

Originally Processed With FOIA(s):
2005-0336-F

FOIA Number:
2005-0336-F

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Record Group/Collection: George H.W. Bush Presidential Records
Collection/Office of Origin: Science and Technology Policy, Office of (OSTP)
Series: Bromley, D. Allan, Files
Subseries: Correspondence Files

OA/ID Number: 62003
Folder ID Number: 62003-003

Folder Title:
Miscellaneous Correspondence [1992]

Stack:	Row:	Section:	Shelf:	Position:
	0	0	0	0

TYPE: ACTION
ORIGINATOR: 02

STATUS I

DOCUMENT NUMBER: 9202922
DIRECTORATE STATUS

FROM: ROGERS, Deborah Amidon M.: DIGITAL CORPORATION

TO: DR. D.A. BROMLEY

DATE OF
CORRESPONDENCE: 09/17/92

SUBJECT: SHE IS FORWARDING HER RECOMMENDATIONS ON THE U.S.
COMPETITIVENESS STRATEGY. SHE OFFERS TO MEET WITH
DR. BROMLEY TO DISCUSS THIS FURTHER.

DIRECTORATE
ASSIGNED: INDUSTRIAL

STAFF
ASSIGNED:

ACTION
REQUIRED: AS NECESSARY

STAFF
ACTION:

SENDER'S DUE DATE:

OSTP DUE DATE: 10/12/92
DATE COMPLETED:

STAFF DUE DATE
DATE COMPLETED/DEPT:

COPIES TO: D. Allan Bromley

WHITE HOUSE TRACKING #:

REMARKS:

CONTACT PERSON:

PHONE:

EXT:

OSTP RECEIVED: 09/28/92

DEPT RECEIVED:

FILE: P-INDUSTRIAL-ECONOMIC COMPETITIVENESS

CENTRAL FILES:



Handwritten: Karl's Comments? DAB

Handwritten: A forceful woman!

Handwritten: Please generate a reply for me DAB

Handwritten: LE

Handwritten: yes. You may recall that we interviewed her for a position w/d Gene Wang, but kept looking and found Stan Settles. I personally have little enthusiasm for the kind of social science approach she takes to technology issues. Karl

Digital Equipment Corporation
40 Old Bolton Road
Stow, Massachusetts 01775-1215

2922

digital

September 17, 1992

The Honorable D. Allan Bromley
Science Advisor to the President
Executive Office of the President
Office of Science and Technology Policy
The White House
Washington, D.C. 20506

Dear Dr. Bromley:

It has been a while since we briefly talked at the Lehigh Conference. According to your formal remarks, you well understand and articulate the innovation management challenges. Such leadership from the Executive Office is essential for industrial revitalization. Should you have comments on my own paper, "The Chaos of Innovation Management: Dangers and Opportunities", I welcome them.

I am also encouraged by some of President Bush's attempts to tie the recovery of our nation to an interdependent global economy. In his recent 6-Point-Plan for Renewal, he does reference the degree of change required. This is good. My own writings - and I would recommend this verbiage to him - describes a DYNAMIC environment. Such a term is more constructive than turbulent. It focuses on OPPORTUNITY rather than barriers and there is a sense of manageability.

Reflecting on our conversation, I am increasingly convinced that the President should start talking about COLLABORATIVE (rather than Competitive) STRATEGY. In this way, he creates a vision of an interdependent world. It also nicely capitalizes upon technological advances of communications and the notions of free trade. If he defines the playing field as the globe, similar to what John F. Kennedy described in 1963, he fires the imagination of what could be.

Finally, in some recent work with NASA, I have been working with Jack Mannix, the new Director of the Office of Commercialized Programs. He and his key staff members are defining a new Technology Transfer paradigm for NASA and an Agency strategy for the Administrator, Dan Golden.

In materials which have been drafted, the messages have been crystallized with the 3E's: Education, Economy and Environment. It occurs to me that the President's messages could be simplified in a similar way to define each according to an INTERNATIONAL agenda.

Attached are two documents you might find of interest. The first defines the five stages of the transfer concepts. I believe as a country, we are approaching Stage IV, while Japan is defining Stage V. There is also a presentation delivered at Georgia Institute of Technology, "From Transfer to Transformation" in which I outline a cross-disciplinary management framework.

Time is short, but if you are interested, I would encourage you to be briefed on the new NASA strategy and I am available to help in any way to ensure that the agenda outlined by the President in his first campaign has an opportunity to be fulfilled. Perhaps some of this insight and language can help.

With sincere regards,



Debra M. Amidon Rogers
Global Innovation Strategist

CC: Mr. John Mannix

DMAR/dac

MODERN RESEARCH MANAGEMENT:
FROM TECHNOLOGY TRANSFER TO TRANSFORMATION

Debra M. Amidon Rogers
Senior Program Manager, Management Systems Research
Digital Equipment Corporation

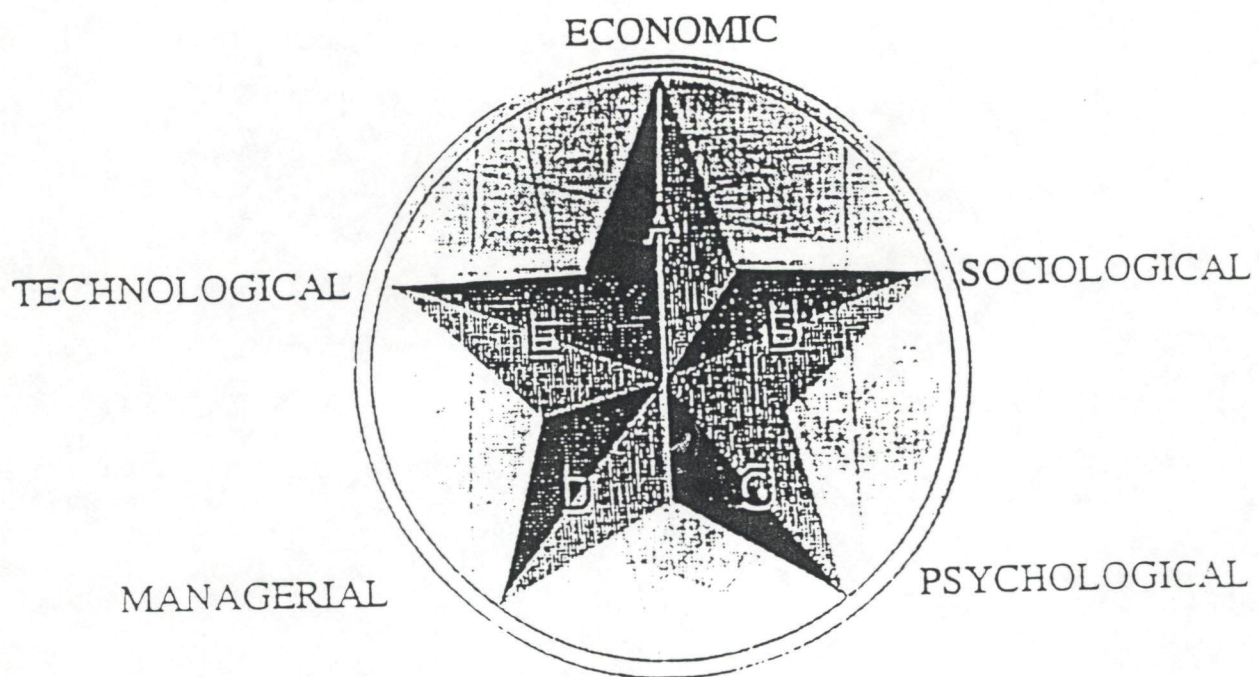


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DMAR (6/5/91)

THE ARCHITECTURE AS-A-WHOLE (Rough Draft)

The Enterprise Management System- (EMS-A) provides a framework to think systematically about the diagnosis and design of the high performance enterprise. It is cross-disciplinary in nature and recognizes the value in integrating the key five managerial factors. Any change in one will have an impact on the other(s). When viewed as a complete architecture for strategy formulation, it can enable sustained profitable growth amidst the dynamics of a turbulent marketplace.



DMAR (June 5, 1991)

A. BUSINESS PERFORMANCE (Economic)

Measurements monitor the performance of the system such that "inputs" are measured against the "outputs" of valuable products and services given the time-value of the investment. This dynamic measure holds for a network of organizations, a network of businesses in a micro-economic system for a country or a global inter-related set of countries evolving in the 90's.

- * Are there *universal research metrics* for investment and profitability?
- * Can the *assets* (e.g., financial, technological and intellectual) be well determined?
- * Can the *critical success factors* be defined in quantitative and qualitative terms?
- * Is the *budget level* and *resource mix* appropriate to the research mission?
- * Are there adequate *rewards/incentives* (e.g., travel support, release time, awards, etc.,) to motivate involvement of key contributors?
- * Do internal *tax structures* provide shared risk in the cost accounting?
- * Are there more creative *financing mechanisms* (e.g., joint venturing, profit centers, limited partnerships) to be employed?

B. ORGANIZATION STRUCTURE (Sociological)

The multi-dimensional enterprise is comprised of carefully defined semi-autonomous interdependent business units configured in a "knowledge-network" which creates wealth by "adding value". It should be viewed as synergistic when designed as a Strategic Business Network (SBN) with symbiotic relationships among partners, suppliers, customers and other collaborators.

- * Does the current *learning network of expertise* operate as an interrelated set of fully-functioning contributors of knowledge?
- * Do the *system dynamics* provide for flexibility, adaptability and ability to capitalize upon technological breakthroughs in timely ways?
- * Do *reporting relationships* foster shallow hierarchies, virtual teaming and authority based upon knowledge?
- * Do *staffing patterns* take advantage of world-wide scientific expertise (e.g., geographic visiting scientists, research fellows, technology scouts, etc.)?
- * Have the *cultural* and *cross-cultural* aspects of the research enterprise been defined enough to leverage the diversity of talent?
- * Are *liaison relationships* assigned to monitor project progress and ensure optimal leverage of research results?
- * Does the structure promote *collaborative strategy* as a means to competitive positioning?

C. PEOPLE ASSUMPTIONS (Psychological)

The system is comprised of talented, dedicated, self-managing "knowledge-workers" who can balance entrepreneurial contributions with the business imperative of the team. Individuals are encouraged to seek new ways to add "knowledge-value" to the system to advance the state-of-the-business. Role/goal agreements are carefully negotiated to optimize the decision-making capability of the whole.

- * Do individuals have a clear *sense of purpose* of the entire research enterprise?
- * Have people aligned their own *work imperatives* with their contribution to the innovation system?
- * Are people expected to *balance* their own individual research contributions with the performance of the system as a whole?
- * Do people possess the appropriate level of skills and knowledge required to perform their roles and, if not, what *development plans* have been put into place?
- * Does the environment promote a *learning philosophy* such that people are rewarded for continuous growth?
- * Are *role responsibilities* clearly defined?
- * Does the *work design* allow for both creativity and quality in a robust innovation system?

D. CROSS-ORGANIZATION PROCESSES (Managerial)

Processes should ensure streamlined practices which provide efficient and effective planning, review and monitoring of investment strategies. Activities should cross the boundaries of functions, businesses, industries and geographies. Knowledge capability/accountability is valued more than hierarchical authority. The system enables "real-time innovation" and "global resource optimization".

- * Does the program support connectivity for *simultaneous, concurrent and parallel activities*?
- * Do the processes enable *cross-fertilization* of useful technical ideas and *cross-functional* teamwork?
- * Is there a *global sourcing* capability to ensure world-wide coverage of potential technological breakthroughs?
- * Is there a *benchmarking* initiative to ensure "best-in-class" practices and optimal quality control?
- * How do the joint planning processes ensure *shared vision* in formulating strategy?
- * Does the process enable *periodic review* and evaluation for necessary project redesign ?
- * Does the *communications strategy* ensure rapid diffusion of critical information throughout the internal and external research network?

E. INFORMATION/KNOWLEDGE PROCESSING

(Technological)

Modern technological advances are employed to optimize the "knowledge-flow" of the enterprise infrastructure. These processing systems accelerate the development exchange and application of useful knowledge required for distributed deliberations. They also integrate all business strategies, plans, and operations into a coherent assessment of situational positioning at any point in time.

- * Does the *electronic infrastructure* provide for optimal technical interchange of university scientists with industrial engineering managers?
- * Is there a competitive *intelligence system* which gathers, synthesizes and feeds critical data forward for planning analysis?
- * Are there new *service delivery techniques* which would accelerate the flow of information to those who might need to know?
- * Are *technology innovations* (e.g., e-mail, conferencing, fax, bulletin boards, videos) used to improve efficiency and effectiveness?
- * Is the technology used (beyond automation and information) for *transformation* purposes?
- * Is there a way to provide optimal utilization of *shared technology resources* across sector or organization boundaries?
- * Are there *network management tools* that might enable the "intellegent" flow of information?

© DMAR (6/5/91)

EVOLUTION OF TRANSFER CONCEPT (Revised)

- Stage I Technology Transfer: Historically viewed as moving something from one place to another... the "passer/receiver" language. This is applied within organizations (i.e., moving from engineering to manufacturing), within consortia (i.e., labs to industry) or country-to-country.
- Stage II Technology Exchange: There is a recognition that technology transfers through people (i.e., language of "the contact sport"). Communication links, to be optimal, must be dual to allow the flow of ideas in both directions. Not only do research findings from the laboratory transfer to industry, but insight from industry facilitates research in the labs. The "dialogue" among researchers, regardless of the base-operendi, is more valuable than a single point-of-contact.
- Stage III Knowledge Exchange: Since technology transfer is a people-intensive activity, the focus on "what" is transferred, shifts dramatically away from widgets per se. The real value in research partnerships is found in the new ideas and insight gained as a result of the interaction. Knowledge might be embedded in a patent, prototype, or a discrete product, but not necessarily so. Timely access to ideas provides competitive advantage.
- Stage IV Technology Knowledge Management: There is widespread recognition that the process cannot be left to serendipity. Management (i.e., the "sweat dues" language) is the issue, not the technology itself. An explosion of programs, revised curricula, and new initiatives floods the infrastructure. Management of Technology (MOT), a misnomer at best, can become an end in-and-of-itself.
- Stage V Knowledge Innovation Systems: People recognize the dynamic nature of the process of innovation. The networked enterprise is defined beyond the confines of a particular company, laboratory or geography. With a plethora of research consortia, joint ventures and alliances, managers must take a more systematic view of how ideas originate and enter the marketplace. "Knowledge flow" becomes the new source of collaborative advantage. The focus shifts from monitoring discrete deliverables to creating a learning system to provide sustainable economic growth.

Debra M. Amidon Rogers
Global Innovation Strategist
DIGITAL EQUIPMENT CORPORATION
August, 1992

THE WHITE HOUSE
WASHINGTON

November 20, 1992

Dear Ms. Rogers:

It was a pleasure to chat with you at Lehigh. Now I must apologize for my delay in responding to your letter: these have been hectic times for me.

Your thoughts on international opportunities vs barriers are stimulating, and I have shared them with members of my senior staff. While I will not be in position to act on behalf of the President in these areas next year, I do appreciate your interest.

I wish you every success in the future.

Sincerely yours,

A handwritten signature in black ink, reading "D. Allan Bromley". The signature is fluid and cursive, with the first name "D." being small and the last name "Bromley" being larger and more prominent.

D. Allan Bromley
The Assistant to the President
for
Science and Technology

Ms. Debra M. Amidon Rogers
Global Innovation Strategist
Digital Equipment Corporation
40 Old Bolton Road
Stow, MA 01775-1215

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

STAFFING SHEET

SUBJECT: Ltr. to Debra Rogers

ORIGINATOR: K. ERB **PHONE:** V-130

DATE ORIGINATED: 11/20 **DATE DUE:** ASAP **CORR TRACKING NO:** 9202922

EXTERNAL COORDINATION:

	COMMENTS	DATE
☒ DIRECTOR		
☐ GENERAL COUNSEL		
☒ SPECIAL ASST.		

ACTION REQUESTED:

COORDINATION	COMMENTS	DATE
Erb, K. Concur: ☒ Non Concur: ☐	<i>K. Erb</i> 11/20	
Henderson, D. A. Concur: ☐ Non Concur: ☐		
Ratchford, J. T. Concur: ☐ Non Concur: ☐		
Wong, E. Concur: ☐ Non Concur: ☐		
Maynard, N. Concur: ☐ Non Concur: ☐		
Sutton, V. Concur: ☐ Non Concur: ☐		
Van Cleave, M. Concur: ☐ Non Concur: ☐		
Concur: ☐ Non Concur: ☐		
Concur: ☐ Non Concur: ☐		
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Concur: ☐ Non Concur: ☐		
Concur: ☐ Non Concur: ☐		

"Document Control"

TYPE: ACTION

DOCUMENT NUMBER: 9202841

ORIGINATOR: 02

STATUS I

DIRECTORATE STATUS

FROM: SCHUMACHER, Jim

SEP 24

TO: DR. D.A. BROMLEY

DATE OF
CORRESPONDENCE: 08/29/92

SUBJECT: HE IS WRITING REGARDING THE SEIZURE OF THE
TYRANNOSAURUS REX REMAINS FROM THE BLACK HILLS
INSTITUTE.

