

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Fax Cover Sheet	Release of Records to Chairman Burton [1 PAGE RELEASED IN WHOLE ON PRA RE-REVIEW 05/20/2025 JLS] - To: Brett Kavanaugh - From: Amy Krupsky	1	06/05/2001	
002	Draft	[Draft Letter] [1 PAGE RELEASED IN WHOLE ON PRA RE-REVIEW 05/20/2025 JLS] - To: David Kass - From: Martin McGann	1	06/05/2001	
003	Letter	[Letter] - To: Roger Adams - From: B. Todd Jones	3	02/03/1999	b6;
004	Report	Report to the President... [4 PAGES RELEASED IN WHOLE ON PRA RE-REVIEW 05/20/2025 JLS]	4	01/12/2001	

COLLECTION TITLE:

Counsel's Office, White House

SERIES:

Kavanaugh, Brett - Subject Files

FOLDER TITLE:

Burton - Pardons

FRC ID:

9692

RESTRICTION CODES

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

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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
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014	Memorandum	Memorandum - To: Scooter Libby - From: Mark Ehlers	6	06/10/1980	b6;
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National Archives & Records Administration

facsimile

TRANSMITTAL

to: Brett Kavanaugh
fax #: 202-456-~~6279~~ 1647
re: Release of records to Chairman Burton
date: June 5, 2001

This is a draft of a letter than will accompany our release of documents to Burton. Paul Colborn suggested that I send you a draft. I am sending one to him also. We would like to deliver the documents to Burton tomorrow afternoon. Please call Marty McGann at (202) 501-5535 with any changes or comments. We would like to get this done tomorrow because both Marty and I have leave scheduled for later this week. Thanks.

From the desk of...

Amy E. Krupsky
Associate General Counsel
Office of the General Counsel (NGC)
8601 Adelphi Road
College Park, MD 20740-6001
Telephone: 301-713-6025, ext. 230
Fax: 301-713-6040
Email: amy.krupsky@arch2.nara.gov



National Archives and Records Administration

8601 Adelphi Road
College Park, Maryland 20740-6001

June 5, 2001 **DRAFT**

Mr. David Kass
Committee on Government Reform
House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20516-6143

Dear Mr. Kass:

This is in response to paragraph one of the March 8, 2001, request from Chairman Burton on behalf of the Committee on Government Reform. That paragraph requests all records relating to the consideration of executive grants of clemency for a list of 18 individuals. Chairman Burton's request was made pursuant to the Presidential Records Act (PRA) provision for exceptions to restricted access for either House of Congress, or a committee or subcommittee thereof. 44 U.S.C. § 2205(2)(C). In accordance with the PRA, its implementing regulations, 36 C.F.R. § 1270.46, and Executive Order 12667, NARA notified both the White House Counsel and Bruce Lindsey, the designated representative of former President Clinton, of this request. We are producing to you all responsive records located by the Clinton Presidential Materials Project with the exception of certain records that contain internal Government deliberations.

Enclosed are a total of _____ folders containing documents responsive to Chairman Burton's request regarding the consideration of executive clemency for the following individuals:_____.

Please be advised that some of these materials contain information of a sensitive private nature. If requested under the Freedom of Information Act, some of these materials would be withheld under exemption 6, because public release would constitute a clearly unwarranted invasion of personal privacy. We are releasing these materials to you with the understanding that you do not intend to make these materials public at this time and that you will redact personal privacy type information prior to any public release.

If you have any questions about these documents, you may contact me at (301) 713-6015, ext. 262.

Sincerely,

MARTIN F. McGANN
Access Officer for Presidential Materials

Enclosures

Withdrawal Marker

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For a complete list of items withdrawn from this folder, see the
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REPORT TO THE PRESIDENT
ON PROPOSED DENIAL OF EXECUTIVE CLEMENCY FOR
CARLOS ANIBAL VIGNALI, JR.

Offense: Conspiracy to distribute cocaine; using facilities in interstate commerce with intent to promote a business enterprise involving narcotics; illegal use of communication facility to facilitate commission of a controlled substance offense.

Sentence: 175 months' imprisonment; five years' supervised release.

Date: July 17, 1995.

District: Minnesota.

Relief sought: Commutation.

Summary of essential facts:

From the mid-1980's to November 1993, Gerald Williams operated a major powder and crack cocaine distribution organization in the Minneapolis/St. Paul area. Beginning in 1992, Williams' main source of supply was California resident Dale Evans, who, in early 1993, began obtaining his cocaine from petitioner and another co-conspirator. Law enforcement authorities conducted a six-month wiretapping investigation, which intercepted conversations among petitioner, Evans, Williams, and others, discussing shipments of cocaine to Minnesota. One of those shipments, which contained six kilograms of the drug, was intercepted by postal inspectors in October 1993. During that same month, petitioner also sold three kilograms of cocaine to another major Minnesota distributor, Todd Hopson, who cooked the powder into crack for sale.

