr. Reyna, thank you very much for joining us today, and if you would be kind enough to introduce your family that has joined you and make your statement.

STATEMENT OF BENIGNO G. REYNA, NOMINEE TO BE DIRECTOR OF THE UNITED STATES MARSHALS SERVICE

Mr. REYNA. Thank you, Mr. Chairman. Mr. Chairman, distinguished committee members, I am honored for the opportunity to appear before you. My wife, Maria, my strongest supporter, is accompanying me today. Our sons were looking forward to being here and would have been most honored to appear before this distinguished panel, but were unable to attend due to the short notice of the trip and their necessary attendance in school.

My opening statement will be brief so that I may answer your questions and address any specific matters that may be of concern to you. But I want to begin by highlighting the words that are inscribed in the walls of a memorial that pays tribute to the many

law enforcement officers that have lost their lives in the line of duty.

In dedicating the National Law Enforcement Officers Memorial a few blocks from where we are today, President George Bush observed 10 years ago that, and I quote, "Carved on these walls is the story of America, of a continuing quest to preserve both democracy and decency, and to protect a national treasure that we call the American dream."

As we move forward from September 11, 2001, as a stronger Nation, these words serve as a permanent reminder of who we are and our greater purpose as public servants. I am honored by President George W. Bush's nomination as Director of the United States Marshals Service, and I thank you for the opportunity to appear before you so promptly.

As the first Federal law enforcement agency created in this country, the United States Marshals Service is an integral part of the American story. The tradition of service and leadership is as rich as that of our great Nation. The men and women of the United States Marshals Service deserve great credit for maintaining the efficient and secure operations of the Federal judiciary. Security and integrity of our Nation's judicial process will be critical in maintaining public confidence.

The investigative assets of the United States Marshals Service that effectively protect witnesses and apprehend fugitives are legendary. The success draws from a tradition of effective cooperation with Federal, State and local law enforcement agencies. I have seen firsthand in my 25 years of policing the effectiveness and efficiency of working as a law enforcement team. The United States Marshals Service is widely regarded in law enforcement as a reliable and valued partner. Now more than ever, interagency cooperation must be embraced and practiced as we face formidable public safety challenges.

We as a Nation are facing unprecedented challenges that call upon the United States Marshals Service for extraordinary service. I have no doubt that the Marshals Service will rise to meet such challenges just as it has in the last 212 years.

The role of law enforcement will be critical as we confront a new kind of national enemy and their support systems. The United States Marshals Service will be a leading agency in maintaining public confidence and security as Federal, State and local agencies work side by side in identifying and bringing to justice those individuals and organizations that attack freedom and human progress.

Mr. Chairman and distinguished members, if confirmed as the Director of the United States Marshals Service, I will build upon the great strengths of the Service. The United States Marshals Service will respond to these challenges in its finest tradition of service and leadership.

Although we are facing uncharted dimensions of national threat, the constitutional foundations of our freedom and democracy will guide my leadership of the United States Marshals Service. We can never lose sight of these principles that define America and inspire the American dream.

Thank you, and I will be happy to address any questions.

[The prepared statement and biographical information of Mr. Reyna follow.]

STATEMENT OF BENIGNO G. REYNA, NOMINEE TO BE DIRECTOR OF THE U.S. MARSHALS SERVICE

Mister Chairman, distinguished committee members, I am honored for the opportunity to appear before you. My wife Maria, my strongest supporter, is accompanying me today. Our sons were looking forward to being here and would have been most honored to appear before this distinguished panel, but were unable to attend due to the short notice of this trip and their necessary attendance at school.

My opening statement will be brief so that I may answer your questions and address any specific matters that may be of concern to you.

I want to begin by highlighting the words that are inscribed in the walls of a memorial that pays tribute to the many law enforcement officers that have lost their lives in the line of duty. In dedicating the National Police Memorial a few blocks from where we are today, President George Bush observed some ten years ago that *"Carved on these walls is the story of America,—of a continuing quest to preserve both democracy and decency,—and to protect a national treasure,—that we call the American Dream."* As we move forward from September 11, 2001, as a stronger nation, these words serve as a permanent reminder of who we and our greater purpose as public servants.

I am honored by President George W. Bush's nomination as the Director of the United States Marshals Service. Thank you for the opportunity to appear before you so promptly.

As the first federal law enforcement agency created in this country, the United States Marshals Service is an integral part of the American story. The tradition of service and leadership is as rich as that of our great nation. The men and women of the United States Marshals Service deserve great credit for maintaining the efficient and secure operations of the federal judiciary. Security and integrity of our nations judicial process will be critical in maintaining public confidence. The investigative assets of the United States Marshals Service that effectively protect witnesses and apprehend fugitives are legendary. The success draws from a tradition of effective cooperation with federal, state, and local law enforcement agencies. I have seen first hand, in my twenty-five years of policing, the effectiveness and efficiency of working as a law enforcement team. The United States Marshals Service is widely regarded in law enforcement as a reliable and valued partner. Now more than ever, interagency cooperation must be embraced and practiced as we face formidable public safety challenges.

We as a nation are facing unprecedented challenges that call upon the United States Marshals Service for extraordinary service. I have no doubt that the Marshals Service will rise to meet such challenges, as it has for almost 212 years. The role of law enforcement will be critical as we confront a new kind of national enemy and their support systems. The United States Marshals Service will be a leading agency in maintaining public confidence and security as federal, state and local agencies work side by side in identifying and bringing to justice those individuals and organizations that attack freedom and human progress.

Mr. Chairman and distinguished members, if confirmed as Director of the United States Marshals Service, I will build upon the great strengths of the Service. The United States Marshals will respond to these challenges in its finest tradition of service and leadership.

Although we are facing uncharted dimensions of national treat, the Constitutional foundations of our freedom and democracy will guide my leadership of the United States Marshals Service. We can never loose sight of these principles that define America and inspire—"the American Dream."

BIOGRAPHICAL INFORMATION (PUBLIC)

1. Full name (include any former names used.)

Benigno Guadalupe Reyna
(Ben, Benny)

2. Address: List current place of residence and office address(es).

Residence: Brownsville, Texas

Retired.

3. Date and place of birth.

DOB: February 12, 1957
POB: Brownsville, Texas

4. Marital Status (include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address)es).

Married: Maria Guadalupe Torres-Reyna
Case Manager, Social Worker IV
Texas Department of Human Services
2345 East Price Road
Brownsville, Texas 78521

5. Education: List each college and law school you have attended, including dates of attendance, degrees received, and dates degrees were granted.

Texas Southmost College, 01/76 - 12/90
Associate in Arts (12/90)

University of Texas-Pan American, 08/88 -05/91
Bachelor of Science - Criminal Justice, (5/91)
Honors: Cum Laude

Patrolman Grades I - IV 08/77 - 08/87
Identification Section, Patrol
Traffic, Motorcycle, Crime
Prevention, Internal Affairs

Police Cadet 05/76 - 08/77
On the job part-time training/
attending college full-time,
federally funded program
Traffic Control, Police Photography,
Identification Section Units

Other employment:

Sunrise Mall
1979 - 1989
Part-time Security Officer

University of Texas-Brownsville
Texas Southmost College
08/98 - 05/99
Criminal Justice Instructor

Non-Profit Organizations

Brownsville Adult Literacy Council
July 20, 2000 - Present
Board Member

Brownsville Boys and Girls Club
1987
Board Member

7. Military Service: Have you had any military service? If so, give particulars, including the dates, branch of service, rank or rate, serial number and type of discharge received.

No military service.

8. Honors and Awards: List any scholarships, fellowships, honorary degrees, and honorary society memberships that you believe would be of interest to the Committee.

Alpha Chi, National College Honor Scholarship Society
University of Texas Pan American - Brownsville

Phi Theta Kappa, National Honor Fraternity
Texas Southmost College

Graduating Class Honors: Highest Grade Point Average in Criminal Justice

Academic Achievement - Texas Commission on Law Enforcement Officer Standards and Education

Certificate of Recognition
Presidencia Municipal
Delegacion De Seguridad Publica
C.P. Ramon Antonio Sampayo, Presidente Municipal
Matamoros, Tamaulipas, Mexico
Inter-agency training - Matamoros police officers

Certificate of Recognition
R. Ayuntamiento 96-98 (City Council)
Matamoros, Tamaulipas, Mexico
Inter-agency public safety support

Certificate of Appreciation
Jose Manuel de J. Echeverria Bastarrachea
Attorney General, State of Yucatan, Mexico
Training provided in Yucatan by BPD to Yucatan's special police operations group.

9. Bar Associations: List all bar associations, legal or judicial-related committees or conferences of which you are or have been a member and give the titles and dates of any offices which you have held in such groups.

Not a member of the Bar.

Presiding Officer
May 2000 - July 2001
Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE)

Commissioner
April 1997 - July 2001
Texas Commission on Law Enforcement Officer Standards and Education

Regional Law Enforcement Technology Expert
Region 5 (Texas, Oklahoma, Louisiana, Arkansas)
October 1997 - Present
Executive Office of the President
Office of National Drug Control Policy
Counter Drug Technology Assessment Center

Law Enforcement Advisor
1995 - Present
U.S. Department of Justice
Law Enforcement Coordinating Committee
U.S. Attorney's Office, Southern District of Texas

Advisory Committee
April 2001 - Present
Criminal Justice Institute
Texas Southmost College - University of Texas, Brownsville

10. Other Memberships: List all organizations to which you belong that are active in lobbying before public bodies. Please list all other organizations to which you belong.

Some of the below listed professional organizations may lobby. I am unaware of any direct lobbying activities. If confirmed, I will resign from any organizations that lobby or that may create a conflict of interest.

Membership in other Organizations:

Presiding Officer
Texas Commission on Law Enforcement Officers Standards and Education

Regional Law Enforcement Technology Expert
Region 5, (Texas, Oklahoma, Louisiana, Arkansas)
Executive Office of the President
Office of National Drug Control Policy
Counter Drug Technology Assessment Center

Law Enforcement Advisor
U.S. Department of Justice
Law Enforcement Coordinating Committee
U.S. Attorney's Office, Southern District of Texas

Advisory Committee
Criminal Justice Institute
Texas Southmost College - University of Texas, Brownsville

Board Member, July 20, 2000 - Present
Brownsville Adult Literacy Council

Member Professional Associations:

International Association of Chiefs of Police

National Association of Chiefs of Police

Texas Police Chiefs Association

Texas Police Association

Rio Grande Valley Law Enforcement Chiefs Association

FBI National Academy Associates

Brownsville Police Officers' Association (past member)

Combined Law Enforcement Association of Texas (past member)

11. Court Admission: List all courts in which you have been admitted to practice, with dates of admission and lapses if any such memberships lapsed. Please explain the reason for any lapse of membership. Give the same information for administrative bodies which require special admission to practice.

None.

12. Published Writings: List the titles, publishers, and dates of books, articles, reports, or other published material you have written or edited. Please supply one copy of all published material not readily available to the Committee. Also, please supply a copy of all speeches by you on issues involving constitutional law

or legal policy. If there were press reports about the speech, and they are readily available to you, please supply them.

No published writings.

I made numerous speeches to civic, non-profit and professional organizations including, but not limited to:

Students at all grade levels (numerous safety, anti-drug campaigns, student councils, Red Ribbon school rallies, Texas Academic Achievement Skills (TAAS) rallies and other youth programs)

Parent Teacher Associations/Organizations (PTA's-PTO's)

Retired Teacher Association(s)

Religious organizations

Business Organizations (i.e. Brownsville Chamber of Commerce; Matamoros, Mexico, Chamber of Commerce; Downtown Merchants Associations; retail stores; Crime Stoppers Board)

Brownsville Independent School District Board(s)

Brownsville Housing Authority Board(s)

Port of Brownsville/Navigation District Board(s)

Police Associations

Police Swearing-in Ceremonies

Neighborhood Crime Watch Programs

Rio Grande Valley Development Council Police Academies

Police Officer Retirement Ceremonies

National Police Memorial Week Ceremonies

Matamoros, Tamaulipas, Mexico City Council

State of Tamaulipas, Mexico, Governor's Office and Mexican Trucking Association(s)-U.S. Law Enforcement Conference on cross border trucking.

U.S.-Mexico, Cross-Border Trucking issues
American Trucking Association - San Antonio Texas

Civic Organizations; Lions, Rotary, Kiwanis Clubs; Mr. Amigo Association(s); Charro Days Fiesta Board(s); United Way Campaign(s)

Police technology presentations for Office of National Drug Control Policy (ONDCP)/Counter-drug Technology Assessment Center - in Houston, Texas; Charlotte, North Carolina; Phoenix, Arizona; Redondo Beach, California; Seattle, Washington; New Orleans, Louisiana

Annual Law Enforcement Achievement Awards
State Capitol, Texas Commission on Law Enforcement Officer Standards and Education

Panel Member: Office of National Drug Control Policy
International Technology Symposium 2001
"Legal Implications of Developing Surveillance Technology" San Diego, California

13. Health: What is the present state of your health? List the date of your last physical examination.

Excellent health.
Extensive medical physical 08/25/2000
Routine medical physical 8/29/2001

14. Public Office: State (chronologically) any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. State (chronologically) any unsuccessful candidacies for elective public office.

Chief of Police
Appointed November 1995
Retired May 2001

Presiding Officer
Commissioner
Texas Commission on Law Enforcement Officer Standards and Education
Gubernatorial Appointment
April 1997 - May 2003 (Resigned July 2001 due to retirement)

15. Legal Career:

a. Describe chronologically your law practice and experience after graduation from law school including:

1. whether you served as clerk to a judge, and if so, the name of the judge, the court, and the dates of the period you were a clerk;

2. whether you practiced alone, and if so, the addresses and dates;

3. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been connected, and the nature of your connection with each;

b. 1. What has been the general character of your law practice, dividing it into periods with dates if its character has changed over the years?

2. Describe your typical former clients, and mention the areas, if any, in which you have specialized.

c. 1. Did you appear in court frequently, occasionally, or not at all? If the frequency of your appearances in court varied, describe each such variance, giving dates.

2. What percentage of these appearances was in:
   (a) federal courts;
   (b) state courts of record;
   (c) other courts.

3. What percentage of your litigation was:
   (a) civil;
   (b) criminal.

4. State the number of cases in courts of record you tried to verdict or judgment (rather than settled), indicating whether

you were sole counsel, chief counsel, or associate counsel.

5. What percentage of these trials was:
   (a) jury;
   (b) non-jury.

I am not an attorney.

16. Litigation: Describe the ten most significant litigated matters which you personally handled. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

   (a) the date of representations;
   (b) the name of the court and the name of the judge or judges before whom the case was litigated; and
   (c) the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

I am not an attorney.

17. Legal Activities: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe the nature of your participation in this question, please omit any information protected by the attorney-client privilege (unless the privilege has been waived.)

I am not an attorney, however the following is a brief overview of significant law enforcement activities during my career.

My background includes twenty-five years of experience in all facets of law enforcement work, broad knowledge of modern police methods, practices and principles of police administration. Fourteen years of progressive, responsible, managerial/supervisory experience with emphasis in employee labor management, Civil Service, and collective bargaining.

I served on the police association's bargaining team and later in management's negotiations team. Additionally, participation in various state and federal sponsored police programs provided valuable experience in development, coordination, administration, and management of special police projects.

The Brownsville Police Department consisted of 233 sworn police officers and approximately 100 civilian positions. The City of Brownsville (pop. 150,000) is located in the southernmost tip of Texas and is bordered by Matamoros, Tamaulipas, Mexico (est. pop. 700,000). The International boundary is highlighted by the Rio Grande River. To the east is the Gulf of Mexico. Such unique bi-national, bi-cultural geographical location presents unique policing challenges. A major challenge faced by the Brownsville Police Department was meeting emergency calls for service demands with limited staffing while staying within fiscal resources. Such challenges were compounded by drug trafficking, cross-border trucking and increased traffic through three international bridges (one also carries railway traffic), a deep-water port and an expanding policing territory caused by dynamic, progressive growth. The police department began implementing community oriented policing strategies. It is the department's philosophy that citizens must be part of the policing process. The department developed long-term partnerships with various community organizations and more importantly, the community's youth.

A catalyst for such programs was the creation of the Brownsville Police Department's Southmost Community Network Center. The City built the 5000 square foot police network center using Community Development Block Grant funds and for the first time partnered with a major grocery store chain who donated the land. The name contains the mission - Networking. While police substations are reactive, the Police Network Center's focus was to be a proactive community center that

addressed contemporary policing issues and associated community concerns. Programs such as the Prevention Efforts Advancing Character Education (P.E.A.C.E.) were developed in partnership with the Brownsville Independent School District. The PEACE program reaches every fifth grade student at BISD teaches self-esteem and other core values. The Center, through various community efforts and numerous police programs, improved the overall quality of life in the Southmost community. The center was one of three projects that earned Brownsville the "All American City" award.

A second police community center now in its final weeks of construction, will expand the services to West Brownsville. This community center is larger and will serve as a secondary Emergency Management Operations Center.

The application of cutting-edge, user-friendly technologies catapulted the department into the 21th century. In 1995 the police department switched to an 800Mhz radio (voice/data) system. However a major concern identified in 1996 was the lack of radio interoperability as a result of police agencies remaining in VHF and other areas of the radio frequency spectrum. Brownsville is within a designated High Intensity Drug Trafficking Area (HIDTA). The police department participated in long-term, counter-drug initiatives with the U.S. Drug Enforcement Administration, and other local task forces. Participation in the Rio Grande Valley Violent Crimes Task Force with the Federal Bureau of Investigation and structured law enforcement initiatives with the United States Border Patrol and the U.S. Customs Service created a need for reliable inter-agency radio communications. Research into the development of a solution began in late 1996. With the assistance of the Law Enforcement Coordinating Committee of the U.S. Attorney's Office, Southern District of Texas, and the Counterdrug Technology Assessment Center, Office of National Drug Control Policy (CTAC/ONDCP) our department traveled to San Diego, California to view a radio interoperability project that had just been implemented. We applied and received assistance from CTAC/ONDCP for the engineering and development of a regional system that would assist in counter drug initiatives and other high-risk incidents. In December 1999, the Brownsville Police Department was the third site in the United States to implement a multi-agency, wireless radio interoperability communications system

and the first CTAC/ONDCP funded system. The system allows for field unit to field unit communications (eliminating the slow and ineffective use of dispatch relays), between the Brownsville Police Department, the U.S. Border Patrol, FBI, DEA, U.S. Customs, Cameron County Sheriffs Department, U.S. Customs Investigations and Inspections, Brownsville Independent School District, University of Texas at Brownsville/Texas Southmost College, and the City of Los Fresnos. Additionally, the Fire and Emergency Medical Services departments are on the system and can communicate directly with any law enforcement organizations needing fire or medical services. Multiple groups of agencies can have radio interoperability simultaneously in the event that they have different high-risk operations going on at the same time. The system locally named "Rio-com" has resulted in increased inter-agency coordination of counter drug initiatives, special police operations, and fugitive apprehensions. Moreover, it improved officer safety. Approval to expand the system to include the City of Harlingen, Texas, twenty-four miles to the North of Brownsville has been approved and discussion to add the U.S. Coast Guard have been initiated.

In 1997 I was appointed as a Commissioner with the Texas Commission on Law Enforcement Officer Standards and Education, serving an un-expired term. I was re-appointed to a full six-year term (1998 to 2003), and in May 2000 I was appointed as Presiding Officer.

As the state's regulatory, licensing and policy making body, the Texas Commission on Law Enforcement, has oversight of approximately 55,000 peace officer licensees,21,250 jailer licensee's, and over 100 licensed police academies. Although a regulatory state agency by statute, the focus of the Commission is to improve the law enforcement profession by developing and administering professional standards. The Commission issues acknowledgements, certificates, and licenses, creates and maintains records retention system, provides public information to officers, agencies and citizens, administers examinations, maintains examinations system, processes applications for endorsements and issues endorsements. Further, it evaluates agencies and training providers, investigates complaints and violations of rules, issues training provider licenses and contracts. Additionally, it researches, develops, validates, and maintains standards, curriculum, and programs; evaluates distance

education courses; assists educational institutions and agencies and program development. The Commission also coordinates administrative proceedings, maintains intergovernmental relations; human resources, provides on-site assistance statewide and conducts workshops and seminars relevant to applicable statutes and agency rules and develops and maintains information resource technology. In 1998 the Commission began allowing mandated continuing education courses for peace officers and jailers to be provided via the Internet. On line courses facilitated training to remote regions of the State. On May 10, 1999, the Texas Peace Officers' Memorial, located on State Capitol grounds, was dedicated in remembrance of the nearly 900 Texas Peace Officers who have died in the line of duty. The Commission charged by the Texas Legislature with the responsibility for the construction and dedication, also has the responsibility for enrollment and induction of peace officers to the Memorial.