DIRECTORATE

STAFF

ASSIGNED: PHYSICAL SCIENCES

ASSIGNED:

ACTION

STAFF

REQUIRED: DIRECT REPLY

ACTION:

SENDER'S DUE DATE:

OSTP DUE DATE: 09/30/92

STAFF DUE DATE

DATE COMPLETED:

DATE COMPLETED/DEPT: 9/30/92

COPIES TO: D. Allan Bromley

WHITE HOUSE TRACKING #:

CONTACT PERSON:

PHONE:

EXT:

REMARKS: *Dr. Ed. required w/ form letter #2,*

OSTP RECEIVED: 09/22/92

DEPT RECEIVED:

FILE: P-PHYSICAL SCIENCES

CENTRAL FILES: *MISC. CORRESP.*



2391
Jim Schumacher, Attorney
P. O. Box 495
Hill City, SD 57745
August 29, 1992

D. Allan Bromley
Assistant to the President
Office of Science & Technology
Executive Office building
Washington, DC 20540

Re: "Sue" the world's largest and best Tyrannosaurus Rex

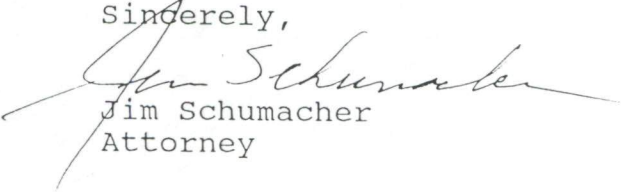
Dear Mr. Bromley:

Sue is the world's largest Tyrannosaurus Rex and was discovered by commercial collectors, The Black Hills Institute of Geological Research of Hill City, South Dakota. I am not only protesting the confiscation of "Sue" from the Black Hills Institute, but the outrageous manner in which it was done. It was not necessary to involve armed FBI agents and the South Dakota National Guard.

The United States Federal Government through Federal Judge Dick Beatty, Senator Larry Pressler and his appointee for U. S. Attorney, Kevin Schieffer, has been embarrassed beyond repair, because of the idiotic manner in which Shieffer has handled the seizure of "Sue."

The people of the Black Hills Institute are hard working, honest, patriotic Americans, and have earned the respect of the world's scientific community. A great injustice has been done. Sue should never have been seized by the Feds. A poll showed that 75% of the people were outraged, and most everyone admits the manner in which it was done was shocking and a reminder of Nazi Germany. 16,000 signatures have been collected to give Sue back to the Black Hills Institute. I have enclosed some articles.

Sincerely,


Jim Schumacher
Attorney

Hearing To Determine Sue's Temporary Custody

Judges in the Eighth Circuit Court of Appeals issued a ruling last week ordering U.S. District Judge Richard Battey to hold a hearing as soon as possible to determine where the bones of Sue T.rex will reside until final ownership can be determined. That hearing will be held July 9th and 10th in federal court in Rapid City.

The hearing for determining ultimate ownership is set for mid-November.

The fossil has been stored at the School of Mines in Rapid City since it was seized from the Black Hills Institute of Geological Research in Hill City on May 14th. The School of Mines has since been dropped from BHI's suit seeking return of the fossil because the university has stated it never claimed ownership.

The parties involved are to try and reach an agreement as to where the fossil should temporarily reside. But an agreement is unlikely between BHI, the Cheyenne River Sioux and U.S. Attorney Kevin Schieffer acting for the federal government.

The Eighth Circuit Court said there wasn't sufficient reason for the seizure of the actual bones in the case. But they did not determine where the bones should be kept until ownership is resolved. Rather they ordered the hearing set for next week.

The ruling from Judges John R. Gibson, C. Arlen Beam and Frank Magill fairly blasted how the seizure was handled. Here are a few excerpts from the nine-page ruling, written by Judge Frank Magill.

"This case concerns the care and custodianship of a 65 million-year-old pile of bones named Sue. Ever since researchers uncovered the mammoth remains of a Tyrannosaurus rex in western South Dakota in August, 1990, the ten tons of bones have sparked a keen ownership battle. Federal agents seized the bones on May 14, 1992, on orders of the United States Attorney for the District of South Dakota as part of an investigation into possible violation of the Antiquities Act.

"The ownership of these bones is not before this court. Rather, appellants sought a preliminary injunction requiring the federal government to return the fossil to them for safekeeping until the ownership question is answered. The motion was based on a claim that the fossil is being irreparably damaged in the government's hands because of a lack of expertise in handling the archaeological exhibit."

The ruling goes on to give a synopsis of legal actions prior to the appeal and a short history of the fossil's discovery, excavation and shipment to Hill City. It mentions how the fossil was turned over to the non-profit Black Hills Museum of Natural History Foundation.

After citing some prior legal rulings in other cases where search and seizure was questioned, the ruling says, "Therefore, this court looks not to the legality of this seizure, but the reasonableness of it." It goes on... "The rationale for the seizure of this priceless archeological treasure was based on an investigation into criminal charges that could result in, at most, 90 days in jail and a \$500 fine. The seizure came nearly two years after the bones were found and excavated under the glare of worldwide publicity. The federal government has stored this irreplaceable relic under circumstances its own experts describe as inadequate. Moreover, the government has admitted it does not need the 10 tons of bones for evidence in its criminal investigation..." The ruling states the BHI agrees where the fossil was found, what it is, and to provide the documentation needed in the government case.

The ruling continues: "Based on these facts, we find the government's rationale for the seizure inadequate. The seizure not only keeps the appellants (BHI) from accessing the fossil, but deprives the public and the scientific community from viewing and studying this rare find. In fact, a test on the fossil by the National Aeronautics and Space Administration was cancelled because of the seizure. Therefore, this factor militates strongly in favor of equitable relief."

"The government does not need to retain as evidence the fossil which the government itself described as 'priceless' in order to preserve the evidence in a petty misdemeanor criminal prosecution. The presence of the evidence is conclusive and well-documented. No one would seriously suspect that the Foundation intends to destroy the fossil. But even if the fossil was lost or destroyed, it would have no impact on any criminal investigation."

The ruling concludes: "We remand the district court to hold a hearing at its earliest possible convenience to determine the proper temporary custodian for the dinosaur bones pending final disposition on the main action to determine ownership. The district court may also take any steps necessary to preserve evidence in any criminal prosecution stemming from the find and may allocate costs associated with any transportation or storage found necessary."

Sue Debate To Appear On National TV

The TV show "Prime Time Live" was in Hill City Wednesday, for filming comments from local residents and officials about the seizure of the T.rex fossil "Sue." Mayor Drue Vitter was interviewed and location segments were filmed at the Black Hills Institute.

The TV series is also expected to interview Gregg Bourland of the Cheyenne River Sioux, and state and federal officials about the seizure and fossil ownership.

The show will also air controversy that has arisen about the planned improvements at Mount Rushmore, and filming was done there and in Keystone. The TV crew is expected to be in South Dakota for three days.

Sue T. Rex Protest Rally

Opening speech by Gus Hercules, M.D. At the Federal building in Pierre, Monday, June 15th, 1992

Welcome to the Sue T. Rex protest rally. We have gathered here from all around the state to publicly protest the confiscation of a T. Rex dinosaur named "Sue", and to rally the forces of fairness and freedom to peacefully fight this unbelievable injustice. Regardless of the final outcome of who gets custody of the fossil remains of Sue, we have another flagrant example of government officials abusing their power.

U.S. Attorney, Kevin Schieffer, and his colleagues have insensitively ignored both reasonable due process and basic human decency through their abusive approach to settling a dispute.

What was his (ir)rational? That somebody would cleverly conceal "Sue's" bones in the lining of a suitcase and abscond to sell them in the illegal dinosaur bone market to some underground private collector.

Pertinent sections of the Black Hills Institute of Geological Research, Inc. could have easily been sealed off or even guarded till the dispute was settled by mediation or in court.

And what about the trauma to the Hill City children who had their beloved dinosaur snatched from their dreams without warning by a callous and misguided government official?

And what about the citizens who have sincerely and conscientiously worked to establish a non profit museum?

Whatever the legal outcome, this confiscation was unwarranted. The U.S. Attorney's office owes all concerned an apology for its misguided abuse of power. Members of the Black Hills Institute of Geological Research, Inc. and their families, the children and citizens of Hill City, of the Black Hills and of South Dakota all have been abused. And all citizens should recognize this for what it actually is, another instance in the never ending array of governmental callousness, insensitivity and abuse of power.

The ill conceived and misused search warrant that the US Attorney used to invade the Institute contains the term "concealed" to describe that which was sought. Concealed generally means hidden from sight, often with an intent of secrecy. Sue T. Rex's location was anything but concealed or secret. The skull was already scheduled to be sent to a government agency for scientific study. With this in mind, how can these actions be viewed by the public as anything other than an abuse of Amendment IV of the Bill of Rights" protection from unreasonable search and seizure? This is king of abuse that America's founders wanted to prevent with this amendment.

Acting U.S. Attorney Kevin Schieffer offered a "policy basis" for actions taken: a hindsight "policy" explanation by a government official is too often the equivalent of makeup to an actor. Both are something put on to cover up blemishes or mistakes or to project an unreal image. "Policy" does not excuse a callous abuse of government authority.

The 1906 Antiquities Act, used to justify this abuse, is vague and is applied inconsistently and capriciously. The Federal Government is interpreting this Act retroactively to suit its own objectives. In order to save face, the federal government is now on a random hunt to find reasons to justify its own abusive actions after the fact.

I'm neither a lawyer nor an attorney, so I do not claim to understand abstruse legal intricacies. But as an M.D. and psychiatrist, I do understand the distress and harm that are caused to our citizens and society when government behavior and explanations defy common sense.

The Feds have already squandered and destroyed the value that has been added to Sue T. Rex and now we, the taxpayers are paying for added costs. And for what! To settle a dispute that could have been handled through mutual cooperation and mediation!

As the US Attorney uses the search warrant to justify a fishing expedition through the records of BHIGR, it has alluded to possible criminal charges. Even if, and this is a big "IF", any "criminal acts" were unwittingly committed, the punishment inflicted by our government has already

exceeded the alleged crime. Through its legal system, the US Government has already caused excessive physical, emotional, mental and economic damage to many innocent people.

And as usual, nobody within government has been held accountable for it. Only the federal government and the special interests it represents are immune from liability for their destructive actions. If anyone deserves to be the subject of an investigation, it is the U.S. Attorney's office and its silent government accomplices who participated in this disgusting display of KGB-style tactics.

- Trust is the glue which binds us together as communities, a state and a nation. Through this unjustified behavior, trust of the US Government has been further shattered. Trust of the FBI, National Guard and the School of Mines has been damaged. And trust of state government has been hurt because of its silence and inaction.

- I ask every public official in South Dakota from our Governor, State's Attorney, tribal leaders, mayors, county commissioners, school board members and all concerned citizens to join us and publicly speak out against this abuse. Let us unite to correct these wasteful and hurtful injustices and regain our autonomy from the out-of-control police state that our federal government is becoming.

Join us! Join us! Join us, now, before it's too late.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20506

September 30, 1992

Dear Mr. Schumacher:

I am writing to update you on the status of the Tyrannosaurus rex skeleton which you inquired about earlier.

The Office of Science and Technology Policy advises the President and the Federal agencies on issues pertaining to science and technology. As such, our concern, initially, was that the scientific value of the skeleton might be diminished as a result of the FBI action. We have made a number of inquiries regarding the storage and care of the skeleton, and have been provided with information to the effect that, with the care it is now being given, the fossil is unlikely to suffer irreparable damage in the future.

Our office is not in a position to comment on the legal and other non-science issues you raised in your letter.

Thank you for your interest.

Sincerely,



Karl A. Erb
Associate Director
for Physical Sciences and Engineering

Mr. Jim Schumacher, Attorney
P.O. Box 495
Hill City, SD 57745

SEP 04 1992

"Document Control"

TYPE: ACTION DOCUMENT NUMBER: 9202645
ORIGINATOR: 02 STATUS I DIRECTORATE STATUS

FROM: HEITHAUS, William C.: AMERICAN ASSOCIATION OF CONCERNED ENGINEERS

TO: DR. D.A. BROMLEY

DATE OF
CORRESPONDENCE: 08/26/92

SUBJECT: HE ASKS FOR AN OUTLINE OF OSTP'S ROLE IS IN THE
MATTER OF UNEMPLOYED ENGINEERS AND WHAT STEPS ARE
FEASIBLE FOR OSTP TO TAKE TO ALLEVIATE THE PROBLEM.
HE ALSO ASKS FOR SUGGESTIONS FOR ACTIONS THAT THEIR
MEMBERS MAY TAKE TO HELP.

DIRECTORATE STAFF
ASSIGNED: PHYSICAL SCIENCES ASSIGNED: *Lee Schneider*

ACTION STAFF
REQUIRED: FOR DAB'S SIGNATURE ACTION:

SENDER'S DUE DATE:
OSTP DUE DATE: 10/06/92 STAFF DUE DATE
DATE COMPLETED: DATE COMPLETED/DEPT: *11/18/92*

COPIES TO: D. Allan Bromley

WHITE HOUSE TRACKING #: CONTACT PERSON:
PHONE: EXT:
REMARKS: REASSIGNED TO PHYSICAL SCIENCES PER DR. WONG.
Dr. Schneider drafted letter for DAB.

OSTP RECEIVED: 09/01/92 DEPT RECEIVED:
FILE: P-PHYSICAL SCIENCES

CENTRAL FILES: *Misc corresp.*



261

American Association of Concerned Engineers Inc.

P.O. Box 667 Trilby, FL 33593

August 26, 1992 02 00 35

D. Allan Bromley Ph.D.--Director OSTP
The Assistant to the President for Science & Technology
Executive Office Building
Washington, D.C. 20506

MAIL ROOM
202-456-7116

Dear Dr. Bromley:

I understand that one of our colleagues, Dr. Gene Nelson, has been in touch with you regarding the unemployment crisis among scientists and engineers. I am told he has recommended that you take the initiative to establish special programs to fund research positions for the thousands of unemployed scientists and engineers. This evidently could take the form of special federal appropriations and/or tax incentives. The American Association of Concerned Engineers concurs in this, and we would hope your office is in a position to bring this about.

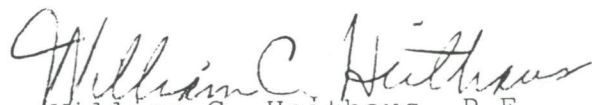
We believe that unemployment for Americans is just one byproduct of the international economic situation. However, for engineers and scientists to face widespread unemployment during this critical time is particularly troubling, since under-allocation of resources to engineering is one of the main reasons American products have not been able to compete. Thus, America is in sort of "death spiral", where inadequate allocation of engineering breeds non-competitive products, which breed lower revenues and poorer profits which, in turn, are interpreted by industry as a signal to lay off more engineers and scientists...etc.!

We believe Dr. Nelson's recommendations fit in with the actions economist Lester Thurow tells us should be taken to rescue this country. As part of them, funding for research and development and all aspects of engineering would be increased dramatically, thus relieving the employment problem for engineers and scientists, while restoring America's competitive position.

We support Dr. Nelson's recommendations, but we are unsure whether you are in a position to influence their implementation. Would you please outline for us the role of your office in this matter, and what steps are feasible for you to take to alleviate engineering unemployment? What suggestions can you offer our members as to action they can take?

Your advice and assistance in this critical matter are most appreciated.

Sincerely,


William C. Heithaus, P.E.
AAACE Director

cc: R. W. Lowrie, P.E.
Gene Nelson, Ph.D.

THE WHITE HOUSE
WASHINGTON

November 30, 1992

Dear Mr. Heithaus:

Thank you for your letter regarding the employment situation for engineers and scientists. The present job market in this area is clearly tight. This is all the more unfortunate given the general recognition that a talented and productively occupied core of engineers and scientists is essential to furthering U.S. competitiveness on both a national and global scale.

However, it is worth noting that despite the difficulties of tight budgets at all levels the Federal government has continued to support substantial growth in the R&D sector in the recognition of its potential for economic development and enhancement of the health and welfare of our citizens. In fiscal year 1993 the request was about \$72B for the overall Federal R&D program. Steady growth of the R&D sector has been our goal and in general Congress has supported this concept. However, actual funds appropriated have generally fallen short of the mark. In addition, Congress has taken to "ear-marking" the budget, a process which reduces the funds targeted for R&D in the President's request.

To address your specific question about what this office is doing to alleviate unemployment in the ranks of our engineers and scientists I have indicated our leadership role in supporting the Federal R&D program and, in addition, our efforts in support of improvements to the infrastructure of our university education and research establishment. In addition, OSTP helps coordinate research activities across Federal agencies through its Congressionally mandated role in the Federal Coordinating Council for Science, Engineering and Technology (FCCSET). The FCCSET process has over the last several years developed so-called FCCSET initiatives which have resulted in targeted R&D activities, supported by the President, throughout the Federal establishment. One goal of these initiatives is to catalyze increased private-sector R&D activity.

Concerning Dr. Nelson's recommendation of funding special research positions for unemployed engineers and scientists through, for example, special tax incentives, I would urge that you and your colleagues get in touch with appropriate members of Congress and their staff.

Page 2

All of us must be concerned about the lack of productive employment positions for our engineers and scientists. To restore America's competitive edge we need to utilize the vital resource represented by this group. Continuing to advocate and support the essential role of the research community to the economical health of the United States is one of the best ways to do this.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "D. Allan Bromley". The signature is fluid and cursive, with the first name "D. Allan" and the last name "Bromley" clearly distinguishable.