In December 1993, the government filed a 34-count superseding indictment, charging petitioner and 30 codefendants with various offenses in connection with the trafficking conspiracy. Petitioner was the sole Hispanic defendant; all of the others were African-American.¹ Most pleaded guilty; only petitioner and three others went to trial. The jury convicted petitioner of conspiracy and two substantive counts, while acquitting him of a third substantive count.

¹Petitioner's defense counsel used this fact to argue his client's innocence to the jury, characterizing the case as involving a "black drug dealing network," and emphasizing that petitioner was not black.

The presentence report recommended that petitioner receive a two-level enhancement for role in the offense, as well as a two-level enhancement for obstruction of justice due to his commission of perjury during his trial testimony, which would have resulted in a sentencing range of 235-293 months' imprisonment. The sentencing court declined to follow either recommendation, reducing the range to 151-188 months, but imposed a sentence of 175 months after finding that petitioner's "role as a supplier of cocaine tends to make him more culpable and warrants a sentence in the upper end of the guideline range."

The Eighth Circuit affirmed petitioner's conviction, rejecting *inter alia* petitioner's claims of improper joinder and "vouching" by the prosecution for the credibility of its witnesses. The appellate court agreed with the district court that "there was considerable evidence of Vignali's guilt." Petitioner then filed a motion pursuant to 28 U.S.C. 2255, collaterally attacking his conviction on the grounds of ineffective assistance of counsel, which was denied by the district court. The Eighth Circuit refused his request for a certificate of appealability of the court's ruling.

Petitioner has two 1989 convictions, for fighting in a public place, for which he received a \$183 fine, and vandalism, for which he received 12 months probation. The conduct on which the latter conviction was based appears to have been associated with his admitted membership in the "West Covina Mob," a Los Angeles gang. He also has a 1988 arrest for reckless driving (disposition unknown) and a 1990 arrest for inflicting corporal injury on a spouse or cohabitant (case dismissed).²

Grounds for clemency:

Now 28 years old and projected for release in August 2007, petitioner seeks clemency primarily on the grounds of innocence, maintaining that his \$25,000 loan to a friend was misconstrued as a drug deal. He argues that he was convicted solely on the basis of "misinterpreted" recorded telephone conversations and the "highly rewarded" testimony of a co-conspirator. He also complains that he had no prior contact with the state of Minnesota and that he was acquainted with only two of his 29 co-defendants. Finally, he contends that the 175-month sentence "for a 21 year old, first time, nonviolent offender with no significant prior record is unwarranted."³

Two United States congressmen from California have expressed interest in petitioner's case. Congressman Estaban E. Torres wrote in support of clemency for petitioner on the grounds he had "no prior criminal record" and that the government had failed to prove its case:

²Petitioner did not disclose these arrests on his commutation petition, although the application form requires such disclosure.

³It should be noted that petitioner was 24 years old at sentencing and 22 years old at the time of most of the conduct for which he was convicted.

Neither drugs nor drug money was found in Carlos's possession. Carlos had simply loaned money to a friend, who happened to be involved in the sale of narcotics. At trial, the evidence offered against Carlos was misinterpreted telephone recordings between Carlos and his friend and the testimony of another alleged co-conspirator, who had negotiated a reduced sentence in exchange for his testimony.

Congressman Xavier Becerra telephoned the Office of the Pardon Attorney in connection with petitioner's application and requested an explanation of clemency procedures.

Official comments:

United States Attorney B. Todd Jones strongly opposes clemency for petitioner, noting that petitioner's persistent claims of innocence are undermined by strength of the evidence presented against him:

Th[e] testimony [of the cooperating coconspirators] was consistent and independently corroborated by the Title III wiretap interceptions, search warrant evidence and police surveillance. The evidence clearly established that Carlos Vignali, Jr., was a member of the charged drug conspiracy and facilitated the distribution of narcotics in the Twin Cities by supplying Evans, Williams and Hopson with substantial quantities of cocaine from Los Angeles, California.

Mr. Jones noted that the two main cooperating coconspirators, Williams and Evans, received sentences of 180 months and 95 months respectively. He concluded by stating:

The sentence imposed by Judge Doty reflects the seriousness of the defendant's role in a large scale narcotics conspiracy as the California source of cocaine to Evans, Williams, and Hopson. To my knowledge, Vignali has refused to accept personal responsibility for his criminal activities and has never expressed sincere remorse for his conduct. In light of the exacting standards generally applicable in pardon cases, this case does not warrant such a commutation.

Reasons for denial:

In applying for clemency, petitioner has to a large degree merely recycled arguments already rejected by the jury and the courts. He continues to deny his guilt, and his petition contains misleading statements and misstatements of fact. As for his allegation that he has no connection to Minnesota, the jury convicted him of the offense of supplying large quantities of cocaine to distributors in that state. Moreover, his contention that his sentence is excessive fails in light of the sentencing record, which establishes that the district court accorded him leniency in refusing to adopt two enhancements recommended by the presentence report. For all these reasons, I recommend that you deny his petition.