Participation since 1997 as a regional law enforcement technology expert with the Counterdrug Technology Assessment Center, Office of National Drug Control Policy (CTAC/ONDCP), provided me the opportunity to meet with hundreds of colleagues during workshops from many, federal, state, county and municipal agencies. It gave me insight into challenges faced in contemporary policing in many regions of the United States. The program makes technologies available, at no cost, to law enforcement agencies for counter drug and other special police applications. The technologies increase effectiveness and above all police officer safety. The technology transfer program has been one of the most successful programs I have seen in my twenty-five year police career.

The Brownsville Police Department has been in the forefront in the development of a regional police data sharing system in the Rio Grande Valley. The system named "Rio-net" will allow the police departments of McAllen, Mission and Brownsville to share police information electronically, including data mining, increasing investigative efficiency and fugitive apprehension effectiveness. Moreover, The system will promote regional interagency cooperation. The project goal is to facilitate the expansion and replication of system technologies with other law enforcement agencies. The project is funded by Counterdrug Technology Assessment Center, Office of National Drug Control Policy (ONDCP/CTAC) and supported by the Law

Enforcement Coordinating Committee (LECC) of the United States Attorney's Office, Southern District of Texas.

Interagency cooperation between all law enforcement agencies was of paramount importance to the Brownsville Police Department. Meetings were held to coordinate and develop police response to emergency high-risk incident at schools, and other police operations. Participating agencies included the FBI, DEA, Cameron County District Attorney's Office, the U.S. Attorneys Office. U.S. Border Patrol, the Cameron County Sheriff's Office and the University of Texas at Brownsville Police Department. Special coordination with the Brownsville Independent School District Police Department and the school Superintendent's Office was implemented to ensure a rapid and safe response to violent, high-risk incidents. Additionally, our department acquired specialized equipment for such emergencies and became available for loan to any agency in our region. The equipment including a large mobile command unit enhanced the Rio-com radio system. Moreover, a program was developed and implemented for training and maintenance of a specialized emergency response team that ensured a 24/7 state of readiness in the event of deployment.

Brownsville's geographical location on the border creates an opportunity for Texas youth to enter Mexico and drink alcoholic beverages. In Mexico the minimum drinking age is 18 compared to the minimum age of 21 in Texas. As a result, the department developed and implemented an underage drinking initiative to prevent teenagers from traveling into Mexico to consume alcoholic beverages. A "Zero Tolerance" policy for youth returning intoxicated from Matamoros was implemented. A partnership with the Brownsville Independent School District Police and the Cameron County Juvenile Probation Department was established. Funding received from the Governor's Office for this initiative was voluntarily shared among the agencies. The multi-prong approach includes an educational component at the schools. The program has been successful in preventing teenagers from traveling to Mexico to consume alcoholic beverages.

An agreement with our counterparts across the border, the Policia Preventiva Municipal, Matamoros, Tamaulipas, Mexico was reached to return non-violent,

juvenile, United States citizens to the custody of the Brownsville Police Department for minor offenses (such as traffic, public intoxication and disorderly conduct) committed in Mexico. The Brownsville Police Department would then immediately arrange the safe return of juveniles to their parents and/or guardians instead of being detained across the border. Cooperation between Brownsville and Matamoros Police Departments is extremely critical during Spring Break when approximately 40,000 students cross the border to Matamoros weekly.

Other areas of international cooperation included automobile theft prevention and recovery efforts, assistance with international fugitives, a reciprocity agreement with the City of Matamoros for the recognition and acceptance of disabled parking placards in both cities by local police. The agreement facilitated access to disabled parking spaces on public and private facilities in both cities. Additionally, the Brownsville Police Department with the approval of the Mayor and the City Commission, donated surplus police equipment, including police equipped cars, to the City of Matamoros Police Department.

As the City of Brownsville Emergency Management Coordinator, I was responsible for the maintenance and application of the state approved emergency management operations plan during severe weather related disasters and other hazardous incidents. Coordination of Mitigation, Preparedness, Response, and Recovery with every City department and collateral agencies was maintained. The Emergency Operations Center (EOC) is housed at the Brownsville Police Department Headquarters. The EOC also served as a regional response center for south Texas staffed by federal, state, county and municipal police agencies during the prison escape of the "Texas Seven" from a state prison.

II. FINANCIAL DATA AND CONFLICT OF INTEREST (PUBLIC)

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients, or customers. Please describe the arrangements you have made to be compensated in the future for any financial or business interest.

   Copy of Financial Disclosure Report is attached.

2. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern. Identify the categories of litigation and financial arrangements that are likely to present potential conflicts-of-interest during your initial service in the position to which you have been nominated.

   In the event of a potential conflict of interest, I will consult with the ethics official for the U.S. Marshals Service.

3. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service in the position to which you have been nominated? If so, explain.

   No.

4. List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, patents, honoraria, and other items exceeding $500 or more. (If you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here.)

   Copy of Financial Disclosure Report is attached.

5. Please complete the attached financial net worth statement in detail (add schedules as called for).

Financial net worth statement attached.

5. Have you ever held a position or played a role in a political campaign? If so, please identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

No.

U.S. Department of Justice

Washington, D.C. 20530

SEP 13 2001

Ms. Amy L. Comstock
Director
Office of Government Ethics
Suite 500
1201 New York Avenue, NW
Washington, DC 20005-3919

Dear Ms. Comstock:

In accordance with the provisions of Title I of the Ethics in Government Act of 1978 as amended, I am forwarding the financial disclosure report of Benigno G. Reyna, who has been nominated by the President to serve as Director, United States Marshals Service (USMS), Department of Justice.

We have conducted a thorough review of the enclosed report. The conflict of interest statute, 18 U.S.C. 208, requires that Mr. Reyna recuse himself from participating personally and substantially in a particular matter in which he, his spouse, minor children or anyone whose interests are imputed to him under the statute, has a financial interest. We have counseled him to obtain advice about disqualification or to seek a waiver before participating in any particular matter that could affect his financial interests. Mr. Reyna's continuing interest in the defined benefit plan of the Texas Municipal Retirement System constitutes a financial interest. However, there is a regulatory exemption pursuant to 18 U.S.C. Section 208(b)(2) found at 5 CFR 2640.201(c) under which Mr. Reyna would be permitted to participate in particular matters of general applicability such as rulemaking which affect all states, including the State of Texas.

We have advised Mr. Reyna that because of the standard of conduct on impartiality at 5 CFR 2635.502 he should seek advice before participating in a particular matter involving specific parties in which a member of his household has a financial interest or in which someone with whom he has a

covered relationship is or represents a party. Mr. Reyna will have a covered relationship with his former employer. If confirmed, Mr. Reyna will resign from the positions reported on Schedule D Part I. Mr. Reyna understands that for a minimum of one year after resignation or departure he should seek advice before participating in a matter that can affect these organizations and other organizations with which he has a covered relationship.

Based on the above agreements and counseling, I am satisfied that the report presents no conflicts of interest under applicable laws and regulations and that you can so certify to the Senate Judiciary Committee.

Sincerely,

Janis A. Sposato
Acting Assistant Attorney
General for Administration and
Designated Agency Ethics Official

Enclosure

SF 278 (Rev. 03/2000)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Executive Branch Personnel PUBLIC FINANCIAL DISCLOSURE REPORT

Form Approved:
OMB No. 3209 - 0001

Date of Appointment, Candidacy, Election, or Nomination *(Month, Day, Year)*	Reporting Status (Check Appropriate Boxes)	Incumbent ☐	Calendar Year Covered by Report	New Entrant, Nominee, or Candidate ☑	Termination Filer ☐	Termination Date *(If Applicable) (Month, Day, Year)*

Reporting Individual's Name	Last Name: Reyna	First Name and Middle Initial: Benigno G
Position for Which Filing	Title of Position: Director, United States Marshals Service	Department or Agency *(If Applicable)*: Department of Justice
Location of Present Office (or forwarding address)	Address *(Number, Street, City, State, and ZIP Code)*: 1755 Woodway Drive, Brownsville, Texas 78521	Telephone No. *(Include Area Code)*: (956) 504-2955
Position(s) Held with the Federal Government During the Preceding 12 Months *(If Same as Above)*	Title of Position(s) and Date(s) Held: NONE	
Presidential Nominees Subject to Senate Confirmation	Name of Congressional Committee Considering Nomination: Senate Judiciary	Do You Intend to Create a Qualified Diversified Trust? ☐ Yes ☑ No

Certification	Signature of Reporting Individual	Date *(Month, Day, Year)*
I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge.	Benigno G. Reyna	07/27/2001
Other Review (If desired by agency)	Signature of Other Reviewer: Mary Braden	Date *(Month, Day, Year)*: 9/13/01
Agency Ethics Official's Opinion: On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (subject to any comments in the box below).	Signature of Designated Agency Ethics Official/ Reviewing Official: James Smoot	Date *(Month, Day, Year)*: 9/13/01
Office of Government Ethics Use Only	Signature	Date *(Month, Day, Year)*

Comments of Reviewing Officials *(If additional space is required, use the reverse side of this sheet)*

Notations "INE" by Daniel A. Rodgers, DEO DOI.
upon consultation with filer.

(Check box if filing extension granted & indicate number of days _____) ☐

(Check box if comments are continued on the reverse side) ☐

Fee for Late Filing

Any individual who is required to file this report and does so more than 30 days after the date the report is required to be filed, or, if an extension is granted, more than 30 days after the last day of the filing extension period, shall be subject to a $200 fee.

Reporting Periods

Incumbents: The reporting period is the preceding calendar year except Part II of Schedule C and Part I of Schedule D where you must also include the filing year up to the date you file. Part II of Schedule D is not applicable.

Termination Filers: The reporting period begins at the end of the period covered by your previous filing and ends at the date of termination. Part II of Schedule D is not applicable.

Nominees, New Entrants and Candidates for President and Vice President:

Schedule A -- The reporting period for income (BLOCK C) is the preceding calendar year and the current calendar year up to the date of filing. Value assets as of any date you choose that is within 31 days of date of filing.

Schedule B -- Not applicable.

Schedule C, Part I (Liabilities)--The reporting period is the preceding calendar year and the current calendar year up to any date you choose that is within 31 days of the date of filing.

Schedule C, Part II (Agreements or Arrangements)--Show any agreements or arrangements as of the date of filing.

Schedule D -- The reporting period is the preceding two calendar years and the current calendar year up to the date of filing.

Agency Use Only

OGE Use Only

NSN 7540-01-070-8444
OGE/PureEdge, version 1.0.4 [5/21/01]

SF 278 (Rev. 03/2000)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Reporting Individual's Name	SCHEDULE A	Page Number
Reyna, Benigno G.		2 / 5

Assets and Income — BLOCK A

For you, your spouse, and dependent children, report each asset held for investment or the production of income which had a fair market value exceeding $1,000 at the close of the reporting period, or which generated more than $200 in income during the reporting period, together with such income.

For yourself, also report the source and actual amount of earned income exceeding $200 (other than from the U.S. Government). For your spouse, report the source but not the amount of earned income of more than $1,000 (except report the actual amount of any honoraria over $200 of your spouse).

None ☐

Valuation of Assets at close of reporting period. — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

	Assets and Income	Valuation of Assets: None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Exempted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Rent and Royalties	Interest	Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Da, Yr.) Only if Honoraria
Examples	Central Airlines Common			X													X						X										
	Doe Jones & Smith, Hometown, State			X																												Law Partnership Income $10,000	
	Kempstone Equity Fund					X								X										X									
	IRA: Heartland 500 Index Fund							X						X											X								
1	City of Brownsville Emp. Fed. Credit Union		✓																✓			✓											
2	Texas Municipal Retirement System Defined benefit plan.					✓													✓								✓						
3	City of Brownsville, Texas Police Department																															Salary $106,490	
4	Spouse: Texas Department of Human Services																															Salary	
5	Spouse: Texas Retirement System Defined benefit plan.			✓															✓			✓											
6																																	

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

Prior Editions Cannot Be Used.

OGE/PureEdge, version 1.0.4 (3/21/01

SF 278 (Rev. 03/2000)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Do not complete Schedule B if you are a new entrant, nominee, or Vice Presidential or Presidential Candidate

Reporting Individual's Name	SCHEDULE B	Page Number
Reyna, Benigno G.		3 / 5

Part I: Transactions

Report any purchase, sale, or exchange by you, your spouse, or dependent children during the reporting period of any real property, stocks, bonds, commodity futures, and other securities when the amount of the transaction exceeded $1,000. Include transactions that resulted in a loss.

Do not report a transaction involving property used solely as your personal residence, or a transaction solely between you, your spouse, or dependent child. Check the "Certificate of divestiture" block to indicate sales made pursuant to a certificate of divestiture from OGE.

None ☐

	Identification of Assets	Transaction Type (x)			Date (Mo., Day, Yr.)	Amount of Transaction (x)													
		Purchase	Sale	Exchange		$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Certificate of
Example	Central Airlines Common	X			2/1/99			X									
1		☐	☐	☐		☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
2		☐	☐	☐		☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
3		☐	☐	☐		☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
4		☐	☐	☐		☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
5		☐	☐	☐		☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐

* This category applies only if the underlying asset is solely that of the filer's spouse or dependent children. If the underlying asset is either held by the filer or jointly held by the filer with the spouse or dependent children, use the other higher categories of value, as appropriate.

Part II: Gifts, Reimbursements, and Travel Expenses

For you, your spouse and dependent children, report the source, a brief description, and the value of: (1) gifts (such as tangible items, transportation, lodging, food, or entertainment) received from one source totaling more than $260, and (2) travel-related cash reimbursements received from one source totaling more than $260. For conflicts analysis, it is helpful to indicate a basis for receipt, such as personal friend, agency approval under 5 U.S.C. § 4111 or other statutory authority, etc. For travel-related gifts and reimbursements, include travel itinerary, dates, and the nature of expenses provided. **Exclude** anything given to you by the U.S. Government; given to your agency in connection with official travel; received from relatives; received by your spouse or dependent child totally independent of their relationship to you; or provided as personal hospitality at the donor's residence. Also, for purposes of aggregating gifts to determine the total value from one source, exclude items worth $104 or less. See instructions for other exclusions.

None ☐

	Source *(Name and Address)*	Brief Description	Value
Examples	Nat'l Assn. of Rock Collectors, NY, NY	Airline ticket, hotel room & meals incident to national conference 5/15/99 (personal activity unrelated to duty)	$500
	Frank Jones, San Francisco, CA	Leather briefcase (personal friend)	$300
1			
2			
3			
4			
5			

Prior Editions Cannot Be Used.

OGE/PureEdge, version 1.0.4 (5/21/01)

SF 278 (Rev. 09/2000)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Reporting Individual's Name	SCHEDULE C	Page Number
Reyna, Benigno G.		4 / 5

Part I: Liabilities

Report liabilities over $10,000 owed to any one creditor at **any time** during the reporting period by you, your spouse, or dependent children. Check the highest amount owed during the reporting period. **Exclude** a mortgage on your personal residence unless it is rented out; loans secured by automobiles, household furniture or appliances; and liabilities owed to certain relatives listed in instructions. See instructions for revolving charge accounts.

None ☐

	Creditors *(Name and Address)*	Type of Liability	Date incurred	Interest Rate	Term if applicable	Category of Amount or Value (x)											
						$10,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000.*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000
Examples	First District Bank, Washington, DC	Mortgage on rental property, Delaware	1991	8%	25 yrs			X									
	John Jones, 123 JSt., Washington, DC	Promissory note	1999	10%	on demand					X							
1	Capital One Financial Services	Consumer Loan	2001	10.9	7 yrs	☑	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
2						☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
3						☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
4						☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
5						☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐

* This category applies only if the underlying liability is solely that of the filer's spouse or dependent children. If the liability is that of the filer or a joint liability of the filer with the spouse or dependent children, mark the other higher categories, as appropriate.

Part II: Agreements or Arrangements

Report your agreements or arrangements for: (1) continuing participation in an employee benefit plan (e.g. pension, 401k, deferred compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment. See instructions regarding the reporting of negotiations for any of these arrangements or benefits.

None ☐

	Status and Terms of any Agreement or Arrangement	Parties	Date
Example	Pursuant to partnership agreement, will recieve lump sum payment of capital account & partnership share calculated on service performed through 1/00.	Doe Jones & Smith, Hometown, State	7/85
1	Pursuant to City of Brownsville, Texas Retirement Agreement, health insurance benefit premiums for retiree and one dependent will be paid monthly to age sixty-five (65).	City of Brownsville, Texas	05/01
2	Texas Municipal Retirement System, defined benefit plan. Eligible to draw annuity, but filer is not receiving benefits. Amount will depend on filer's age when he draws benefit.	City of Brownsville, Texas - Texas Municipal Retirements System	05/76
3			
4			
5			
6			

VNR

SF 278 (Rev. 03/2000)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Reporting Individual's Name	SCHEDULE D	Page Number
Reyna, Benigno G.		5 / 5

Part I: Positions Held Outside U.S. Government

Report any positions held during the applicable reporting period, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. **Exclude** positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

None ☐

	Organization *(Name and Address)*	Type of Organization	Position Held	From *(Mo., Yr.)*	To *(Mo., Yr.)*
Examples	Natl Assn. of Rock Collectors, NY, NY	Non-profit education	President	6/92	Present
	Doe Jones & Smith, Hometown, State	Law firm	Partner	7/85	1/00
1	Brownsville Adult Literacy Council	Non-profit education	Board Member*	07/00	Present
2	University of Texas - Texas Southmost College	Criminal Justice institute - Police Academy	Advisory Board Member*	03/01	Present
3	State of Texas - Texas Commission on Law Enforcement Officer Standards and Education	State Regulatory Agency	Presiding Officer*	04/97	Present
4	* Will resign upon confirmation				
5	City of Brownsville, TX	Law Enforcement	Chief of Police	1977	5/01
6					

Part II: Compensation in Excess of $5,000 Paid by One Source

Report sources of more than $5,000 compensation received by you or your business affiliation for services provided directly by you during any one year of the reporting period. This includes the names of clients and customers of any corporation, firm, partnership, or other business enterprise, or any other non-profit organization when you directly provided the services generating a fee or payment of more than $5,000. You need not report the U.S. Government as a source.

Do not complete this part if you are an Incumbent, Termination Filer, or Vice Presidential or Presidential Candidate.

None ☐

	Source *(Name and Address)*	Brief Description of Duties
Examples	Doe Jones & Smith, Hometown, State	Legal services
	Metro University (Client of Doe Jones & Smith), Moneytown, State	Legal services in connection with university construction
1	City of Brownsville, Texas	Chief of Police
2		
3		
4		
5		
6		

Prior Editions Cannot Be Used.

OGE/PureEdge, version 1.0.4 (5/21/01)

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including ba
accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including deb
mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members
your household.

ASSETS				LIABILITIES			
Cash on hand and in banks	55	684	00	Notes payable to banks—secured			
U.S. Government securities—add schedule				Notes payable to banks—unsecured	14	486	00
Listed securities—add schedule				Notes payable to relatives			
Unlisted securities—add schedule				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due	10	223	00
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid tax and interest			
Doubtful				Real estate mortgages payable—add schedule	68	933	57
Real estate owned—add schedule	127	000	00	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts—itemize:			
Autos and other personal property	35	000	00				
Cash value—life insurance				Graduateloan Center	1	645	27
Other assets—itemize:							
Municipal Retirement System	172	193	68				
				Total liabilities	95	289	02
Spouse-Employee Retirement	17	919	60	Net worth	312	506	26
Total assets	407	795	28	Total liabilities and net worth	407	795	28

CONTINGENT LIABILITIES		GENERAL INFORMATION	
As endorser, comaker or guarantor	None	Are any assets pledged? (Add schedule.)	No
On leases or contracts	None		
Legal Claims	None	Are you defendant in any suits or legal actions?	Yes
Provision for Federal Income Tax	None	Have you ever taken bankruptcy?	No
Other special debt Child Support			

Supplement Schedule to:
FINANCIAL STATEMENT
NET WORTH

REAL ESTATE SCHEDULE

Primary residence:	Brownsville, Texas	$57,000
Second residence:	Rio Hondo, Texas	$70,000

LIABILITIES

Real Estate Mortgage(s)

(1) Valley Mortgage Company, Inc.
1319 North 10th Street
McAllen, Texas 78502

Primary Residence
Brownsville, Texas
Principal: $24,045.15
Interest: 11.25%
Payment: $560.00
Term: 30 years, assumed 1985

(2) Texas State Bank
3900 N. 10th at Nolana
P.O. Box 4797
McAllen, Texas 78502-4797

Secondary Residence
Rio Hondo, Texas
Principal: $44,888.42
Interest: 9.5%
Payment: $494.59
Term: sixty months - renewable every five years
Incurred: January 2000

III. GENERAL (PUBLIC)

1. An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

   I am not an attorney, however my community service includes:

   Volunteered at Christ the King Catholic Church annual fundraising summer carnival for the past three years. Volunteer work includes general carpentry work and assisting with cooking at a food booth. Approximately seventy hours of volunteer time each year.

