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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Briefing	Judicial Watch v. DOJ [82 PAGES RELEASED IN PART FOR (b)(6) ON PRA RE-REVIEW 09/15/2025 JLS]	82	N.D.	b6;

COLLECTION TITLE:

Counsel's Office, White House

SERIES:

Kavanaugh, Brett - Subject Files

FOLDER TITLE:

Judicial Watch v. DOJ - Pardons: Representative Sample of Documents withheld under Exemption 5 of the Freedom of Information Act

FRC ID:

9603

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]
- 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).

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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]
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SUPERSEDED

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JUDICIAL WATCH v. DOJ

**REPRESENTATIVE SAMPLE OF
DOCUMENTS WITHHELD UNDER
EXEMPTION 5 OF THE FREEDOM OF
INFORMATION ACT**

CATEGORY 5 DOCUMENTS

SAMPLE



Office of the Deputy Attorney General
Washington, D.C. 20530

IN THE MATTER OF THE APPLICATION FOR PARDON

OF

PETER JOHN THOMAS

The President

Sir: This 44-year-old petitioner pleaded guilty in the United States District Court for the District of Delaware to one count of conspiracy to possess cocaine with intent to distribute. On March 8, 1978, the district court sentenced him to six months' incarceration, followed by three years' special parole.¹ Petitioner served his sentence at Eglin Air Force Base and was released August 10, 1978. He has no other record apart from a 1992 traffic citation, for which he paid a \$25 fine, and a 1989 violation of a state environmental regulation requiring "performance tests" on certain pollutant-emitting equipment, for which he paid a \$100 fine.²

The offense for which he seeks pardon occurred on September 26, 1977, when petitioner, then a 21-year-old junior at the University of Delaware, accompanied his close friend Andrew K. Mearns to different locations in Wilmington where Mearns met with and supplied cocaine to co-defendant John Hedley. Mearns initially provided one ounce of cocaine to Hedley, who sold it to

¹On December 13, 1978, the district court granted petitioner's Rule 35 motion to correct an illegal sentence and deleted the requirement of a special parole term. The Third Circuit Court of Appeals denied the government's appeal of this ruling on June 15, 1979, holding that the applicable statute, 21 U.S.C. 846, did not authorize a special parole term for the offense of drug conspiracy. See *United States v. Mearns*, 599 F.2d 1296 (3d Cir. 1979), cert. denied, 447 U.S. 934 (1980).

²Petitioner's state criminal record also displays a 1992 municipal court capias, apparently related to the traffic citation, for which no disposition was noted, and a 1979 municipal court capias, which was *nolle prossed* a month after it was issued.

an undercover agent for \$1,100 in a deal arranged by a confidential informant. Upon completion of the first transaction, the agent requested an additional seven ounces of the drug. Hedley again rendezvoused with Mearns and petitioner, who were traveling together in Mearns' Volkswagen minivan. After Hedley provided the additional cocaine to the agent, all three codefendants were arrested. Petitioner was found to be in possession of \$800 worth of the marked bills provided by the agent for the first transaction. Seven more ounces of cocaine were seized from the minivan.

Although the three men at first refused to talk, all eventually gave statements. Petitioner, who cooperated and expressed great remorse during the presentence investigation, described his role as limited to holding the drug proceeds and providing moral support to Mearns. Hedley stated that, to his knowledge, petitioner was not involved in the drug transactions that took place between himself and Mearns. In his version, Mearns stated that petitioner was to receive an unspecified amount of cocaine or cash for his help with the sales.³

In return for petitioner's guilty plea to the conspiracy count, the government dismissed the remaining three substantive counts pending against him. Because petitioner was 21 years old at the time of his conviction, the sentencing judge had the option to sentence him pursuant to the Federal Youth Corrections Act, 18 U.S.C. 5005 *et seq.* (repealed).⁴ As reflected in the judgment

³Mearns' sister and brother-in-law, who had obtained the cocaine in Colombia and smuggled it into the United States, asked Mearns to find buyers for the drug. In his pardon application, petitioner admits to participating in two other transactions involving the cocaine: "While I never made the actual sales, I knew they were being made and I held the proceeds from the sales." Petitioner also admits to having been a social user of cocaine and marijuana from about 1975 to 1977, but asserts that he has not used any controlled substances since his arrest.