Respectfully submitted,

Roger C. Adam

Pardon Attorney

Date: 1/12/01



U.S. Department of Justice

Office of Legislative Affairs

Washington, D.C. 20530

April 17, 2001 DRAFT

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This responds to your letter, dated March 14, 2001, which requested documents relating to certain recent presidential pardons. Your letter requested four categories of documents.

The first category consists of records relating to the consideration of clemency for 18 named individuals. The Office of the Pardon Attorney does not have records on Gene Lum, Nora Lum, or Garland Lincecum. Consistent with the approach the Department took in response to similar document requests made by congressional committees in 1999 with regard to grants of clemency for certain Puerto Rican Nationalists, we are herewith providing the Committee with documents submitted to the Department from outside the executive branch and certain law enforcement records, such as pre-sentencing reports, but not internal executive branch documents concerning the deliberations regarding possible grants of clemency. Your staff has asked whether we would be willing to make an exception to this position for documents concerning the clemency grant to Carlos Vignali. We are making only a very limited exception, however, because the privilege protections have previously been lifted only with respect to the fact that the Department and the United States Attorney made negative recommendations on that matter. Accordingly, we are providing redacted copies of the Department's report to the President and the United States Attorney's letter to the Pardon Attorney -- the discussion portions of the documents have been redacted, except for language stating the negative recommendations.

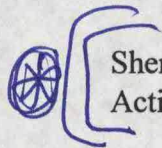
The records we have located responsive to the second and third categories of your request relate to a pending criminal investigation and, consequently, cannot be disclosed at this time, consistent with our longstanding policy regarding the confidentiality of ongoing criminal investigations.

Finally, your fourth category consists of records relating to clemency requests for which the White House requested priority review. White House requests to the Department concerning clemency deliberations, such as requests that we prioritize certain matters, fall within the

category of deliberative information that we are protecting, consistent with the position on the Puerto Rican Nationalist matter. Accordingly, we are not prepared to identify which matters the White House asked us to prioritize and therefore are not providing documents in response to this request.

Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,



Sheryl L. Walter
Acting Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

NATIONAL ARCHIVES & RECORDS ADMINISTRATION
OFFICE OF THE GENERAL COUNSEL

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Mr. Brett Kavanaugh 202-456-1647	Martin F. McGann
COMPANY:	DATE:
National Archives & Records Administration.	04/16/01
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
301-713-6040	3
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
301-713-6025, x262	
RE:	YOUR REFERENCE NUMBER:
Burton Request IV	

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:



National Archives and Records Administration

8601 Adelphi Road
College Park, Maryland 20740-6001

VIA FACSIMILE

April 16, 2001

The Honorable Alberto R. Gonzales
Counsel to the President
The White House
Washington, D.C. 20500

This letter is in reference to a request, dated April 4, 2001, from Chairman Dan Burton, Committee on Government Reform, U.S. House of Representatives, to the Archivist of the United States, for Clinton Presidential records relating to Executive Grants of Clemency. A copy of this letter is enclosed.

In accordance with the Presidential Records Act (PRA), 44 U.S.C. §§ 2201-2207, the PRA regulations promulgated by the National Archives and Records Administration, 36 C.F.R. § 1270.46, and Executive Order 12667, we are giving you formal notification of our intent to search for responsive records at the Clinton Presidential Materials Project. The Clinton Presidential Materials Project in Little Rock, Arkansas holds the permanently valuable records of President Clinton, his White House Staff, and other associates. In addition, certain Clinton Presidential records remain in the Washington, D.C. area and will be searched here.

Please advise this office if the White House has any concerns about this search. In the event that responsive records are located, we will again notify you so that you may have the opportunity to review the records for possible executive privilege claims pursuant to E.O. 12667. We have also notified the personal representative of President Clinton, Bruce Lindsey, of this request.

If you have any questions relating to access or to this request, please do not hesitate to contact me at (301) 713-6025, ext. 262 or Amy Krupsky, Associate General Counsel, at (301) 713-6025, ext. 230.

Sincerely,

MARTIN F. MCGANN
Access Officer for Presidential Materials
Office of the General Counsel

Enclosure

cc: Brett Kavanaugh
Associate Counsel to the President
Acting Assistant Attorney General
Office of Legal Counsel

04/04/01 WED 13:13 FAX

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ONE HUNDRED SEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

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WM. LACY CLAY, MISSOURI

BERNARD SANDERS, VERMONT,
INDEPENDENT

April 4, 2001

John W. Carlin
Archivist of the United States
National Archives and Records Administration
8601 Adelphi Road
College Park, Maryland 20740

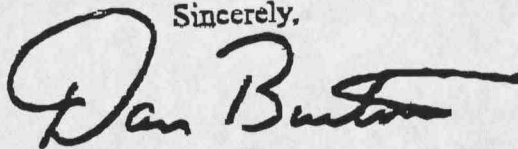
Dear Mr. Carlin:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation into certain pardons and commutations granted by President Clinton. The Committee hereby requests certain records.