   Directed the Brownsville Police Department "Christmas for Kids" toy program 1995-2000. Approximately 6,000 under-privileged children received a toy, candy, fruit drink, pastry, and a visit with Santa Claus one week before Christmas. Children received tickets to the program directly from police officers or through the Texas Department of Human Services. The program was entirely supported by hundreds of volunteers and private funding. Approximately 150 hours of volunteer time. The Christmas program was expanded to under-privileged children residing in the Cameron Park Community outside of Brownsville.

   Volunteered and later invited to be a member of the Adult Literacy Council. Volunteered for the past two years to design and build with the support of Home Depot and police officer volunteers, a 2000 square foot stage for the "Symphony at the Park" fundraising event. Funds are used for various literacy programs. Approximately 200 hours of volunteer time.

   Volunteered to promote the personal participation of the FBI, DEA, U.S. Customs, U.S. Border Patrol, Cameron County District Attorney, the U.S. Attorney's Office, and the Cameron County Sheriff's Office with the Brownsville Police Department in the Annual Make-A-Wish Foundation fundraising "Bike-a-Thon". Agency heads participate each year by riding approximately 8 miles, helping make wishes come true for terminally ill children.

Participated as a "waiter" and " restaurant host" in the "Tip-a-Cop for Special Olympics" Program sponsored by Red Lobster Restaurants. Police officers assist regular waiters during this annual event. Red Lobster forwards all tips collected by police waiters to the Special Olympics Program.

Volunteered in weekend community beautification and clean-up campaigns sponsored by the City of Brownsville.

Volunteered to read to children at the local mall on a weekend to promote literacy programs.

2. Do you currently belong, or have you belonged, to any organization which discriminates on the basis of race, sex, or religion - through either formal membership requirements or the practical implementation of membership policies? If so, list, with dates of membership. What you have done to try to change these policies.

No.

Senator DURBIN. Thank you very much for your testimony, and I notice not only your 25 years of service, but also a lot of community activity, too, supporting children's projects. I think that is very commendable on your part.

It also says that you are a native of Brownsville. Is that correct?

Mr. REYNA. Yes, Senator.

Senator DURBIN. And a first-generation American, is that correct?

Mr. REYNA. Yes, sir, I am.

Senator DURBIN. And your parents came from—

Mr. REYNA. Mexico.

Senator DURBIN. Let me ask you this question. It probably is something that no one would have even thought of 10 days ago, but have you reflected on the possibility of a new role for the U.S. Marshals service relative to either the sky marshals, air marshals, that we have talked about or other counter-terrorist activities?

Mr. REYNA. Mr. Chairman, I have no doubt that the United States Marshals Service can rise to a leadership role in dealing with this very serious national threat that is upon us. I think that over the last few days the United States Marshals have already responded to the needs that are facing our country.

Senator DURBIN. And, of course, there will be a new level of heightened security because of what we have been through and the Marshals will be on the front line when it comes to protecting many of the important resources of our law enforcement system.

In your past work as chief in Brownsville, have you worked directly with Federal agencies?

Mr. REYNA. Yes, sir, quite extensively. One of the things that we are very proud about in our area is that we view ourselves as a law enforcement team. If there are any issues within the community, it is not the Bureau's problem or the Drug Enforcement Administration's problem. It is our problem, and we have been able to work on many fronts, very many special programs, and certainly have been able to deal with a lot of the sensitive issues that arise in and around a border.

Senator DURBIN. Thank you.

Senator Hatch, I don't know if you have any questions of this witness, but I will give you this opportunity.

Senator HATCH. Well, let me just say, as I would have mentioned in my opening statement, the police department in the city of Brownsville is confronted by some unique issues, in addition to those typical of comparably sized cities in the United States.

Brownsville location, immediately adjacent to a much larger city across the border in Mexico, presents law enforcement issues that are not within the city's jurisdiction, but nevertheless are important to the residents of Brownsville.

I know that you and your police department have worked closely as a partner with the various U.S. Federal law enforcement agencies, as well as Mexican officials. Would you please explain your views on the importance of cooperative law enforcement and tell us whether you see any ways to improve the way the Marshals Service cooperates with the many agencies with which it has contact and works?

Mr. REYNA. Thank you, Senator Hatch. Interagency cooperation, I think, is of utmost importance. I think one of the most fundamental principles, I guess, that we first must recognize within law enforcement is that we are public servants, and as such we need to extend beyond those limitations that perhaps we have just by simple policing structures.

There is no doubt, and from personal experience, we have seen tremendous results in these cooperative efforts in all areas. In our particular area, obviously we have the United States Border Patrol, the Immigration and Naturalization Service, the Agriculture Department, a lot of other departments that perhaps other cities don't have to have perhaps daily operations with.

One of the things that we have found is that in order for us to maximize our resources and meet the ever-changing public demand is to share local assets with the Federal agencies. And it goes beyond personnel. It includes equipment, and more importantly it includes working together and defining certain policies that will protect and make a safer community.

We have dealt with many issues, including issues from high-risk incidents involving education, all the way to border issues. And I am certainly proud to say that all Federal agencies have been very supportive. The United States Marshal has a special program that we work with. They are right across the street from the Brownsville Police Department and have also played a vital role in improving the safety and welfare of our community.

Senator HATCH. Thank you. In addition to your duties as Chief of the Brownsville Police, you have served as a commissioner with the Texas Commission on Law Enforcement Officer Standards and Education. As I understand it, the Commission is the State's regulatory, licensing and policymaking body for public safety which oversees approximately 55,000 peace officers. The Commission's goal is to improve the law enforcement profession by developing and administering professional standards.

Do you think your experience on the Commission will be of help to you as the Director of the Marshals Service, and do you have any ideas as to how to keep or even improve upon the high professional standards that we have come to expect of the Marshals Service?

Mr. REYNA. Senator Hatch, the Texas Commission on Law Enforcement—traditionally, though it is a regulatory agency, its biggest purpose and mission was to raise the bar within the law enforcement profession, and has done a tremendous job of doing that.

Texas is a very large State, with about approximately, as you indicated, 55,000 licensed peace officers. But the Texas Commission on Law Enforcement also licenses and regulates the police academies, and is also a support unit for our legislature in trying to develop programs that will assist local law enforcement agencies.

One of the biggest focuses that we had was supporting the small police department, the 3- or 4-man police department, to one of the country's largest police departments. And it is through that experience that certainly I attained there, and certainly from all my colleagues, that certainly gives me the ability to understand the different needs, and more importantly the changing needs and demands, and being able to develop an agency that is certainly struc-

tured to be willing to adapt to our changing needs. Currently, we have one of those changing needs before us as we go beyond last week.

Senator HATCH. Well, great. I am really thrilled with your appointment. I am happy to support you and I hope we can get you through as quickly as possible.

That is all I have, Mr. Chairman.

Senator DURBIN. Thank you, Senator Hatch.

Mr. Reyna, thank you very much for joining us today. There may be some questions submitted by other members of the panel who couldn't be here this morning. I know that Senator Leahy is also going to—well, here comes Senator Leahy just as I speak. Staff had advised me he was going to try to make it to say his words of greeting.

STATEMENT OF HON. PATRICK J. LEAHY, A U.S. SENATOR FROM THE STATE OF VERMONT

Chairman LEAHY. Yes, thank you, and I thank Senator Hatch. I was just talking with Senator Specter, who I know is outside, who has been on this.

Chief, good to have you here. We have all been trying to do about five different things. We are trying to move quickly forward. Senator Hatch and Senator Specter and I met with the Attorney General yesterday. I think he was beginning to think I was the next thing to a house guest. Over the weekend, we met a number of times at the Department of Justice, and talked several times a day by phone.

We have been meeting. We have a series of pieces of legislation, I would just advise my colleagues, that the Attorney General and I and others have been working on. We have found ourselves in basic agreement on a number of the pieces of it and have tried to work on others.

I know that some of the leadership in both the Republican leadership and Democratic leadership in the House have some problems with some parts of it. We are going to try to resolve much of that. Our staffs will be working throughout the weekend on this. We have just gotten a working draft from the Department of Justice and we are going through it line by line with proposals that I have made and other Senators have made from other committees. We are working those things out and will throughout the weekend.

I have cancelled plans to leave town this weekend just to stay and be available to work on this. I would encourage all Senators who can to stay here this weekend or stay available this weekend to work on this. The Attorney General will be before the committee on Tuesday of next week to outline the plans. I hope we can discuss at that point a number of areas in which we are in agreement. I suspect there will be far more areas of agreement than disagreement.

The Republican Leader in the Senate suggested that he thought very expeditiously would be a couple of weeks, knowing that it took us two months after the Oklahoma City bombing to do it. We are all committed to move as quickly as we can. There are so many things, though, that are in the works and that we already can do.

I know, Chief, you work with the local Mexican authorities and Federal law enforcement agencies—Border Patrol, FBI, DEA. We have a program called Northstar. It is an intelligence-swapping network between U.S. and Canadian local police, customs officials and prosecutors. The Attorney General gave his approval for the program when he visited Ottawa, and I would hope that you and the Marshals Service would be supporting that and helping to make that project work. For those of us who live along the northern border, it is very important to us.

Mr. REYNA. I certainly look forward to working with that program, Mr. Chairman.

Chairman LEAHY. Thank you, and I would also urge that we move expeditiously in getting local Marshals up here. My understanding is that we have not received a single nomination for U.S. Marshals for any of the States or districts.

Your papers came up here last week. I told the Attorney General we would move far faster than normally—in fact, we had another hearing scheduled this morning—to move you forward so that we can get you in place. We are going to try to get a number of others for the Justice Department in place as quickly as possible.

But please tell them, if we are going to have new Marshals in all of the States, to get those names up here as quickly as possible. I have no idea how long the Senate will be in session this year and we want to move forward as quickly as we can.

I thank Senator Durbin for coming here to do this, and Senator Hatch and Senator Specter. I thought when we finished maybe the four of us could chat out back.

[The prepared statement of Senator Leahy follows:]

STATEMENT OF HON. PATRICK J. LEAHY, A U.S. SENATOR FROM THE STATE OF VERMONT ON THE NOMINATIONS OF JAY B. STEPHENS TO BE ASSOCIATE ATTORNEY GENERAL AND BENIGNO G. REYNA TO BE DIRECTOR OF THE UNITED STATES MARSHALS SERVICE

I have called this hearing on an expedited basis for nominations received only last week from the Administration. Given the terrible events of the last week, I thought it important that we move forward with the nominations of two critical appointments that we have before us today, the President's nomination to head the United States Marshals Service and to serve as the third-highest ranking official at the Department of Justice, the Associate Attorney General.

I welcome our nominees and thank them for their cooperation. I would especially like to thank Chief Reyna, who flew here all the way from Texas. Last week, the Committee proceeded with the nomination of John Gillis to head the Office for Victims of Crime, as well as with a dozen United States Attorneys whose paperwork we insisted be expedited. The Senate confirmed them all last week, along with another nominee from Texas to head the Bureau of Justice Assistance within the Department of Justice. I am proud of the way this Committee and the Senate have responded to the circumstances of the last week and the support we have been able to provide to the Administration. This hearing continues that effort.

The position of Associate Attorney General has always been important, but it is especially so in light of the recent attacks on innocent Americans. Among the many responsibilities of Associate Attorney General are supervisory responsibility for the Civil Rights Division at the Department of Justice and of the Office of Justice Programs, which includes the Office for Victims of Crime and, I believe our federal assistance programs to policeman, fireman and other public safety officers and their families injured or lost in the line of duty.

The Civil Rights Division, which plays an important role in the lives of all Americans, will have a special role in helping the FBI and local authorities ensure the rights of Arab-Americans. No one should become a target of hate or discrimination because of their religion, nationality or ethnic background. In response to the devastation we witnessed as a nation on September 11, the Office of Victims of Crime

is assisting many victims and their families. The resources for our victims assistance and counseling programs, as well as the federal contributions to State and national assistance and compensation programs, are essential to ongoing efforts to provide support to those victimized last Tuesday.

Following the leadership of Senator Clinton, the Senate has already indicated ways in which we can improve benefits to the families of public safety officers and I want to work with the Attorney General to streamline and improve those benefits.

The Office of the Associate Attorney General also has responsibility for the Antitrust Division, the Civil Division, the Tax Division, and the Environmental and Natural Resources Division. We are beginning to see and formulate legislative proposals that will call upon the expertise and capacities of all these components of the Department of Justice. Until now, the Attorney General and Deputy Attorney General have had a number of Assistant Attorneys General on whom to rely but no nominee to serve as the Associate. It was not until September10 that the Senate received Mr. Stephens' nomination. We have all worked together to expedite the paperwork necessary to consider this nomination and today, at our first opportunity to hold this hearing, we are prepared to proceed.

Before joining the private sector in 1993, Mr. Stephens held the positions of Deputy Counsel to President Reagan, Associate Deputy Attorney General, Deputy Associate Attorney General, Counsel to the Assistant Attorney General for the Criminal Division, United States Attorney for the District of Columbia, and Assistant United States Attorney for the District of Columbia.

The person who fills the position of Associate Attorney General not only needs the full confidence of the President, the Deputy Attorney General and the Attorney General; he also needs the confidence and trust of the Congress and the American people. We all look to the Department of Justice to ensure even-handed law enforcement and protection of our basic constitutional rights—including freedom of speech, the right to privacy, a woman's right to choose, freedom from government oppression, and equal protection of the laws. The leadership at the Department of Justice plays a critical role in bringing the country together, bridging racial divisions, and inspiring people's confidence in their Government. I cannot remember a more challenging time for the Department of Justice. All of us are pulling together and the Associate Attorney General will play a key role in the weeks and months ahead.

I have already made reference to Chief Benigno Reyna. Chief Reyna is the President's nominee to direct a crucial component of our federal law enforcement family, the United States Marshals Service. The United States Marshals Service was created more than 200 years ago by the first Congress in the Judiciary Act of 1789, the same legislation that established the federal judicial system. It is the federal law enforcement agency with the longest history and it possesses a storied record of achievements. Our Marshals now support and protect the federal courts around the country and carry out the orders issued by judges. They also assist in the enforcement of laws written by Congress and signed by the President.

Over the past 200 years, Congress and the President have called on the Marshals to carry out a myriad of important law enforcement missions, and we are calling on them again. I know that Deputy Marshals from Vermont, for example, are helping with operations in Vermont and in other parts of New England to ensure airport security and to protect government operations and all Americans. Although the Senate did not receive the President's nomination of Chief Reyna until September 12, we are proceeding as expeditiously as we can.

I do not intend for this proceeding today to indicate anything but support for the Department of Justice and the United States Marshals. I thank the Acting Director of the United States Marshals Service, Louie T. McKinney, and all of the acting United States Marshals and Deputy Marshals from around the country for their service in the past difficult days and for their continuing dedication and sacrifice.

Since 1976, Benigno Reyna has worked for and headed the Police Department of Brownsville, Texas, where he served as Chief from 1995 until his retirement this past May. During his tenure at the Department, he participated in a remarkable collaboration between the Brownsville community and the adjacent city of Matamoros, located across the Mexican border. The two communities have worked together to establish policies on cross-border arrests and the extradition of minors to their home country of Mexico or the United States.

Because of Brownsville's unique geographical location at the United States border, there is a need for communication between the Brownsville Police and federal law enforcement agencies, such as the DEA, the FBI, and the United States Border Patrol. In December, 1999, the Brownsville Police Department became the third site in the United States to implement a multi-agency, wireless radio interoperability communications system. This system allows for field unit to field unit communications between Brownsville police and federal law enforcement agencies. I want to

hear about that regional law enforcement communications network they used and work with him to ensure that we quickly make progress on the longstanding proposal for a better regional communications along our northern border as well.

Senator DURBIN. Thank you.

Senator Specter, do you have any questions?

Senator SPECTER. I do not have questions. I compliment Mr. Reyna for the nomination. I note your excellent academic record and your long experience in law enforcement. I believe you will be confirmed and, once confirmed, you will have a job which is traditionally very important and now it is even more important.

I see the work of the Marshals in the three districts in Pennsylvania and what they do, very significant work on security for judges, and I am glad to see you with this hearing and moving forward to be in place to carry out these important functions.

Good luck.

Mr. REYNA. Thank you, Senator Specter.

Senator DURBIN. Thank you, Senator Specter.

Chief Reyna, thanks for joining us today. We appreciate it very much.

Mr. REYNA. Thank you, Mr. Chairman.

Senator DURBIN. Mr. Stephens, can I ask if you will stand to be sworn?

Do you swear the testimony you are about to give is the truth, the whole truth and nothing but the truth, so help you God?

Mr. STEPHENS. I do.

Senator DURBIN. Thank you very much.

Chairman LEAHY. If I might interrupt, Mr. Chairman, Mr. Stephens was one of the nominees specifically that Attorney General Ashcroft asked if we could expedite and we are trying to do that.

Senator DURBIN. Thank you.

Mr. Stephens, thank you for joining us, and if you would be kind enough to introduce your family and make your opening statement.

STATEMENT OF JAY B. STEPHENS, NOMINEE TO BE ASSOCIATE ATTORNEY GENERAL, DEPARTMENT OF JUSTICE

Mr. STEPHENS. I would be delighted. Thank you very much, Mr. Chairman, members of the committee. I am honored to have the opportunity to appear before you today as you consider my nomination to serve as Associate Attorney General of the United States.

I would like to thank the members and your staff for the courtesies they have extended to me, and I, if confirmed, would welcome the opportunity to work cooperatively with you to work on the issues which are of concern to you, the President, and the people of this country.

I would also like to thank Senator Warner and Senator Grassley for their statements. I know each of them wanted to be here today, but they have other important business and I appreciate their consideration.

I especially appreciate the willingness of the chairman to schedule this hearing promptly and to move forward promptly on my nomination at a time when I know the Senate has a lot of other issues that they need to focus on with regard to the present crisis. I think this clearly demonstrates your commitment to help the Justice Department deal effectively with its current challenges, and if

confirmed I would look forward to assisting the Department and its leadership in any way that I can.

I would like to introduce my family, in my particular my wife, who has been a real partner and very supportive as we have considered the possibility of coming back to public service. There are some sacrifices involved, as Senator Hatch has noted.

My children: my daughter Alexandra, who is 5 years old; my daughter Amanda, who is a senior in high school and 17. Alexandra just started kindergarten. My daughter, Jessica, who is in 7th grade, and my son, Jay, who is in 5th grade. They are delighted to be here to see our Government in action and to participate in this proceeding this morning.

Let me say, as well, that I come before you, I think, at a time in our Nation's history when the safety of our people and the security of our Nation has been challenged by violent acts of faceless terrorists. This is a time when our Nation has experienced great pain and sorrow, but this is also a time when the greatness of America has shown through in the darkness.

We have witnessed acts of kindness and support, we have seen the pride of being an American, and we have seen the spirit of our people radiate both courage and compassion. We frankly have witnessed how much we can do when we work together.

As I have personally reflected on the events of the past few days, I have been very inspired by the images and the sounds of Americans working together. I felt very great pride in watching a great, diverse people come together as one, and I tell you I have felt a conviction that this is a time for personal sacrifice in the public interest.

This is a time when we can work together cooperatively. We can achieve our common goals and ensure that all our people live in a free and just society, and it is in that spirit that I come before you today not just to seek your consent to my nomination, but if you do confirm, to begin a cooperative working relationship to meet the challenges ahead to seek a just, free and safe society for all our people.

During the past 30 years since I finished law school, I have been blessed with opportunities in both the public and private sector to contribute to my profession and my country. As a young lawyer, I served on the Watergate Prosecution Force, where I gained a deep appreciation for the importance of preserving the integrity of our institutions of Government and for that very fragile trust that we must keep between our leaders and our people.

Later, I had an opportunity to serve for more than 4 years as an Assistant United States Attorney here in Washington. There, I saw firsthand the impact which drugs and violence have on our people and on our neighborhoods. I experienced, I would say, almost tangibly at times the sense of justice you get when the rights of victims are vindicated or when a community feels more secure, or even when you make a judgment not to proceed against a defendant because of insufficient evidence.

During this service, I had the opportunity to try dozens of cases, including some of our most difficult homicide cases and sexual assault cases. What I really learned, besides being, I hope, I good

trial lawyer, was to understand that people must have confidence in their justice system.

After that, for nearly 5 years I served in the Justice Department, both as principal deputy in the Associate's office and as principal deputy in the Deputy's office. There, I had an opportunity to work on a broad range of issues that impacted our Nation.

In particular, I helped develop the international reach of our law enforcement in an effort to deal with offshore criminal activity, narcotics trafficking and international terrorism. I also worked to implement a number of new statutes which the Congress had enacted, provided counsel on a wide variety of civil and criminal matters, served on the FBI Undercover Review Committee and on interagency counter-terrorism groups, and participated in managing the Department and its many components.