⁴Had petitioner been sentenced pursuant to this Act and been unconditionally discharged before the expiration of the maximum sentence imposed, his conviction would have been set aside under former 18 U.S.C. 5021(a), and he would have no need for pardon.

and commitment order, however, the judge declined to do so on the grounds that an indeterminate sentence under the Act would "result in a substantially longer period of incarceration than the Court finds necessary or desirable under the facts of this case."⁵

Petitioner is one of seven children born to an affluent Wilmington family that owns and operates companies involved in a wide range of activities, including industrial construction, coal mining, land development, and quay management for the Port of Wilmington. Petitioner grew up in the Wilmington area and graduated from a local private school. He dropped out of the University of Delaware after his conviction, but returned to the school in 1994 to complete his bachelor's degree in economics which was awarded to him on January 1, 1995. In the fall of 1998, he re-entered the University as a graduate student, studying for a master's degree in business administration.

From his release in 1978 to 1995, petitioner worked for the family business in different capacities, at one point serving as the president of the company. From 1995 to 1996, he worked as a supervisor for a trucking company owned by his brother. Petitioner is now self-employed, developing projects for the installation of energy systems using clean, renewable fuel, and lives on income from real estate holdings and from his ownership interests in the family business and two limited liability partnerships. Petitioner and his wife, who have been married since 1989, have a daughter and a son, and reside in Wilmington.

⁵Although apparently more culpable, Andrew Mearns received the benefit of a plea agreement and sentence identical to those of petitioner. Mearns' clemency petition was denied by you in December 1998, despite the recommendation favoring pardon submitted by my predecessor, Jamie Gorelick.

Petitioner seeks pardon to help him explain the circumstances of his conviction to his children, who are reaching the age at which they must be advised of the dangers and consequences of drug use. He also requests clemency for the purpose of expanding the employment opportunities available to him after he completes his graduate degree and states in his pardon petition: "I believe that a pardon would close that part of my past that I have regretted so often, and have a liberating effect on my future."

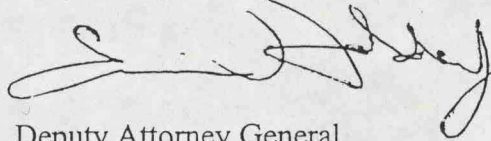
Petitioners' neighbors -- some of whom have known him almost his entire life -- provided very favorable comments. People who know him well characterized him as honest, reliable, mild-mannered and sincere, as well as a good husband and father. The priest of his local Roman Catholic parish served as a character affiant and vouched for petitioner's "maturing sense of responsibility," as well as his family's sense of community responsibility and leadership. Petitioner and his family have organized fund raisers for a local hospice, and petitioner arranged to have an employee and his family moved to a safer neighborhood after the employee lost a daughter to neighborhood violence.⁶

The sentencing judge, the Honorable Walter K. Stapleton, recommends pardon for petitioner and United States Attorney Richard G. Andrews poses no objection. The United States Probation Officer advises that petitioner made a satisfactory adjustment to supervision and that nothing in his office's files militates against a recommendation for pardon.

⁶As part of the assistance he rendered, petitioner signed as guarantor on the employee's rental contract and was later sued in that capacity for an outstanding debt of \$483. The suit was later dismissed because the debt had been paid in full.

Petitioner's offense appears to have been a minor indiscretion committed when he was, to use his own words, "very young and very foolish." He has matured into a responsible family man who is concerned with educating his children about the dangers of controlled substances. Moreover, instead of relying solely on the advantages afforded to him by his family background, petitioner has shown commendable perseverance in returning to college after a nearly 20-year absence to obtain his bachelor's degree, and in expanding the employment opportunities available to him by seeking a graduate degree and a presidential pardon. I believe he is deserving of pardon and recommend that you grant his petition.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. H. H. H.", is written over the typed name of the Deputy Attorney General.