Please produce to the Committee all records referring to contact between Prime Minister Ehud Barak and President Clinton between November 1, 2000, and January 20, 2001, regarding Marc Rich or Pincus Green. To the extent the requested records discuss matters unrelated to Marc Rich or Pincus Green, please redact any such material before the records are produced to the Committee.

Please produce the requested items by the close of business on April 18, 2001. If you have any questions about this request, please have your staff contact the Committee's Deputy Counsel, David A. Kass, at (202) 225-5074.

Sincerely,



Dan Burton
Chairman

cc: Honorable Henry Waxman, Ranking Minority Member



National Archives & Records Administration

facsimile

TRANSMITTAL

to: Brett Kavanaugh
fax #: 202-456-1647
re: Requests from Congressman Burton
date: April 3, 2001

As we discussed on the telephone, this is the material that we are releasing to Congressman Burton.

From the desk of...

Amy E. Krupsky
Associate General Counsel
Office of the General Counsel (NGC)
8601 Adelphi Road
College Park, MD 20740-6001
Telephone: 301-713-6025, ext. 230
Fax: 301-713-6040
Email: amy.krupsky@nara.gov

National Archives and Records Administration



National Archives and Records Administration

8601 Adelphi Road
College Park, Maryland 20740-6001

BY FEDERAL EXPRESS

April 3, 2001

Mr. David Kass
Committee on Government Reform
House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Mr. Kass:

This letter is in further response to a request of January 25, 2001, received by the National Archives and Records Administration (NARA) from Chairman Burton on behalf of the Committee on Government Reform. This request was made pursuant to the Presidential Records Act (PRA) provision for exceptions to restricted access for either House of Congress, or a committee or subcommittee thereof, 44 U.S.C. §2205 (2)(C). In accordance with the PRA, its implementing regulations, 36 C.F.R. §1270.46, and Executive Order 12667, NARA notified both the White House Counsel and Bruce Lindsey, the designated representative of former President Clinton of this request. Neither one has objected to the release of this information to the committee. These records are now being provided for the conduct of the committee's business.

Enclosed are a total of two additional folders containing copies of documents responsive to Chairman Burton's request regarding the Rich and Green pardons. One folder originated from the White House Counsel's Office Files, and the other is from the Staff Secretary's files.

Please contact me or Marty McGann of our staff at (301) 713-6025, if you have any questions about the enclosed materials.

Sincerely,

AMY E. KRUPSKY
Associate General Counsel
Office of the General Counsel

Enclosure

STAFF SECRETARY

TOO LATE TO PROCESS

CF 2029

PARDON
CLEM.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Letter	[Letter] - To: President Clinton - From: Jack Quinn	2	01/05/2001	P5; P6/b6;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Counsel's Office, White House

SERIES:

Kavanaugh, Brett - Subject Files

FOLDER TITLE:

Burton - Pardons

FRC ID:

9692

OA Num.:

2162

NARA Num.:

2073

FOIA IDs and Segments:

2018-0016-P

2017-0345-F

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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- A. Closed by Executive Order 13526 governing access to national security information.
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Freedom of Information Act - [5 U.S.C. 552(b)]

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Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

West Wing Counsel's Office Files

- Pardons, Death Penalty, Clemency Files

Box 6 of 7

Enclosures filed in
Oversize Attachments #

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Letter	[Letter] - To: President Clinton - From: Jack Quinn	1	01/19/2001	P5; P6/b6;

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Beth Nolan
The White House
Washington, DC 20502

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Letter	[Letter] - To: President Clinton - From: Jack Quinn	2	01/18/2001	P5; P6/b6;

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1133 Connecticut Avenue, N.W.
Fifth Floor
Washington, DC 20036
(202) 457-1110 phone
(202) 457-1130 fax

pardons

**QUINN GILLESPIE
& ASSOCIATES LLC**

Fax Transmission

If you experience difficulty receiving this fax transmission please contact the operator at
(202) 457-1110.

To: Beth Nolan

From: Jack Quinn

Fax: 202-456-6279

Pages: 7

Phone:

Date: 1/17/01

Re: Review of Enforcement Proceedings

CC:

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply

Determined to be an
Administrative Marketing
Per E.O. 13526, SEC 3.4(B)

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Memorandum - To: Scooter Libby - From: Mark Ehlers	6	06/10/1980	P5; P6/b6;

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COLLECTION:

Counsel's Office, White House

SERIES:

Kavanaugh, Brett - Subject Files

FOLDER TITLE:

Burton - Pardons

FRC ID:

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OA Num.:

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2017-0345-F

RESTRICTION CODES

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Letter	[Letter] - To: President Clinton - From: Jack Quinn	2	01/18/2001	P5; P6/b6;

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- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

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

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- 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 concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

