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Barr Takes Center Stage at Justice Department With New Script

By Sharon LaFraniere
Washington Post Staff Writer

The rap on William P. Barr before he became attorney general was that he had too low a profile. Certainly no one would accuse him of that now.

Barr has moved from working behind the scenes to setting the scenes in three months since he took office. Now the question is not if he can handle the spotlight, but what motivates him.

Some former and current Justice Department officials interpret Barr's recent string of "initiatives" on violent crime and illegal immigration as the acts of a good political soldier trying to help his boss. Others are delighted to discover the department with a clearer agenda after years of stupor and friction.

The debate has sharpened since Barr's announcement late last month that the department would broaden its antitrust power in order to gain what he called "a useful tool" against foreign companies that restrict U.S. exports. Antitrust chiefs from two previous administrations said Barr overstated how useful the new policy will be, while attorneys with an American Bar Association antitrust task force said Barr rightly reclaimed a tool the Reagan administration tossed aside.

"[Are his actions] politically motivated? [Or] self-serving? I'm asking myself those same questions," said one key Justice Department official who likes Barr. "I think it's just too early to decide."

Barr, 41, began his tenure in late November with one big advantage and one big disadvantage. The advantage was Dick Thornburgh, who had appointed Barr deputy attorney general in May 1990. "Such a bad act, Barr can't help but look good," said one department official.

Thornburgh, who ran the Justice Department for three years ending last August, was the type of official who looked unnatural without his suit jacket. Barr, boyish and slightly pudgy, looks uncomfortable in a suit, as if someone had dressed him up against his will.

Thornburgh seemed forced and tight-lipped even when he wanted to appear relaxed; Barr is comfortable sharing insights sharpened by a keen sense of the absurd.

Thornburgh liked memos to correct with his red pen; Barr likes head-on discussions with a big circle of advisers. Thornburgh seemed wary of change; Barr is willing to break with the past.

Barr's big disadvantage is President Bush's campaign. With Bush seemingly unnerved by Patrick J. Buchanan's challenge, anything Barr does is instantly suspect as a political gesture at a time when he needs to act to establish himself.

"If I were doing nothing, people would say I was a do-nothing caretaker," Barr said in an interview last week. "If you do something, people will cast aspersions on it and say it's political. I think it's probably to be expected, taking over at the beginning of an election year, but frankly, I think it's unfair."

Much of what Barr has done since his confirmation seems to benefit the administration politically. He pleased conservatives by reversing policy and offering Justice Department help to states that want to get out

from under court-ordered prison population caps. His decision to allow the department to pursue antitrust investigations of arrangements that restrict U.S. exports without harming American consumers made the administration look tough against Japan.

His transfer of 300 FBI agents from espionage to vi-

olent crime investigations, use of FBI agents to investigate health care fraud and increase in enforcement against illegal immigrants also played well on the political stage.

But some experts question whether tangible results will follow Barr's announcements on violent crime, antitrust and immigration. While many law enforcement officials argue that the FBI cannot ignore the staggering problem of violent crime, Notre Dame law professor G. Robert Blakey said, "To add 300 FBI agents to street crime is of no significance in dealing with the problem."

Blakey, who fashioned the organized crime and criminal enterprise statutes on which the FBI will rely, said he expects "good cases" but basically, "it's a headline."

Wayne Cornelius, director of the Center for U.S.-Mexican Studies at the University of California, said adding agents at the U.S.-Mexican border "is just a political game." He said it only "forces migrants and smugglers to change tactics" and causes "the revolving door to spin faster."

Both John Shenefield, the department's antitrust chief under President Jimmy Carter, and Charles F. Rule, antitrust chief under President Ronald Reagan, predicted few significant antitrust suits as a result of Barr's decision to revert to a pre-1988 guideline that allowed antitrust enforcement against foreign cartels that did not directly harm U.S. consumers.

Shenefield said, "I would be very surprised if we see much in the way of concrete results from this exercise," while Rule predicted "a lot of futile investigations." In an interview after he announced the policy shift, Barr said he was only addressing "the potential reach of the law" and acknowledged there are "a lot of practical difficulties" to such enforcement actions.

Barr said the media tend to truncate his announce-

ments, leaving out his caveats and attempts to limit expectations.

"I don't go out and say 300 FBI agents are going to solve violent crime. . . . I don't say I'm going to shut off illegal immigration. . . . The steps are not overly played as solutions unto themselves, but as a step in the right direction."