Deputy Attorney General

REPORT TO THE PRESIDENT
RECOMMENDING DENIAL OF EXECUTIVE CLEMENCY FOR

RUBEN H. JOHNSON

Offense: Theft and misapplication of bank funds by a bank officer or director (13 counts).

Sentence: Eight years' imprisonment; five years' probation, with a condition of 500 hours of community service; \$65,000 fine; \$4,566,298 restitution.

Date: July 20, 1989.

District: Western Texas.

Relief sought: Pardon.

Summary of essential facts:

Petitioner seeks pardon for his 1989 conviction of numerous counts of misapplying bank funds during his tenure as chief executive officer (CEO) and chairman of the board of the United Bank of Texas in Austin, Texas. During his commission of the offense, he also was a member of the Texas Finance Commission (1983 - 1986), having been appointed by the governor. The charges stemmed from a scheme executed by petitioner between 1978 and late 1984 secretly to obtain kickbacks from contractors doing construction work for the bank, who in turn submitted inflated bills to the bank to cover the costs of the kickbacks. Through the combination of inflated billings and related unnecessary lease expenditures that enriched the contractors and himself, petitioner cost the bank more than \$4,500,000 in losses. The bank ultimately failed and was closed in June 1987, the first major bank in Austin to fail in the 1980s. The Federal Deposit Insurance Corporation (FDIC) lost more than \$21 million in the bank's failure as a result of the criminal acts for which petitioner was convicted and his other non-prosecuted acts of insider deals involving the bank that benefitted petitioner and his friends.¹

The criminal conduct for which petitioner was convicted involved three separate construction projects. In 1978, while the CEO and chairman of the board of the bank (then known as the University State Bank), petitioner organized a limited partnership for the purpose of developing a high-rise office building on 15th Street in Austin. Petitioner was the general partner, manager, and owner of the majority interest in the partnership. To make the project economically viable, he needed to make the bank the anchor tenant in the building. To this end, he persuaded the bank's shareholders, some of whom were also investors in the partnership, to

¹FDIC investigators identified \$17,000,000 in defaulted insider loans that petitioner made to himself and various friends and business associates.

move the bank from its location on Guadalupe Street to the new building on 15th Street.. The FDIC already believed the bank's overhead at its Guadalupe Street location was excessive, and was reluctant to approve the move to the 15th Street building, concluding that the proposed lease was, in effect, a subsidy of the partnership that would result in the bank's spending too much on physical plant and overhead. It approved the move only because petitioner agreed, on behalf of the bank, to reduce the lease from 42,000 square feet at an annual base rent of \$413,332 to 14,800 square feet at an annual base rent of \$137,146. Despite his agreement, however, on the same date the bank leased the reduced space in December 1979, petitioner caused a wholly owned subsidiary of the bank to lease the additional square footage that the FDIC had rejected, at a base rent of \$226,185 per year. Further, on three occasions during 1981 and 1982, without FDIC approval, petitioner caused the bank to lease a total of 75,000 square feet of additional space in the building, at base rents totaling about \$823,000, to assist the partnership when it needed to reach occupancy rates and cash flow levels required under its financing agreements.

Moreover, petitioner selected two building contractors, George Zapalac and Charles Morton, and required them to pay him a fee of 15 percent on all finish work done inside the building for tenants. Then, as the building manager, he required the tenants to use those contractors for all finish work in their leased space. Petitioner did not advise any of the tenants, including the bank, of his financial interest in the contractors' work. The contractors padded their bills to the tenants to cover petitioner's 15 percent fee, and between 1981 and 1984 petitioner collected more than a million dollars in fees from the contractors for work performed for tenants at the 15th Street building. Indeed, in sworn interrogatories filed by petitioner in civil litigation against him by two of his partners in the 15th Street partnership, he admitted receiving \$471,562 from Zapalac between 1979 and late 1984 on tenant work performed for the bank at the 15th Street location.