D. Allan Bromley
The Assistant to the President
for
Science and Technology

Mr. William C. Heithaus
AACE Director
P.O. Box 667
Trilby, FL 33593

STAFFING SHEET

EXTERNAL COORDINATION: _____

	COMMENTS	DATE
DIRECTOR		
GENERAL COUNSEL		
SPECIAL ASST.	<i>R. B.</i>	<i>12/1/82</i>

ACTION REQUESTED:

[illegible]

"Document Control"

TYPE: Request information DOCUMENT NUMBER: 9202959
ORIGINATOR: 03 STATUS DIRECTORATE STATUS C

FROM: BROMLEY, D. Allan

TO: Wm. Sessions

DATE OF
CORRESPONDENCE: 08/05/92

SUBJECT: Asking Sessions, FBI, for reassurance that the
Tyrannosaurus rex skeleton taken from Black Hills
Institute of Geological Research in South Dakota is
being cared for according to accepted scientific
procedures.

DIRECTORATE STAFF
ASSIGNED: ASSIGNED: Dave Cramner

ACTION STAFF
REQUIRED: ACTION:

SENDER'S DUE DATE:
OSTP DUE DATE: STAFF DUE DATE
DATE COMPLETED: DATE COMPLETED/DEPT: 08/05/92

COPIES TO:

WHITE HOUSE TRACKING #: CONTACT PERSON:
REMARKS: PHONE: EXT:

OSTP RECEIVED: DEPT RECEIVED:
FILE: PS-- MISC. CORR.
CENTRAL FILES:

THE WHITE HOUSE
WASHINGTON

August 5, 1992

Dear Mr. Sessions:

I am writing in regard to the recent seizure by the FBI of the Tyrannosaurus rex skeleton from the Black Hills Institute of Geological Research in South Dakota. I have received a number of inquiries regarding this skeleton. My purpose in writing to you is to assure myself and the scientific community that the fossil remains are being cared for according to accepted scientific procedures for preservation. I recognize that there are legal issues involved here and I do not anticipate becoming involved in them.

In any event, it is important that I be able to reassure the scientific community that the scientific value of the skeleton is preserved, regardless of who the final owners will be. If I or my staff can be of assistance in introducing your staff to the appropriate government experts in preservation of fossil remains, we would be most happy to do so. The OSTP staff contact for this issue is Dr. David Cranmer, in the Physical Sciences and Engineering Directorate, who can be reached at (202) 395-5736.

I shall appreciate your assistance.

Sincerely yours,



D. Allan Bromley
The Assistant to the President
for
Science and Technology

The Honorable William S. Sessions
Director, Federal Bureau of Investigation
Washington, D.C. 20535

August 6, 1992

MEMORANDUM FOR D. Allan Bromley

From: David Cranmer 

Subject: Dinosaur

This is background information for you per discussion with K. Erb of August 5, 1992.

- o Tyrannosaurus rex skeleton found in South Dakota, and excavated by group from Black Hills Institute of Geological Research

- o FBI has seized skeleton based on complaint from local Indian tribe with regard to private versus Federal land issue. Private landowner but Bureau of Indian Affairs holds a Deed of Trust in exchange for relief of some property taxes.

- o Pierre, SD, FBI agent contacted technician at Smithsonian National Museum of Natural History prior to seizure to attempt to get tech to visit. The tech declined based on inadequate authority to commit resources and requested agent to contact Paleontology Department Head. Agent did not do so. When Smithsonian called after seizure to inquire about care and feeding of skeleton, they were told it was none of their business, and that they were under investigation for leaking information prior to the seizure to the Black Hills Institute people.

- o OSTP has received 5 letters to date (most credible one attached) demanding that you make the FBI give the skeleton back, or at least make sure the FBI treats it properly.

- o Letter to Sessions is to assure yourself that the scientific value of skeleton is being preserved. Responses are being prepared to letter writers over my signature telling them that you cannot interfere in an on-going criminal investigation, but that steps are being taken to ensure the preservation of the scientific value of the skeleton, regardless of the outcome of the ownership issues.

STAFFING SHEET

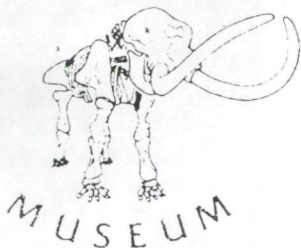
EXTERNAL COORDINATION:

		COMMENTS	DATE
	DIRECTOR		
	GENERAL COUNSEL		
	EXEC. ASST.		

ACTION REQUESTED: Signature. Background information sheet for your use.

[illegible]

GEOLOGY



UNIVERSITY OF WISCONSIN—MADISON

Department of Geology and Geophysics

Lewis G. Weeks Hall
1215 W. Dayton Street
Madison, Wisconsin 53706

Museum Office: 608 262-2399
Tour Information: 608 262-1412

June 25, 1992

D. Allan Bromley
Assistant to the President
for Science & Technology
Office of Science and Technology
Executive Office Building
Washington, DC 20240

Dear Mr. Bromley:

I am writing to you to strongly protest the seizure of the *Tyrannosaurus rex* skeleton from the Black Hills Institute of Geological Research in Hill City, South Dakota. I have just recently returned from Europe where this affair has produced some rather unfavorable headlines. The Black Hills Institute is a most reputable enterprise with the highest degree of integrity and a world-wide reputation for its expert recovery and preservation of invertebrate and vertebrate fossils. Its collections are always open to scientists for study, and it has been recognized as an official repository for published type specimens. Recently, the Institute's Museum of Natural History has been awarded non-profit status as an institution benefitting the general public.

The heavy-handed seizure of this important specimen has shocked the scientific community and raises great concern, as transport and improper storage have undoubtedly resulted in irreversible damage to the skeleton, and its prolonged storage in moist plaster bandages will inevitably result in the slow but steady decay of the bones. I, therefore, urge that the *T. rex* be immediately returned to the Black Hills Institute in order to prevent further damage to the skeleton, and that ways be found to allow for the final preparation and subsequent display of the skeleton at the Black Hills Museum of Natural History, in the interest of science and the American public.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "Klaus Westphal". The signature is fluid and cursive, with a large initial "K".

Dr. Klaus W. Westphal
Director of the Geology Museum
Board of Directors, U.W. Natural
History Museums Council

KWW/djd

"Document Control"

TYPE: ACTION DOCUMENT NUMBER: 9202508
ORIGINATOR: 02 STATUS I DIRECTORATE STATUS

FROM: WESTPHAL, Klaus W.: UNIVERSITY OF WISCONSIN

JUL 21 1992

TO: DR. D.A. BROMLEY

DATE OF
CORRESPONDENCE: 06/25/92

SUBJECT: HE IS WRITING DEMANDING THE RETURN OF THE SKELETAL
REMAINS OF THE TYRANNOSAURUS REX THAT WERE SEIZED
FROM THE BLACK HILLS INSTITUTE IN SOUTH DAKOTA.

DIRECTORATE STAFF
ASSIGNED: PHYSICAL SCIENCES ASSIGNED: *Dave Ganner*

ACTION STAFF
REQUIRED: AS NECESSARY ACTION:

SENDER'S DUE DATE:
OSTP DUE DATE: 08/04/92 STAFF DUE DATE
DATE COMPLETED: DATE COMPLETED/DEPT:

COPIES TO: D. Allan Bromley

WHITE HOUSE TRACKING #: CONTACT PERSON:
PHONE: EXT:
REMARKS:

OSTP RECEIVED: 07/21/92 DEPT RECEIVED:
FILE: P-DAB-PHYSICAL SCIENCES
CENTRAL FILES:

"Document Control"

TYPE: ACTION

DOCUMENT NUMBER: 9202663

ORIGINATOR: 02

STATUS I

DIRECTORATE STATUS

FROM: BISHOP, Rebecca

SEP 10 1992

TO: DR. D.A. BROMLEY

DATE OF
CORRESPONDENCE: 07/30/92

SUBJECT: SHE IS WRITING REGARDING THE SEIZURE OF THE
TYRANNOSAURUS REX REMAINS FROM THE BLACK HILLS
INSTITUTE.

DIRECTORATE

STAFF

ASSIGNED: PHYSICAL SCIENCES

ASSIGNED: *Done.*

*-draft
response for
KBE signature.*

ACTION
REQUIRED: AS NECESSARY

STAFF
ACTION:

SENDER'S DUE DATE:

OSTP DUE DATE: 09/23/92

STAFF DUE DATE *9/10/92*

DATE COMPLETED:

DATE COMPLETED/DEPT: *9/30/92*

COPIES TO: D. Allan Bromley

WHITE HOUSE TRACKING #:

CONTACT PERSON:

PHONE:

EXT:

REMARKS: *From letter #2*

OSTP RECEIVED: 08/14/92
FILE: P-PHYSICAL SCIENCES

DEPT RECEIVED:

CENTRAL FILES: *MISC CORR.*



REC'D #2
2663

D. Allan Bromley
Assistant to the President
Office of Science and Technology
Executive Office Building
Washington, DC 20240

July 30, 1992

Dear Sir:

I am astonished at the stories I have read about our United States government using the F B I and the South Dakota National Guard to attack Black Hills Institute of Geological Research in Hill City, S.D., to confiscate a fossil! It is deplorable that a law-abiding business can be destroyed by the very institution that has promised to protect and preserve it. And now the fossil is withheld from research and the public alike!

Would you be able to have your staff look into this matter? Many people are upset at the Search and Seizure activities because they are often used improperly and instead of stopping law-breakers, they are used politically to destroy law-abiding citizens. Please help the government rectify the situation in Hill City and help return the Tyrannosaurus Rex "Sue" to the researchers who found her and the public who have learned so much by being able to see her at Black Hills Institute of Geological Research.

Sincerely,

Rebecca M. Bishop
P.O. Box 384
Wheat, WA 99021

to: President George Bush
William Barr
Harlan Watson
Tom Foley

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20506

September 16, 1992

Dear Ms. Bishop:

Thank you for your recent letter to Dr. Bromley regarding the recent seizure of the Tyrannosaurus rex skeleton from the Black Hills Institute of Geological Research. I am sure you realize that Dr. Bromley cannot get involved in a criminal investigation, but I thought you would like to know that we are inquiring as to the storage conditions and treatment that the skeleton receives while in the custody of the FBI. We will try to ensure that the scientific value of the remains are preserved while the courts decide the legal issues involved. Thank you for bringing this issue to Dr. Bromley's attention.

Sincerely yours,



David C. Cranmer
Fellow

Ms. Rebecca Bishop
P. O. Box 384
Mead, WA 99021

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20506

September 30, 1992

Dear Ms. Bishop:

I am writing to update you on the status of the Tyrannosaurus rex skeleton which you inquired about earlier.

The Office of Science and Technology Policy advises the President and the Federal agencies on issues pertaining to science and technology. As such, our concern, initially, was that the scientific value of the skeleton might be diminished as a result of the FBI action. We have made a number of inquiries regarding the storage and care of the skeleton, and have been provided with information to the effect that, with the care it is now being given, the fossil is unlikely to suffer irreparable damage in the future.

Our office is not in a position to comment on the legal and other non-science issues you raised in your letter.

Thank you for your interest.

Sincerely,

A handwritten signature in dark ink, appearing to read "Karl A. Erb", written in a cursive style.

Karl A. Erb
Associate Director
for Physical Sciences and Engineering

Ms. Rebecca Bishop
P. O. Box 384
Mead, WA 99021

AUG 27 1992

"Document Control"

TYPE: ACTION DOCUMENT NUMBER: 9202469
ORIGINATOR: 02 STATUS I DIRECTORATE STATUS

FROM: TAMPLAIN, Julia B.

TO: DR. D.A. BROMLEY

DATE OF
CORRESPONDENCE: 07/27/92

SUBJECT: SHE IS WRITING REGARDING THE SEIZURE OF THE
TYRANNOSAURUS REX REMAINS FROM THE BLACK HILLS
INSTITUTE.

DIRECTORATE STAFF
ASSIGNED: PHYSICAL SCIENCES ASSIGNED: *Don*

ACTION
REQUIRED: AS NECESSARY

STAFF
ACTION: *Reply letter*

SENDER'S DUE DATE:
OSTP DUE DATE: 09/09/92 STAFF DUE DATE
DATE COMPLETED: DATE COMPLETED/DEPT: *8/27/92*

COPIES TO: D. Allan Bromley

WHITE HOUSE TRACKING #:

CONTACT PERSON:
PHONE:

EXT:

REMARKS: *9/30 From ltr #2.*

OSTP RECEIVED: 08/26/92
FILE: P-PHYSICAL SCIENCES

DEPT RECEIVED:

CENTRAL FILES: *Misc. e.v.k.k.*

2461
#2

RECEIVED

JUL 26 11:58

2289 COUNTRY CLUB DRIVE
LAPLACE, LOUISIANA 70068

July 27, 1992

D. Allan Bromley
Assistant to the President for Science and Technology
Office of Science and Technology
Executive Office Building
Washington, D.C. 20240

Dear Mr. Bromley:

As a concerned citizen and taxpayer, I feel compelled to protest the seizure of "Sue", reputed to be the world's best preserved tyrannosaur, from the Black Hills Institute of Geological Research in Hill City, South Dakota. Rather than sealing the Institute's premises while legal questions are debated, the U.S. Attorney's office physically removed precious fossils without regard to proper handling or storage techniques.

It is unthinkable to me that the U.S. Attorney presumes his staff to be qualified in the highly specialized discipline of paleontology. I pray for "Sue" to be returned to the Black Hills Institute immediately before further damage is done to the fossil. In the interest of scientific research and as an outrage against the abuse of governmental power, I seek your assistance in achieving this goal.

Sincerely,


Julia B. Tamplain, CPA

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20506

August 27, 1992

Dear Ms. Tamplain:

Thank you for your recent letter to Dr. Bromley regarding the recent seizure of the Tyrannosaurus rex skeleton from the Black Hills Institute of Geological Research. I am sure you realize that Dr. Bromley cannot get involved in a criminal investigation, but I thought you would like to know that we are inquiring as to the storage conditions and treatment that the skeleton receives while in the custody of the FBI. We will try to ensure that the scientific value of the remains are preserved while the courts decide the legal issues involved. Thank you for bringing this issue to Dr. Bromley's attention.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "David C.", followed by a long horizontal flourish.

David C. Cranmer
Fellow

Ms. Julia B. Tamplain
2289 Country Club Drive
Laplace, LA 70068

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20506

September 30, 1992

Dear Ms. Tamplain:

I am writing to update you on the status of the Tyrannosaurus rex skeleton which you inquired about earlier.

The Office of Science and Technology Policy advises the President and the Federal agencies on issues pertaining to science and technology. As such, our concern, initially, was that the scientific value of the skeleton might be diminished as a result of the FBI action. We have made a number of inquiries regarding the storage and care of the skeleton, and have been provided with information to the effect that, with the care it is now being given, the fossil is unlikely to suffer irreparable damage in the future.

Our office is not in a position to comment on the legal and other non-science issues you raised in your letter.

Thank you for your interest.

Sincerely,



Karl A. Erb
Associate Director
for Physical Sciences and Engineering

Ms. Julia B. Tamplain
2289 Country Club Drive
Laplace, LA 70068

"Document Control"

TYPE: ACTION

DOCUMENT NUMBER: 9202164

ORIGINATOR: 02

STATUS I

DIRECTORATE STATUS

FROM: BOND, Warren: SOCIETY OF VERTEBRATE PALEONTOLOGY

TO: DR. D.A. BROMLEY

AUG 4 1992

DATE OF
CORRESPONDENCE: 07/20/92

SUBJECT: HE IS WRITING REGARDING THE SEIZURE OF THE
TYRANNOSAURUS REX REMAINS FROM THE BLACK HILLS
INSTITUTE.

DIRECTORATE
ASSIGNED: PHYSICAL SCIENCES

STAFF
ASSIGNED: *Dore Cronner*

ACTION
REQUIRED: AS NECESSARY

STAFF
ACTION:

SENDER'S DUE DATE:
OSTP DUE DATE: 08/17/92
DATE COMPLETED:

STAFF DUE DATE
DATE COMPLETED/DEPT: *8/10/92*

COPIES TO: D. Allan Bromley

WHITE HOUSE TRACKING #:

CONTACT PERSON:
PHONE:

EXT:

REMARKS: *8/30 update letter sent*

OSTP RECEIVED: 08/03/92
FILE: P-PHYSICAL SCIENCES

DEPT RECEIVED:

CENTRAL FILES: *Misc. covr*

July 20, 1992

F-1
82 A

Mr. Warren Bond
26 Underhill Drive, #304
Don Mills, Ontario
M3A 2J3
CANADA

D. Allan Bromley
Assistant to the President for Science
& Technology
Office of Science and Technology
Executive Office Building
Washington, D.C. 20240
U.S.A.

Dear Mr. Bromley:

On May 14, 1992, Federal Agents raided the Black Hills Institute of Geological Research in Hill City, South Dakota, seizing "Sue", the world's best preserved Tyrannosaurus Rex.

"Sue" was discovered on August 14, 1990 on privately owned, deeded land near Faith, South Dakota. The landowner gave the Black Hills Institute permission to excavate the fossil remains for which he was paid \$5,000.00.

A dispute arose between the Black Hills Institute and the Cheyenne River Sioux Tribe, of which the landowner is an enrolled member, over the ownership of the dinosaur.

The landowner's property is held in Trust by the Federal Bureau of Indian Affairs. The Federal Antiquities Act and Title 25 of the U.S. Code prohibits outsiders from making contracts with people of the Indian Community without permission of the Federal Government. The Tribe's claim to the fossil and the fact that it came off of land held in Trust by the Federal government is what prompted the seizure.