For 2 years, I had the privilege of serving as deputy counsel to President Reagan, where I was able to provide some counsel and advice to senior White House staff and to the President.

Then for more than 5 years, I had the privilege of serving here as United States Attorney for the District of Columbia, providing leadership to the largest and most active United States Attorney's office in our Nation. I was truly honored to lead a very talented group of inspired men and women who handled cases across the full spectrum of civil and criminal jurisdiction.

We had a wide variety of cases and prosecutions during that period. We undertook an initiative to prosecute drug gangs, such as the Rayful Edmund organization, and more than a dozen other such gangs, resulting in more than 350 convictions.

We prosecuted fraud and money laundering cases, and undertook an initiative to seek affirmative recoveries for Government program fraud. We prosecuted a number of public corruption cases involving local and Federal officials, both appointed and elected, and we prosecuted scores, perhaps even hundreds of homicide cases and narcotics cases at a time when the city was facing a real drug and homicide crisis. I established a sexual assault and child abuse prosecution section to give these difficult cases special attention, and developed a domestic violence initiative.

Apropos to current events, during my service as U.S. Attorney we also undertook a number of international investigations and prosecutions involving the illegal export of arms and technology, violence against U.S. citizens overseas, and international terrorism.

I participated in leading the Pan Am 103 bombing investigation and the indictment of two Libyan nationals in the Lockerbie bombing. This investigation was a cooperative effort with the Department, with law enforcement agencies around the world, as well as with the intelligence community and State Department. We also brought to justice individuals responsible for the assassination of Chilean Ambassador Letellier here in Washington, and those responsible for bombing the United States Capitol Building.

But we also sought ways to enhance our local law enforcement effort during a very critical period when drugs and violence threatened our Nation's Capital. We developed a series of legislative proposals to deal with particular issues such as bail reform, homicide penalties, witness intimidation, car-jacking, and I worked with our city council to seek their enactment. In all of this, we worked with

a whole range of law enforcement agencies, Federal law enforcement, local law enforcement, with a number of Federal agencies, and at times with international law enforcement.

I have also been blessed to have the opportunity to work in the private sector, both in private practice first at Wilmer, Cutler, where I learned a lot from some very talented lawyers, and later at Pillsbury, Madison and Sutro, where I had the opportunity to handle both individual clients and corporate clients in both civil and criminal matters.

Most recently, I have had the opportunity for the last 5 years to serve as Vice President and Deputy General Counsel of Honeywell, which is a global conglomerate corporation. There, I have had the opportunity to provide legal leadership for a variety of areas, including leading our litigation and regulatory group and our integrity and compliance effort. I have helped manage a diversified global business. I have resolved complex commercial, environmental, international trade, government contract, antitrust, intellectual property, and product liability cases.

Let me say I bring no personal agenda to the Office of the Associate Attorney General, except this: First, to seek to build the trust of the American people in the integrity and the credibility of their institutions of justice; second, to work diligently to ensure that our people live in a free society without fear of violence; third, to provide a level playing field for our people to pursue their economic and their personal ambitions; fourth, to remember that we must be good stewards of our planet for ourselves and our future generations; fifth, to aggressively enforce the laws which the Congress has enacted; and finally, and perhaps most importantly, to act in all things with integrity and in the spirit of bringing justice to all our people.

Throughout my career, I have been blessed to have worked with many talented people from whom I have learned much. I understand that people of diverse backgrounds can see issues differently, and that we must work diligently to reach resolutions and solutions that are both fair and credible to all affected.

I appreciate that there is sometimes an undefined, yet tangible public interest which infuses our processes and decisions; that private entities and individuals frequently have a healthy skepticism of government and perhaps sometimes believe that government misuses its power; that prosecutorial authority should be exercised with restraint because of the impact it can have on people's lives and reputations and liberty. But I also know that we must vigorously but fairly enforce the laws which the Congress has enacted for the benefit of all our people.

Let me say in closing that I have been inspired by the words of Teddy Roosevelt throughout my career when he said, "It is not the critic who counts, not the man who points out how the strong man stumbles, or the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena ..."

I have reflected also often on the words of Edmund Burke which I have shared frequently with young prosecutors as they came into the office. Burke said, "The only thing necessary for the triumph of evil is for good men and women to do nothing."

At a time when our Nation faces great challenges, the strength of our people and the courage of our leaders will ensure that we remain a free people. By working together in the arena, we can secure justice for all our people. I trust that with your cooperation and your confidence, I may contribute in some small way to the continued vitality of our democracy and the liberty of our people.

Mr. Chairman, I am truly grateful for the opportunity to appear before this committee today. I would like to thank the President and the Attorney General for their confidence in me. If confirmed, I would look forward to building a relationship of confidence and trust with this committee as together we work to promote justice for all.

I would be pleased to try to respond to any questions you may have.

[The prepared statement and biographical information of Mr. Stephens follow.]

STATEMENT OF JAY B. STEPHENS, NOMINEE TO BE ASSOCIATE ATTORNEY GENERAL

Mr. Chairman and Members of the Committee:

I am honored to have the opportunity to appear before the Judiciary Committee today as you consider my nomination to serve as Associate Attorney General of the United States. I would like to thank the Members of the Committee and your staffs for the courtesies you have extended to me, and if confirmed, I will welcome the opportunity to work cooperatively with you on issues which are of concern to you, the President and the people of this nation.

I especially appreciate your willingness to move forward promptly on my nomination at a time when the Senate's attentions is focused on the present crisis. This clearly demonstrates your commitment to help the Justice Department deal effectively with current challenges. If confirmed, I look forward to assisting the Department's leadership in any way that I can.

I would like to take this opportunity to introduce my family. Joining me here today are my wide, Julie, who has been a real partner sand very supportive as we have considered the possibility of returning to public service; my daughter Amanda, who is a senior in high school my daughter Jessica, who is in the 7th grade; my son, Jay, who is in 5th grade; and my daughter, Alexandra, who is in kindergarten.

I come before you at a time in our nation's history when the safety of our people and the security of our nation have been challenged by the violent acts of faceless terrorists. This is a time when our nation is experiencing great sorrow and pain. But this also a time when we have seen the greatness of America shine through the darkness. We have witnessed selfless acts of kindness and support; we have felt the pride of being an American; and we have seen the spirit of our people radiate courage and compassion. We have witnessed how much we can do when we work together for noble goals.

As I have reflected on the events of the past few days, I have been inspired by the images and sounds of Americans working together; I have felt great pride in watching a great, diverse people come together as one. I have felt the conviction that this is a time for personal sacrifice to serve the public interest. This is a time we can work cooperatively together to achieve our common goals and to ensure that all our people live in a free and just society. It is in that spirit that I come before you today; not just to seek you consent to my nomination, but if you do consent, to begin a cooperative working relationship to meet the challenges ahead and to seek a just, free and safe society for all our people.

During the past nearly 30 years since I finished law school, I have been blessed with opportunities both in the public and the private sectors to contribute to my profession and to our country. As a young lawyer, I served as an Assistant Watergate Special Prosecutor where I gained a deep appreciation for the importance of preserving the integrity of our institutions of government and of leaders keeping the fragile trust of our people. Later, I had the opportunity to serve for more than four years as an Assistant United States Attorney here in Washington. I saw first hand the impact which drugs and violence can have on people's lives and on our neighborhoods. I also experienced an almost tangible sense of justice when the rights of victims of almost tangible sense of justice when the rights of victims of crime were vindicated, when a community felt more secure, or when a judgment was made not to

proceed against an accused because of insufficient evidence. During this service, I tried dozens of cases, including some of our most difficult homicides and sexual assaults prosecutions. I learned to be a good trial lawyer and to understand that our people must have confidence in their justice system.

For nearly five years I served in the Justice Department, serving both as the Principal Deputy in the Associate's office and in the Deputy's office. There I had an opportunity to work on a broad range of issues that impacted our nation. I helped develop the international reach of our law enforcement in an effort to deal with offshore criminal activity, narcotics trafficking, and international terrorism. I also worked to implement a number of new statutes enacted by the Congress, provided counsel on a wide variety of civil and criminal matters, served on the FBI Undercover Review Committee and on interagency counter-terrorism groups, and participated in managing the Department and its many components.

For two years, I had the privilege of serving as President Reagan's Deputy Counsel at the White House. There I had an opportunity to provide counsel to the President and senior White House staff on a host of legal policy matters. In addition, I worked with the FBI with respect to Presidential appointments and with the Secret Service with regard to White House security issues.

For more than five years, I had the privilege of serving as United States Attorney for the District of Columbia and providing leadership for the nation's largest and most active U.S. Attorney's office. I was honored to lead a very talented group of inspired and dedicated men and women who handled cases across the full spectrum of civil and criminal jurisdiction.

During my service, we undertook an initiative to prosecute major drug smuggling and distribution organizations, such as the Rayful Edmund organization, and handled more than a dozen major gang cases resulting in more than 350 convictions. We also prosecuted a series of fraud and money laundering cases and undertook an initiative to seek affirmative recoveries in government program fraud cases. We also prosecuted a series of fraud and money laundering cases and undertook an initiative to seek affirmative recoveries in government program fraud cases. We prosecuted a number of public corruption cases involving local and federal officials, both appointed and elected. We prosecuted scores of homicide cases and narcotics cases at a time when the city was facing a real drug and homicide crisis. I also established a Sexual Assault and Child Abuse prosecution section to give these difficult prosecutions special attention, and developed a domestic violence initiative.

During my service as U.S. Attorney, we also undertook a number of international investigations and prosecutions involving the illegal export of arms and technology, violence against U.S. nationals overseas, and international terrorism. I participated in leading the Pan AM 103 bombing investigation and the indictment of two Libyan nationals in the lockerbie case. This investigation was a cooperative effort with the Department, and involved law enforcement agencies around the world as well as the intelligence community and the State Department. We also brought to justice individuals responsible for the assassination of Chilean Ambassador letellier here in Washington and for the bombing of the U.S. Capitol building.

We also sought ways to enhance our local law enforcement effort during a very critical period when drugs and violence threatened our nation's capital. We developed a series of legislative proposals to deal with particular criminal justice issues were facing in Washington, such as bail reform, homicide penalties, witness intimidation, and car jacking, and I worked with the City Council to seek their enactment.

In all our investigations and prosecutions, were worked closely with a several federal law enforcement agencies (FBI, DEA, Customs, Secret Service, Postal Inspection Service, and the Marshal Service), with local law enforcement, the intelligence community and national security agencies, and in some cases with foreign law enforcement agencies.

I have also had an opportunity to practice law in the private sector, initially with Wilmer, Cutler & Pickering where I learned from some of the country's leading attorneys, and later at Pillsbury, Madison & Sutro where I represented individual and corporate clients in a variety of civil and criminal matters. Most recently, I have served as Corporate Vice President and Deputy General Counsel at Honeywell, where for the past nearly five years I have had a broad range of legal and leadership responsibilities, including leading our litigation and regulatory group and our Integrity and Compliance effort. I have helped manage a diversified global business, and have resolved complex commercial, environmental, international trade, government contract, antitrust, intellectual property, and product liability issues.

I bring no personal agenda to the Office of the Associate Attorney General except this: to seek to build the trust of the American people in the integrity and credibility of their institutions of justice; to work diligently to ensure that our people can live in a free society without fear of violence; to provide a level playing field for all our

people to pursue their economic and personal ambitions; to remember that we must be good stewards of our planet for ourselves and future generations; to enforce aggressively the laws the Congress has enacted; and in all things to act with integrity and in the spirit of bringing justice to all our people.

Throughout my career I have been blessed to have worked with many talented people from whom I have learned much. I understand that people of diverse backgrounds can see issues differently, and that we must work diligently to reach resolutions and solutions that are both fair and credible for all those effected. I appreciate that there is a sometimes underfined, yet tangible, "public interest" which infuses our processes and decisions; that private individuals and entities frequently have a healthy skepticism of government and sometimes believe the government misuses its power; and that prosecutorial authority should be exercised with restraint because of the impact it can have on people's lives, liberty, and reputations. But I also know that we must vigorously, but fairly, enforce the laws which the Congress has enacted for the benefit of all our people.

Throughour my career I have been inspired by the words of Teddy Roosevelt when he said: "It is not the critic who counts, not the man who points out how the strong man stumbles, or the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena. . ." And I have reflected often on the words of Edmund Burke which I have shared with young prosecutors: "The only thing necessary for the triumph of evil is for good men and women to do nothing." While our nation faces great challenges ahead, the strength of our people and the courage of our leaders will ensure that we remain a free people. By working together in the arena, we can secure justice for all our people. I trust that with your cooperation and your confidence, I may contribute in some small way to the continued vitality of our democracy and the liberty of our people.

Mr. Chairman, I am grateful for the opportunity to appear before this Committee today. I would like to thank the President and the Attorney General for their confidence in me. If confirmed, I would look forward to building a relationship of confidence and trust with this Committee as together we work to promote justice for all our people. I would be pleased to answer any questions that you may have.

United States Senate Committee on the Judiciary Questionnaire for Nonjudicial Nominees

I. Biographical Information (Public)

1. Full name (include any former names used.)

   Jay B. (initial only) Stephens

2. Address: List current place of residence and office address (es).

   Residence: Morristown, New Jersey, 07960 (Mendham Township)
   Office: Honeywell International, 101 Columbia Pike, Morristown, New Jersey, 07962

3. Date and Place of birth.

   November 5, 1946; Akron, Iowa

4. Marital Status (include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address (es).

   Married; Julie Marie Stephens; maiden name was Faraino; spouse is mother of four children and homemaker who works at home.

5. Education: List each college and law school you have attended, including dates of attendance, degrees received, and dates degrees were granted.

   Harvard College: 1964-68; A.B. degree, June 1968.
   New College, Oxford, England: 1968-69; no degree, studied Philosophy-Politics-Economics course on Frank Knox Memorial Fellowship.
   Harvard Law School: 1969-1973; J.D. degree, February 1973.

6. Employment Record: List (by year) all business or professional corporations, companies, firms, or other enterprises, partnerships, institutions and organizations, nonprofit or otherwise, including firms, with which you were connected as an officer, director, partner, proprietor, or employee since graduation from college.

   Honeywell International (formerly AlliedSignal prior to December 1, 1999 merger): March 1997-present; Corporate Vice President and Deputy General Counsel

   Pillsbury, Madison & Sutro: 1993-1997; partner in Washington office of international law firm (after recent merger, now known as Pillsbury Winthrop).

United States Department of Justice, Office of the United States Attorney for the District of Columbia: 1988-93; United States Attorney for the District of Columbia

The White House: 1986-88; Deputy Counsel to the President

United States Department of Justice: 1981-1986; Associate Deputy Attorney General, Deputy Associate Attorney General, and Counsel to the Assistant Attorney General for the Criminal Division

United States Department of Justice, Office of the United States Attorney for the District of Columbia: 1977-81;Assistant United States Attorney for the District of Columbia

Overseas Private Investment Corporation: 1976-77; Associate General Counsel

United States Department of Justice, Office of the Watergate Special Prosecutor: 1974-75; Assistant Watergate Special Prosecutor

Wilmer, Cutler & Pickering: 1973-74; Associate

Harvard College: 1970-73; Teaching Fellow in Harvard Government Department

Harvard College: 1969-73; Harvard College Freshman Proctor and Freshman Advisor

Pillsbury, Madison & Sutro: summer 1972; Summer Associate

Debevoise, Plimpton, Lyons & Gates: summer 1971; Summer Associate

United States Department of Army: summer of 1968 and 1970; Army ROTC training

7. Military Service: Have you had any military service? If so, give particulars, including the dates, branch of service, rank or rate, serial number and type of discharge received.

Army R.O.T.C. training only (no active duty); Basic training at Ft. Benning, Georgia, summer 1968; Advanced training at Indiantown Gap, Pennsylvania, summer 1970; ROTC training courses while at Harvard Law School. Harvard ROTC unit closed. Received Honorable Discharge, October 1970.

8. Honors and Awards: List any scholarships, fellowships, honorary degrees, and honorary society memberships that you believe would be of interest to the Committee.

Harvard College Scholarship
Detur Prize—Group I standing at Harvard College
Phi Beta Kappa—Harvard College

Received A.B. degree Magna cum laude
Received J.D. degree Cum laude
Frank Knox Fellowship: given by Harvard College in recognition of future leadership promise (studied at Oxford University)
Who's Who in America
Special Achievement Awards from the Department and law enforcement recognition awards from law enforcement agencies during my service in the Department and at the U.S. Attorney's Office

9. Bar Associations: List all bar associations, legal or judicial-related committees or conferences of which you are or have been a member and give the titles and dates of any offices which you have held in such groups.

District of Columbia Bar Association
American Bar Association
Served as Department of Justice Liaison to the Criminal Justice Section of the ABA (1982-86)
Member of the Judicial Conference for the District of Columbia Circuit (1988-96)
Member of the Supreme Court Historical Society
Attorney General's Advisory Committee of U.S. Attorneys (1988-93); served on International Affairs, Public Corruption, and Management and Budget committees.

10. Other Memberships: List all organizations to which you belong that are active in lobbying before public bodies. Please list all other organizations to which you belong.

To my knowledge, none of the organizations to which I belong are active in lobbying.

Listed below are the organizations to which I belong:

American Bar Association
National Legal Center for the Public Interest—serve on the Legal Advisory Board
Supreme Court Historical Society
District of Columbia Assistant U.S. Attorney's Association
National Association of Former United States Attorneys
Federalist Society
Reagan-Bush Alumni Association
Bush-Quayle Alumni Association
Harvard Club of New Jersey
Republican National Lawyers Club
Oxford Alumni Association
Mendham Racquet and Swim Club, Mendham, NJ

11. Court Admission: List all courts in which you have been admitted to practice, with dates of admission and lapses if any such memberships lapsed. Please explain the reason for any lapse of membership. Give the same information for administrative bodies which require special admission to practice.

District of Columbia Bar: admitted September 4, 1973; in good standing
United States Supreme Court: admitted July 14, 1980; in good standing
United States Court of Appeals for the District of Columbia Circuit: admitted June 30, 1975; in good standing
United States District Court for the District of Columbia: admitted September 4, 1973; lapsed in July 1999 apparently because the three year renewal forms were mailed to an old address; has since been renewed, and am in good standing
Court of Appeals for the District of Columbia: admitted September 4, 1973; in good standing
Superior Court of the District of Columbia: admitted September 4, 1973; in good standing

12. Published Writings: List the titles, publishers, and dates of books, articles, reports, or other published material you have written or edited. Please supply one copy of all published material not readily available to the Committee. Also, please supply a copy of all speeches by you on issues involving constitutional law or legal policy. If there were press reports about the speech, and they are readily available to you, please supply them.

"Undercover Operations": United Nations Asia and Far East Institute Journal; 1986, Tokyo, Japan. A copy of the article is attached. The article reflected my presentation to the UNAFEI Congress on the Prevention of Crime and the Treatment of Offenders regarding the operation and management of undercover operations in the United States. I was invited to serve as a visiting expert from the United States to the 1986 session.

"International Cooperation Agreements": United Nations Asia and Far East Institute Journal; 1986, Tokyo, Japan. The article reflected my presentation to the UNAFEI Congress on various types of international cooperation agreements which can be used to assist law enforcement. The presentation was made in conjunction with my serving as a visiting expert from the United States to the 1986 session. I believe UNAFEI published this article, but I have not been able to locate a copy of it.

"Setting the Sting, Minimizing the Risk": American Bar Association, ABA Criminal Justice journal, Volume 1, No. 2, Summer 1986. (attached)

"Strategic Responses to Government's Use of Search Warrants": Washington Legal Foundation; Legal Backgrounder, Volume 11, No. 3, January 19, 1996. Written in cooperation with James Meade. (attached)

" Using Compliance Programs and Internal Investigations to Protect Confidential Information": Washington Legal Foundation; Contemporary Legal Notes Series, Number 17, February 1996. Written in cooperation with David Haug. (attached)

Speeches: I testified before the Congress and the City Council of the District of Columbia on a number of occasions when I served in the Justice Department and as United States Attorney. Testimony which I have been able to locate is attached. I do not remember giving any formal speeches on constitutional law or legal policy. I did some give informal talks and participate in panel discussions; these commonly were before law enforcement organizations, bar groups, student programs, and local community organizations regarding criminal justice issues and operational initiatives at the Department of Justice or the United States Attorney's Office. These talks were given extemporaneously or from brief notes.

13. Health: What is the present state of your health? List the date of your last physical examination.

Excellent; February 2001

14. Public Office: State (chronologically) any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. State (chronologically) any unsuccessful candidacies for elective public office.