NATIONAL ARCHIVES & RECORDS ADMINISTRATION
OFFICE OF THE GENERAL COUNSEL

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Mr. Brett Kavanaugh 202-456-1647	Martin F. McGann
COMPANY:	DATE:
National Archives & Records Administration.	04/30/01
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
301-713-6040	4
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
301-713-6025, x262	
RE:	YOUR REFERENCE NUMBER:
Burton Request III	

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:



National Archives and Records Administration

8601 Adelphi Road
College Park, Maryland 20740-6001

VIA FACSIMILE

April 30, 2001

The Honorable Alberto R. Gonzales
Counsel to the President
The White House
Washington, D.C. 20500

Dear Judge Gonzales:

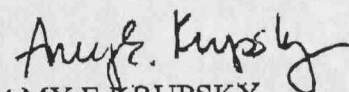
This letter is in further reference to a request, dated March 8, 2001, from Chairman Dan Burton, Committee on Government Reform, U.S. House of Representatives, to the Archivist of the United States, for Clinton Presidential records relating to consideration of executive grants of clemency for various individuals. A copy of this letter is enclosed.

In accordance with the Presidential Records Act (PRA), 44 U.S.C. § 2205(2)(C), the PRA regulations promulgated by the National Archives and Records Administration, 36 C.F.R. § 1270.44-46, and Executive Order 12667, § 2, we are providing you formal notification, on behalf of the incumbent President, of our intent to provide Clinton Presidential records to Chairman Burton. As established by section 2(b) of Executive Order 12667, you have 30 days from the receipt of this notice to review the records in order to invoke Executive privilege with respect to any of the records.

We have also provided notice about these materials to Bruce Lindsey, the personal representative for former President Clinton.

If you have any questions relating to access or to this request, please do not hesitate to contact me at 301-713-6025, ext. 230, or Nancy Smith at 202-501-5700.

Sincerely,


AMY E. KRUPSKY
Associate General Counsel

Enclosure

cc: Brett Kavanaugh
Associate Counsel to the President
Brad Berensen
Associate Counsel to the President
Paul Colborn
Office of Legal Counsel

DAN BURTON, INDIANA,
CHAIRMAN

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ADAM H. PUTNAM, FLORIDA
C.L. "BUTCH" OTTER, IDAHO
EDWARD L. SCHROCK, VA

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-8143

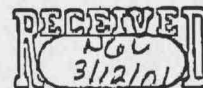
MAJORITY (202) 225-5074
MINORITY (202) 225-5051
TTY (202) 225-4852

www.house.gov/reform

HENRY A. WAXMAN, CALIFORNIA,
RANKING MINORITY MEMBER

TOM LANTOS, CALIFORNIA
MAJOR R. OWENS, NEW YORK
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DISTRICT OF COLUMBIA
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JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
JANICE D. SCHAKOWSKY, ILLINOIS
WM. LACY CLAY, MISSOURI

BERNARD SANDERS, VERMONT,
INDEPENDENT



March 8, 2001

John W. Carlin
Archivist of the United States
National Archives and Records Administration
8601 Adelphi Road
College Park, Maryland 20740

Dear Mr. Carlin:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation into certain pardons and commutations granted by President Clinton. The Committee hereby requests certain records.

Please produce to the Committee the following records:

1. All records relating to the consideration of Executive Grants of Clemency for the following individuals:
 - a. Benjamin Berger;
 - b. Almon Glenn Braswell;
 - c. Jacob Elbaum;
 - d. Robert Clinton Fain;
 - e. David Goldstein;
 - f. Edgar Allen Gregory;
 - g. Vonna Jo Gregory;
 - h. Garland Lincecum;
 - i. Eugene Lum;
 - j. Nora Lum;
 - k. James Lowell Manning;
 - l. Joe McKernan;
 - m. Kalmen Stem;
 - n. Carlos Vignali;

- o. Thomas Waddell III;
 - p. Harvey Weinig;
 - q. Mitchell Couey Wood;
 - r. Phillip Young;
- 2. All records relating to any requests for clemency made by Hugh Rodham or Roger Clinton on behalf of any individual;
 - 3. All charts prepared for President Clinton between November 2000 and January 20, 2001, reflecting names of individuals being considered for Executive Grants of Clemency;
 - 4. All Worker and Visitor Entry System (a.k.a. "WAVES") records for the following individuals between November 1, 2000, and January 20, 2001:
 - a. Hugh Rodham;
 - b. Tony Rodham;
 - c. Roger Clinton;
 - d. Horatio Vignali;
 - 5. All Ushers' Logs for the White House residence for January 1, 2001, through January 20, 2001.

Please produce the requested items by the close of business on March 22, 2001. If you have any questions about this request, please contact the Committee's Deputy Counsel, David A. Kass, at (202) 225-5074.

Sincerely,



Dan Burton
Chairman

cc: Honorable Henry Waxman, Ranking Minority Member



National Archives and Records Administration

8601 Adelphi Road
College Park, Maryland 20740-6001

VIA FACSIMILE

April 30, 2001

The Honorable Alberto R. Gonzales
Counsel to the President
The White House
Washington, D.C. 20500

Dear Judge Gonzales:

This letter is in further reference to a grand jury request, dated March 12, 2001, United States District Court, Southern District of New York, to the Archivist of the United States, for Clinton Presidential records relating to consideration of executive grants of clemency for various individuals. A copy of this subpoena is enclosed.