The Black Hills Institute dealt with the landowner in good faith, (the fact the land is held in Trust does not appear on the deed).

36 CFR Ch.11 (7-1-91 Edition), Part 296, Sec. 296.3(4)II lists PALEONTOLOGICAL REMAINS as material remains, not to be considered ARCHEOLOGICAL RESOURCES. Note: the Cheyenne River Sioux Tribe have now dropped their law suit.

Dr. Donald Wolberg, Secretary of the (National) Paleontological Society and Paleontologist for the state of New Mexico stated in a Baltimore news release that "Pete Larson and his group (Black Hills Institute) are among the best collectors in the world...they have an international reputation".

Mr. Bromley
July 20th, 1992
Page 2

The Black Hills Institute of Geological Research have invested over \$100,000 in the project, opened their doors to Paleontologists from around the world, have donated "Sue" to a non-profit museum they are building in Hill City, and have stated "The fossil is not for sale, never, ever."

The seizure places the fossil in great jeopardy of being permanently damaged due to improper storage, has interrupted scientific study, and the ensuing legal battle has financially hurt the Black Hills Institute.

The Black Hills Institute are clearly entitled to "Sue" and it should be returned to them and allow the scientific study of this important find to continue. I urge you to work to this end.

The "confusion" over Antiquities/Archeological Resources and Paleontological Remains must be cleared up so misuse/abuse of the law will not continue.

Your support will be very much appreciated.

Yours truly,

A handwritten signature in dark ink, appearing to be 'J. S. Smith' or similar, with a long horizontal stroke extending to the right.

Member Society of Vertebrate Paleontology

Dale
#2

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20506

August 10, 1992

Dear Mr. Bond:

Thank you for your recent letter to Dr. Bromley regarding the recent seizure of the Tyrannosaurus rex skeleton from the Black Hills Institute of Geological Research. I am sure you realize that Dr. Bromley cannot get involved in a criminal investigation, but I thought you would like to know that we are inquiring as to the storage conditions and treatment that the skeleton receives while in the custody of the FBI. We will try to ensure that the scientific value of the remains are preserved while the courts decide the legal issues involved. Thank you for bringing this issue to Dr. Bromley's attention.

Sincerely yours,



David C. Cranmer
Fellow

Mr. Warren Bond
26 Underhill Drive, #304
Don Mills, ON M3A 2J3 CANADA

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20506

September 30, 1992

Dear Mr. Bond:

I am writing to update you on the status of the Tyrannosaurus rex skeleton which you inquired about earlier.

The Office of Science and Technology Policy advises the President and the Federal agencies on issues pertaining to science and technology. As such, our concern, initially, was that the scientific value of the skeleton might be diminished as a result of the FBI action. We have made a number of inquiries regarding the storage and care of the skeleton, and have been provided with information to the effect that, with the care it is now being given, the fossil is unlikely to suffer irreparable damage in the future.

Our office is not in a position to comment on the legal and other non-science issues you raised in your letter.

Thank you for your interest.

Sincerely,



Karl A. Erb
Associate Director
for Physical Sciences and Engineering

Mr. Warren Bond
26 Underhill Drive, #304
Don Mills, ON M3A 2J CANADA

"Document Control"

TYPE: ACTION

DOCUMENT NUMBER: 9202549

ORIGINATOR: 02

STATUS I

DIRECTORATE STATUS

FROM: LEICHT, Donna Lee

TO: DR. D.A. BROMLEY

DATE OF
CORRESPONDENCE: 07/10/92

SUBJECT: SHE IS WRITING REGARDING THE REMAINS OF THE
TRANNOSAURUS REX FROM SOUTH DAKOTA.

DIRECTORATE

STAFF

ASSIGNED: PHYSICAL SCIENCES

ASSIGNED: Donec.

ACTION

STAFF

REQUIRED: AS NECESSARY

ACTION:

SENDER'S DUE DATE:

OSTP DUE DATE: 08/06/92

STAFF DUE DATE

DATE COMPLETED:

DATE COMPLETED/DEPT: 8/10/92

COPIES TO: D. Allan Bromley

WHITE HOUSE TRACKING #:

CONTACT PERSON:

PHONE:

EXT:

REMARKS:

9/30 From letter #2

OSTP RECEIVED: 07/23/92

DEPT RECEIVED:

FILE: P-PHYSICAL SCIENCES

CENTRAL FILES: misc. cor.

2597 #2
RECEIVED

92 JUL 23 AM 10:07

10 July 1992

OSTP
MAIL ROOM

Mr. D. Allan Bromley
Assistant to the President for Science
and Technology
Office of Science and Technology
Executive Office Building
Washington, D. C. 20340

Dear Mr. Bromley:

I protest the seizure of "Sue" from the Black Hills Institute of Geological Research, Inc., 217 Main Street, Hill City, South Dakota. This action by the U. S. Attorney removes the world's most precious and best preserved tyrannosaur from scientific study and public view. It also places it in great jeopardy of being permanently damaged through improper storage. This entire action (executed by 30 FBI agents!!!) by the U. S. Government I find appalling and a waste of taxpayer money. It is astounding to me that our government cannot concern itself with matters of national importance with the kind of "zeal" that it has unleashed at the Black Hills Institute. Shame, shame, shame!!!

I have also requested the Senate Judiciary Committee to recommend against the confirmation of Mr. Kevin Shieffer as U. S. Attorney. I feel Mr. Shieffer has not served the taxpayers well and is a source of embarrassment. I would appreciate, as I'm certain the entire scientific community will, everything you can do to secure the return of "Sue" to the Black Hills Institute. In every case, they are the only people who have conducted themselves with any degree of dignity and fairness. I have also noted my concerns to the President, Secretary of the Interior, and my own congress representatives.

Sincerely,

Dona Lee Leicht

Dona Lee Leicht
P. O. Box 1621
Laguna Beach, California 92651

Dave

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20506

August 10, 1992

Dear Ms. Leicht:

Thank you for your recent letter to Dr. Bromley regarding the recent seizure of the Tyrannosaurus rex skeleton from the Black Hills Institute of Geological Research. I am sure you realize that Dr. Bromley cannot get involved in a criminal investigation, but I thought you would like to know that we are inquiring as to the storage conditions and treatment that the skeleton receives while in the custody of the FBI. We will try to ensure that the scientific value of the remains are preserved while the courts decide the legal issues involved. Thank you for bringing this issue to Dr. Bromley's attention.

Sincerely yours,



David C. Cranmer
Fellow

Ms. Dona Lee Leicht
P.O. Box 1621
Laguna Beach, CA 92651

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20506

September 30, 1992

Dear Ms. Leicht:

I am writing to update you on the status of the Tyrannosaurus rex skeleton which you inquired about earlier.

The Office of Science and Technology Policy advises the President and the Federal agencies on issues pertaining to science and technology. As such, our concern, initially, was that the scientific value of the skeleton might be diminished as a result of the FBI action. We have made a number of inquiries regarding the storage and care of the skeleton, and have been provided with information to the effect that, with the care it is now being given, the fossil is unlikely to suffer irreparable damage in the future.

Our office is not in a position to comment on the legal and other non-science issues you raised in your letter.

Thank you for your interest.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Karl A. Erb', written in a cursive style.

Karl A. Erb
Associate Director
for Physical Sciences and Engineering

Ms. Dona Lee Leicht
P.O. Box 1621
Laguna Beach, CA 92651

"Document Control"

TYPE: ACTION
ORIGINATOR: 02

DOCUMENT NUMBER: 9202526
DIRECTORATE STATUS

STATUS I

FROM: TATE, Robert

TO: DR. D.A. BROMLEY

DATE OF
CORRESPONDENCE: 06/28/92

SUBJECT: HE IS WRITING TO URGE THAT THE SKELETAL REMAINS OF
THE TYRANNOSAURUS REX THAT WERE SEIZED FROM THE
BLACK HILLS INSTITUTE IN SOUTH DAKOTA BE RETURNED.

DIRECTORATE
ASSIGNED: PHYSICAL SCIENCES

STAFF
ASSIGNED: *Dore C.*

ACTION
REQUIRED: AS NECESSARY

STAFF
ACTION:

SENDER'S DUE DATE:
OSTP DUE DATE: 08/04/92
DATE COMPLETED:

STAFF DUE DATE
DATE COMPLETED/DEPT: *8/10/92*

COPIES TO: D. Allan Bromley

WHITE HOUSE TRACKING #: CONTACT PERSON:
PHONE: EXT:

REMARKS: *9/30 KE sent update*

OSTP RECEIVED: 07/21/92 DEPT RECEIVED:
FILE: P-LIFE SCIENCES

CENTRAL FILES: *MISC. CORR.*

RR Box 328
Clearfield, SD 57580
June 28, 1992

D. Allan Bromley
Assistant to the President for Science & Technology
Executive Office Building
Washington, DC 20240

D. Allan Bromley:

I would like to introduce myself. I am a twenty-nine year old rancher, landowner, and amateur paleontologist. Also, I was a member of the excavation crew which assisted the Black Hills Institute of Geological Research in their recovery and preservation of the fossil remains of the largest and most complete Tyrannosaurus rex known to this time.

I have been associated with the Larsen Brothers of the BHIGR since 1976, when as a thirteen year old boy I would ride my bike to the mailbox at the main road where they would pick me up and allow me to help at the dig for a mastadon. They took me under their wing and introduced me to the wonderful world of the past. They taught me identification methods and proper procedures for recovery of fossils. Somehow, I don't think that very many people with their expertise would have taken the time for a kid interested in fossils. Now I like to think because of that, I can give some youngster some encouragement or explanation concerning the rock he or she may have found along the driveway.

I have watched the boys from Hill City go from what amounted to a rock shop along the highway to a world-renowned private paleontological research institution. The BHIGR has made many discoveries available to the scientific world at their own expense. As a guest on collection expeditions I have been witness to their unselfish sharing of knowledge and technique with educators and students from all over the country. All without costing the American Taxpayers a cent.

On May 14th a man-made tragedy occurred. A great scientific resource was seized from the people who had discovered and labored over it. Arrangements for further scientific analysis and sharing had to be canceled. Now "SUE", the tyrannosaurus rex, lies rotting in government storage at taxpayers expense. With her lies the hopes and dreams of her free enterprise excavators, the promise of a museum to boost the economy of Hill City, and aspirations of several 'kids on a bicycle' such as I once was.

We must not let government bureaucracy squelch free enterprise in the field of science under the guise of the good of the people and ambiguous laws. We must return "SUE" to the Black Hills Institute of Geological Research.

Please convey my concerns to the President.

Sincerely,

Robert Tate

Dave
2

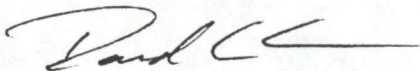
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20506

August 10, 1992

Dear Mr. Tate:

Thank you for your recent letter to Dr. Bromley regarding the recent seizure of the Tyrannosaurus rex skeleton from the Black Hills Institute of Geological Research. I am sure you realize that Dr. Bromley cannot get involved in a criminal investigation, but I thought you would like to know that we are inquiring as to the storage conditions and treatment that the skeleton receives while in the custody of the FBI. We will try to ensure that the scientific value of the remains are preserved while the courts decide the legal issues involved. Thank you for bringing this issue to Dr. Bromley's attention.

Sincerely yours,



David C. Cranmer
Fellow

Mr. Robert Tate
RR Box 328
Clearfield, SD 57580

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20506

September 30, 1992

Dear Mr. Tate:

I am writing to update you on the status of the Tyrannosaurus rex skeleton which you inquired about earlier.

The Office of Science and Technology Policy advises the President and the Federal agencies on issues pertaining to science and technology. As such, our concern, initially, was that the scientific value of the skeleton might be diminished as a result of the FBI action. We have made a number of inquiries regarding the storage and care of the skeleton, and have been provided with information to the effect that, with the care it is now being given, the fossil is unlikely to suffer irreparable damage in the future.

Our office is not in a position to comment on the legal and other non-science issues you raised in your letter.

Thank you for your interest.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Karl Erb', written in a cursive style.

Karl A. Erb
Associate Director
for Physical Sciences and Engineering

Mr. Robert Tate
RR Box 328
Clearfield, SD 57580

"Document Control"

TYPE: ACTION
ORIGINATOR: 02

DOCUMENT NUMBER: 9202508
DIRECTORATE STATUS

FROM: WESTPHAL, Klaus W.: UNIVERSITY OF WISCONSIN

JUL 21 1992

TO: DR. D.A. BROMLEY

DATE OF
CORRESPONDENCE: 06/25/92

SUBJECT: HE IS WRITING DEMANDING THE RETURN OF THE SKELETAL
REMAINS OF THE TYRANNOSAURUS REX THAT WERE SEIZED
FROM THE BLACK HILLS INSTITUTE IN SOUTH DAKOTA.

DIRECTORATE
ASSIGNED: PHYSICAL SCIENCES

STAFF
ASSIGNED: *Dave Hammer*

ACTION
REQUIRED: AS NECESSARY

STAFF
ACTION:

SENDER'S DUE DATE:

OSTP DUE DATE: 08/04/92
DATE COMPLETED:

STAFF DUE DATE
DATE COMPLETED/DEPT:

COPIES TO: D. Allan Bromley

WHITE HOUSE TRACKING #:

CONTACT PERSON:
PHONE:

EXT:

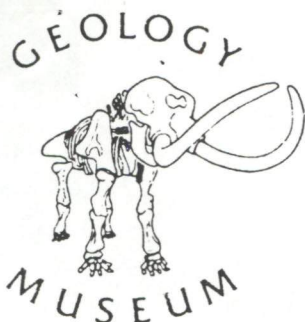
REMARKS:

9/30 - update sent to him

OSTP RECEIVED: 07/21/92
FILE: P-DAB-PHYSICAL SCIENCES

DEPT RECEIVED:

CENTRAL FILES: *MUSE. CORK.*



UNIVERSITY OF WISCONSIN—MADISON

Department of Geology and Geophysics

Lewis G. Weeks Hall
1215 W. Dayton Street
Madison, Wisconsin 53706

Museum Office: 608 262-2399
Tour Information: 608 262-1412

June 25, 1992

D. Allan Bromley
Assistant to the President
for Science & Technology
Office of Science and Technology
Executive Office Building
Washington, DC 20240

Dear Mr. Bromley:

I am writing to you to strongly protest the seizure of the Tyrannosaurus rex skeleton from the Black Hills Institute of Geological Research in Hill City, South Dakota. I have just recently returned from Europe where this affair has produced some rather unfavorable headlines. The Black Hills Institute is a most reputable enterprise with the highest degree of integrity and a world-wide reputation for its expert recovery and preservation of invertebrate and vertebrate fossils. Its collections are always open to scientists for study, and it has been recognized as an official repository for published type specimens. Recently, the Institute's Museum of Natural History has been awarded non-profit status as an institution benefitting the general public.

The heavy-handed seizure of this important specimen has shocked the scientific community and raises great concern, as transport and improper storage have undoubtedly resulted in irreversible damage to the skeleton, and its prolonged storage in moist plaster bandages will inevitably result in the slow but steady decay of the bones. I, therefore, urge that the T. rex be immediately returned to the Black Hills Institute in order to prevent further damage to the skeleton, and that ways be found to allow for the final preparation and subsequent display of the skeleton at the Black Hills Museum of Natural History, in the interest of science and the American public.

Yours sincerely,

Dr. Klaus W. Westphal
Director of the Geology Museum
Board of Directors, U.W. Natural
History Museums Council

KWW/djd

Dave
1

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20506

August 10, 1992

Dear Professor Westphal:

Thank you for your recent letter to Dr. Bromley regarding the recent seizure of the Tyrannosaurus rex skeleton from the Black Hills Institute of Geological Research. I am sure you realize that Dr. Bromley cannot get involved in a criminal investigation, but I thought you would like to know that we are inquiring as to the storage conditions and treatment that the skeleton receives while in the custody of the FBI. We will try to ensure that the scientific value of the remains are preserved while the courts decide the legal issues involved. Thank you for bringing this issue to Dr. Bromley's attention.

Sincerely yours,



David C. Cranmer
Fellow

Professor Klaus Westphal
University of Wisconsin-Madison
Department of Geology and Geophysics
Lewis G. Weeks Hall
1215 W. Dayton Street
Madison, WI 53706

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20506

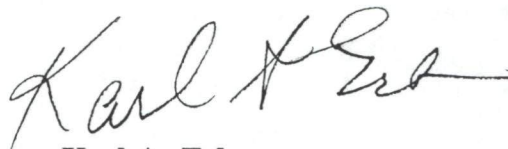
October 1, 1992

Dear Professor Westphal:

I am writing to update you on the status of the Tyrannosaurus rex skeleton which you inquired about earlier. We have made a number of inquiries regarding the storage and care of the skeleton, and have been provided with information to the effect that, with the care it is now being given, the fossil is unlikely to suffer irreparable damage in the future.

Thank you for your interest in this issue.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Karl A. Erb', with a stylized flourish at the end.

