

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

November 17, 1981

MEMORANDUM FOR FRED F. FIELDING

FROM D. EDWARD WILSON, JR. *DEW*

SUBJECT Foreign Corrupt Practices Act

At your request, I have reviewed the attached, draft testimony of Jonathan Rose on the above referenced topic. My comments are brief as the testimony does not address substantive changes in the current law. The testimony is limited exclusively to a discussion of "past and current enforcements of the Department of Justice relating to the bribery of foreign government officials by American companies."

As I found Mike Uhlmann reading a copy in the library, I discussed the matter with him, and my comments incorporate his.

1. I have a problem with the numbers game that Jon is playing. On the one hand, he makes it seem that DOJ had as many prosecutions and convictions pre-FCPA as post. This is fine, but I want you to realize that the ~~it~~ sets a tone that may go beyond that of "the FCPA is a fine law; it just goes too far." I should add that Mike thinks this part of the testimony is alright.

On the other hand, he sets up a straw man of 400 reports turned in to Justice, and then, without citing exact numbers (or numbers at all) reduces the number of violations of the FCPA to almost zero. I think that his testimony will invite questions.

2. In two instances, I think that the testimony will invite comments about R. Allen. I have noted these places on pages 5 & 11. Mike is of the opinion that the paragraph on the bottom of page 5 should be removed.

By Wednesday morning I will have reviewed the prior testimony of the Deputy AG, the draft Senate bill and the Attorney General's statements concerning the FCPA.