In accordance with the Presidential Records Act (PRA), 44 U.S.C. § 2205(2)(A), the PRA regulations promulgated by the National Archives and Records Administration, 36 C.F.R. § 1270.44-46, and Executive Order 12667, § 2, we are providing you formal notification, on behalf of the incumbent President, of our intent to provide Clinton Presidential records to the grand jury. As established by section 2(b) of Executive Order 12667, you have 30 days from the receipt of this notice to review the records in order to invoke Executive privilege with respect to any of the records.

We have also provided notice about these materials to Bruce Lindsey, the personal representative for former President Clinton.

If you have any questions relating to access or to this request, please do not hesitate to contact me at 301-713-6025, ext. 230, or Nancy Smith at 202-501-5700.

Sincerely,

AMY E. KRUPSKY
Associate General Counsel

Enclosure

cc: Brett Kavanaugh
Associate Counsel to the President
Paul Colborn
Office of Legal Counsel

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)	(b)(3) STATUTE(S)
Report	Grand Jury Subpoena - To: Archivist of the United States	2	03/19/2001	P3/b3; P5; P6/b6; b7c; b7f;	Rule 6(e), Federal Rules of Criminal Procedure

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Counsel's Office, White House

SERIES:

Kavanaugh, Brett - Subject Files

FOLDER TITLE:

Burton - Pardons

FRC ID:

9692

OA Num.:

2162

NARA Num.:

2073

FOIA IDs and Segments:

2018-0016-P

2017-0345-F

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

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(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Fax Transmission

Paul P. Colborn
Special Counsel
United States Department of Justice
Office of Legal Counsel
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Phone: 202-514-2048
Fax: 202-305-8524

To: Brett Kavanaugh

Date: 5-23-01

Office # () _____

Pages: 8 (including cover sheet)

Fax #: () 456-6279

Subject: Burton request for pardon documents

Comments:



5/23/01

To: Brett

From: Paul

I'm faxing you two versions of talking points for a possible call to Jim Wilson. I prepared the longer version, and Faith prepared the shorter one (with small editing by me). I agree with Faith that you will probably prefer to speak from the shorter version, but I thought you should also have the longer version as background for yourself and perhaps for use if the conversation becomes more expansive.

I'm also faxing you Burton's letters to NARA and DOJ, in case you don't have them readily available.

Talking Points on Request for Clemency Review Documents

- We are prepared to authorize the National Archives to release the non-deliberative documents, such as the clemency petitions, supporting letters, and pre-sentence reports, that you requested, but will not authorize them to release the deliberative documents relating to the clemency review process.
- Similarly, we are prepared to authorize the Justice Department to provide you with the Vignali clemency petition but not the other documents (including other petitions) requested in your March 14th letter.
- We think it would be imprudent to authorize provision of any additional documents, particularly those that reflect internal executive branch deliberations. Doing so would potentially jeopardize our ability to protect those types of documents in the future.
- I appreciate your understanding of our position in this matter, which is based upon broad separation of powers concerns about the lack of congressional oversight authority regarding the clemency review process, as well as significant executive privilege concerns about the need to maintain the confidentiality of deliberations relating to this core presidential power.

TALKING POINTS ON REQUEST FOR CLEMENCY REVIEW DOCUMENTS

* NARA has assembled the White House documents from the Clinton Administration that are responsive to the Committee's March 8th request. We are prepared to authorize NARA to release non-deliberative documents, such as clemency petitions and supporting letters and pre-sentencing reports, but we will not authorize the release of deliberative documents relating to the clemency review process. We are not prepared to provide the deliberative documents because of our concern about the lack of congressional oversight authority regarding the clemency review process, as well as the significant executive privilege concerns relating to the need for confidential deliberations in the exercise of this core presidential power. An exception was made for the documents relating to the pardon of Marc Rich and Pincus Green, based on the extraordinary public interest in that matter, but to make an exception for this much broader group of clemency decisions would set an unacceptable precedent with respect to the constitutional separation of powers and the President's confidentiality needs for the clemency process.

* Regarding the Committee's March 14th letter to the Justice Department, we are concerned that processing the request for all of the Pardon Attorney's records relating to the consideration of clemency for the 18 named individuals would set a precedent acquiescing in a broad exercise of oversight authority with respect to the clemency process. So, we do not believe DOJ should process that broad request. In light of the heightened and focused interest the Committee has expressed in the clemency grant to Carlos Vignali, we are authorizing DOJ to release Vignali's clemency petition and other documents generated outside the government regarding that petition, but because of our oversight authority and executive privilege concerns, we are not authorizing the release of the deliberative documents in the files. I understand that DOJ has already provided the Committee with Drug Enforcement Administration records regarding Vignali.