Karl A. Erb
Associate Director
for Physical Sciences and Engineering

Professor Klaus Westphal
University of Wisconsin-Madison
Department of Geology and Geophysics
Lewis G. Weeks Hall
1215 W. Dayton Street
Madison, WI 53706

"Document Control"

TYPE: ACTION

DOCUMENT NUMBER: 9202547

ORIGINATOR: 02

STATUS I

DIRECTORATE STATUS

FROM: GRIER, James W.: NORTH DAKOTA STATE UNIVERSITY

TO: DR. D.A. BROMLEY

DATE OF
CORRESPONDENCE: 06/08/92

SUBJECT: HE IS WRITING TO ASK DR. BROMLEY'S ASSISTANCE IN
RETURNING THE REMAINS OF A TYRANNOSAURUS REX
PREVIOUSLY CONFISCATED BY THE FEDERAL GOVERNMENT.

DIRECTORATE

STAFF

ASSIGNED: PHYSICAL SCIENCES

ASSIGNED:

Don C.

ACTION

STAFF

REQUIRED: AS NECESSARY

ACTION:

SENDER'S DUE DATE:

OSTP DUE DATE: 08/06/92

STAFF DUE DATE

DATE COMPLETED:

DATE COMPLETED/DEPT:

8/10/92

COPIES TO: D. Allan Bromley

WHITE HOUSE TRACKING #:

CONTACT PERSON:

PHONE:

EXT:

REMARKS:

From letter #1 9/30

OSTP RECEIVED: 07/23/92

DEPT RECEIVED:

FILE: P-PHYSICAL SCIENCES

CENTRAL FILES: *MISC. CORR.*

NDSU

Zoology Department
Stevens Hall
North Dakota State University
Fargo, North Dakota 58105-5517
(701) 237-7087

2571

#1

8 June 1992

***** URGENT!!! *****

JUN 23 10:29

D. Allan Bromley, Asst. to the President for Science & Technology
Office of Science and Technology
Executive Office Building
Washington, DC 20240

MAIL ROOM

Dear Mr. Bromley:

This letter is a request for prompt attention to a scientific and educational emergency that was created by the recent seizure by the FBI of a fossil Tyrannosaurus rex dinosaur skeleton from the Black Hills Institute of Geological Research, Inc., in Hill City, South Dakota. This is a priceless scientific and public treasure that is now in jeopardy because of actions associated with the seizure and the current storage situation.

The skeleton and related scientific papers, notes, and photographs, etc. should be returned immediately to the Black Hills Institute where everything will be safe and properly cared for, until the tangled legal issues can be straightened out. I am convinced that no illegal actions were intentionally taken by the Black Hills Institute in the first place and there will be no problem keeping everything safely back at the Institute until matters are settled -- somewhat like releasing a person taken into custody on their personal recognizance.

I cannot comment on the legal matters involved as that is far outside my area of expertise, except that the issue appears to be complex and did not involve any deliberate violation. What I can vouch for is the competence, dedication, sincerity, and interests in science and public education by the Black Hills Institute organization and people. I have known and worked with them personally and professionally for several years. They are internationally recognized experts in fossil work. They have taught and shown me much; and they have tremendously helped my wife develop her interests and expertise with working with fossils, including much time and patience discussing and demonstrating techniques with her and collaborating on some scientific discoveries and publications -- including some new specimens being donated to the Smithsonian Institution. I and colleagues have also taken several university classes from here to the institute to view their fossils, including upper level and graduate students plus workshops involving public school teachers from across the state of North Dakota. The Institute has been most open and helpful to us.

The current situation is absurd, unnecessary, and does not help the image of the federal government much in the eyes of the general public, scientists, or educators. It should be rectified without delay to prevent further deterioration in both the fossil specimen and public relations for the federal government.

Sincerely,

James W. Grier

James W. Grier,
Professor of Zoology

Dave

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20506

August 10, 1992

Dear Professor Grier:

Thank you for your recent letter to Dr. Bromley regarding the recent seizure of the *Tyrannosaurus rex* skeleton from the Black Hills Institute of Geological Research. I am sure you realize that Dr. Bromley cannot get involved in a criminal investigation, but I thought you would like to know that we are inquiring as to the storage conditions and treatment that the skeleton receives while in the custody of the FBI. We will try to ensure that the scientific value of the remains are preserved while the courts decide the legal issues involved. Thank you for bringing this issue to Dr. Bromley's attention.

Sincerely yours,



David C. Cranmer
Fellow

Professor James W. Grier
Zoology Department
Stevens Hall
Fargo, ND 58105

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20506

September 30, 1992

Dear Professor Grier:

I am writing to update you on the status of the Tyrannosaurus rex skeleton which you inquired about earlier. We have made a number of inquiries regarding the storage and care of the skeleton, and have been provided with information to the effect that, with the care it is now being given, the fossil is unlikely to suffer irreparable damage in the future.

Thank you for your interest in this issue.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Karl Erb', with a stylized flourish at the end.

Karl A. Erb
Associate Director
for Physical Sciences and Engineering

Professor James W. Grier
Professor of Zoology
Stevens Hall
North Dakota State University
Fargo, ND 58105-5517

"Document Control"

TYPE: ACTION DOCUMENT NUMBER: 9202664
ORIGINATOR: 02 STATUS I DIRECTORATE STATUS

FROM: COULSUN, Danny O.: U.S. DEPARTMENT OF JUSTICE, FBI SEP 10 1992

TO: DR. D.A. BROMLEY

DATE OF
CORRESPONDENCE: 08/27/92

SUBJECT: HE IS RESPONDING TO DR. BROMLEY'S LETTER REGARDING
THE REMAINS OF THE TYRANNOSAURUS REX SEIZED FROM THE
BLACK HILLS INSTITUTE.

DIRECTORATE STAFF
ASSIGNED: PHYSICAL SCIENCES ASSIGNED: *Dan Cranmer*
Cant to late, plea.

ACTION STAFF
REQUIRED: AS/IF NECESSARY ACTION:

SENDER'S DUE DATE:
OSTP DUE DATE: 09/23/92 STAFF DUE DATE
DATE COMPLETED: DATE COMPLETED/DEPT: *9/30/92*

COPIES TO: D. Allan Bromley

WHITE HOUSE TRACKING #: CONTACT PERSON:
REMARKS: *De. Eib responded -* PHONE: EXT:

OSTP RECEIVED: 09/09/92 DEPT RECEIVED:
FILE: P-PHYSICAL SCIENCES
CENTRAL FILES: *Misc. ckk.*





U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

August 27, 1992

BY LIAISON

Honorable D. Allan Bromley
The Assistant to the President
for Science and Technology
The White House
Washington, D.C.

Dear Mr. Bromley:

Director Sessions asked me to respond to your August 5th letter regarding our recent seizure of the Tyrannosaurus Rex skeleton from the Black Hills Institute of Geological Research, Inc., in South Dakota. We appreciate your interest in writing and your offer of assistance in ensuring that this skeleton is properly cared for.

I am sure you will be pleased to learn that from July 9 through 13, 1992, an evidentiary hearing was held in Rapid City, South Dakota, before United States District Court Judge Richard H. Battey, to determine if the skeleton was being stored under safe conditions necessary for proper preservation. Numerous individuals from the scientific community testified, and the hearing concluded by Judge Battey stating that the Tyrannosaurus Rex is being properly cared for at its current location and should remain there.

In view of your interest and that of the scientific community, I am enclosing a copy of the Supplemental Findings of Fact and Conclusions of Law issued by the Court.

Sincerely yours,

Danny O. Coulson
Deputy Assistant Director
Criminal Investigative Division

Enclosure

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

FILED

JUL 16 1992

W. J. ...

BLACK HILLS INSTITUTE OF
GEOLOGICAL RESEARCH; and
BLACK HILLS MUSEUM OF
NATURAL HISTORY FOUNDATION,
INC., a nonprofit corporation,

Plaintiffs,

vs.

THE UNITED STATES OF AMERICA,
DEPARTMENT OF JUSTICE,

Defendant,

and

THE CHEYENNE RIVER SIOUX
TRIBE,

Amicus curiae.

CIV. 92-5070

SUPPLEMENTAL
FINDINGS OF FACT AND
CONCLUSIONS OF LAW

At the conclusion of the evidentiary hearing in the above-entitled matter held pursuant to the instructions of the Eighth Circuit Court of Appeals,¹ the Court issued its order dated July 13, 1992, granting temporary custody of evidence and setting conditions.

The Court now files its written findings of fact and conclusions of law.

¹No. 92-2252SD slip op. (8th Cir. 1992)

FILED
In determining the issue of irreparable damage, the Court starts from the law of the case that plaintiffs clearly have made at least a prima facie showing that damage is probable. (No. 92-2252SD slip op. at 6).

FINDINGS OF FACT

A. Conditions from discovery to seizure (August 12, 1990, to May 18, 1992).

1. The following terms are defined: "Paleontology" is the science that deals with the life of the past geological periods. It is based on the study of fossil remains of plants and animals and gives information about the phylogeny and relationships of modern animals and plants and about the chronology of the history of the earth. Webster's Third International Dictionary. "Conservation" is the descriptive word relating to the ongoing process of cleaning and gluing a fossil for final preservation. "Curation" is another commonly used word by commercial and scientific paleontologists which refers not only to the process of conservation, but also the making sure that the fossil is available for public viewing and scientific education. "Preservation" is a term used to describe the process of restoring and "curating" a fossil.

2. The fossil, which has been named "Sue" after its discoverer, is a 65 million year old Tyrannosaurus rex skeleton. It is the largest and most complete skeleton known to man. It was discovered somewhat inadvertently by Sue Hendrickson of the Black Hills Institute of Geological Research (BHIGR), who was in the process of assisting in the excavation of a separate and independent site.

3. The site upon which the fossil was found is within the exterior boundaries of the Cheyenne River Sioux Indian Reservation. Ownership interests have not yet been

determined. At this time ownership is not relevant. This is an action in equity to determine only the issues outlined by the Court of Appeals.

4. BHIGR is a commercial dealer in paleontological specimens such as the *Tyrannosaurus rex*. By virtue of the discovery, BHIGR claimed an "individualized interest in the fossil." (Paragraph XIV of second amended complaint). It has since transferred all its right in the fossil to the Black Hills Museum of Natural History Foundation, Inc. BHIGR has a wide-ranging reputation in the marketing of all kinds of paleontological specimens. It has furnished specimens to all major museums of the world. It is knowledgeable in the curation and preservation of such antiquities.

5. The excavation, packaging, and storage of the fossil took seventeen days. It was transported in pieces from its discovery site on the Cheyenne River Sioux Indian Reservation to Hill City, the location of BHIGR. As the pieces of fossil arrived in Hill City, they were placed on storage shelves to await the process of conservation, preservation, and curation.

6. Hill City is a small community in the Black Hills of South Dakota. It is located a few miles from Mount Rushmore and approximately thirty miles southwest of Rapid City, the second largest city in South Dakota. Millions of tourists pass through the Black Hills every year. Many of these tourists pass through Hill City on their way from Rapid City to Mount Rushmore.

7. The building in which the fossil Sue was housed at BHIGR was what may be generally characterized as of "pole barn type" construction. It has metal walls supported by wall beams which have been placed upon cement footings. The floor is cement. The

interior consists principally of sheetrock walls with one wall of plywood. Part of the rear of the building protrudes into an earthen bank. The building is an all-weather structure. It has a furnace, duct work, and electrical wiring. It has no central air conditioning or humidity control capability. Initially there was no monitoring device for temperature or outside pollutants which could enter the building through the windows or doors. It has no fire suppression capability or environmental control. The internal cooling was conducted by opening the doors with the resultant entrance of outside pollution. It is this building in which BHIGR proposes to house the specimen if returned. The physical location at BHIGR was not immediately changed to accommodate such an important paleontological find. It was not until after seizure and removal with the resultant struggle over its possession that BHIGR started to make changes to its facilities in order to properly address the specific needs of care and protection of the fossil. Changes to accommodate the fossil continued even as the hearing was being conducted. South Dakota School of Mines and Technology (SDSM&T) has also continued to make changes necessary to meet the requirements of safe accommodation of the fossil.

8. Plaintiffs began working on the conservation and restoration of the fossil. The work continued for approximately twenty-one months before the fossil was seized by the United States on May 18, 1992. During this time, approximately 5,000 hours of labor were performed. Expenses were incurred in the approximate amount of \$100,000. It is estimated that it will take an additional 25,000 hours and as much as \$500,000 more in funds to complete the restoration and curation of the fossil. It is intended that the \$600,000

anticipated investment will be recaptured principally by sales of molds and castings. A complete mold and casting of a Tyrannosaurus rex would sell for as much as \$100,000.

Parts of the fossil remained in storage while the actual work of restoration was being completed on other parts. The estimate of 5,000 hours in twenty-one months constitutes an average of approximately 240 hours per month. At that rate of progress, it would take approximately ten years to complete the restoration. During this period of time much of the fossil would be in storage. BHIGR states it desires to accelerate the process to two years. Such an accelerated timetable, if permitted by the Court, would mean that BHIGR would complete the restoration before the question of ownership had worked its way through the judicial system. The Court accordingly finds that it is not in the best interest of all parties and the public to permit the restoration to proceed. The mission of the Court is to determine temporary custody and to provide conditions of care. Some conservation and preservation measures may be permitted under Court-imposed conditions.

B. Conditions from seizure to present.

9. Involved in the seizure on May 18, 1992, were Department of Justice personnel; United States Marshal Service; members of the South Dakota National Guard; Rachael Benton, Museum Specialist, National Park Service; and Janet Whitmore, M.S., paleontology, of SDSM&T. Benton and Whitmore were experts obtained to see that damage to the property did not occur. They were knowledgeable about the collecting, packaging, and storing of the paleontological antiquities.

10. The seizure took approximately three days. Peter Larson, president, and other BHIGR employees also assisted. Peter Larson is a graduate of SDSM&T, having graduated

in 1974 with B.S. degree in geology. Assisting also was David A. Burnham, curator for BHIGR. Burnham is a specialist with a M.S. in geology (discipline in vertebrate paleontology). Both Larson and Burnham are members of the Society of Vertebrate Paleontology (SVP).

11. The selection, packaging, and loading of the specimen proceeded with extreme care. All persons participating were sensitive to the fact that this evidence was highly fragile and constituted a paleontological find of the highest scientific magnitude.

12. In the packaging and loading of the evidence, the advice of Peter Larson, David Burnham, and their staff was sought and followed. Due deference was given to any advice which they provided. The use of a "bubble" and "foam" packaging material was specifically recommended by Burnham and adopted. Plaster castings were used to maintain the integrity of the fossil, making sure that there would be no infusion of plaster into the fossil itself. Appropriate screening material was used to prevent a later "marriage" between the fossil and its plaster casing. The Court finds that the greatest concern was to avoid damage to this fossil.

13. Despite the extraordinary measures taken to avoid damage to the fossil, an individual fossil, a post-orbital bone (skull bone) was damaged. This occurred when Peter Larson moved the post-orbital bone from the table to the floor. Larson leaned the skull against the wall and thereafter a pallet fell on the bone, causing it to be broken in four pieces. The Court does not fault Larson for this damage. It was the natural result of the delicate process of moving fragile fossils. Another fossil may have suffered damage when

a forklift operator moved the specimen by depositing it somewhat roughly on its carrier. No physical examination of this specimen was done to determine any resultant damage.

14. The fossil was transported from Hill City to Rapid City. It was stored on the campus of SDSM&T. The building is of cement construction. It is what was commonly referred to by counsel as a "machine shop." The fossil was placed in an 8' x 8' x 40' steel "shipping container" similar to a common semi-trailer. Steam boilers are housed in a separate room within the building about 60 feet from the storage container. A sheetrock wall separates the boiler room from the other room. The boilers are regularly maintained and inspected daily. Annual inspections by the Hartford Insurance Company occur annually. There is no reasonable cause to anticipate danger from the boilers. Adjacent to the boilers are chemicals which are used for water treatment of the interior of the boiler pipes. Water softening chemicals are stored in the boiler room. They release no vapor, are inert, and pose no danger to the fossil. There is no problem with rodents or insects either in the building or the storage container. The building is structurally sound. Twenty-four hour security is provided as a part of the overall campus security system. The building and its container provide a damage-free environment.

15. SDSM&T is one of seven state-supported institutions of higher learning in the state of South Dakota. It was established in 1885 to provide instruction in mining engineering in western South Dakota where mining was a primary industry. It now has an expanded role in areas of science, technology, and liberal arts.² It has seven engineering

²The Division of Engineering provides departments in chemical, civil, electrical, geological, industrial, mechanical, metallurgical, mining, and general engineering. The Division of Science and Humanities is composed of biology, chemistry, geology,

and five science undergraduate degrees and graduate programs leading to the master of science degree in fourteen engineering and/or science disciplines. In addition, programs are available leading to the doctor of philosophy degree in geological engineering, geology, and materials engineering and science. (Exhibit 113).

SDSM&T is located in Rapid City, South Dakota, in the foothills of the Black Hills in the southwestern part of the state. The locality is rich in natural history, with an abundance of rocks and minerals, wildlife and plant life indigenous to the area. The Badlands area located to the east offers some of the most prolific sources of fossils.

16. The Court takes judicial notice that SDSM&T enjoys a nationwide, if not an international, reputation for quality.

17. SDSM&T is involved in paleontology. It teaches a course in invertebrate paleontology, offering a masters of science degree in paleontology.

18. SDSM&T maintains a museum of geology. Thousands of specimens, especially pertaining to the fields of vertebrate paleontology and mineralogy are on public display or in research collections. The museum possesses skeletons from the Oligocene era of the Big Badlands and Upper Cretaceous era of western South Dakota. Research collections of mid-terrian vertebrates are added from time to time. The museum is closely associated with the Department of Geology and Geological Engineering and the collections form the basis of staff and student research. (Exhibit 113).

interdisciplinary sciences, liberal arts, mathematics, computer science, meteorology, nursing, physical education, and physics.