"I haven't heard anyone really take issue with the priorities," he said. "I think what I'm doing, it's not empty, it has substance."

A favorite of conservative groups, Barr has twice taken on conservatives within the administration on legal grounds. Barr opposes suggestions by Housing and Urban Development Secretary Jack Kemp and others that Bush issue an executive order giving himself the power to veto line items in appropriations bills. Barr has said only Congress can give the president line-item veto power.

He also opposed a proposal last year by White House counsel C. Boyden Gray, often described as Barr's mentor, to eliminate federal affirmative action and set-aside programs as violations of the new Civil Rights Act. Barr argued that Gray's proposal went beyond the language of the statute, sources said.

His stance encouraged some observers who feared Gray's influence over the Justice Department would grow with Barr's appointment. As an early Bush supporter, Barr is in some ways in a stronger position to assert himself than Thornburgh was as a holdover from the Reagan administration.

In the past two months, he set an intense pace, initially telling his staff he needed "an all-out effort to get our goals established . . . because when Congress comes back our ability to maintain momentum on our program will be reduced" and "the charge that whatever we do is political will become more and more pronounced."

Barr lost little time making up his mind on the issue of consent decrees capping state prison populations. He said he became convinced many of the court orders were overly restrictive last fall after he began discussing prison space shortages with state officials.

"It wasn't business as usual in this building," he said in an interview. "If people came to me and said, 'I'll set up a meeting next week to coordinate this,' I said, 'No. You set up a meeting today to coordinate this.' If some people thought the process was driven, so be it. I don't think there is a head of any component who doesn't feel they can walk in my office."

W. Lee Rawls, assistant attorney general in charge of legislative affairs, said Barr has stepped up the tempo by just thinking harder and longer than anybody else in the department. "You come back after the weekend, and pick up where you left off," said Rawls. "He comes back a step or two ahead of you. He thinks about this *all* the time."

But another key Justice Department official expressed concerns about "short-string decisions that aren't as fully thought out as they might be." And a third official said, while Barr appears to have been "thinking about these things for long time. . . . He's moving very fast. He's put a lot of pressures and demands on people, and there are people around who say, 'Hey, let's take it a little slower. Let's work out all the kinks.'"

The next phase of Barr's tenure may be even more interesting, as the department works to carry out his initiatives to break up violent gangs, investigate health care fraud, create more prison space, fight illegal immigration and push states to toughen their criminal justice systems. "When you take on all these issues, you create expectations," said one official. "Now comes the hard stuff."

William P. Barr

■ PRIOR APPOINTMENTS

Nominated in May 1990 to be deputy attorney general. Served in the Justice Department from April 1989 to May 1990 as assistant attorney general for the Office of Legal Counsel, a position known as "the attorney general's lawyer."

■ WORK EXPERIENCE

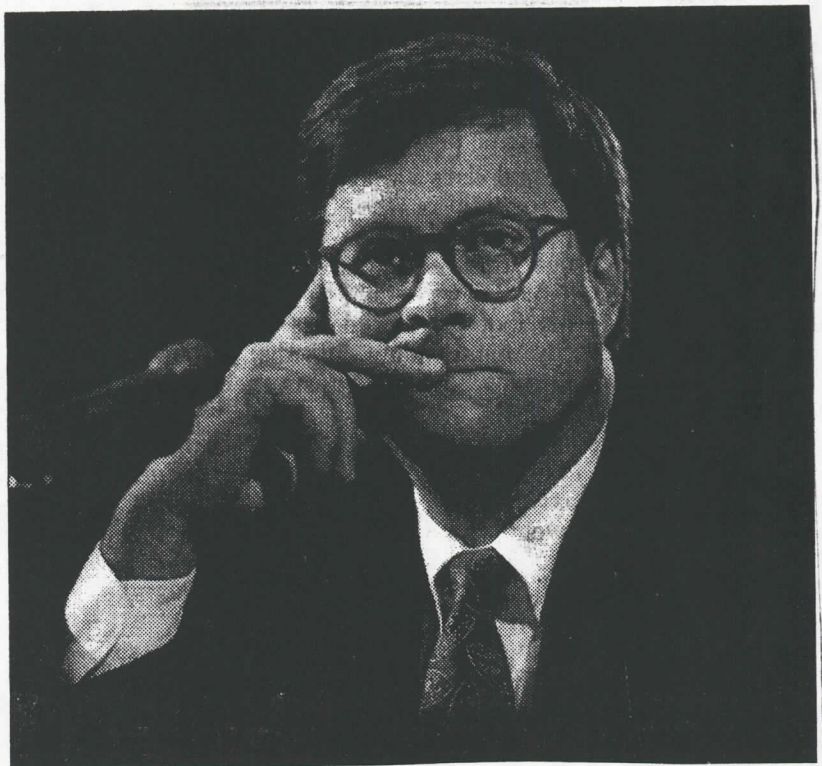
From 1973 to 1977 Barr served with the CIA. From 1977 to 1978 he served as law clerk to Judge Malcolm Wilkey of the U.S. Court of Appeals for the District of Columbia Circuit. From 1982 to 1983, Barr served on the domestic policy staff at the White House. He was in private law practice, first as an associate (1978-82) and then as a partner (1984-89), with the Washington law firm of Shaw, Pittman, Potts and Trowbridge.