* In addition, we are not authorizing DOJ to release documents in the final category identified in the March 14th letter, which consists of records relating to clemency requests for which the White House requested priority review. White House requests to DOJ concerning clemency deliberations, such as requests that DOJ prioritize certain matters, fall within the category of deliberative information that we are protecting.

DAN BURTON, INDIANA,
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
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ILEANA ROS-LENTINE, FLORIDA
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House of Representatives

COMMITTEE ON GOVERNMENT REFORM

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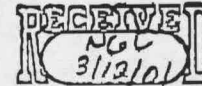
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MINORITY (202) 225-1061
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HENRY A. WAXMAN, CALIFORNIA,
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JANICE D. SCHAKOWSKY, ILLINOIS
Wm. LACY CLAY, MISSOURI

BERNARD SANDERS, VERMONT,
INDEPENDENT

March 8, 2001

John W. Carlin
Archivist of the United States
National Archives and Records Administration
8601 Adelphi Road
College Park, Maryland 20740

Dear Mr. Carlin:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation into certain pardons and commutations granted by President Clinton. The Committee hereby requests certain records.

Please produce to the Committee the following records:

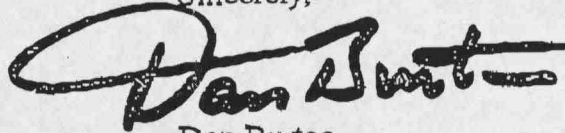
1. All records relating to the consideration of Executive Grants of Clemency for the following individuals:
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 - d. Robert Clinton Fain;
 - e. David Goldstein;
 - f. Edgar Allen Gregory;
 - g. Vonna Jo Gregory;
 - h. Garland Lincecum;
 - i. Eugene Lum;
 - j. Nora Lum;
 - k. James Lowell Manning;
 - l. Joe McKernan;
 - m. Kalmen Stern;
 - n. Carlos Vignali;

predicate?

- o. Thomas Waddell III;
 - p. Harvey Weinig;
 - q. Mitchell Couey Wood;
 - r. Phillip Young;
- 2. All records relating to any requests for clemency made by Hugh Rodham or Roger Clinton on behalf of any individual;
- 3. All charts prepared for President Clinton between November 2000 and January 20, 2001, reflecting names of individuals being considered for Executive Grants of Clemency;
- 4. All Worker and Visitor Entry System (a.k.a. "WAVES") records for the following individuals between November 1, 2000, and January 20, 2001:
 - a. Hugh Rodham;
 - b. Tony Rodham;
 - c. Roger Clinton;
 - d. Horatio Vignali;
- 5. All Ushers' Logs for the White House residence for January 1, 2001, through January 20, 2001.

Please produce the requested items by the close of business on March 22, 2001. If you have any questions about this request, please contact the Committee's Deputy Counsel, David A. Kass, at (202) 225-5074.

Sincerely,



Dan Burton
Chairman

cc: Honorable Henry Waxman, Ranking Minority Member

DAN RABERTON, INDIANA,
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
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Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

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March 14, 2001

1177487
HENRY A. WAXMAN, CALIFORNIA,
RANKING MINORITY MEMBER
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THOMAS H. ALLEN, MAINE
JANICE D. SCHAKOWSKY, ILLINOIS
Wm. LACY CLAY, MISSOURI

BERNARD SANDERS, VERMONT,
INDEPENDENT

The Honorable John Ashcroft
Attorney General
United States Department of Justice
Tenth Street & Constitution Avenue, N.W.
Washington, D.C. 20530

Re: Request for Documents

Dear General Ashcroft:

Pursuant to its authority under Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is conducting an investigation of certain pardons and commutations granted by President Clinton. The Committee hereby requests certain records.

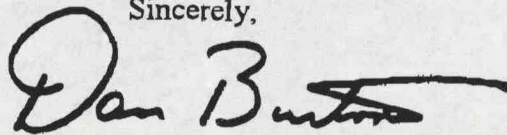
Please provide the Committee with the following records:

1. All records relating to the consideration of Executive Grants of Clemency for the following individuals:
 - a. Benjamin Berger;
 - b. Almon Glenn Braswell;
 - c. Jacob Elbaum;
 - d. Robert Clinton Fain;
 - e. David Goldstein;
 - f. Edgar Allen Gregory;
 - g. Vonna Jo Gregory;
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 - i. Eugene Lum;
 - j. Nora Lum;
 - k. James Lowell Manning;
 - l. Joe McKernan;
 - m. Kalmen Stern;
 - n. Carlos Vignali;
 - o. Thomas Waddell III;

- p. Harvey Weinig;
 - q. Mitchell Couey Wood;
 - r. Phillip Young;
2. All records relating to any criminal investigation of Roger Clinton's involvement in the pardon request of Phillip Young;
 3. All records relating to any criminal investigation relating to the relationship between Roger Clinton, Arkansas lawyer Larry Wallace, and Birmingham, Alabama, businessman John Katopodis; and
 4. All records from October 2000 through January 20, 2001, relating to any requests for grants of clemency for which the White House requested priority review by the Justice Department.