19. On the issue of irreparable damage and representations and evidence of proper temporary location for the fossil, plaintiffs presented three nonparty expert witnesses, Donald L. Wolberg, Andrew Leitch, and Bob Bakker.

Donald L. Wolberg

20. Donald L. Wolberg is a paleontologist from New Mexico Bureau of Mines and Mineral Resources and an adjunct associate professor of geology, Geosciences Department, New Mexico Institute of Mining and Technology at Socorro, New Mexico. He has a Ph.D. in geology from the University of Minnesota. Dr. Wolberg stated he was "appalled" at the conditions under which the fossil was stored. He pointed out ten specific harms which he considered established harm or potential harm to the fossil:

(a) Nearness of a rail line. The Court finds this to be de minimis. The single rail line is across the road. Upon it travels slow-moving freight trains.

(b) Building in which housed was in Rapid City floodplain. This objection is illusory. It typifies the extreme to which this and other of plaintiffs' experts exaggerate their testimony to convince the Court to remove the fossil from SDSM&T. In 1972 a disastrous flood occurred in the residential and business districts of Rapid City. Loss of life (238) and property damage in the millions were caused. The flood was caused by the combination of a deluge of rainfall and the failure of earthen dams on Rapid Creek. Rapid Creek meanders from west to east through some residential areas and the downtown area of Rapid City. Its course has been established as a floodplain to permit the construction of certain types of structures and the exclusion of others. Currently within the floodplain are two golf

courses, several parks, Baken Park Shopping Center, Rapid City Central High School, elementary schools, Rapid City Civic Center, Rushmore Plaza Holiday Inn, and other businesses. Steps have been taken to prevent the recurrence of such a disaster.

(c) No full-time protection which provided ease of access.

(d) Intense heat of 90 degrees and high humidity. This Court finds that up to and including the date of the hearing, both BHIGR and SDSM&T were working to install equipment to address the very important problems of humidity and temperature control. The care of this fossil will be an ongoing responsibility of whomever has temporary custody.

(e) Building described as a machine shop by counsel for plaintiffs;

(f) Steam boiler in an adjoining room.

(g) Building within fifty yards of a gasoline tank.

(h) Presence of electrical equipment panel.

(i) Presence of canisters of caustic materials.

(j) Storage in metal containers which may interact with chemical lining.

Wolberg's conclusion was that the fossil is suffering irreparable harm. It was further his opinion that the fossil was inflicted with pyrite disease.³ Dr. Wolberg also was of the

³Pyrite disease is the forming of pyrite crystals on the fossil which if left unchecked through a process of oxidation would ultimately cause its destruction. It is referred to by plaintiffs' witnesses as similar to "cancer" in humans and is called "fossil cancer." In fact, it is neither cancer nor is it a disease. It is a condition which can be arrested by proper care and treatment. Its prevention or extension is prevented principally by proper temperature and humidity control.

opinion that SDSM&T was not suitable because it was not properly caring for the Tyrannosaurus rex which it had in its museum. The Court finds this statement disingenuous and reflects immense bias, robbing this witness of still more credibility. His final conclusion was that the fossil should be returned to BHIGR because it has the equipment, expertise, and familiarity with the fossil needed to prevent irreparable injury.

The Court observed that Dr. Wolberg seemed completely unable to answer any question responsively, especially upon cross-examination. He was biased to the point that he could not make even the simplest common sense concession. Based upon his demeanor and apparent bias in favor of plaintiffs, the Court finds his testimony completely lacking in credibility. His opinion as to the presence of pyrite disease appeared to be a late-hour attempt to establish a claim of irreparable injury. Plaintiffs possessed the fossil for twenty-one months, and not once was there shown to have been documented the existence of such a condition. The claim as to the existence of pyrite oxidation was not charged until the time of the hearing. Pyrite oxidation is a serious debilitating condition, and the failure to communicate knowledge of the presence of pyrite oxidation would be a measure of the highest scientific irresponsibility. The plaintiffs, if as concerned as they professed to be of the well-being of this rare find--described as a "Mona Lisa" or a "Rembrandt"--surely would have made known to those who possess the fossil that it had fossil's "cancer." This Court finds that the interests of plaintiffs and their expert witnesses Wolberg and others are more commercial than scientific. Their interest in science is secondary to the financial value of the fossil's possession.

Dr. Wolberg is a personal friend of Peter Larson. He characterized his friendship as that of a "close personal friend." The two have worked together on federal regulatory matters and lobbied the appointment of a candidate for the United States Geological Services and the Bureau of Land Management of the United States Park Service.

Andrew Leitch

21. Andrew Leitch has a bachelor of science degree. He is a contract paleontologist from Toronto, Canada. He formed Leitch Museum Consulting for the purpose of supplying specific scientific and exhibit information to institutions regarding exhibit, funding, and cost analysis. He is also president of various companies which have as their mission the harvesting of dinosaur and fossil skeleton material. Dinoworks, Ltd., of which he is president, is a joint venture company created to take advantage of the abundance of dinosaur and fossil skeleton material in collections of BHIGR, one of plaintiffs herein, as well as other institutions around the world. (Exhibit 2). He is a harvester of dinosaurs and other fossil species. He takes them from places like South Dakota and sells them throughout the world.

Leitch profits from his association with plaintiffs. The fossils he has received from BHIGR "have been very good." He is "very happy with them." While professing to be objective, he was not. His opinion that the fossil is being subjected to irreparable harm which shortly would be irreversible is simply not true. He has made molds and castings of his purchases from BHIGR and intends to make more. In his view, a completed commercial mold of the Tyrannosaurus rex Sue would be worth \$100,000. The storage of the fossil at other than BHIGR would deny him a business opportunity.

Viewing his demeanor, he remained exactly what he is--a commercial paleontologist--a seeker of antiquities for private commercial purposes. Any scientific interest is second to his commercial interest. The Court discounts his testimony as not credible as relates to the issues to be determined.

Bob Bakker

22. Bob Bakker has been interested in dinosaurs since the fourth grade. He has a masters in paleontology from Yale in 1968, and has done graduate work at Harvard. He has done teaching associated with museums at Harvard and Johns Hopkins University. Since 1983, he has been residing in Colorado. He is on the board of directors of nonprofit corporations and is an adjunct professor at the University of Colorado. He is not a member of the SVP. He acknowledges that in the paleontology society there is some tension in ideas between conservationists and commercial fossil collectors. He expressed his long-held view that commercial collectors were "thieves of time." He still believes that to a large extent, but he has changed his mind as respects plaintiffs' institute because of their treatment of the Tyrannosaurus rex Sue. He became aware of the discovery of Sue in 1990 as a result of a call from BHIGR. He was afforded the opportunity to visit BHIGR. He was alerted as to the seizure and on May 15, 1992, before the seizure was completed, he wrote a letter of protest to Kevin Schieffer, United States Attorney for South Dakota, which is Exhibit 104. The letter was sent not only to the United States Attorney, but also to various paleontologist museums in Alberta; Ottawa; Ontario; Montana; Washington, D.C.; Sichuan, China; Moscow, Russian Republic; Munich, Germany; and 35 addresses in the scholarly community. He sent it to the printed and television media in Boston, Philadelphia,

New York City, Burbank, California, Washington, D.C. and twenty-five other addresses in the electronic media. Additionally he sent it to the governors of Colorado and South Dakota and the Colorado Senate and House delegations. The Court cites the extent of the distribution of this letter to support its finding that Robert Bakker is a zealot of the first order. This letter and the Court's observations of his demeanor establish to the Court his lacking of credibility on the issues. It is no surprise that this case was reported in the news media all over the world. Plaintiffs and their counsel also have attempted to make this seizure a media event.

Bakker's objection was to the removal of the fossil from circulation. His concern is that the storage of the fossil essentially removes it from the scientific community, and as such, it is his opinion that it should be returned to BHIGR so that it may be made available for educational purposes such as CAT scanning and photographing. He particularly characterizes the condition under which the specimen is currently housed as "dead storage" which is the taking of a fossil where it cannot be repaired by proper conservation measures. He emphatically stated that the only place in the United States which could care for the specimen is BHIGR. Such a statement defies common sense and understanding. He reasons that to delay curation would be scientifically unacceptable. On cross-examination it became apparent that his main concern was to put the fossil back in circulation for curation and restoration.

He noted the presence of trace pyrite on the fossil. He agreed that it would be highly irresponsible to not communicate the existence of pyrite disease to any temporary custodian. He acknowledged the possibility of damage in the event of a move, but would

approve a short distance move to Hill City and BHIGR, recommending the use of a cushioned truck. The approval of a move to Hill City is consistent with his position that BHIGR is the only place in the United States equipped to receive the specimen.

Bakker's objection, and thus his recommendation for a move back to BHIGR, is based upon his underlying feeling that the fossil is now in storage, referred to as "dead storage" and this is scientifically unacceptable, regardless of who may own the fossil. He assumes that a move to BHIGR would permit him access for his purposes.

Michael Patrick Leiggi

23. Michael Patrick Leiggi is the head preparer of paleontology, Museum of the Rockies, Montana State University, Bozeman, Montana. His principal responsibility is to organize and direct field activities for the Museum of the Rockies. It was Leiggi's opinion that the fossil should remain where stored, and that to remove the fossil would raise the real possibility of further damage. He stated that two years would be an acceptable storage period. In examining the storage site, he found that the fossils were carefully packed, stored under a constant temperature, and that it is in its own micro-environment. He found the existence of no pyrite disease and stated that at any rate Andrew Leitch in his opinion was not an expert on pyrite. He stated that Bob Bakker is recognized as a researcher and not a conservator. With respect to Sally Y. Shelton, he stated that she was an expert conservationist. He did not agree with Bob Bakker that "dead storage" will damage the fossil. There is nothing wrong with safe storage and with monitoring at a safe place, but there should be monitoring at least weekly by a conservator or a curator. Leiggi appeared on behalf of the Cheyenne River Sioux Tribe. He has an ongoing application for a permit

to be permitted access to tribal lands of the Cheyenne River Sioux Tribe. He thus was sympathetic to the claim of the Cheyenne River Sioux Tribe as to ownership. While standing alone based upon his interests he could not be considered as an objective expert, nonetheless, his testimony was corroborated by Sally Y. Shelton and Dr. Hunt, both of whom possess independent objectivity.

Leiggi echoed the theme of all witnesses that the more you move and handle, the more there is damage. At SDSM&T he saw no evidence in damage and little cracking on the jackets. He pointed out that there are different preservation techniques and until title was resolved there should be storage without curation or preservation. He stated given the different methods, an owner should make the final decision as to which method should be used in the preparation and curation of the fossil.

Dr. Robert Hunt

24. Robert Hunt, Ph.D. is a vertebrate paleontologist. He is employed by the University of Nebraska as curator of vertebrate paleontology and professor of geology. He stated that most persons who are paleontologists have degrees in biology or geology with specialties in paleontology.

SVP consists of approximately 1,541 members. He is secretary-treasurer of SVP. He expressed his own opinion and the opinion of SVP that there is a strong objection to the removal of the specimen from its present location at SDSM&T to the premises of BHIGR, a commercial fossil-collecting business in Hill City, or to any other locality. (Exhibit 101). He further expressed the concern of thirteen professional vertebrate

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paleontologists (including himself) that the specimen should not be moved and that it was not suffering any damage in its present location. (Exhibit 102).

Dr. Hunt stated that the reason for his interest was that it did not seem to him and the other paleontologists that the public outcry over the seizure of the specimen represented the position of the scientific community. He stated that upon inspection he found the fossil was not suffering damage and should not be moved. He was present throughout the court proceedings and listened to the testimony of all the witnesses. He testified there is no compelling reason why research should not proceed under controlled conditions. It was his opinion that BHIGR has not developed an expertise in research.

Dr. Hunt disagreed that BHIGR is the only place in the nation which could house and care for this fossil. He stated there are many major institutions all capable of such storage and conservation. The bones which he observed are no different from any other bones. There exists no condition described as pyrite disease present in the specimens. He testified that there was some pyrite present, but trace pyrite does not mean that the specimen is in danger. He stated further that it is not necessary to look at all the bones; indeed, that to do so would be harmful. Given the low level of pyrite existing, nothing needs to be done except to take care of the fossil. A conservator or curator should be examining the fossil from time to time.

From his demeanor, his objectivity, and his common sense approach to the issues facing the Court, the Court finds Dr. Hunt to be highly credible. He appeared objective and highly professional.

Sally Y. Shelton

25. Sally Y. Shelton is the assistant conservator at Texas Memorial Museum, Austin, Texas, where she manages the Natural History Conservation Laboratory. Her specialty is in conservation and preservation of vertebrate paleontological specimens with particular emphasis on preventative conservation strategies. Her education includes a masters of arts in museum science with thesis at Texas Tech University and a bachelor of science in wildlife and fishery science (museum science option), Texas A & M University. She is responsible for assessing, evaluating, and treating specimens in natural history holdings, including vertebrate paleontology, mineralogy, malacology, recent zoology, and history and ethnography. (Exhibit 109).

She became involved in this matter on a call from the Smithsonian Institution which referred her to the FBI to assist in making an assessment. The conservation assessment was performed on June 5, 1992, and resulted in a conservation assessment report. (Exhibit 8). She filed an affidavit in this case on June 9, 1992, the contents of which were subject to thorough cross-examination by plaintiffs' counsel. (Exhibit 7).

Shelton testified that she relied on the conservation assessment as a guideline (Exhibit 98), particularly the middle section (pages 30-49). By reason of Shelton's close association, her candor, demeanor, and professionalism, the Court renders her testimony highly credible. She was subjected to lengthy and sometimes trivial cross-examination. Her credibility remained untouched.

Shelton updated her examination of the fossil a day or two before the hearing. She conducted tests for biodeterioration, mold, mildew, condition of plaster, pyrite, physical

location, temperature and humidity tests, evaluation of the position of the specimen, and structure location. She stated that at the present time all fossils are in one container, 8' x 8' x 40' in size, located within the building; that the condition of the building is adequate for safe, temporary storage. The fossil is in a steel container and not on the floor. It is not next to any wall. Environmental monitoring steps are proceeding. Temperature and humidity tests have been and are being performed.

She discounted Wolberg's concerns about the rail line as being of no consequence. She said that their museum in Texas is thirty yards from a very active railroad and vibrates to the point that one cannot use a microscope when a train is passing at high speed. She stated that the steel container in which the fossil reposes is properly packed so that any vibration caused by a slow-moving train would have no effect upon the specimen. She stated that any caustic materials are in the boiler room which is in another room and at any rate, the material is inert when stored. There is no rehydration of the plaster covering the portion of the specimen.

During the hearing, upon learning of the charge of "pyrite disease," she notified counsel for BHIGR of her intent to examine for this condition and invited BHIGR to be present. She found no evidence of pyrite contamination. The presence of pyrite is not the same as pyrite oxidation. If there were pyrite disease, that it is a very serious problem. She also stated that if pyrite oxidation had been present and known but not mentioned, it would constitute a breach of ethics. An environment of low humidity (less than 40 percent) and constant temperature will prevent pyrite oxidation. The importance to the treatment and

prevention of pyrite oxidation is to observe and to treat by the use of environmental controls.

Shelton examined the facility at BHIGR. In comparison to SDSM&T she found it more aesthetic, but the functions were roughly equal. Neither had fire suppression, environmental controls, or controls to provide cooling without having the doors open which permit pollution. BHIGR had better monitoring equipment, but it should be read and interpreted in the building it which the fossil is housed and not at a separate station. At BHIGR, the room had a very strong wood odor. Green wood has a high degree of acidity which endangers fossils. Shelton's concern is with handling. Handling has been equated with having a fire, and any more handling would cause damage.

The Court finds that Shelton was a highly credible witness. She exhibited knowledge of the facts, possessed experience and education to interpret those facts, and was fair in her assessment of the competing interests. The reexamination of the fossil after plaintiffs' revelation of the existence of pyrite disease was upon notice to counsel for plaintiffs. Plaintiffs and counsel failed to appear for the reinspection. This indicates to the Court that plaintiffs are not interested in the facts, but rather possession for possession's sake.

26. Of particular importance to the Court on the ultimate issue of temporary custody are the actions taken by plaintiffs' officers upon receipt of rumors that the Federal Bureau of Investigation (FBI) may be investigating the discovery and acquisition of this fossil. Neal Larson, vice president of BHIGR and president of Black Hills Museum of Natural History Foundation, Inc., learned through conversation with some person from the Smithsonian Institution, thought to be Dr. Clayton Ray, that the FBI was inquiring as to the

facts and circumstances surrounding the discovery of the fossil. The contact from the Smithsonian Institution was to Peter Larson, brother of Neal Larson, and president of BHIGR. Neal Larson testified that upon hearing this rumor, he entered the institute and started changing the dates of the discovery on the various boxes from the year 1990 to the year 1991 in order to avoid having to reveal the contents of the changed boxes were in fact a part of the Tyrannosaurus rex discovery. In addition, some records were moved to an outside undisclosed location to avoid a possible search. Locality information was changed. All experts agreed that locality information, that is, the time, date, place, and location of the discovery, is very important to the scientific community. There were apparently about one dozen boxes changed to appear that they did not come off of federal land. Neal Larson agreed further that on the day of the search the computer hard drive somehow crashed. The inference was that it was intentionally "crashed." In justification of his tampering with the evidence, he testified, "I was stupid."