■ EDUCATION

BA, 1971, MA, 1973 Columbia University, New York.
JD, 1977, George Washington University.

■ PERSONAL

Barr, 41, and his wife, Christine, and three children live in Virginia.



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Subject: re: talking pts. for his speech on
Juvenile Justice on April 1, 1992
copy of memo to Ede Holiday

ROUTE TO:

ACTION

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		Referral Note:				
<u>CUAT02</u>		<u>I</u>	<u>92 03 31</u>		<u>C</u>	<u>92 03 31</u>
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Office of the Attorney General
Washington, D.C. 20530

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(Name)

Counsel to the President

(Organization)

The White House

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456-6279 (Fax No.)

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Office of the Attorney General

Washington, D. C. 20530

March 30, 1992

MEMORANDUM

TO: Ede Holiday
Assistant to the President
and Secretary for Cabinet Affairs

FROM: William P. Barr *WPB/dl*
Attorney General

SUBJECT: Speech on Juvenile Justice

On Wednesday, April 1, 1992, I will be giving a speech at the Governor's Conference on Juvenile Crime, Drugs and Gangs in Milwaukee, Wisconsin. My message will be that states remain primarily responsible for dealing with juvenile crime, and that many states need to reform how they treat juveniles who commit crime. First, states should respond firmly with juveniles the first time they break the law to try to save them from a life of crime. Second, states need a greater ability to deal with juvenile repeat violent offenders as adults. I will also call for some adjustments at the federal level so that we are better able to deal with the limited group of juvenile cases in which there is a strong federal interest: violent crime, gangs and major drug trafficking and firearms cases. Finally, I will note the need to revitalize the institutions that inculcate values in our youth.

In somewhat more detail, I intend to address the following points:

1. With respect to the state juvenile justice systems, I will emphasize that the states bear primary responsibility for juvenile justice, and will call on the states to do two things:
 - (a) Put in place appropriate measures to deal firmly with those juveniles who are not yet career criminals in order to save them from a life of crime by appropriate, strong sanctions. I will be recommending that the states consider boot camps and other sanctions (e.g., mandatory public work programs) that instill discipline and a strong sense of responsibility.

- (b) For those juveniles who are hard core, repeat offenders, I will be recommending greater flexibility for the states to deal with them as adults. Currently the criteria and/or practice in many states make it very difficult to treat even hardened repeat offenders as adults.
2. On the federal level, I will call for adjustments in two respects to strengthen our ability to deal with juvenile criminals in those limited areas where there is a strong federal interest:
- (a) For the most part, we can now try as adults only those juveniles who commit violent felonies and serious drug related offenses (and even then only if the Attorney General certifies that there is a federal interest in exercising jurisdiction). We need to broaden this to permit us to try as adults juveniles engaged in firearms offenses and certain other gang-related crimes, where there is also a strong federal interest.
 - (b) I will also be suggesting certain adjustments in the age requirements and in presumptions and/or the need for court permission to make it less difficult to try juveniles (especially repeat offenders) as adults in appropriate cases.
- I will emphasize that I am not talking about federalizing juvenile crime in general. Rather, I will be suggesting that in those areas of strong federal law enforcement interest -- violent crime, firearms, and drug and gang offenses -- we should make it somewhat easier to try juveniles as adults in federal court. An Attorney General certification that there is a federal interest in proceeding in federal court will still be required in each case.
3. Finally, I will address the breakdown of social institutions that inculcate values into juveniles -- the family, schools, religious institutions and community groups. I will discuss the need to revitalize those institutions, emphasizing the importance of the private sector's role in that effort.

cc Sam Skinner
 Boyden Gray
 Clayton Yeutter