Assistant Watergate Special Prosecutor (career appointment) 1974-75
Associate General Counsel, Overseas Private Investment Corporation (career appointment 1976-77)
Assistant United States Attorney for the District of Columbia (career appointment) 1977-1981
Counsel to the Assistant Attorney General for the Criminal Division (Schedule C appointment) 1981-83
Deputy Associate Attorney General (Schedule C appointment) 1983-85
Associate Deputy Attorney General (Schedule C appointment) 1985-86
Deputy Counsel to the President (Presidential appointment) 1986-88
United States Attorney for the District of Columbia (Presidential appointment with Senate confirmation) 1988-93

I organized an informal exploratory committee to consider running for the United States Senate from Virginia; I decided not to enter the race; 1993

15. Legal Career:

a. Describe chronologically your law practice and experience after graduation from law school including:
   1. whether you served as clerk to a judge, and if so, the name of the judge, the court, and the dates of the period you were a clerk;

      I have not served as a clerk to a judge.

   2. whether you practiced alone, and if so, the addresses and dates;

I have not been a sole practitioner.

3. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been connected, and the nature of your connection with each;

b. 1. What has been the general character of your law practice, dividing it into periods
with dates if its character has changed over the years?
2. Describe your typical former clients, and mention any areas, if any, in which you
have specialized.

1973-74: Following graduation from law school and passing the bar, I worked as an associate at the law firm of Wilmer, Cutler & Pickering in Washington, DC. (2445 M St. NW Washington, DC 20037). At that time the firm was about 200 attorneys. While at Wilmer, I rotated through a number of practice groups to get experience in a variety of matters. I worked on litigation matters, including the constitutional challenge to the Regional Rail Reorganization Act; securities matters, including litigation and registration matters; general corporate matters; and administrative law matters, including FCC issues and other agencies matters. I did work for clients that were large companies, public interest organzations, small businesses, and individuals.

1974-75: I worked as an Assistant Special Prosecutor for the Watergate Special Prosecution Force in Washington, DC. (1425 K St. NW, Washington, DC). During my employment, I contributed to a number of the appellate briefs involving the major figures of Watergate. I also assisted in the litigation of cases involving other individuals in the Watergate matter, including motion practice in federal district court. In addition, I did some grand jury investigative work with respect to allegations of misuse of federal agencies and some prosecutorial assessments of potential cases. My client was the public.

1976-77: I served as an Associate General Counsel for the Overseas Private Investment Corporation. (1120 20th St. NW, Washington, DC). OPIC is a quasi-government agency that has responsibility to assist in financing and insuring private US business investment in less developed nations. While at OPIC, I assisted in drafting financing agreements, in working on treaties with potential host nations, and in resolving claims arising from the expropriation of US investments in other countries. My client was the public and senior officers of OPIC. We did work involving large and small businesses investing overseas.

1977-81: I served as an Assistant United States Attorney for the District of Columbia in Washington, DC. (currently at 555 4th St. NW, Washington, DC). During my 4 ½ years of service, I drafted a number of briefs and argued several appeals in both the

Court of Appeals for the District of Columbia and the United States Court of Appeals for the District of Columbia Circuit. I also conducted more than 100 grand jury investigations. I also tried 50-60 criminal cases, most of which were jury trials. I served in the Felony I division which was responsible for investigating and prosecuting the most serious violent crimes, primarily first degree murders and rapes, and was assigned to appear regularly before the Chief Judge of the Court. During my tenure, I handled hundreds of criminal cases, wrote and argued motions, and negotiated plea agreements. I also served in various supervisory capacities in the United States Attorney's Office during my service. My clients were the public, victims of crime, the community, and the United States.

1981-86: United States Department of Justice. (950 Pennsylvania Avenue, NW, Washington, DC). Initially I served for about eighteen months as Counsel to the Assistant Attorney General of the Criminal Division. In that capacity I provided advice on a number of prosecutions handled by the Department or in some instances by U.S. Attorneys. I served as one of the Department's representatives on the FBI's Undercover Operations Review Committee which evaluated and managed sensitive undercover operations throughout the United States.

Subsequently, I served as the Principal Deputy Associate Attorney General for about eighteen months, and then as the Principal Associate Deputy Attorney General until April 1986. In those capacities, I continued to serve on the Undercover Review Committee, assisted in developing and implementing some of the Department's criminal justice legislative program, assisted in the supervision of Department and multi-district criminal prosecutions, helped develop the Department's international initiatives, especially in the anti-terrorism area and with respect to mutual legal assistance treaties, and provided counsel on complex civil matters which required the involvement of the Deputy's office, among other things. I participated in the selection of federal judicial candidates and US Attorneys, and testified before the Congress on occasion. I also assisted in the overall management of the Department's budget and served as liaison to the US Attorneys. I provided counsel and advice to the Associate Attorney General and the Deputy Attorney General on a variety of operational and policy issues and civil and criminal cases. My clients were the public, the United States, and senior officials of the Department.

1986-88: Deputy Counsel to the President: (The White House, 1600 Pennsylvania Avenue, NW. Washington, DC). For two years I had responsibility for providing advice and counsel to the President and senior White House staff on a broad range of matters, including legal policy issues, constitutional questions, economic and domestic policy decision options, War Powers Act issues, conflict of interest questions, independent counsel investigations, executive clemency petitions, federal judicial appointments, and the background investigations of Presidential personnel selections. I served as principal liaison to the Secret Service and the FBI on White House and Presidential appointment matters; also served as the White House liaison to the Department of Justice through the Deputy's office and the Office of Legal Counsel; and assisted in managing the White House Counsel's Office staff and

operations. My clients were the President and senior White House staff, the Presidency, and the public.

1988-93: United States Attorney for the District of Columbia: (555 4th St. NW, Washington, DC). For more than five years I provided leadership, policy direction, management, and litigation supervision for the nation's largest United States Attorney's office which I built to a staff of nearly 300 attorneys. We had responsibility for prosecuting criminal matters with local, federal and international jurisdiction, and for litigating a significant number of civil matters on behalf of the United States. I led a number of significant investigations and prosecutions involving international terrorism, public corruption, fraud and money laundering, illegal technology transfers, criminal enterprises and drug gangs, and violent street crime. I also was responsible for managing a wide variety of civil litigation matters, including defense of federal agency actions and the recovery of monies fraudulently obtained from the United States in areas such as health care, government contract programs, and student loan programs. I took a leadership role in the litigation and policy issues related to the implementation of civil and criminal forfeiture laws, the Federal Sentencing Guidelines, as well as the RICO and money laundering statutes. During my service, I developed a number of criminal justice legislative reforms, testified before legislative bodies in support of their enactment, and worked with the District's City Council and the courts to achieve their enactment and implementation. I served on the Attorney General's Advisory Committee of U.S. Attorneys and its committees on International Affairs, Public Corruption, and Management and Budget. My clients were the public, the community, the United States, and victims of crime. I worked with a number of other government agencies and Departments also.

1993-97: During this period, I was a partner in the Washington office of the law firm of Pillsbury, Madison & Sutro (now Pillsbury Winthrop) which was an international law firm that then had about 600 attorneys. (1100 New York Ave. NW, 1666K St. NW, and 1050 Connecticut Ave. NW, Washington, DC). I served as co-managing partner of the Washington office, and built a law practice that focused on complex civil litigation and criminal enforcement actions, internal corporate investigations, business counseling regarding regulatory matters, and international compliance issues and disputes. I worked on international antitrust and tax matters, civil litigation involving failed savings and loan institutions, cases involving business disputes, government contract matters, matters involving grand jury investigations, regulatory issues, and Qui Tam matters, among other things. I represented individuals, small businesses, and multinational corporations.

1997-present: During this period I have served as a senior legal officer at Honeywell International. (101 Columbia Pike, Morristown, NJ, 07962). I initially was employed by AlliedSignal which merged with Honeywell in December 1999, and the new company took the Honeywell name. Honeywell is a Fortune 100 diversified global company with annual sales of nearly $25 billion, with operations in more than 100 countries, and with more than 100,000 employees.

I currently serve as Corporate Vice President and Deputy General Counsel. I have had a number of positions with the company with broader and increasing levels of responsibility. I have served as General Counsel of the materials businesses with responsibility for all the legal affairs of those businesses, including transactions, antitrust, intellectual property, litigation, and regulatory matters. I have also served as vice president and deputy general counsel for litigation and regulatory affairs for the company. We have had an active portfolio of several hundred litigation matters, including commercial and contract matters, antitrust, labor, government contract, intellectual property, environmental, and international trade matters. In addition, I have served as Chairman of the company's Integrity and Compliance program, and led the corporate-wide ethics and compliance organization, with responsibility for developing sound compliance policies, managing compliance investigations and resolving allegations of misconduct, and providing counsel to foster compliance with our Code of Conduct. At the same time, I served as the leader of our Health, Safety, and Environment global function with ~400 personnel worldwide, and have managed our relationship with outside legal counsel on hundreds of matters. I have also had legal responsibility for most of Honeywell's diversified businesses, and have been involved in a number of international trade, export and government contract issues in our aerospace businesses. I have participated in all of our company's major business processes, including our Strategic Planning process, our Annual Operating Plan process, our Management Resources Review process, our Six Sigma program, our E-Business development program, and our acquisition and divestiture activities. I have had responsibility for the reporting relationship to the Corporate Responsibility Committee of the Board of Directors, and am an officer of the company. My clients are primarily the senior business leaders of our company.

c. 1. Did you appear in court frequently, occasionally, or not at all? If the frequency of your appearances in court varied, describe each such variance, giving dates.
   2. What percentage of these appearances was in:
      (a) federal courts;
      (b) state courts of record;
      (c) other courts.
   3. What percentage of your litigation was:
      (a) civil;
      (b) criminal.
   4. State the number of cases in courts of record you tried to verdict or judgment (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.
   5. What percentage of these trials was:
      (a) jury;
      (b) non-jury.

The response to section "c" is organized by periods of different employment. I have responded to subsections 1-5 with respect to each practice period.

1. Wilmer, Cutler & Pickering (1973-74): I did not handle court matters personally, but some of the work I did was directly related to motions and briefs which were argued by others in federal courts and in the Supreme Court. My litigation was all civil (100%), and was predominantly in federal court or before federal agencies.
2. Watergate Special Prosecutors Office(1974-75): I argued motions in federal court and handled the related litigation. I was directly involved in working on briefs that were argued by others in federal court, and in supporting others in litigation of matters. Most of the work was criminal (90%), although some of the litigation involving the Presidential Papers Act was civil. All of it was federal (100%). I did not try any cases personally.
3. Overseas Private Investment Corporation (1976-77): I directly handled expropriation claims which were in federal court, but did not appear in court. All the matters I worked on were civil (100%), and all litigation was federal (100%). There were no jury trials.
4. Assistant United States Attorney (1977-81): I appeared in court frequently, for periods of time almost daily. Nearly all of my litigation was criminal (99%); I handled arraignments, pleas, argued motions, argued appeals, and tried many cases. Most of this litigation was in the Superior Court of the District of Columbia. The appeals were argued in the United States Court of Appeals for the District of Columbia Circuit and in the District of Columbia Court of Appeals. I tried more than fifty cases to verdict; I was the sole counsel in all cases but one trial where I had a co-counsel. Ninety percent of these trials were jury trials in the Superior Court of the District of Columbia
5. Department of Justice (1981-86): I do not believe I appeared in court during my service at the Department, but much of my work was directly related to cases which were being litigated in court. I provided counsel on matters, helped develop strategy, and assisted in resolving cases. A majority of the matters I worked on were criminal matters, but there were a substantial number of civil cases, particularly during my service in the Deputy's Office. Virtually all of the litigation I worked on was federal, and it was venued in federal courts across the country (100%).
6. Deputy Counsel to the President (1986-88): I did not appear in court. Some of my work was litigation oriented. For example, I handled Independent Counsel matters as they related to White House personnel. Most of the legal and legal policy matters I worked on were civil (95%), and most involved federal law (100%).
7. United States Attorney (1988-93): I was directly involved in supervising a large number of criminal and civil matters, but I do not believe I personally appeared in court on any matters, with perhaps the exception of the Hinckley matter. I was on the brief for appeals which were filed in both the local courts and the federal courts. In terms of the number of cases, far more of our cases were in Superior Court, but the larger, more complex civil and criminal matters were usually in Federal Court. I had about 30 Assistant U.S. Attorneys who handled civil litigation in behalf of the United States; the remainder of Assistants (250-275) handled criminal matters. Those cases in which I personally participated by

providing strategic and tactical advice and by reviewing and negotiating settlements and dispositions were both in District Court and Superior Court. Far more of those cases were criminal than civil.

8. Pillsbury, Madison & Sutro (1993-97): My litigation was both civil and criminal, but more substantially civil. Most of the matters were federal law matters (95%). I appeared in court occasionally on both civil and criminal matters. I did not try any cases to judgment or verdict; all matters were settled or resolved short of trial.
9. Honeywell (1997-present): Nearly all of the litigation matters I have handled are civil (98%), and most of them have been in federal courts around the country (75%). Some matters have been arbitrated or mediated, and some have been in various state courts, and some have been before various federal and state regulatory agencies. I have personally handled mediations involving commercial, antitrust, environmental, and intellectual property disputes, but have not handled trials and arguments personally. I have worked closely with the outside counsel we have retained on matters, and have been directly involved in developing litigation strategy and in resolving cases in a wide variety of areas, including commercial, government contracts, international trade, intellectual property, labor, antitrust, environmental, and product liability matters.

16. Litigation: Describe the ten most significant litigated matters which you personally handled. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

    (a) the date of representation;
    (b) the name of the court and the name of the judge or judges before whom the case was litigated; and
    (c) the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

    Set out below are matters which I personally litigated. These matters are from the period of time when I served as an Assistant Watergate Special Prosecutor and as an Assistant United States Attorney. I have been fortunate to be involved in a broad range of litigation of different types, and am hesitant to suggest that the items identified below are the most significant. I have selected matters that I have tried or that involved appeals where I personally contributed to the drafting of the briefs. During my career, I have been involved in perhaps more significant litigation, but those matters either did not go to trial, or my role was to assist in tactical and strategic decisions in the case rather than personally to try it. I have included some of those matters in response to question 17. In addition, since some of the counsel with respect to question 16 may be unavailable or I have been unable to locate their current address and phone, I have included at the end of this response a list of professional references of attorneys who have supervised me or have worked on matters with

me(some of which are identified in response to Question 17), and who may be able to speak to my professional qualifications.

a. U.S. v. Haldeman, Ehrlichman, Mardian, and Mitchell; United States Court of Appeals for the District of Columbia Circuit docket Nos. 75-1381, 75-1382, 75-1383, 75-1384;At the time I worked on this matter, I was an Assistant Watergate Special Prosecutor. I represented the United States. This was the appeal from the convictions of the principal Watergate defendants who were convicted in the so-called Watergate cover-up. Defendants had challenged their convictions on a variety of claims. Along with several of my colleagues from the Watergate Prosecutors Office, I helped draft this brief of more than 250 pages. In large part, the convictions of Ehrlichman, Haldeman, and Mitchell were affirmed by the Circuit sitting en banc(181 U.S.App. D.C., 559 F.2d 31; October 12, 1976). Mr. Mardian's case was remanded for a new trial (178 U.S. App. D.C., 546 F.2d 973; October 12, 1976) The judges on the Circuit who decided the case were Judges Bazelon, Wright, McGowan, Leventhal, Robinson, & MacKinnon.

   This brief was filed October 15,1975; it was filed in the United States Court of Appeals for the D.C. Circuit; there were several co-counsel on this brief:
   Henry S. Ruth, Jr., Special Prosecutor: 6251 North Camino DeSanta Valera, Tuscon, Arizona, 85718; 520-577-2401
   Peter Kreindler: 2908 45th Street, NW, Washington, DC 20016; 973-455-5513
   Peter Rient: 3511 39th Street, NW, Washington, DC 20016; 202-362-8066
   Kenneth Geller; Mayer, Brown & Platt, 1909 K Street, NW, Washington, DC 20006-1101; 202-263-3000
   Maureen Gevlin: 6321 32nd Street, NW, Washington, DC 20015; 202-363-8494
   Judith Denny: 1100 Vermont Avenue, NW, 2nd Floor, Washington, DC 20525; 202-244-5548
   Sidney Glazer: 8424 Carlynn Drive, Bethesda, MD 20817; 202-514-2638

   Counsel of record for the Appellants included:
   John J. Wilson
   David Ginsburg: Powell, Goldstein, Frazer & Murphy, 6th Floor, 1001 Pennsylvania Ave., NW, Washington, DC 20004; 202-347-0066
   William Hundley: Aiken, Gump, Strauss, Hauer & Feld, Robert Strauss Building,1333 New Hamsphire Ave., NW, Washington, DC 20036; 202-887-4000
   Wm. Snow Frates: 830 Azalea Lane, Vero Beach, Florida, 32963; 561-231-5896

b. United States v. Ehrlichman, Barker, Martinez, and Liddy; Nos. 74-1882,74-1883,74-1884,74-1885; United States Court of Appeals for the District of Columbia Circuit.

   This case involved the appeal from the so-called White House plumbers unit break-in of Dr. Lewis Fielding's office. The plumbers unit was trying to

investigate leaks of classified information, particularly as they related to the publication of the so-called Pentagon Papers. Dr. Fielding's office was burglarized in an effort to obtain information regarding the mental health of Daniel Ellsberg. The brief filed by the United States sought to support the convictions of the defendants for conspiracy to violate Fielding's Fourth Amendment rights, false statements, and other offenses. I represented the United States as an Assistant Watergate Special Prosecutor. Along with several of my colleagues from the Watergate Special Prosecution Office, I helped drafted the brief for the government.

The brief was filed May 2, 1975, in the United States Court of Appeals for the District of Columbia Circuit. The judges who decided the case were Circuit Judges Leventhal and Wilkey and District Court Judge Merhige. The conviction of Ehrlichman was affirmed (178 U.S. App. D.C. 144, 546 F.2d 910; May 17, 1976); the conviction of Liddy was affirmed (177 U.S. App. D.C. 1, 542 F.2d 76; May 17, 1976); the convictions of Barker and Martinez were reversed (178 U.S. App. D.C. 174, 546 F.2d 940; May 17, 1976). Co-counsel on the brief for the government included:

Henry Ruth, Jr., Special Prosecutor: 6251 North Camino DeSanta Valera, Tuscon, Arizona, 85718; 520-577-2401
Peter Kreindler: 2908 45th Street, Washington, DC 20016; 973-455-5513
Philip Heyman: Professor of Law, Harvard Law School, 522 Hauser Building, 1575 Massachusetts Ave., Cambridge, Mass. 02138; 617-495-3137
Maureen Gevlin: 6321 32d Street, NW, Washington, DC, 200015; 202-363-8494
Richard Weinberg: (I have been unable to locate his current address).

Counsel of record for Appellants included:

Wm. Snow Frates: 830 Azalea Lane, Vero Beach, Florida 32963; 561-231-5896
Daniel E. Shultz: 1050 17th Street, NW. Suite 1250, Washington, DC 20036; 202-452-1120
Peter L. Maroulis: 104 Hooker Avenue, Poughkeepsie, NY 12601; 845-471-6050

c. United States v. Bernard C. Welch; Superior Court Criminal No. F6908-80.

This was a first degree murder trial of Bernard Welch who was charged with the murder of Michael Halberstam, a noted Washington physician and brother of David Halberstam. Welch, who had made a career out of burglarizing upscale neighborhoods and stealing jewelry, furs and silver, was surprised during the course of a burglary in Northwest Washington when Dr. Halberstam and his wife returned to their home. Welch shot Halberstam who died while trying to get to Sibley Hospital. Welch, who had an extensive criminal record, had escaped from the NY State Correctional system and had set up his professional burglary operation in Northern Virginia. He lived in an upscale home in Great Falls with its own indoor swimming pool. He had his own smelting operation, and had

burglarized hundreds of homes. Welch, who was charged with first degree murder, related firearms charges, and several burglaries committed in the vicinity of the Halberstam neighborhood, was convicted of all counts and sentenced to a minimum of 153 years in prison. Later Welch escaped from the federal prison system, and was recaptured some months later in Pennsylvania. He is currently serving his sentence in Marion, Illinois.

This case was investigated and tried during the 1980-81 period. It was tried before then Chief Judge H.Carl Moultrie I, Chief Judge of the Superior Court of the District Columbia. I represented the United States as an Assistant United States Attorney. My co-counsel on this case was Alexia Morrison, now in private practice in Washington, DC. Defense counsel was Sol Rosen of Washington, DC.