When Peter Larson was examined by government counsel concerning this admission, he said, "Neal did it on his own." "My brother is very emotional and becomes scared easily." He acknowledged further that any change of the records would constitute a violation of the ethics of the paleontology societies, as would a misrepresentation of the actual discovery site of the fossils. During the search, the field notebooks were not found.

This damaging admission of acts which may indeed constitute obstruction of justice completely robs plaintiffs of any credibility that they have to a claim to be temporary custodian of this rare paleontological find.

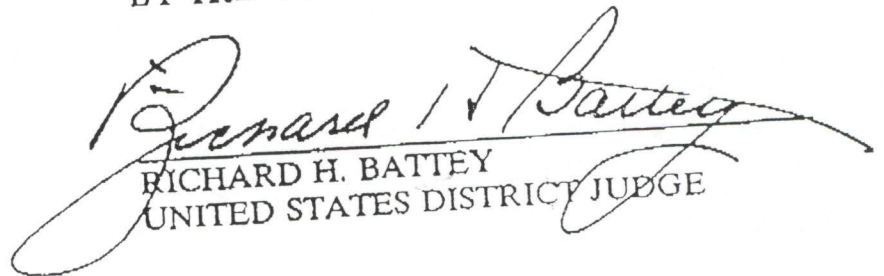
CONCLUSIONS OF LAW

The Court concludes that the only damage occurred to one bone of a large dinosaur. The Court concludes that there has been no irreparable damage to the fossil and that there is no reasonable likelihood that the fossil will suffer irreparable damage in the future.

Based upon the above findings of fact, the Court concludes that the best interest of all parties and the scientific community, including the public at large, will be best served by the continued possession of the fossil with SDSM&T. Appropriate conditions as to its custody await further recommendations from the parties pursuant to this Court's order of July 13, 1992.

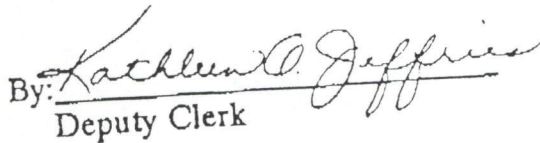
Dated this 16th day of July, 1992.

BY THE COURT:


RICHARD H. BATTEY
UNITED STATES DISTRICT JUDGE

ATTEST:

WILLIAM F. CLAYTON, CLERK

By: 
Deputy Clerk

(SEAL)

7-16-92
7-16-92

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20506

September 30, 1992

Dear Mr. Coulson:

Thank you for your August 27th response to Dr. Bromley's letter concerning the Tyrannosaurus Rex skeleton in South Dakota. We in OSTP were relieved to learn of Judge Battey's finding that the skeleton is being looked after in a manner that will preserve its scientific value.

I would appreciate your alerting our office of any further developments in this case.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Karl A. Erb', with a stylized flourish at the end.

Karl A. Erb
Associate Director
for Physical Sciences and Engineering

Mr. Danny O. Coulson
Deputy Assistant Director
Criminal Investigative Division
Federal Bureau of Investigation
U.S. Department of Justice
Washington, D.C. 20535

7-21-92

With the Arts
And Entertainment

Science Times

The New York Times

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A Dinosaur Named Sue Divides Fossil Hunters

Bitter dispute erupts over
whether new rules are
needed to protect finds.

By MALCOLM W. BROWNE

THE F.B.I.'s seizure of the best Tyrannosaurus rex skeleton ever excavated has touched off one of the worst rows in a century between paleontologists, lawyers, politicians, business executives, Indian leaders and ordinary dinosaur enthusiasts.

The debate arises from the web of vague and sometimes contradictory Federal, state and local laws regulating the ownership of fossils found on different categories of land. With tensions at fever pitch, even scientists are attacking each other in court, and the rift has split North America's principal scientific society for the study of dinosaurs and other extinct vertebrates. If the legal issues are ever settled, their resolution could have far-reaching consequences, not only for scientists and commercial fossil dealers but for amateur fossil collectors and students as well.

In the 1870's, the quest for dinosaurs in America's badlands became a deadly serious competition in which such rival claimants as Edward Drinker Cope and Othniel Charles Marsh strove to discredit each other and seize each other's excavation sites while fending off occasional armed attacks by Indians. This tradition of animosity has sporadically manifested itself among dinosaur hunters ever since. Helping to fuel the debate, private collectors in recent years have paid increasingly high prices for fossil specimens, experts say.

Long-simmering

resentment of commercial fossil collectors came to a head on May 14, when Acting United States Attorney Kevin Schieffler led a task force of about 35 F.B.I. agents and 20 National Guardsmen to Hill City, S.D., for a raid on the Black Hills Institute of Geological Research, a commercial dealer in fossils. Among the fossils and records Mr. Schieffler seized was a skeleton, nicknamed "Sue," of a Tyrannosaurus rex regarded by paleontologists as the best-preserved and most complete tyrannosaur fossil ever found.

Mr. Schieffler said the seizure was part of an investigation he had begun into the possibility of criminal acts by the company, but he has declined to specify what charges he may be considering, other than his assertion that the tyrannosaur was illegally acquired from Federal land. His investigation was initiated, he said, in response to a complaint by leaders of the Cheyenne River Sioux Tribe of whose reservation Sue was excavated.

Peter L. Larson, president of the Black Hills Institute, denies any wrongdoing, and he is suing the Government to recover the tyrannosaur and

other scientific specimens and documents seized by Mr. Schieffler.

Some of Sue's bones were spotted in 1990 by an associate of Mr. Larson who noticed them protruding from a cliff face in South Dakota. Mr. Larson subsequently paid the landowner, Maurice Williams, \$5,000 for the right to excavate and remove the dinosaur. After moving the bones to his laboratory in Hill City, S.D., Mr. Larson notified academic paleontologists of the find and invited them to participate in a broad study of the spectacular fossil. He also announced that his company would eventually donate Sue to a nonprofit museum the Black Hills Institute planned to establish in Hill City.

But Mr. Schieffler asserted that Mr. Williams' land was technically Federal because the deed was held in trust by the Bureau of Indian Affairs in exchange for relief from property taxes. He said Mr. Larson had committed a crime because he had excavated a dinosaur there without the permission of various Federal agencies. As the temperature of the debate rises, some paleontologists and Government of-

Continued on Page C8

Dinosaur Named Sue Divides Fossil Hunters

(Continued From Page C1)

Fossils are demanding that fossil collecting be regulated, licensed and supervised by the Federal authorities. Some in this group would ban unlicensed fossil collecting completely. The object would be to protect valuable fossils, especially those of dinosaurs, from commercial exploitation and other uses that might deny American scientists and museum visitors access to them.

Opponents of this camp, who include other paleontologists as well as commercial fossil dealers, argue that more restrictive laws than those now in force would not only be impossible to enforce but would be "elitist" in character and unfair to all responsible fossil hunters, including children on field trips as well as those commercial dealers who voluntarily cooperate with scientists.

The argument has split North America's leading professional society of dinosaur hunters and scientists, the Society of Vertebrate Paleontology.

The argument has already led to the introduction of a bill by Senator Max Baucus, Democrat of Montana, that would subject fossil collecting to the same Federal regulations as those already covering objects of archeological interest. The present Archeological Resources Protection Act does not cover fossils, but Senator Baucus's amendment would extend the ban against the unlicensed collection of archeological objects on Federal land to all vertebrate fossils and other fossils deemed scientifically important. Under the proposed law, even a camper who wandered into a national park or Indian reservation and removed a fossil bone might be sent to jail for up to one year.

The executive committee of the Society of Vertebrate Paleontology, dominated by members favoring tough legislation against unauthorized fossil collecting, called last month for the revocation of membership

who "engage in commercial collection and sale of vertebrate fossils from Federal lands," and it petitioned members of Congress and governors to toughen regulatory laws.

Other members of the society were angered by what one called an "over-zealous" stand adopted by the society's governing committee, and several leading members resigned in protest. Among them was Dr. Clayton Ray, the society's vice president, who had been due to become its president next October. Dr. Ray, a member of the society for three decades, is a curator of vertebrate paleontology at the Smithsonian Institution's Museum of Natural History in Washington.

Accusations of Hypocrisy

Another paleontologist who resigned in protest against the regulatory stand of the society's leadership was Dr. Donald L. Wolberg of the New Mexico School of Mines in Socorro. He said in an interview: "Many scientific institutions and museums buy and sell fossils among themselves. It's hypocritical to attack fossil dealers for doing the same thing, especially if the dealers are cooperating with scientists."

"Why can't paleontologists quit smashing each other and try to help each other? Instead of trying to ram through unenforceable and unrealistic laws, we ought to be trying to find jobs for paleontologists. Many scholars in our field have been without work for years."

Virtually all professional paleontologists agree that vandalism and certain kinds of commercial fossil and mineral exploitation do irreparable harm to scientific treasures.

Dr. Robert M. Hunt Jr. of the University of Nebraska, secretary-treasurer of the Society of Vertebrate Paleontology, said that each February, when international fossil dealers gather in Arizona for the annual Tucson Gem and Mineral Show, "immense amounts of money change hands in locked motel rooms" as col-

lecting merely to decorate private living rooms. Dr. Hunt said he knew a dinosaur skull collected by a commercial dealer that had been sold for about \$1 million and of a "unique collection of fossil mammals" acquired at the Tucson market by a European buyer for tens of thousands of dollars.

Some of these purchases end up in museums and universities in Japan and Europe, he said, but some are lost to scientists forever. Dr. Hunt has led the drive for legislation to prohibit the excavation of fossils from Federal land by any but licensed scientists. The richest fossil-bearing land of Cretaceous age in several states is largely owned by the Federal Government.

Even opponents of what they regard as overly restrictive laws recog-

Academics want to keep fossils for science; commercial fossil hunters charge elitism.

nize that vandalism is a significant problem. Dr. James I. Kirkland, a paleontologist for the Dinamation International Society, said that jewelers makers sometimes plundered dinosaur bones embedded in semiprecious agate, slicing through the bones and destroying them as scientific specimens. Such practices should be halted, he said in an interview, but not by "vague legislation" written by lawyers who know nothing about paleontology.

Governors Get Involved

"I don't want to see Boy Scouts

land. He said in an interview: "Federal land is one of the last areas where we professionals can afford to dig. We can't afford to pay the exorbitant prices private land owners charge to allow paleontologists to excavate."

In any case, he said, America's national heritage of fossils was being bled away by commercial operations, which should be stopped.

Among the most eloquent scientific defenders of Mr. Larson's fossil-collecting business was Dr. Robert T. Bakker, the Colorado paleontologist who gained international recognition in the 1970's for his theory, now widely accepted, that dinosaurs were warm-blooded.

Criticizing 'Sue's' Seizure

"Peter Larson's organization is one of the most competent excavators and preparators of fossils in the business, and his generosity to scientists in allowing us to study specimens is well known," Dr. Bakker said. "He keeps meticulous records, he is better at mounting specimens than many scientists, and he has pioneered the development of special glues for mending broken fossil bones. I believe the U.S. Attorney's persecution of Larson is politically inspired."

Dr. Bakker also strongly objects to legislation that would create further obstacles for amateur fossil collectors. "Through the whole history of dinosaur paleontology," he said, "more discoveries of new species and whole new faunas have been made by 'amateurs' than those few people privileged enough to draw taxpayers' money to do their job."

Another famous paleontologist, Dr. John Ostrom of Yale University, said that although he opposes irresponsible fossil collecting by commercial dealers, he was "nervous" about Dr. Hunt's campaign for more restrictive laws. "It smacks of a holier-than-thou

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Governors Get Involved

"I don't want to see Boy Scouts barred from fossil hunting," he said. "If you ban fossil collecting altogether, what are you going to do about coal mining? Coal consists of fossils. What will you do about all the buildings made of limestone, which is also full of fossils? New York City alone has hundreds of buildings made of limestone full of interesting fossils. You can see them as you walk by."

The arbitrary enforcement of existing fossil-collecting laws has left many a vandal unscathed while sometimes getting professional scientists into trouble. In a notorious case in 1974, Dr. Farish A. Jenkins Jr. of Harvard University, a leading paleontologist, had to face criminal charges after a fossil-collecting trip when he accidentally dug on Federal property, for which he had not obtained a permit. The charges were eventually dismissed, but the case had a sobering effect on many scientists.

A conference of the governors of Nebraska, North and South Dakota, Montana, Kansas, Colorado, and Wyoming has been scheduled for Aug. 24-26 to take up the acrimonious issues raised by fossil hunting, but the organizer of the meeting, the United States Forestry Service office in Chadron, Neb., cautions that it will take time to cool hot tempers and find solutions.

A series of court tests and appeals since Sue's seizure has seen paleontologists on both sides of the issue testify as experts.

Testifying in favor of Sue's seizure, Dr. Hunt said the Society of Vertebrate Paleontology resolutely opposed illegal fossil hunting on public

neered the development of special glues for mending broken fossil bones. I believe the U.S. Attorney's persecution of Larson is politically inspired."

Dr. Bakker also strongly objects to legislation that would create further obstacles for amateur fossil collectors. "Through the whole history of dinosaur paleontology," he said, "more discoveries of new species and whole new faunas have been made by 'amateurs' than those few people privileged enough to draw taxpayers' money to do their job."

Another famous paleontologist, Dr. John Ostrom of Yale University, said that although he opposes irresponsible fossil collecting by commercial dealers, he was "nervous" about Dr. Hunt's campaign for more restrictive laws. "It smacks of a holier-than-thou attitude."

Dr. Ostrom defended commercial collectors who preserve scientifically important fossils for the use of scientists. They often have money and resources to excavate fossils, he said while scientists lacking funds may have to let exposed fossils erode into dust. "Both the commercial collectors and academic paleontologists need fossils, and there's nothing wrong with commercial collectors making an honest buck. Why can't we help each other?" he asked.

But instead of a resolution, suits and countersuits were proliferating last week, and one paleontologist who testified as an expert witness for the Black Hills Institute was stunned to learn later that he might face prosecution for perjury. The parties to the rapidly widening dispute now include the Federal Justice, Defense and Interior Departments, the Bureau of Land Management, the Forestry Service, the Bureau of Indian Affairs, at least two United States Senators, a Congressional candidate and several state agencies, as well as countless professional and amateur fossil collectors.

In an interim decision last week it leave Sue in storage under an F.B.I. guard until various legal actions were settled. United States District Court Judge Richard H. Batey said: "The Court finds it unfortunate in both the private and public interest that this matter has found its way into the courts. The fossil 'Sue,' after having been in its earthly womb for approximately 65 million years, must upon its birth into the world of human beings face the tug and pull of lengthy legal battles."

Max Baucus, Democrat of Montana, that would subject fossil collecting to the same Federal regulations as those already covering objects of archaeological interest. The present Archaeological Resources Protection Act does not cover fossils, but Senator Baucus's amendment would extend the ban against the unlicensed collection of archeological objects on Federal land to all vertebrate fossils and other fossils deemed scientifically important. Under the proposed law, even a camper who wandered into a national park or Indian reservation and removed a fossil bone might be sent to jail for up to one year.

The executive committee of the Society of Vertebrate Paleontology, dominated by members favoring tough legislation against unauthorized fossil collecting, called last month for the expulsion of members

"Why can't paleontologists quit smashing each other and try to help each other? Instead of trying to ram through unenforceable and unrealistic laws, we ought to be trying to find jobs for paleontologists. Many scholars in our field have been without work for years."

Virtually all professional paleontologists agree that vandalism and certain kinds of commercial fossil and mineral exploitation do irreparable harm to scientific treasures.

Dr. Robert M. Hunt Jr. of the University of Nebraska, secretary-treasurer of the Society of Vertebrate Paleontology, said that each February, when international fossil dealers gather in Arizona for the annual Tucson Gem and Mineral Show, "immense amounts of money change hands in locked motel rooms" as collectors buy up fossil treasure, some of

A Creature to Make T. Rex Tremble

NYTimes
7-21-92 pC1

DESPITE the growing bitterness of clashes between rival paleontologists and the Federal Government over collecting rights, three important fossil discoveries were reported last week, including that of a dinosaur billed as the deadliest land creature the earth has seen.