Please provide the requested records by March 21, 2001. If you have any questions about this matter, please have your staff contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074. Thank you for your cooperation with this request.

Sincerely,



Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

NATIONAL ARCHIVES & RECORDS ADMINISTRATION
OFFICE OF THE GENERAL COUNSEL

FACSIMILE TRANSMITTAL SHEET

TO:

Mr. Brett Kavanaugh
202-456-1647

FROM:

Martin F. McGann

COMPANY:

National Archives & Records
Administration.

DATE:

06/27/01

FAX NUMBER:

301-713-6040

TOTAL NO. OF PAGES INCLUDING COVER:

2

PHONE NUMBER:

301-713-6025, x262

SENDER'S REFERENCE NUMBER:

RE:

Burton Request
E-mails

YOUR REFERENCE NUMBER:

☐ URGENT

☐ FOR REVIEW

☐ PLEASE COMMENT

☐ PLEASE REPLY

☐ PLEASE RECYCLE

NOTES/COMMENTS:



National Archives and Records Administration

8601 Adelphi Road
College Park, Maryland 20740-6001

VIA FACSIMILE

June 27, 2001

The Honorable Alberto R. Gonzales
Counsel to the President
The White House
Washington, D.C. 20500

Dear Judge Gonzales:

This letter is in further reference to a request, dated March 8, 2001, from Chairman Dan Burton, Committee on Government Reform, to the Archivist of the United States for Clinton Presidential records.

NARA has completed the search of the Tape Restoration Project (TRP) database for the period August 1, 1999 through January 20, 2001, and located electronic mail records responsive to the Chairman Burton's request. These e-mail records are now available for your review.

In accordance with the Presidential Records Act (PRA), 44 U.S.C. § 2205(2)(C), the PRA regulations promulgated by the National Archives and Records Administration, 36 C.F.R. § 1270.44-46, and Executive Order 12667, § 2, we are providing you formal notification, on behalf of the incumbent President, of our intent to provide Clinton Presidential records and Gore Vice Presidential records to the committee. As established by section 2(b) of Executive Order 12667, you have 30 days from the receipt of this notice to review the records in order to invoke Executive privilege with respect to any of the records.

The personal representative for former President Clinton, Bruce Lindsey, and the personal representative for Vice President Gore, Andrew Wright, are also being notified of this proposed release of records to the committee.

If you have any questions relating to access or to this request, please do not hesitate to contact me or Amy Krupsky at 202-501-5535, or Nancy Smith at 202-501-5700.

Sincerely,

MARTIN F. MCGANN
Access Officer for Presidential Materials
Office of the General Counsel

cc: Brett Kavanaugh
Associate Counsel to the President
Paul Colborn
Office of Legal Counsel

NATIONAL ARCHIVES & RECORDS ADMINISTRATION
OFFICE OF THE GENERAL COUNSEL

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
The Honorable Alberto Gonzales (202) 456-6279	Martin F. McGann
COMPANY:	DATE:
National Archives & Records Administration	06/27/01
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
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PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
301-713-6025, x262	
RE:	YOUR REFERENCE NUMBER:
Burton Request E-mails	

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:



National Archives and Records Administration

8601 Adelphi Road
College Park, Maryland 20740-6001

VIA FACSIMILE

June 27, 2001

The Honorable Alberto R. Gonzales
Counsel to the President
The White House
Washington, D.C. 20500

Dear Judge Gonzales:

This letter is in further reference to a request, dated March 8, 2001, from Chairman Dan Burton, Committee on Government Reform, to the Archivist of the United States for Clinton Presidential records.

NARA has completed the search of the Tape Restoration Project (TRP) database for the period August 1, 1999 through January 20, 2001, and located electronic mail records responsive to the Chairman Burton's request. These e-mail records are now available for your review.

In accordance with the Presidential Records Act (PRA), 44 U.S.C. § 2205(2)(C), the PRA regulations promulgated by the National Archives and Records Administration, 36 C.F.R. § 1270.44-46, and Executive Order 12667, § 2, we are providing you formal notification, on behalf of the incumbent President, of our intent to provide Clinton Presidential records and Gore Vice Presidential records to the committee. As established by section 2(b) of Executive Order 12667, you have 30 days from the receipt of this notice to review the records in order to invoke Executive privilege with respect to any of the records.

The personal representative for former President Clinton, Bruce Lindscy, and the personal representative for Vice President Gore, Andrew Wright, are also being notified of this proposed release of records to the committee.

If you have any questions relating to access or to this request, please do not hesitate to contact me or Amy Krupsky at 202-501-5535, or Nancy Smith at 202-501-5700.

Sincerely,

MARTIN F. MCGANN
Access Officer for Presidential Materials
Office of the General Counsel

cc: Brett Kavanaugh
Associate Counsel to the President
Paul Colborn
Office of Legal Counsel