Alexia Morrison (Co-counsel)
3901 52d Street, NW
Washington, DC 20016
202-244-2182

Sol Rosen (Defense counsel)
2501 Calvert Street, NW
Washington, DC 20008
202-296-8485

d. U.S. v. Gregory Millard; Superior Court Criminal No. F381-80

This was a trial of an armed rape case. The victim was brutally beaten and assaulted in her apartment by the defendant who was armed with a gun. He forced his way into the victim's apartment, tied her up, gagged and blindfolded her, and beat and raped her. The victim was very reluctant to testify because of her fear. The case was continued several times, and the victim lived in fear. I was able to develop a relationship of trust and confidence with the victim to encourage her to maintain the prosecution. When the jury returned its verdict of guilty, the victim felt vindicated and was able to begin the process of putting her life back together. She later expressed sincere gratitude to me for helping her through this process and giving her a sense of vindication. She noted that she had named her son after me. For me this case exemplified the genuine sense of fulfillment that could come from vindicating the rights of a crime victim.

The investigation and prosecution of this case was in the 1980-81 period. It was tried before Chief Judge H. Carl Moultrie I, Chief Judge of the Superior Court of the District of Columbia. I represented the United States as an Assistant United States Attorney. Counsel for the defendant was then public defender Frank Burgess, now an Associate Judge of the Superior Court of DC.

Judge A. Frank Burgess (Defense counsel)
Superior Court of the District of Columbia
500 Indiana Avenue, NW
Washington, DC 2000 (202)-879-1164

e. U.S. v. Jessie James Clark; Superior Court Criminal No. F652-80

This case was a first degree murder trial of the defendant who killed the proprietor of a Washington, DC, Capital Hill store during the course of an armed robbery. The defendant asserted an insanity defense. The defendant presented testimony regarding a long history of psychiatric evaluations and expert and lay testimony regarding the defendant's conduct and state of mind. The government presented expert forensic psychiatric testimony in addition to its case in chief. The defendant was found guilty of armed first degree murder and related charges. The defendant, who one doctor had described as the second most dangerous man he had evaluated in 30 years, picked up the counsel table and threw it at the court during sentencing.

This case was investigated and tried during the 1980-81 period. It was tried before Chief Judge H. Carl Moultrie I, Chief Judge of the Superior Court of the District of Columbia. I represented the United States as an Assistant US Attorney. The defendant was represented by James Joyner of Washington, DC.

James Joyner (Defense counsel)
5812 Arapahoe Drive
Forest Heights, MD 20745
301-839-0777

f. United States v. David Clark; Superior Court Criminal No. F21288-76

This case was a retrial of a first degree murder case which had been tried by someone else and had been reversed on appeal. The case involved the execution-style murder of a young woman in front of then Federal City College in Washington, DC. The defendant, who had a relationship with the decedent, attacked the young woman on the street and dragged her into a car where he shot her several times. The relationship between the defendant and decedent had involved a history of harassment by the defendant and efforts to keep him away from the decedent. The jury found the defendant guilty of first degree murder and related charges. Affirmed on appeal

This case was tried in the 1981 period before Chief Judge H. Carl Moultrie I, Chief Judge of the Superior Court of the District of Columbia. I represented the United States as an Assistant US Attorney. The defendant was represented by John Keats of Washington, DC.

John Keats (Defense counsel)
10511 Judicial Drive
Suite 102
Fairfax, Virginia 22030
703-273-3190

g. United States v. Raymond Robertson; Superior Court Criminal No. F-222-80

This was a first degree murder trial of defendant who was charged with shooting his former common law wife and mother of six. The defendant, who had sought out the victim at home, later spotted the victim driving her car. The defendant pulled alongside the victim's car and fired several shots, killing the victim whose car then crashed into a church where there was a service in progress. The defendant presented an alibi defense which was discredited with a speeding ticket which the defendant had received in the vicinity of the crime at about the time of the crime. The jury found the defendant guilty of first degree murder, and he was sentenced to the mandatory term of 20 years to life.

The case was investigated and tried in the 1980 period. The trial was before Chief Judge H. Carl Moultrie I, Chief Judge of the Superior Court of the District of Columbia. I represented the United States as an Assistant United States Attorney. The defendant was represented by Leroy Nesbitt then of Washington, DC. Mr. Nesbitt is now deceased.

h. United States v. Alvin Poston; Criminal No. F-5886-79

This case was a first degree murder prosecution which originally involved three defendants. The other defendants were severed and they were convicted in separate cases through either trial or pleas. The defendants entered the home of the decedent and robbed, gagged and strangled the decedent with an electrical cord cut from a picture of the Last Supper. The defendants were linked to the crime through the proceeds of the crime which they used in part to buy drugs. The defendant was convicted of first degree murder and related offenses.

This case was investigated and prosecuted during the 1979-81 period. It was tried before Judge Carlisle Pratt of the Superior Court of the District of Columbia. I represented the United States as an Assistant US Attorney. The defendant was represented by Grandison Hill of Washington, DC.

Grandison Hill (Defense counsel)
7951 Orchid Street, NW
Washington, DC 20012
202-483-8060

i. United States v. Lafayette Nelson; Criminal No. F6920-79

This case involved the prosecution of an armed rape case. This was a retrial after the first trial had resulted in a hung jury. The defendant was charged with raping a high school girl who had gone home for lunch where she was confronted by the defendant who was armed with a gun. The defendant was looking for money and drugs which someone who recently had moved to the victim's house allegedly had. Having failed to find the drugs, the defendant raped the young girl at gunpoint and fled. The defendant was convicted of armed rape and related charges.

This case was investigated and prosecuted in the 1979-81 period. The case was tried in 1981 before Chief Judge H. Carl Moultrie I, Chief Judge of the Superior Court of the District of Columbia. I represented the United States as an Assistant US Attorney. The defendant was represented by Charles Stow of Washington, DC.

Charles Stow (Defense counsel)
6919 Spur Road
Springfield, VA 22153
703-569-9161

j. United States v. William Woodfork; Criminal No. F6496-79

This case involved the trial of a first degree burglary case. The defendant entered the home of a family while they were asleep, and stole some of their property. There was little evidence to connect the defendant to the crime scene except for one fingerprint which was lifted from inside the home. The defendant had several other pending first degree burglaries. Defendant declined to plead, and the case was tried. The defendant was convicted.

The case was tried before Judge Gladys Kessler, then Associate Judge of the Superior Court of the District of Columbia, now on the US District Court. I represented the United States as an Assistant US Attorney. The defendant was represented by Kenneth Mundy of Washington, DC. Mr. Mundy is now deceased.

Listed below are some additional professional references. I have indicated with each reference their professional relationship to me. In some cases these references relate to significant legal matters I have handled which are identified in Question 17.

1. Daniel Marcus
   Visiting Professor
   Georgetown Law School
   Washington, DC
   202-662-9933
   (Former partner at Wilmer, Cutler & Pickering while I worked as an associate there; also former Associate Attorney General during the previous Administration)

2. Judge D. Lowell Jensen
   United States District Court
   For the Northern District of California
   1301 Clay Street, Suite 400S
   Oakland, CA 94612-5212
   510-637-3540

(Judge Jensen served as Assistant Attorney General, Associate Attorney General, and Deputy Attorney General during my service at the Department of Justice, and was my supervisor)

3. A.B. Culvahouse
Managing Partner
O'Melveny & Myers LLP
555 13th Street, NW
Washington, DC 20004-1109
202-383-5388
(Mr. Culvahouse currently serves as Managing Partner of the O'Melveny & Myers law firm. He previously was Counsel to the President and was my supervisor during part of my service at the White House)

4. Peter J. Wallison
American Enterprise Institute
1150 17th Street, NW
Washington, DC 20036-4670
202-862-5864
(Mr. Wallison currently is a Fellow at the American Enterprise Institute. He previously was Counsel to the President and a partner at Gibson, Dunn & Crutcher; he was my supervisor during part of my service at the White House)

5. Richard Thornburg
Kirkpatrick & Lockhart
1800 Massachusetts Avenue, NW
Washington, DC 20036
202-778-9080
(Mr. Thornburg was Attorney General during my service as United States Attorney)

6. Marshall Jarrett
U.S. Department of Justice
Office of Professional Responsibility
950 Pennsylvania Avenue, NW
Washington, DC 20530
202-514-3365
(Mr. Jarrett currently is the Director of the Office of Professional Responsibility at the Department of Justice. During my service as U.S. Attorney, he served as Chief of the Criminal Division of the US Attorney's Office)

7. Mary Lou Leary
Office of Justice Programs
810 7th Street. NW
Washington, DC 20531
202-307-5933

(Ms. Leary currently serves in the Office of Justice Programs at the Justice Department. During the previous Administration, she served in the Associate Attorney General's Office. During my service as U.S. Attorney, she served as Chief of Superior Court Operations and as Executive Assistant U.S. Attorney)

8. Judge Merrick Garland
U.S. Court of Appeals for the District of Columbia Circuit
333 Constitution Avenue, NW
Washington, DC 20001
202-216-7460
(Judge Garland currently serves on the D.C. Circuit. He served in the Justice Department during the previous Administration. During my service as U.S. Attorney, I hired him to serve as one of the senior Assistant U.S. Attorneys in the office and worked with him on some significant matters)

9. Terry Calvani
Pillsbury Winthrop LLP
1133 Connecticut Avenue, NW
Washington, DC 20036
202-775-9800
(Mr. Calvani is a partner at Pillsbury Winthrop. During my work in private practice at Pillsbury, Mr. Calvani and I worked together on antitrust and other matters)

10. Margaret Gill
Former General Counsel of AirTouch Communications
650-326-6572
(Ms. Gill formerly served as General Counsel of AirTouch Communications. During my work in private practice at Pillsbury, AirTouch was a client and Ms. Gill supervised those representations)

11. Jerry Ross
Pillsbury Winthrop
235 Montgomery Street
San Francisco, CA 94204
415-983-1000
(Mr. Ross is a partner at Pillsbury. During my service in private practice at Pillsbury, Mr. Ross and I worked together on some matters)

12. Steven Cowan
King & Spaulding
191 Peachtree
Atlanta, GA
404-572-4688
(Mr. Cowan is a partner at King & Spaulding and previously served as United States Attorney for the N.D. of Georgia. During my work at Honeywell, Mr. Cowan and his firm have served as outside counsel on some of our litigation matters. He also knows

my background from the Department and other professional interactions during the past 25 years.)

13. Anton Valukas
Jenner & Block
One IBM Plaza
Chicago, Ill. 60611
312-923-2903
(Mr. Valukas currently is a partner at Jenner & Block. Previously, he served as United States Attorney for the N.D. of Illinois. During my work at Honeywell, Mr. Valukas and his firm have served as outside counsel to Honeywell on some antitrust and government contract matters. He also knows my background from the Department of Justice)

14. Judge Mary McLaughlin
United States District Court for the E.D. of Pennsylvania
U.S. Courthouse
601 Market Street, Room 3809
Philadelphia, PA 19106-1748
215-597-7704
(Judge McLaughlin previously was a partner at the firm of Dechert Price in Philadelphia. During my work at Honeywell, I worked with her on some hostile takeover litigation on which her firm represented us as outside counsel)

15. Michael Denton
General Counsel and Secretary
Curtiss-Wright Corp.
1200 Wall Street West, Suite 501
Lyndhurst, NJ 07071
(Mr. Denton previously was General Counsel of Honeywell Aerospace and also was head of Honeywell's Global Compliance Program. He has worked with me at Honeywell on a number of issues and cases)

17. Legal Activities: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe the nature of your participation in this question, please omit any information protected by the attorney-client privilege (unless the privilege has been waived.)

Set forth below are some of the significant legal activities or litigation matters which did not go to trial that I have participated in during the past nearly thirty years. It is not a complete list of all the significant legal activities I have been involved in during the past nearly thirty years, but it captures a number of the major matters.

a. While at Wilmer, Cutler & Pickering, I assisted in drafting the briefs and in

litigating the constitutional challenge to the Regional Rail Reorganization Act. This included briefs filed in the U.S. Supreme Court in August 1974: United States Railway Association v. Connecticut General Insurance Corporation, et al.

b. At the Overseas Private Investment Corporation, I assisted in resolving disputes related to the expropriation of U.S. property in Vietnam (Chase Manhattan Bank) as a result of the war and of U.S. property in Chile following the Allende revolution (Anaconda).

c. At the Justice Department, I led the negotiating team that negotiated the first mutual legal assistance agreement with the U.K. and Cayman Islands to get bank records from the Cayman Islands. This effort was part of a larger international initiative that I worked on regarding the extraterritorial application of U.S. law, particularly in the criminal enforcement area, and the effort to develop bilateral agreements to assist U.S. law enforcement.

d. At the Justice Department, I assisted in managing the international issues related to the investigation and prosecution of Hitachi and Mitsubishi when they were charged with the theft of IBM proprietary computer information. I later was invited to serve as a visiting expert at the United Nations Asia and Far East Institute in Tokyo, and to present papers on undercover operations and international cooperation agreements.

e. At Justice, I served on the FBI's Undercover Operations Review Committee which evaluated and managed Group I undercover operations throughout the United States. The Committee evaluated and helped structure a number of complex, sensitive undercover operations, including the Hitachi/Mitsubishi matter and Operation Greylord in Chicago.

f. At Justice, I was involved in developing our counter-terrorism approach to violence against U.S. nationals around the world, including developing legislative proposals for statutory offenses, serving on inter-agency committees, and considering potential prosecutions.

g. At Justice, I was involved in implementing the Comprehensive Crime Control Act of 1984 by providing guidance and advice to U.S. Attorney offices and others. I also was involved in setting up the first United States Sentencing Commission following congressional enactment of authorizing legislation.

h. While serving as US Attorney, I developed an anti-gang initiative under which we prosecuted more than a dozen major gangs, utilizing the RICO and new Continuing Criminal Enterprise statutes, to take out major criminal organizations. We prosecuted the Rayful Edmond gang which resulted in convictions of more than 35 people for drug trafficking and murder, the R Street Crew, and more than a dozen other gangs which involved more than 350 defendants.

i. While serving as US Attorney, I assisted in leading the Pan Am 103 Lockerbie bombing investigation which led to the indictment of the two Libyans, Abdel Baset Ali Megrahi and Lamen Khalifa Fhima, for the bombing of Pam Am 103. This was a coordinated effort with the Department, the intelligence community, and law enforcement organzations around the world.

j. While serving as US Attorney, I provided leadership, tactical and strategic advice, and supervision of the investigation and prosecution of former Washington, DC, Mayor, Marion Barry, on drug and perjury charges.

k. While serving as US Attorney, I provided leadership, tactical and strategic advice, and supervision of the investigation and prosecution of allegations of financial abuse related to the House of Representative's Post Office. We obtained a number of convictions related to the fraudulent use of public monies.

l. While serving as US Attorney, I initiated and supervised a program to pursue affirmative civil litigation to recover monies that had been fraudulently obtained from the government through student loan fraud, health caare fraud, and other program fraud. We obtained significant recoveries in a number of cases.

m. While serving as US Attorney, I led an effort to pursue a number of terrorism prosecutions which involved violence against U.S. nationals overseas. In some cases we coordinated with foreign government prosecutions; in other cases we obtained jurisdiction over defendants here in the US. Among those convicted was Fawaz Yunis who hijacked a Jordanian airliner with U.S. nationals aboard. We also undertook the investigation and prosecution of a number of former Weathermen who were charged with the 1983 bombing of the nation's Capitol Building and with targeting other public buildings.

n. While serving as US Attorney, I developed an initiative to prosecute the illegal export of U.S. technology or military hardware to embargoed countries or in violation of the Anti-Apartheid Act. We worked with the Customs Service, the Commerce Department, the State Department, and the intelligence community to develop these cases. We obtained convictions of companies such as Old Delft, JAE, and Aeroservices.

o. While serving as US Attorney, we identified, charged and convicted an additional conspirator in the Ambassador Letellier assassination. Through a presentation of facts on the program, "America's Most Wanted," defendant Romero was identified as a gardener working in Florida, arrested, and returned to Washington for prosecution. He was convicted of Conspiracy to Commit Murder.

p. While serving as US Attorney, I developed several criminal justice legislative proposals, and worked with then City Council Chairman, John Wilson, to seek their enactment. These proposals included, among others, bail reform, witness

intimidation reform, life without parole penalties for first degree murder, a carjacking statute, and non-jury misdemeanor trials.

q. While serving as US Attorney, we undertook hundreds of violent crime, homicide, and sexual assault prosecutions. I became personally involved in many of these cases. I established a separate Sexual Assault and Child Abuse section as well as undertook a domestic violence prosecution initiative. In addition, we established our own witness protection program with the assistance of the Department of Justice in order to help deal with the problems of witness intimidation we were experiencing in our prosecutions.

r. While at Pillsbury, Madison & Sutro, I assisted in the investigation and resolution of an international antitrust case which involved allegations that our client and several other major international companies engaged in illegal transactions related to trading in certain commodities. The matter was resolved civilly. This matter was handled by the New York Regional Antitrust Office of the Department of Justice.

s. While at Pillsbury, Madison & Sutro, I represented an international merchant bank in an international tax fraud, wire fraud, and money laundering investigation conducted by the US Attorney's office in Los Angeles and the Tax Division. The matter involved mutual legal assistance requests for documents located offshore, grand jury work, and eventually cooperation with the government in unraveling a complex set of transactions.

t. While at Pillsbury, Madison & Sutro, I represented a government contracts company with respect to a criminal fraud investigation and civil False Claims Act allegations conducted by the U.S. Attorney's office for the E.D. of Virginia. The matter was resolved civilly without an action being filed.

u. While at Pillsbury, Madison & Sutro, I represented the Resolution Trust Corporation with respect to claims the RTC sought to bring against several individuals arising out of a failed savings and loan, Trustbank. The matter was resolved through summary judgment litigation of statute of limitations issues in the E.D. of Virginia. I also represented the RTC for a period of time with respect to a civil investigation related to the failure of the Madison Guaranty Bank; this matter was handled primarily out of our California offices.

v. While at Pillsbury, Madison & Sutro, I was retained by new management of a major private company in the housing industry to conduct an internal investigation of certain financial practices and to advise the senior management on disclosure issues and corrective actions.

w. While at Pillsbury, I represented a major telecommunication company with respect to certain licensing disputes they were having with related parties before the FCC and assisted with respect to a state antitrust investigation.

x. While at AlliedSignal/Honeywell, I assisted in federal court litigation brought by the target of a hostile takeover attempt to block the acquisition by AlliedSignal.

y. While at AlliedSignal/Honeywell, I managed a large portfolio of litigation and regulatory disputes, and assisted in litigating and resolving a number of significant cases involving environmental, intellectual property, commercial, government contract, international trade, antitrust, and product liability claims.

II. FINANCIAL DATA AND CONFLICT OF INTEREST (PUBLIC)

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients, or customers. Please describe the arrangements you have made to be compensated in the future for any financial or business interest.

I have the following anticipated receipts for past compensation from Honeywell International after my separation from the company: Deferred compensation and supplemental savings from compensation earned over the past 5 years and invested at a fixed rate of return—approximately $600k to be paid to me beginning between 2008-2012 and continuing for a period of ten years. I have approximately 170k stock options, many of which may not be vested by the time of my separation from the company; currently these options have an exercise value of less than $25k; they have remaining exercise terms ranging from 7-10 years. As an officer of the company, I will have a severance payment upon my separation and retirement from the company equivalent to eighteen months of compensation—approximately $750k which may be paid over that eighteen month period or possibly in one lump sum. Upon retirement from the company and at the conclusion of the severance period, I will be entitled to an annual pension payable from a defined benefit plan according to a generally applicable fixed formula. I will also be entitled to the savings in my 401(k) benefit and savings plan upon reaching the requisite age for withdrawal (approximately $60k). I have a government Thrift Savings Plan from prior government service (approximately $150k). I receive rental income from agricultural real estate (approximately $6k/year).

2. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern. Identify the categories of litigation and financial arrangements that are likely to present potential conflicts-of-interest during your initial service in the position to which you have been nominated.

Except for the financial holdings and benefits I have as a result of my employment with Honeywell, I do not expect my financial holdings to pose any likely conflicts of interest. The remainder of my financial holdings is in diversified mutual funds or in agricultural real estate. I would consult with the Department's ethics advisor or the Office of Government Ethics regarding issues which might possibly pose a conflict of interest. After seeking advice, I would recuse myself where appropriate.

3. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service in the position for which you have been nominated?

No

4. List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, patents, honoraria, and other items exceeding $500 or more. (If you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here.)

My financial disclosure form SF278 is attached.

5. Please complete the attached financial net worth statement in detail (add schedules as called for).

Financial net worth statement is attached.

6. Have you ever held a position or played a role in a political campaign? If so, please identify the particulars of the campaign, including candidate, dates of the campaign, your title and responsibilities.

Senator Robert Dole's 1996 Presidential campaign: served as co-chairman of the legal policy committee; considered and evaluated legal policy positions for the campaign, responded to inquiries regarding legal policy, and helped develop draft position papers for the campaign on law enforcement issues and other legal policy matters; 1996. Also served on an informal committee for the Dole Campaign to vet and consider potential vice presidential candidates.