Scientists have studied the bones of several specimens of the species, which they have named "utahraptor." The animal, nicknamed

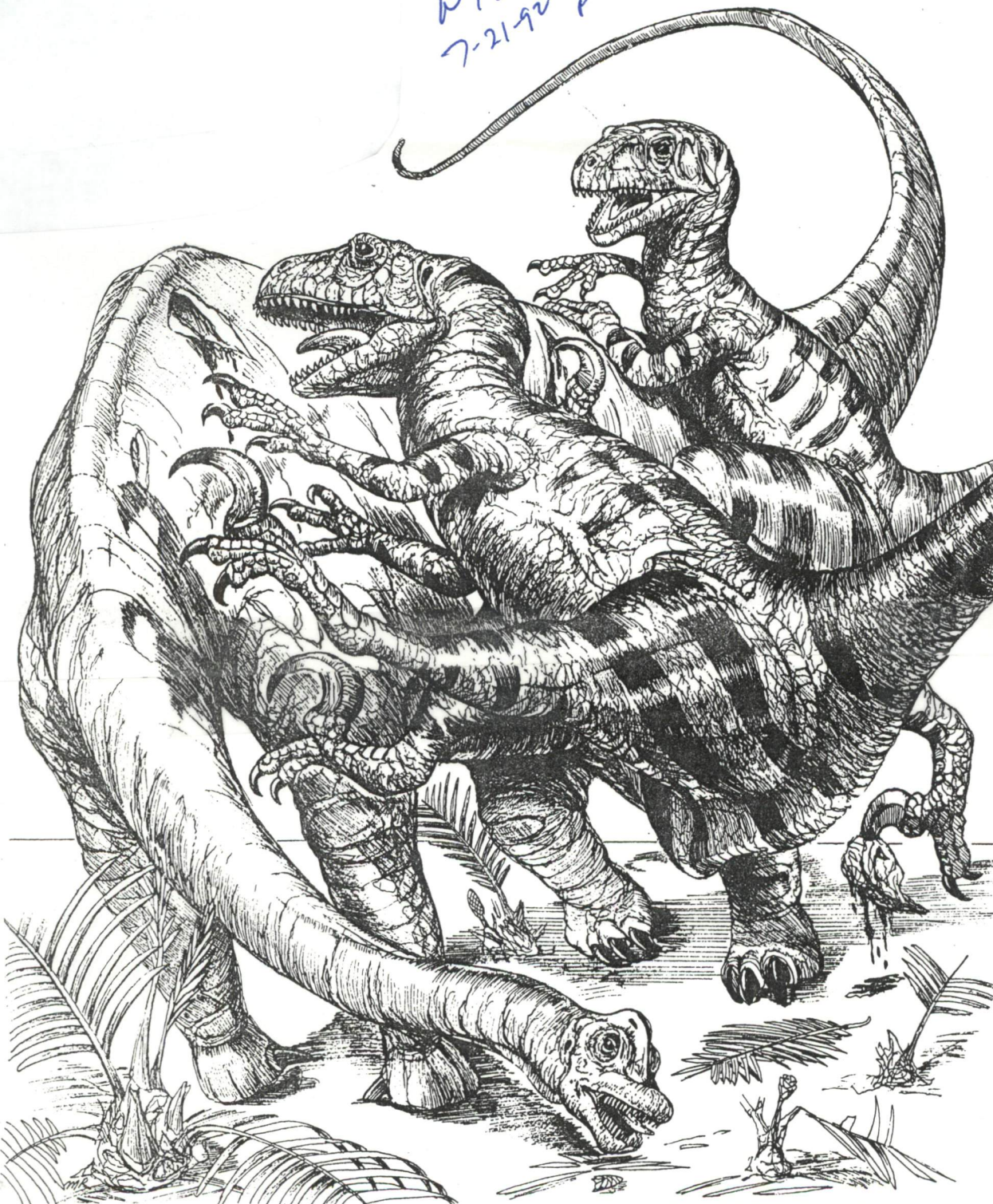
"super-slasher," weighed about one ton, reached a length of about 20 feet, was a swift runner and was armed with a 15-inch slashing claw that stood upright and apart from the other claws on each hind foot.

The animal's forelegs had large paws tipped with powerful claws suitable for grasping prey while the dinosaur kicked its victim with its sickle-clawed hind feet. The utahraptor was described by its finders as a "Ginsu-knife-pawed kick-boxer" that could disembowel a much larger dinosaur with a single kick. This killer probably hunted in packs, they say.

The fearsome tyrannosaur, which lived some 60 million years later than the newly discovered utahraptor, is traditionally considered the most terrible of all land predators. But the tyrannosaur was probably much slower and less nimble than the slasher, its discoverers say, and *Tyrannosaurus rex* lacked the upright slashing claw that must have made utahraptor the terror of the early Cretaceous period, about 125 million years ago.

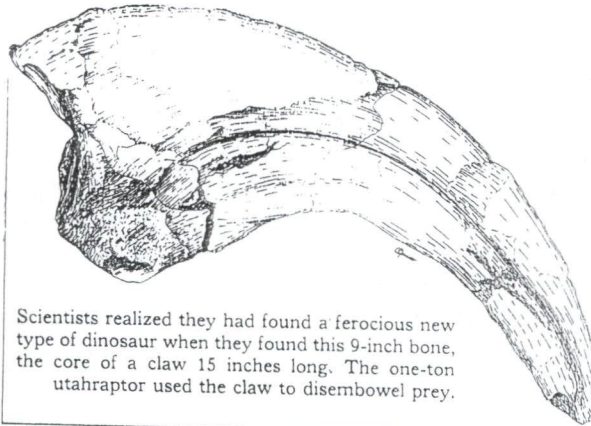
The first claw bone of a

Continued on Page C8



The New York Times; Illustration by Michael Rothman.

Two utahraptors, or "super slashers," attacking a brachiosaurid. Super slashers weighed about a ton and could reach a length of about 20 feet. Each hind foot had a 15-inch upright slashing claw.



Scientists realized they had found a ferocious new type of dinosaur when they found this 9-inch bone, the core of a claw 15 inches long. The one-ton utahraptor used the claw to disembowel prey.

Dinamation International Society

A Creature to Make The T. Rex Tremble

Continued From Page C1

utahraptor was unearthed last October in a quarry in eastern Utah by Carl Limoni, a laboratory staff member of the College of Eastern Utah. After the bones of several individuals were discovered, Dr. James I. Kirkland of the Dinamation International Society identified the dinosaur as belonging to the dromaeosaurid family of dinosaurs, which includes the much smaller deinonychus (a name meaning "terrible claw"), an agile, speedy creature about the size of a wolf.

The discovery of the deinonychus in 1964 by Dr. John H. Ostrom of Yale University helped change the traditional view of dinosaurs as sluggish,

ing the age of dinosaurs. To the astonishment of paleontologists, a live coelacanth was discovered in 1938, and several score of these "living fossils" have been found since.

The newly discovered mammal-like reptile was found by Dr. Richard C. Fox of the University of Alberta in Edmonton while sifting through debris at an excavation near Cochrane, Alberta.

Because it seems to have lived at a time very distant from that of its previously known relatives, the animal was given the scientific name *Chronoperates paradoxus*, or "time wanderer contrary to expectations." From the animal's diminutive teeth and sections of jaw bones the scientists concluded that it was about the size of a modern shrew and was clearly related to much earlier mammal-like reptiles belonging to the group therapsids.

Therapsids, sometimes called protomammals, are believed to have been the ancestors of true mammals, and may, therefore, have been distant ancestors of human beings.

Not So Formidable?

A third discovery reported last week was made by paleontologists headed by one of the scientists involved in the fossil-rights dispute, Dr. Kraig Derstler of the University of New Orleans.

Working at a site on private property near Lusk, Wyo., Dr. Derstler's team has uncovered part of the skeleton of a triceratops that exhibits evidence of having been attacked and perhaps killed and eaten by a tyrannosaur, a broken tooth of which was found among the bones. This is the first direct evidence that the formidable horned dinosaurs actually fell victim to tyrannosaurs, Dr. Derstler said.

In announcing the fossil discovery, Dr. Derstler, an opponent of what he regards as excessive government regulation of fossil collecting, took the opportunity to denounce the recent seizure of a tyrannosaur fossil by the Federal Bureau of Investigation from the Black Hills Institute of Geological Research, a commercial fossil dealer in Hill City, S.D. The seizure was ordered by Acting United States Attorney Kevin Schieffer, and Dr. Derstler poked fun at Mr. Schieffer by naming the tyrannosaur-gnawed fossil of the triceratops "Kevin."

Dr. Derstler remarked: "We've got a dinosaur that was trashed by Tyrannosaurus. We hope that Mr. Schieffer eventually meets a similar fate." MALCOLM W. BROWNE

The deadliest dinosaur that ever walked the earth.

slow-moving beasts. Scientists found that deinonychus was capable of rapid movements and attacks coordinated by large brains, characteristics similar to those of birds. This supported a theory that modern birds are directly descended from dinosaurs, as well as a theory that many if not all dinosaurs were warm-blooded.

The Dinamation International Society, which identified the new species, is a nonprofit foundation established by the Dinamation International Corporation, which builds and displays anatomically accurate animated replicas of dinosaurs. The utahraptor bones are destined for display at the College of Eastern Utah Museum in Price.

Mammal-Like Reptile

In another major find, reported last week in the British journal *Nature*, scientists announced the discovery of a mammal-like reptile of a kind that had been thought to have died out around 160 million years ago, but which apparently lived on to about 55 million years ago, long after the demise of the dinosaurs.

One of the scientists who identified the fossil, Dr. David W. Krause of the State University of New York at Stony Brook, said the discovery was nearly as surprising as that of the coelacanth, a primitive fish formerly believed to have become extinct dur-

"Document Control"

TYPE: ACTION
ORIGINATOR: 02

DOCUMENT NUMBER: 9200498
DIRECTORATE STATUS

STATUS I

FROM: VINOKUROV, Valery A.

TO: DR. D.A. BROMLEY

DATE OF
CORRESPONDENCE: 02/14/92

SUBJECT: HE IS WRITING TO OFFER COOPERATION REGARDING THE
CONSTRUCTION OF A CHARGED PARTICLE ACCELERATOR.

DIRECTORATE
ASSIGNED: INTERNATIONAL/POLICY

STAFF
ASSIGNED:

ACTION
REQUIRED: DIRECT REPLY

STAFF
ACTION:

OSTP DUE DATE: 03/03/92
DATE COMPLETED:

SENDER'S DUE DATE:
STAFF DUE DATE
DATE COMPLETED/DEPT:

COPIES TO: PHYSICAL SCIENCES
D. Allan Bromley

WHITE HOUSE TRACKING #:

CONTACT PERSON:
PHONE:

EXT:

REMARKS:

OSTP RECEIVED: 02/19/92
FILE: INTERNATIONAL-USSR

DEPT RECEIVED:

CENTRAL FILES: Misc. CORR

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
01a. Letter	To: Allan Bromley From: Valery Vinokurov Re: Offer of cooperation (2 pp.)	1/14/92	(b)(1)	

Collection:

Record Group: Bush Presidential Records
Office: Science and Technology Policy, Office of (OSTP)
Series: Bromley, D. Allan, Files
Subseries: Correspondence Files
WHORM Cat.:
File Location: Miscellaneous Correspondence [1992]

Date Closed: 2/8/2010	OA/ID Number: 62003-003
FOIA/SYS Case #: 2005-0336-F	Appeal Case #:
Re-review Case #:	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P-1 National Security Classified Information [(a)(1) of the PRA]
P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P-3 Release would violate a Federal statute [(a)(3) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Removed as a personal record misfile.

Freedom of Information Act - [5 U.S.C. 552(b)]

(b)(1) National security classified information [(b)(1) of the FOIA]
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(b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
(b)(9) Release would disclose geological or geophysical information

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
01b. Letter	To: Allan Bromley From: Karl Erb Re: Vinokurov letter (1 pp.)	2/24/92	(b)(1)	

Collection:

Record Group: Bush Presidential Records
Office: Science and Technology Policy, Office of (OSTP)
Series: Bromley, D. Allan, Files
Subseries: Correspondence Files
WHORM Cat.:
File Location: Miscellaneous Correspondence [1992]

Date Closed:	2/8/2010	OA/ID Number:	62003-003
FOIA/SYS Case #:	2005-0336-F	Appeal Case #:	
Re-review Case #:		Appeal Disposition:	
P-2/P-5 Review Case #:		Disposition Date:	
AR Case #:		MR Case #:	
AR Disposition:		MR Disposition:	
AR Disposition Date:		MR Disposition Date:	

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PRM. Removed as a personal record misfile.

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Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
01c. Letter	To: Valery Vinokurov From: Karl Erb Re: Offer of cooperation (1 pp.)	3/3/92	(b)(1)	

Collection:

Record Group: Bush Presidential Records
Office: Science and Technology Policy, Office of (OSTP)
Series: Bromley, D. Allan, Files
Subseries: Correspondence Files
WHORM Cat.:
File Location: Miscellaneous Correspondence [1992]

Date Closed:	2/8/2010	OA/ID Number:	62003-003
FOIA/SYS Case #:	2005-0336-F	Appeal Case #:	
Re-review Case #:		Appeal Disposition:	
P-2/P-5 Review Case #:		Disposition Date:	
AR Case #:		MR Case #:	
AR Disposition:		MR Disposition:	
AR Disposition Date:		MR Disposition Date:	

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P-1 National Security Classified Information [(a)(1) of the PRA]
 P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
 P-3 Release would violate a Federal statute [(a)(3) of the PRA]
 P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Removed as a personal record misfile.

Freedom of Information Act - [5 U.S.C. 552(b)]

(b)(1) National security classified information [(b)(1) of the FOIA]
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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20506

March 3, 1992

MEMORANDUM FOR DR. WILMOT N. HESS
ASSOCIATE DIRECTOR
HIGH ENERGY AND NUCLEAR PHYSICS

FROM: KARL A. ERB
ACTING ASSOCIATE DIRECTOR FOR
PHYSICAL SCIENCES & ENGINEERING

SUBJ: INQUIRY FROM SOVIET PHYSICIST V.A. VINOKUROV

Would you please arrange for a suitable response to the attached letter?

Attachments

*Thanks,
Karl*

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
02a. Letter	To: Elizabeth Trampusi From: Stephan Sale Re: Visa application for Ismail Zehed [personal information redacted] (1 pp.)	2/5/92	(b)(6)	

Collection:

Record Group: Bush Presidential Records
Office: Science and Technology Policy, Office of (OSTP)
Series: Bromley, D. Allan, Files
Subseries: Correspondence Files
WHORM Cat.:
File Location: Miscellaneous Correspondence [1992]

Date Closed:	2/8/2010	OA/ID Number:	62003-003
FOIA/SYS Case #:	2005-0336-F	Appeal Case #:	
Re-review Case #:		Appeal Disposition:	
P-2/P-5 Review Case #:		Disposition Date:	
AR Case #:		MR Case #:	
AR Disposition:		MR Disposition:	
AR Disposition Date:		MR Disposition Date:	

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PRM. Removed as a personal record misfile.

Freedom of Information Act - [5 U.S.C. 552(b)]

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Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
02b. Letter	To: Elizabeth Trampusi From: Allan Bromley Re: Visa application for Ismail Zehed [personal information redacted] (1 pp.)	2/14/92	(b)(6)	

Collection:

Record Group: Bush Presidential Records
Office: Science and Technology Policy, Office of (OSTP)
Series: Bromley, D. Allan, Files
Subseries: Correspondence Files
WHORM Cat.:
File Location: Miscellaneous Correspondence [1992]

Date Closed:	2/8/2010	OA/ID Number:	62003-003
FOIA/SYS Case #:	2005-0336-F	Appeal Case #:	
Re-review Case #:		Appeal Disposition:	
P-2/P-5 Review Case #:		Disposition Date:	
AR Case #:		MR Case #:	
AR Disposition:		MR Disposition:	
AR Disposition Date:		MR Disposition Date:	

RESTRICTION CODES

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STAFFING SHEET

EXTERNAL COORDINATION: _____

ACTION REQUESTED:

[illegible]

"Document Control"

TYPE: Information DOCUMENT NUMBER: 9200369
ORIGINATOR: 03 STATUS DIRECTORATE STATUS C

FROM: HURAY, Paul: UNIVERSITY OF SOUTH CAROLINA

TO: DAB

DATE OF
CORRESPONDENCE: 01/31/92

SUBJECT: Recommending Dr. William A. Sibley for nomination to
NSB. cc: to KAE.

DIRECTORATE STAFF
ASSIGNED: ASSIGNED:

ACTION STAFF
REQUIRED: ACTION:

SENDER'S DUE DATE:
OSTP DUE DATE: STAFF DUE DATE
DATE COMPLETED: DATE COMPLETED/DEPT: 02/05/92

COPIES TO:

WHITE HOUSE TRACKING #: CONTACT PERSON:
PHONE: EXT:
REMARKS:

*This is a copy of a letter to DAB.
No response is needed.*

OSTP RECEIVED: DEPT RECEIVED: 02/05/92
FILE: MISC CORRESPONDENCE

CENTRAL FILES:

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
03a. Letter	To: Allan Bromley From: Paul Huray Re: Letter of Recommendation for William Sibley [personal information redacted] (1 pp.)	1/31/92	(b)(6)	

Collection:

Record Group: Bush Presidential Records
Office: Science and Technology Policy, Office of (OSTP)
Series: Bromley, D. Allan, Files
Subseries: Correspondence Files
WHORM Cat.:
File Location: Miscellaneous Correspondence [1992]

Date Closed:	2/8/2010	OA/ID Number:	62003-003
FOIA/SYS Case #:	2005-0336-F	Appeal Case #:	
Re-review Case #:		Appeal Disposition:	
P-2/P-5 Review Case #:		Disposition Date:	
AR Case #:		MR Case #:	
AR Disposition:		MR Disposition:	
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Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
03b. Resume	Resume of William Sibley [personal information redacted] (12 pp.)	1/31/92	(b)(6)	

Collection:

Record Group: Bush Presidential Records
Office: Science and Technology Policy, Office of (OSTP)
Series: Bromley, D. Allan, Files
Subseries: Correspondence Files
WHORM Cat.:
File Location: Miscellaneous Correspondence [1992]

Date Closed:	2/8/2010	OA/ID Number:	62003-003
FOIA/SYS Case #:	2005-0336-F	Appeal Case #:	
Re-review Case #:		Appeal Disposition:	
P-2/P-5 Review Case #:		Disposition Date:	
AR Case #:		MR Case #:	
AR Disposition:		MR Disposition:	
AR Disposition Date:		MR Disposition Date:	

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