Served as an elected delegate from the Commonwealth of Virginia to the 1996 Republican National Convention; August 1996.

Served as a volunteer on the Government Affairs committee at the 2000 Republican National Convention; August 2000.

Established an informal Exploratory Committee to consider running for the United States Senate from Virginia; I decided not to enter the race; summer/fall of 1993.

Participated in some events supporting George Allen's campaign for Governor of Virginia and Jim Gilmore's campaign for Attorney General of Virginia; fall 1993.

III. GENERAL (PUBLIC)

1. An ethical consideration under Canon 2 of the American Bar association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

   Engaged in significant pro bono litigation in behalf of the Migrant Legal Action Program to achieve better working conditions for migrant farm laborers in the United States: approximately 5-10% of my time while an associate in private practice at Wilmer, Cutler
   & Pickering.

   While serving in various capacities in the Department of Justice, especially as an Assistant U.S. Attorney and as U.S. Attorney for the District of Columbia, I was a strong advocate for victims rights; I devoted a significant part of my legal work to vindicating the rights of victims of violent crime, many of whom could be considered disadvantaged. Much of my career has been spent being an advocate for victims of crime and seeking to serve the public interest.

   While working at Honeywell, I have served as a team leader for our United Way campaign; my team was consistently among the highest in the company for response to the giving requests.

   While working at Honeywell, I have participated in the mentoring program. I met monthly for a couple hours with a minority employee to counsel him on opportunities within the company and on means to achieve success within the corporate organization. I also supported the program through a number of company meetings.

   While serving as U.S. Attorney, I was active in the Special Olympics program. I led the Law Enforcement Torch Run for our office; I also participated in the plenary program at the Capitol.

   For the past several years, I have served on the Harvard Schools Committee which seeks out candidates for admission, encourages those of modest means to apply, and interviews prospective candidates.

   For the past several years, I have supported and assisted little league, soccer, and basketball teams that my children have played on in our communities.

   I have participated in school programs by speaking to classes regarding the dangers of drug and alcohol abuse.

2. Do you currently belong, or have you belonged, to any organization which discriminates on the basis of race, sex or religion - through either formal membership requirements or the practical implementation of membership policies? If so, list, with dates of membership. What you have done to try to change these policies.

To my knowledge I have never belonged to an organization which discriminates on the basis of race, sex or religion.

NET WORTH STATEMENT
Jay B. Stephens

ASSETS

Cash on hand in banks	5000
US Government Securities	00
Listed Securities (see schedule)	530,500
Unlisted Securities	00
Accounts and notes receivable	00
Real estate owned (see schedule)	2,135,000
Real estate mortgages receivable	00
Autos and other personal property	25,000
Cash value—life insurance	10,000
Other assets (see schedule)	995,000
Total Assets	3,700,500

CONTINGENT LIABILITIES

Contingent liabilities	000

LIABILITIES

Notes payable to banks-secured	000
Notes payable to banks-unsecured	000
Notes payable to others	000
Accounts and bills due	10,000
Unpaid income tax	000
Other unpaid tax and interest	000
Real estate mortgages payable (mortgage on home—Citimortgage)	950,000
Chattel mortgages and other liens payable	000
Other debts-itemize (car loan-Chrysler Financial)	25,000
Total Liabilities	985,000
Net Worth	2,715,500
Total liabilities and net worth	3,700,500

GENERAL INFORMATION

Are any assets pledged	No
Are you a defendant in any suits or legal actions	Yes
My spouse and I are defendants and counter-claimants in a dispute with a landscaper over the quality, scope, and timeliness of certain landscape services. The amount at issue does not exceed $25k	
Have you ever taken bankruptcy	No

NET WORTH SCHEDULES
(Jay B. Stephens)

LISTED SECURITIES SCHEDULE

Various Vanguard Mutual Funds	330,000
Various Janus Mutual Funds	15,000
Various Harbor Mutual Funds	30,000
Various Fidelity Mutual Funds	145,000
Marriott Common Stock (214 shs)	10,000
Sodexho common stock (26 shs)	250
Marriott Host common stock (9shs)	250
Total	530,500

REAL ESTATE SCHEDULE

Agricultural farm land—Iowa (65 acres)	130,000
Agricultural farm land-Iowa(residual interest In 135 acres; mother has life estate)	250,000
Ranch land—Sturgis, S.D. (1/3 interest in 160 acres)	5,000
Primary residence (Morristown, NJ)	1,750,000
Total	2,135,000

OTHER ASSETS SCHEDULE

Government Thrift Savings Plan	150,000
Honeywell Deferred Compensation	450,000
Honeywell Savings and Ownership Plan	230,000
Honeywell Stock options (current exercise Value)	10,000
Stephens Family Heirs Trust (1/3 remainder Interest) Trust is invested in Vanguard, Fidelity, Harbor, and Janus mutual funds as well as US Treasury and Home Loan Bank Board bonds	155,000
Total	995,000

U.S. Department of Justice

Washington, D.C. 20530

Ms. Amy L. Comstock
Director
Office of Government Ethics
Suite 500
1201 New York Avenue, NW
Washington, DC 20005-3919

SEP 13 200

Dear Ms. Comstock:

In accordance with the provisions of Title I of the Ethics in Government Act of 1978 as amended, I am forwarding the financial disclosure report of Jay B. Stephens who has been nominated by the President to serve as Associate Attorney General, Department of Justice. We have conducted a thorough review of the enclosed report.

The conflict of interest statute, 18 U.S.C. § 208, requires that Mr. Stephens recuse himself from participating personally and substantially in a particular matter in which he, his spouse, or anyone whose interests are imputed to him under the statute has a financial interest. We have counseled him to obtain advice about disqualification or to seek a waiver before participating in any particular matter that could affect his financial interests. Because he will have a continuing financial interest in Honeywell, International, from which he will retire upon confirmation, we have asked him to seek advice before participating in matters involving Honeywell. Pursuant to his agreement with Honeywell, he will receive a severance payment equivalent to 18 months compensation which will be paid to him within 18 months of his retirement from the company. This is a standard agreement the company has with its officers. He will maintain his interest in the Honeywell Supplemental Savings and Deferred Compensation Plans until the payout of his benefits is completed. The payout of both plans must be made by 2022 pursuant to his agreement with the company. He will also maintain his interest in the Honeywell Savings and Ownership Plan, a 401(k) plan, to which no further contributions will be made.

We have advised him that because of the standard of conduct on impartiality at 5 CFR 2635.502 he should seek advice before participating in a particular matter having specific parties in which a member of his household has a financial interest or in which someone with whom he has a covered relationship is or represents a party.

Based on the above agreements and counseling, I am satisfied that the report presents no conflicts of interest under applicable laws and regulations and that you can so certify to the Senate Judiciary Committee.

Sincerely,

Janis A. Sposato
Acting Assistant Attorney General
for Administration and
Designated Agency Ethics Official

Enclosure

SF 278 (Rev. 5 C.F.R. Part ...)
U.S. Office of Government Ethics

Executive Branch Personnel PUBLIC FINANCIAL DISCLOSURE REPORT

Approved: OMB No. 3209 - 0001

Date of Appointment, Candidacy, Election, or Nomination (Month, Day, Year)	Reporting Status (Check Appropriate Boxes)	Incumbent ☐	Calendar Year Covered by Report	New Entrant, Nominee, or Candidate ☒	Termination Filer ☐	Termination Date (If Applicable) (Month, Day, Year)

	Last Name	First Name and Middle Initial
Reporting Individual's Name	STEPHENS	JAY B.
Position for Which Filing	Title of Position: Associate Attorney General	Department or Agency (If Applicable): Department of Justice
Location of Present Office (for forwarding address)	Address (Number, Street, City, State, and ZIP Code): 5 Buckingham Court, MORRISTOWN, NJ 07960	Telephone No. (Include Area Code): 973-455-5034
Position(s) Held with the Federal Government During the Preceding 12 Months (If Same as Above)	Title of Position(s) and Date(s) Held: NONE	
Presidential Nominees Subject to Senate Confirmation	Name of Congressional Committee Considering Nomination: SENATE JUDICIARY	Do You Intend to Create a Qualified Diversified Trust? ☐ Yes ☒ No

Certification	Signature of Reporting Individual	Date (Month, Day, Year)
I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge.	J.B. Stephens	7-30-01
Other Review (If desired by agency)	Signature of Other Reviewer	Date (Month, Day, Year)
	Mary Gordon	8/30/01
Agency Ethics Official's Opinion	Signature of Designated Agency Ethics Official/Reviewing Official	Date (Month, Day, Year)
On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (subject to any comments in the box below).	Jamie Gorsat	9/12/01
Office of Government Ethics Use Only	Signature	Date (Month, Day, Year)

Comments of Reviewing Officials (If additional space is required, use the reverse side of this sheet)

Instructions per conversations w/ filer MB

(Check box if filing extension granted & indicate number of days _____) ☐

(Check box if comments are continued on the reverse side) ☐

Fee for Late Filing

Any individual who is required to file this report and does so more than 30 days after the date the report is required to be filed, or, if an extension is granted, more than 30 days after the last day of the filing extension period, shall be subject to a $200 fee.

Reporting Periods

Incumbents: The reporting period is the preceding calendar year except Part II of Schedule C and Part I of Schedule D where you must also include the filing year up to the date you file. Part II of Schedule D is not applicable.

Termination Filers: The reporting period begins at the end of the period covered by your previous filing and ends at the date of termination. Part II of Schedule D is not applicable.

Nominees, New Entrants and Candidates for President and Vice President:

Schedule A--The reporting period for income (BLOCK C) is the preceding calendar year and the current calendar year up to the date of filing. Value assets as of any date you choose that is within 31 days of the date of filing.

Schedule B--Not applicable.

Schedule C, Part I (Liabilities)--The reporting period is the preceding calendar year and the current calendar year up to any date you choose that is within 31 days of the date of filing.

Schedule C, Part II (Agreements or Arrangements)--Show any agreements or arrangements as of the date of filing.

Schedule D--The reporting period is the preceding two calendar years and the current calendar year up to the date of filing.

Agency Use Only

AUG - 2 2001

OGE Use Only

Supersedes Prior Editions, Which Cannot Be Used. 278-1 1 9 . NSN 7540-01-070-8444

SF 278 (Rev 1. ...)
5 C.F.R. Parts 2634
U.S. Office of Government Ethics

Reporting Individual's Name: STEPHENS, JAY

SCHEDULE A

Page Number: 2

Assets and Income — BLOCK A

For you, your spouse, and dependent children, report each asset held for investment or the production of income which had a fair market value exceeding $1,000 at the close of the reporting period, or which generated more than $200 in income during the reporting period, together with such income.

For yourself, also report the source and actual amount of earned income exceeding $200 (other than from the U.S. Government). For your spouse, report the source but not the amount of earned income of more than $1,000 (except report the actual amount of any honoraria over $200 of your spouse).

None ☐

Valuation of Assets at close of reporting period — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

| | Assets and Income (BLOCK A) | Valuation of Assets at close of reporting period (BLOCK B) | | | | | | | | | | | | | | | Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. (BLOCK C) | | | | | | | | | | | | | | |

SF 278 (Rev.)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Reporting Individual's Name	SCHEDULE A continued (Use only if needed)	Page Number
STEPHENS, Jay B.		3

Assets and Income (BLOCK A)	Valuation of Assets at close of reporting period (BLOCK B)														Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. (BLOCK C)																				
															Type				Amount																
	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Dividends	Rent and Royalties	Interest	Capital Gains	None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
1 VANGUARD Total Stock MKT Index (IRA)			X										X								X												
2 VANGUARD Index 500 (IRA)(S)		X											X								X												
3 Harbor Capital Appreciation (DC)		X											X								X												
4 Fidelity Contra Fund (IRA)				X									X								X												
5 Fidelity Growth & Income (IRA)		X											X								X												
6 Fidelity Blue Chip Growth (DC)				X									X								X												
7 JANUS Twenty	X												X							X	X												
8 JANUS mercury		X											X								X												
9 JANUS Olympus		X											X								X												

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

Prior Editions Cannot Be Used.

SF 278 (Rev. 6. --)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Reporting Individual's Name	SCHEDULE A	Page Number
STEPHEN, JAY B.		4

Assets and Income — BLOCK A

For you, your spouse, and dependent children, report each asset held for investment or the production of income which had a fair market value exceeding $1,000 at the close of the reporting period, or which generated more than $200 in income during the reporting period, together with such income.

For yourself, also report the source and actual amount of earned income exceeding $200 (other than from the U.S. Government). For your spouse, report the source but not the amount of earned income of more than $1,000 (except report the actual amount of any honoraria over $200 of your spouse).

None ☐

Valuation of Assets at close of reporting period — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

	Asset	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
Examples	Central Airlines Common				X												X					X										
	Doe Jones & Smith, Hometown, State			X																											Law Partnership Income $1 million	
	Kempstone Equity Fund					X								X									X									
	BSC Heartland 500 Index Fund							X						X										X								
1	JANUS Worldwide		X											X								X										
2	Harbor Capital Appreciation			X										X										X								
3	Harbor money market	X												X							X											
4	STEPHENS FAMILY TRUST (C/S residual interest in following assets):																															
5	a. Vanguard money market		X											X							X											
6	b. Multiple U.S. Treasury bills & Home Loan Bank Bonds			X										X							X											

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

Prior Editions Cannot Be Used.

SF 278 (Rev.)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Reporting Individual's Name	SCHEDULE A continued (Use only if needed)	Page Number
Jay B. STEPHENS		5

| Assets and Income (BLOCK A) | Valuation of Assets at close of reporting period (BLOCK B) | | | | | | | | | | | | | | | Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. (BLOCK C) | | | | | | | | | | | | | | |

SF 278 (Rev. [illegible])
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Reporting Individual's Name: Jay B. STEPHENS

SCHEDULE A

Page Number: 6

Assets and Income — BLOCK A

For you, your spouse, and dependent children, report each asset held for investment or the production of income which had a fair market value exceeding $1,000 at the close of the reporting period, or which generated more than $201 in income during the reporting period, together with such income.

For yourself, also report the source and actual amount of earned income exceeding $200 (other than from the U.S. Government). For your spouse, report the source but not the amount of earned income of more than $1,000 (except report the actual amount of any honoraria over $200 of your spouse).

None ☐

Valuation of Assets at close of reporting period — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

	Asset	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
Examples	Central Airlines Common				*												*																
	Doe Jones & Smith, Hometown, State			X																												Law Partnership Income $1-01,000	
	Keystone Equity Fund					X								*										X									
	IRA: Heartland 500 Index Fund							X						*											*								
1	Agricultural Farm land - Plymouth Co. Iowa. Residual interest in 135 acres					*														X													
2	Ranchland - STURGIS, S.D. 1/3 interest in 160 acres		*															*		*													
3	(S) MARRIOTT International 214 shares		*														*			*													
4	(S) Sedano 26 shares	*															*			*													
5	(S) marriott HOST 9 shares	*															*			*													
6																																	

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

Prior Editions Cannot Be Used.

SF 278 (Rev.)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Reporting Individual's Name	SCHEDULE A continued (Use only if needed)	Page Number
JAY B. STEPHENS		7

	Assets and Income (BLOCK A)	Valuation of Assets at close of reporting period (BLOCK B)														Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. (BLOCK C)																	
																Type				Amount														
		None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Dividends	Rent and Royalties	Interest	Capital Gains	None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
1	Honeywell Interna Fixed Income							X																								150,000	
2																																	
3	Bonds with in Stephens Family Trust (JBS)					•																											
4	US Treasury Note-matures 12/31/02			X																X													
5	US Treasury note. matures 2/15/04			X														X				X											
6	US Treasury note matures 11/15/05			X														X				X											
7	Fed. Home Loan Bank Corp Bd. matures 12/10/04			X														X				X											
8	Honeywell International Defined Benefit Plan																															mo. annuity based on 2% x final average comp. x yrs Service = 60% at Soc. Sec. Benefit X yrs Service / Total yrs service up to age 65.
9																																	

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

Prior Editions Cannot Be Used.

SE 278 (Rev. 03/2000)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Reporting Individual's Name	SCHEDULE A continued (Use only if needed)	Page Number
Jay B. Stephens		7a

Assets and Income (BLOCK A)	Valuation of Assets at close of reporting period (BLOCK B)												Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. (BLOCK C)														
														Type			Amount										
	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Trust	Excepted Trust	Qualified Trust	Dividends	Rent and Royalties	Interest	Capital Gains	None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Dat (Mo., Yr. Only Honor
1 Honeywell Savings & Ownership Plan Acct. by State Street Bank																											
2 - Short Term Fixed Inc. Fund		X											X						X								
3 - Value Yield Equity Fund		X											X							X							
4 - S&P 500 Equity Index Fund		X											X							X							
5 - Growth Equity Fund		X											X							X							
6 - Small Cap Stock Fund		X											X								X						
7 - Honeywell Common Stock		X																	X								
8 Honeywell Supplemental Savings Plan					X												X						X				
9 Deferred Compensation - Honeywell Int'l						X											X							X				

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

Prior Editions Cannot Be Used.

SF 278 (Rev. 03/2000)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Reporting Individual's Name	SCHEDULE A continued (Use only if needed)	Page Number
Jay B. Stephens		76

Assets and Income (BLOCK A)	Valuation of Assets at close of reporting period (BLOCK B)												Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. (BLOCK C)															
													Type			Amount												
	None (or less than $1001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Dividends	Rent and Royalties	Interest	Capital Gains	None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honor
1 Honeywell stock options																														
2 - 3/97 - 12,000 options Strike Price $34.54 - Expire 3/07																			X											
3 - 1/98 - 20,000 options Strike price $28.47 - Expire 1/08																			X											
4 - 10/98 - 25000 options Strike Price $37.94 - Expire 10/08																			X											
5 - 2/99 - 30,000 options Strike price $41.41 - Expire 2/09																			X											
6 - 12/99 - 25000 options Strike Price $63.00 - Expire 12/09																			X											
7 - 12/99 - 12,500 options Strike price $63.00 - not vested																			X											
8 Expire 12/02 or 12/09																														
9 - 7/01 - 50,000 options Strike Price $36.28 - Expire 7/11																			X											

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

Prior Editions Cannot Be Used.

SF 278 (Rev. ...-00)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Do not complete Schedule B if you are a new entrant, nominee, or Vice Presidential or Presidential Candidate

Reporting Individual's Name	SCHEDULE B	Page Number
JAY B. STEPHENS		8

Part I: Transactions

Report any purchase, sale, or exchange by you, your spouse, or dependent children during the reporting period of any real property, stocks, bonds, commodity futures, and other securities when the amount of the transaction exceeded $1,000. Include transactions that resulted in a loss.

Do not report a transaction involving property used solely as your personal residence, or a transaction solely between you, your spouse, or dependent child. Check the "Certificate of divestiture" block to indicate sales made pursuant to a certificate of divestiture from OGE.

None ☐

	Identification of Assets	Transaction Type (x)			Date (Mo., Day, Yr.)	Amount of Transaction (x)												
		Purchase	Sale	Exchange		$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Certificate of divestiture
Example	Central Airlines Common	x			2/1/99			x										
1																		
2																		
3																		
4																		
5																		

*This category applies only if the underlying asset is solely that of the filer's spouse or dependent children. If the underlying asset is either held by the filer or jointly held by the filer with the spouse or dependent children, use the other higher categories of value, as appropriate.

Part II: Gifts, Reimbursements, and Travel Expenses

For you, your spouse and dependent children, report the source, a brief description, and the value of: (1) gifts (such as tangible items, transportation, lodging, food, or entertainment) received from one source totaling more than $260, and (2) travel-related cash reimbursements received from one source totaling more than $260. For conflicts analysis, it is helpful to indicate a basis for receipt, such as personal friend, agency approval under 5 U.S.C. § 4111 or other statutory authority, etc. For travel-related gifts and reimbursements, include travel itinerary, dates, and the nature of expenses provided. **Exclude** anything given to you by the U.S. Government; given to your agency in connection with official travel; received from relatives; received by your spouse or dependent child totally independent of their relationship to you; or provided as personal hospitality at the donor's residence. Also, for purposes of aggregating gifts to determine the total value from one source, exclude items worth $104 or less. See instructions for other exclusions.

None ☐

	Source (Name and Address)	Brief Description	Value
Examples	Nat'l Assn. of Rock Collectors, NY, NY	Airline ticket, hotel room & meals incident to national conference 6/15/99 (personal activity unrelated to duty)	$500
	Frank Jones, San Francisco, CA	Leather briefcase (personal friend)	$400
1			
2			
3			
4			
5			

Prior Editions Cannot Be Used.

SF 278 (Rev.)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Do not complete Schedule B if you are a new entrant, nominee, or Vice Presidential or Presidential Candidate

Reporting Individual's Name	SCHEDULE B continued (Use only if needed)	Page Number
JAY B. STEPHENS		9

Part I: Transactions

	Identification of Assets	Transaction Type (x)			Date (Mo., Day, Yr.)	Amount of Transaction (x)														
		Purchase	Sale	Exchange		$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Certificate of Divestiture
1																				
2																				
3																				
4																				
5																				
6																				
7																				
8																				
9																				
10																				
11																				
12																				
13																				
14																				
15																				
16																				

*This category applies only if the underlying asset is solely that of the filer's spouse or dependent children. If the underlying asset is either held by the filer or jointly held by the filer with the spouse or dependent children, use the other higher categories of value, as appropriate.

Prior Editions Cannot Be Used.

SF 278 (Rev. 03/2000)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Reporting Individual's Name	SCHEDULE C	Page Number
Jay B. Stephens		10

Part I: Liabilities

Report liabilities over $10,000 owed to any one creditor at **any time** during the reporting period by you, your spouse, or dependent children. Check the highest amount owed during the reporting period. **Exclude** a mortgage on your personal residence unless it is rented out; loans secured by automobiles, household furniture or appliances; and liabilities owed to certain relatives listed in instructions. See instructions for revolving charge accounts.

None ☒

	Creditors (Name and Address)	Type of Liability	Date Incurred	Interest Rate	Term if applicable	Category of Amount or Value (x): $10,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000
Examples	First District Bank, Washington, DC	Mortgage on rental property, Delaware	1991	8%	25 yrs.			X							
	John Jones, 123 J St., Washington, DC	Promissory note	1999	10%	on demand					X					
1															
2															
3															
4															
5															

*This category applies only if the liability is solely that of the filer's spouse or dependent children. If the liability is that of the filer or a joint liability of the filer with the spouse or dependent children, mark the other higher categories, as appropriate.

Part II: Agreements or Arrangements

Report your agreements or arrangements for: (1) continuing participation in an employee benefit plan (e.g. pension, 401k, deferred compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment. See instructions regarding the reporting of negotiations for any of these arrangements or benefits.

None

	Status and Terms of any Agreements or Arrangement	Parties
Example	Pursuant to partnership agreement, will receive lump sum payment of capital account & partnership share calculated on service performed through 1/00.	Doe Jones & Smith, Hometown, State
1	Pursuant to severance payment agreement, will receive the equivalent of 18 mos. compensation payable within 18 mos. after retirement	Honeywell International
2	Honeywell Savings & Ownership Plan - No further contributions.	"
3	Honeywell Supplemental Savings and Deferred Compensation Plans:	"
4	Will maintain assets until deferred payout is completed by 2022.	
5	Honeywell Defined Benefit Plan-Payments to begin at end of severance period based on formula on pp 7 & 8	"
6		

Prior Editions Cannot Be Used Honeywell stock options (exp 4/96 & 1-9) " 3/97

93

SF 278 (Rev. 6-...)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Reporting Individual's Name	SCHEDULE D	Page Number
Jay B. STEPHENS		11

Part I: Positions Held Outside U.S. Government

Report any positions held during the applicable reporting period, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. **Exclude** positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

None ☐

	Organization (Name and Address)	Type of Organization	Position Held	From (Mo., Yr.)	To (Mo.,Yr.)
Examples	Nat'l Assn. of Rock Collectors, NY, NY	Non-profit education	President	6/92	Present
	Doe Jones & Smith, Hometown, State	Law firm	Partner	7/85	1/00
1	Honeywell International Inc.	Public Company	Vice-President & Deputy General Counsel	2/99	Present
2	Stephens Family Trust	Trust	Trustee (Uncompensated)	5/88	Present
3					
4					
5					
6					

Part II: Compensation in Excess of $5,000 Paid by One Source

Report sources of more than $5,000 compensation received by you or your business affiliation for services provided directly by you during any one year of the reporting period. This includes the names of clients and customers of any corporation, firm, partnership, or other business enterprise, or any other non-profit organization when you directly provided the services generating a fee or payment of more than $5,000. You need not report the U.S. Government as a source.

Do not complete this part if you are an Incumbent, Termination Filer, or Vice Presidential or Presidential Candidate.

None ☐

	Source (Name and Address)	Brief Description of Duties
Examples	Doe Jones & Smith, Hometown, State	Legal services
	Metro University (client of Doe Jones & Smith), Moneytown, State	Legal services in connection with university construction
1	Honeywell International Inc; Morristown NJ	Officer and employee of company
2		
3		
4		
5		
6		

Prior Editions Cannot Be Used.

Senator DURBIN. Well, thank you very much, Mr. Stephens. You have an extraordinary background that you bring to this position, but there is one part of it that is particularly apropos for questions, I think, this morning, and you have noted it in your opening statement.

As United States Attorney for the District of Columbia, you were involved in the investigation of the bombing of Pan Am 103 over Lockerbie, Scotland. You also led a number of terrorism prosecutions which involved violence against U.S. nationals overseas and here.

Can you share with us any insight into those experiences as a prosecutor, and if you could also reflect on the challenges that these cases brought in comparison to other work you have done?

I guess the third point, and more relevant to some earlier statements, is whether or not you feel that there are existing laws in the United States which should be reconsidered in light of the current challenge we face.

Mr. STEPHENS. Thank you, Mr. Chairman. I appreciate your interest in that area, given the times we face. I should say while I participated in leading, these are investigations that really require, and I think the most important thing, the cooperation and coordination of good men and women in law enforcement across the globe.

There is more to it than a homicide case or a fraud case, and I think the key ingredient both is to have resolve, is to have good intelligence, and by that I mean we needed to work frequently with the intelligence communities, both on our foreign intelligence as well as domestic intelligence; that you have and depend upon good cooperative relationships with international law enforcement agencies. And I think in cases that we are facing at the present time, that goes beyond the law enforcement, obviously, to the political and national leadership level.

Do I think our laws are adequate? I confess I may have some thoughts on that. I have reflected some on that. I think we have in place some fundamental laws that can deal with those questions. I think the President has proposed and the Attorney General has proposed some changes to our laws which I am not fully apprised of, but I have a general understanding of those and I think those have been sent to the Congress, that would provide some modifications that may assist in international terrorism investigations.

I say that we need the tools to do that job, but I also want to emphasize that it is important that we remember that we are a free society, that we want to preserve the rights of our own citizens, and that while we are acting aggressively that we don't essentially lose by giving up our own freedom to seek the accountability of others.

These are difficult prosecutions, and I think frankly we want to look at them not only as prosecutions, but as foreign policy issues and national security issues and bring all those agencies together.

Senator DURBIN. I think you make the important point that we all have on our minds. We want to give our Government the tools to protect us, and yet we don't want to sacrifice those protections that have been part of America for every citizen from the beginning.

Let me ask you, in your work with the Civil Rights Division, all of us are saddened and alarmed by some—fortunately, they are very limited, but some evidence of retribution against Arab Americans and people of the Muslim faith.

Could you for the record indicate your feelings on this and whether you think there are things that we should consider by way of legislation or otherwise to make certain that there is no discrimination against those who are not culpable for any of the wrongdoing?

Mr. STEPHENS. Mr. Chairman, I think people of good faith share your concern in that area. The President, I think, has expressed his views very strongly, condemning the acts of violence against Arab Americans and Muslims in this country and elsewhere. The Attorney General has done so, and I clearly join that. I think it is frankly very sad and a very unfortunate statement when we see violence against our own people simply because of their race, their origin, or because they are people of color.

The Civil Rights Division, as I understand it, has set up a very aggressive to coordinate the prosecution and investigation of these offenses. They have a working group that has been established. Unfortunately, there have been several dozen of these events around the United States. I think the laws are adequate. I think it takes resolve, and I think it will take cooperation, as well, with State and local government because many of these offenses, while they might be prosecutable under the civil rights laws, would also be prosecutable under State statutes, where frankly the penalties may be more effective.

Senator DURBIN. My last question relates to a responsibility which you will have that probably has gone unnoticed or not widely heralded until recent events, and it is the Office of State and Local Domestic Preparedness Support, responsible for handling the capability of State and local jurisdictions to prepare for and respond to incidents of domestic terrorism involving weapons of mass destruction.

I just for the last several days—and I am sure my colleagues had similar experiences—spent the entire time going across the State of Illinois speaking to leaders in our communities who asked me as a Senator, what should we be doing to prepare ourselves and defend ourselves against the threat of terrorism? I came back really trying to search out sources of information to help them, and resources.

Can you reflect on that particular responsibility which you would have in this position?

Mr. STEPHENS. Mr. Chairman, I understand and appreciate your concern. It is an area both in terms of preparedness as well as dealing with victims of terrorism and their families, and much of that is handled under the Office of Justice Programs.

I will say I don't have tremendous familiarity today with all those programs, how they are structured, but I do know that the Department has reached out to deal with it certainly on the victims side very substantially by providing assistance to victims of crime, victims of terrorism; that through the peace officers benefits that they are providing a streamlined process that those are made avail-

able promptly to the families of firefighters and police officers who have been killed or injured in the line of duty.

I know that they are working with the State and local governments to assist and providing support. And I think let me say you have my assurance that I, if confirmed, would ensure that we are working diligently to ensure that we are prepared from a domestic point of view to do all we can to deal with the incidence of violence against our citizens.

Senator DURBIN. Thank you, Mr. Stephens.

Mr. STEPHENS. Thank you, sir.

Senator DURBIN. Senator Hatch?

Senator HATCH. Mr. Stephens, you are abundantly familiar with the Justice Department. You have served there in four different administrations, and you bring an especially experienced perspective to the Department and perhaps a perspective of positions ranging from line prosecutor to U.S. Attorney.

Now, do you see any recurring issues that the Department of Justice has faced, and if so, how do you anticipate dealing with some of these recurrent issues?

Mr. STEPHENS. Senator Hatch, thank you for the question. As far as recurring issues, let me say as I reflect on that I would say that the most significant sense of recurring issue is that the Department of Justice and how it does its business has a sense of core values and a sense of continuity.

While administrations come and administrations go and there are perhaps glosses of policy that change, the core of how the Department litigates, how it manages its cases, how it moves forward—it has a core responsibility to Americans and American society.

I would come back to what I described as not necessarily my agenda, but the principles that guide me as I think about the possibility of serving in this position, and I see that as part of the continuity of what the role of the Department is; that is, to ensure the integrity of our institutions of Government; that is, to protect the safety of our citizens; that is, to ensure that there is a level playing field so that businesses and individuals can compete personally, fairly; and that is, to aggressively enforce the acts and laws that Congress has passed. And, finally, the Department of Justice should in all things act with integrity and recognize that this is the Department of Justice not for this group of people or that group of people, but that it is really to dispense justice for all the people.

I would say, looking at the Department and how it has changed from the 1980s when I had an opportunity to serve at Main Justice to now, we have seen, I think, an expansion of the global reach of law enforcement. And I think those initiatives that were undertaken to deal with terrorism, to deal with extraterritoriality or the application of our laws really are now in full fruition as we look at treaties, at cooperation agreements, at the reach of U.S. law, particularly in these days when we are fighting an international terrorism enemy.

So I think there is a sense of continuity about justice and there are some guiding principles that guide each of us. I hope that is responsive to your question because this is a great institution. It has tremendous responsibility to maintain the sense of confidence

and trust of people in Government, and I hope I could contribute in some small way to ensuring that for the future.

Senator HATCH. Thank you so much. I am going to support you, as you know, and feel very deeply about your nomination. I think you are just the right person for the job and you will do a great job while there, and I hope we can get you through as quickly as possible. I want to thank your wife and family again, and our future Director of the U.S. Marshals Service's wife and family for your willingness to serve. We just really appreciate you.

Jay, I have known you a long time. You are a good man and we will do everything we can to get you through.

Mr. STEPHENS. Thank you, sir.

Senator HATCH. Thank you.

Senator DURBIN. Thank you, Senator Hatch.

Senator Specter?

Senator SPECTER. Thank you, Mr. Chairman.

Mr. Stephens, I concur with Senator Hatch on your extraordinary qualifications. We thank you for coming back to Government. You have been in it in a long time, in a lot of very important positions, and I think you are in an excellent spot to do a job as the number three man in the Department of Justice.

For the record, I would like to cover just a couple of items which you and I have discussed earlier this morning because I wanted to review in some detail some of the concerns I had—my expression of interest, in my own view, of being helpful to the Department of Justice. I know this committee wants to be helpful, as does the entire Senate and Congress, not only for the immediate, major problems but in the long term.

For the record, I want to talk to you for a moment or two about congressional oversight on the Department of Justice, which I think is a point which has not worked well in the past.

As expressed to you earlier this morning, I am concerned, for example, about the ability of this committee to deal with oversight on what the Department of Justice did on the indictments arising from the destruction of Khobar Towers back in 1996.

I chaired the Intelligence Committee at that time and have some greater familiarity with that event than most members do on any individual event. But when the indictment was returned, Iran was identified as a conspirator, but no Iranians were indicted.

As a very basic matter, you can't hold a country responsible as a conspirator, or any principal, without having some conspiratorial acts of individuals who would be Iranians. I have already made some inquiries at the Department of Justice and have been told something about the quality of evidence, and that is a matter which I think needs to be pursued.

Did the Department of Justice pull its punches on that indictment? I am not saying it did, but that question obviously arises when Iran is named as a conspirator, but there are no individuals charged in the indictment. The new Iranian administration with President Katamai is one which I would like to see us worth with and find a way to extend an olive branch, but if some of the old Iranian hard-liners were responsible for the Khobar Towers destruction, I think we ought to be very tough about it.

Then we have the question about the indictments which have been outstanding against Osama Bin Laden for some time, for years, arising from the killing of Americans in Mogadishu in 1993 and from the embassies in 1998. This committee, I think, ought to become very, very deeply involved in finding out what action the Department of Justice took to serve those warrants.

That is a subject matter where this committee has been very active in the past on the legislation on the Terrorist Prosecution Act of 1986, which for the first time gave extraterritorial jurisdiction to the United States, and for hearings which were held in this room where the Attorney General was questioned; William Webster, when he was head of the CIA or the FBI, or both; Abe Soffir, when he was counsel to the State Department, to make demands on countries which harbored those under indictment and, if no action was taken, for having them forthcoming to consider our rights as a matter of self-defense to go into foreign countries and to arrest these individuals.

My question to you, Mr. Stephens, with that perhaps too lengthy introduction, is are you prepared to recognize the Federal law which gives the Congress the authority to get into pending investigations and pending prosecutions, and to find out what is going on in the Department of Justice, and will you cooperate with the constitutional responsibility and authority of this committee to conduct such oversight?

Mr. STEPHENS. Senator Specter, I understand and I hear your deeply-felt views regarding this. I also will say I concur that I think the Constitution clearly gives the Senate and this committee oversight responsibilities. In order to do your function in the legislative branch, you need to have the kind of information to make the kind of judgments that you need to ensure that our laws are enacted properly and that they are being enforced properly.

As you know from our discussion today, I also expressed a sense that the Department and the executive branch has a responsibility to enforce the laws, to do that fairly, and that in doing that we should try, in a mechanism of comity, to share with the committee, with that Congress, that information that we can, and that there are mechanisms available to do that.

I hope, for example, that the briefings which this committee and others have received with regard to the current investigation involving the terrorist acts of last week demonstrate some of those mechanisms that can be available.

So you have my commitment to work with you to provide the kind of information you need. I don't think today I am in a position to say I would say you can have any file and every file. Frankly, I don't know how the Attorney General would view that.

But my sense is we should be able to get you the kind of information you need to do your job so you can make the judgments, and if the Department has failed to act appropriately you can ensure that you can bring to bear your responsibility and judgment to encourage the Department to act appropriately, whether it is one of the terrorist prosecutions or something else.

So you have my commitment to work with you to do the appropriate means that I would see or that the Department sees to get you the kind of information you need.

Senator SPECTER. Okay, thank you very much, Mr. Stephens. The red light went on in the middle of your answer, not my question, and I will respect the red light. There is no doubt about your confirmation. You bring superb credentials to the Federal Government, but I wanted to have a little dialogue with you because I will be calling you from time to time to talk about your commitment and to talk about oversight and how we work it out.

I appreciate the fact that it is not easy and it is not automatic, but there has been too little regard by the Department of Justice in both Democratic administrations and Republican administrations, and I think that we can improve law enforcement markedly with that oversight being conducted with more information coming from the Department of Justice.

Thank you, and thank you, Mr. Chairman.

Mr. STEPHENS. Thank you, Senator. If confirmed, I look forward to working with you on that.

Senator DURBIN. Thank you, Senator Specter.

I just have a few more questions, and I will be very brief.

Your responsibilities are so broad with this appointment that they cover a lot of areas that we haven't even touched on, and I would like to just touch a few of them, if I could, as part of the record here.

In many States, the level of funding available to counsel for indigent defendants is woefully inadequate and there may be caps on the total amount available per case, resulting in very low levels of compensation.

As Associate Attorney General with oversight over the Office of Justice Programs, you would have an opportunity to set the tone on this issue at the Federal level and to support State efforts to improve individual systems. What is your feeling about the compensation of attorneys for indigent defense in our country?

Mr. STEPHENS. Mr. Chairman, I appreciate your question. I will say my most immediate experience with that was probably when I served as an Assistant United States Attorney, and I know there were very many talented attorneys defending the accused here in the District of Columbia who frankly were not very well compensated.

I think it is important that they have fair compensation so that we can bring talented resources to bear to defend those who are accused because the Government should be put to the test. I mean, we are in part taking the liberty, and at times perhaps the life of someone who is accused and later convicted, and they should have the kind of defense necessary to ensure their rights are protected.

So I will look at this. I am not specifically familiar with how the mechanism works under OJP, but I would be delighted to take a look at that.

Senator DURBIN. What has been your experience and what is your position when it comes to the whole question of grand jury secrecy, the confidentiality in the process, and the relationship of a prosecutor with the press?

Mr. STEPHENS. My experience with regard to 6(e) is that 6(e) was the grand jury—it is a grand jury rule—is that it is important in the course of the investigation to maintain the confidentiality of the proceedings within the grand jury, what the grand jury is thinking,

what its deliberations are, what documents it has subpoenaed, so that potential subjects of an inquiry do not know where that investigation is going so that perhaps they can move more quickly and block avenues of investigation.

I do think, and my own personal view is that 6(e) is a more narrow rule than sometimes is frequently referred to in the press by commentators. I think when you see 6(e) issues litigated through the courts, the courts actually take a pretty narrow view of what constitutes 6(e). But I think it is important that the case be tried in the courtroom, that the grand jury materials stay in the grand jury and that it not be tried publicly.

Senator DURBIN. There is another area of responsibility that you will have and it relates to the pending litigation against the tobacco companies by the Federal Government. We had a hearing just two weeks with Acting Director Schiffer, who talked about the commitment of the Department of Justice to this lawsuit and the fact that the Department needed about $44 million to support the litigation in the next fiscal year.

I have since been apprised of an order issued by the court which I would like to call to your attention and I hope you will get a chance to take a look at. It was an order entered on September 10th, a week ago Monday, order number 83 in *United States of America* v. *Philip Morris, et al*.

The judge in that case, Judge Kessler, was very critical of the Government's tactics in the case and particularly accused the Government of wasting everyone's time with some of the motions that had been filed. Now, this pre-dates anything that you might do in the Department, but the judge went on to say that if the Government misses its deadline for discovery, the Government will bear the responsibility for jeopardizing the July 2003 trial date. And then the judges says, "That is not going to be allowed to happen."

I raise that issue and bring this to your attention because many of us feel that if we are going to be successful in this lawsuit for the taxpayers of this country, we must diligently prosecute it, and that all of the attorneys representing the United States have to do an extraordinary job in a very challenging lawsuit.

I would hope that as you consider your responsibilities—I am virtually certain you will be confirmed very quickly—that you will take a look at order number 83 and call in the attorneys for this lawsuit and ask for them to give you a briefing.

Have you had any involvement in tobacco lawsuits in your private practice?

Mr. STEPHENS. No, I have not, Mr. Chairman.

Senator DURBIN. Well, I hope you will follow my recommedation and I hope that you will make sure that the attorneys do a very good job for all of us.

Mr. STEPHENS. Well, thank you, Mr. Chairman. I understand your deep interest in this area. You should know I have not had any involvement in tobacco litigation. I am not a smoker. I have tried to encourage, and I believe have successfully encouraged my children not to be smokers.

And I can say I had the privilege of appearing before Judge Kessler for almost a year as an Assistant United States Attorney and I know she says what she means when she says it. So you can

be sure that I will take a look at this to ensure that we have funding in place and that the issues be adjudged on the merits. That is all I can commit to you. I don't know what the merits are, but it should be up or down on the merits and handled aggressively if the Department is going forward with it.

Senator DURBIN. Thanks very much, Mr. Stephens.

This meeting of the Judiciary Committee will stand adjourned.

[Whereupon, at 11:42 a.m., the committee was adjourned.]

○