The second construction project arose in 1983, when petitioner decided that the bank should open a branch at its former Guadalupe location and proposed that this location be converted to a mini-mall, with the additional space being leased to small businesses. Again, he turned to Zapalac to act as the contractor for the project, and required a 15 percent kickback on work done. The cost of the kickbacks was added to the construction costs, and, again, was not disclosed to the board of directors or managers of the bank. Petitioner received approximately \$35,734 in kickbacks through this arrangement, in addition to a fee he charged the bank for management and bookkeeping related to the mini-mall.

The third construction project also arose in 1983, when petitioner proposed opening a bank branch at a site he selected on Congress Avenue in Austin. Without obtaining FDIC approval to open another branch, he negotiated a 15-year lease with one Roy McNair at a monthly rent of \$20,833. The day he signed the lease, petitioner and his friends also sold a large block of stock in the bank's holding company to McNair. Petitioner engaged Zapalac to undertake an elaborate rebuilding of the location to suit the bank, for which petitioner, again unbeknownst to the bank directors or managers, was to receive a 15 percent kickback. After petitioner received about \$2,000 from Zapalac, however, the kickback scheme became public and ceased. The Congress Avenue branch never opened, but the bank remained obligated on the 15-year lease.

The kickbacks from Zapalac on the three projects were paid to petitioner both in cash and in kind, in the form of improvements to petitioner's residence. Zapalac's records indicated that approximately \$600,000 of kickbacks were applied to the remodeling of petitioner's residence, and when that was completed, further kickbacks totaling approximately \$500,000 were paid by checks to petitioner and deposited to his personal bank account. In addition, petitioner arranged loans from the bank in Zapalac's name to finance the cost of the remodeling. Petitioner paid the interest on the loans but not the principal. Over and above the kickbacks and the loans, petitioner received a legitimate salary of more than \$100,000 per year, director's fees, a Lincoln Continental, an expense account, and other perquisites from the bank.

The kickback scheme was discovered inadvertently in the course of civil fraud litigation in Texas state court against contractor Charles Morton by petitioner's tenants and partners in the limited partnership. During the jury trial in that case, petitioner repeatedly lied under oath, denying that he had accepted kickbacks from Zapalac in connection with work done for the bank, to hide his misappropriation of bank funds and his receipt of kickbacks at the expense of his partners and tenants. He was later sued personally by two limited partners in the 15th Street partnership for violation of his fiduciary duty to them, and at that time admitted during a deposition that he received payments from Zapalac for work performed for the bank, although he denied that the money for the payments came from the bank. (That suit resulted in a judgment totaling more than \$900,000 against petitioner (reduced from \$1,200,000 pursuant to remittitur) that remains unsatisfied.)

Petitioner was indicted in September 1988 on 13 counts of misapplying bank funds, relating to 13 bank vouchers, totaling about \$732,000, used to pay bills from Zapalac that were inflated to cover the 15 percent kickbacks to petitioner, and was convicted on all counts after a jury trial. These 13 transactions, which occurred between 1983 and 1984 and related to all three construction projects, represented but a portion of the total number of instances in which bank funds were misapplied. He did not testify during the trial, but submitted a brief statement to the probation office in connection with the preparation of the presentence investigation report in which he admitted that he "charged and received" 15 percent fees from the contractor on the tenant construction, which he "did not disclose to Bank officials and Regulators." The presentence report states: "Mr. Johnson shows no remorse for having committed this offense. He has tried to assure [sic] that he will hold on to the majority of his personal property in spite of his bankruptcy and the judgments against him by establishing a trust and through other means. His actions in this regard reinforce the theory that Mr. Johnson acted out of greed when he converted the bank's money."

Petitioner was sentenced on July 20, 1989, to a term of two years' imprisonment on each of the first four counts, to run consecutively to each other, for a total of eight years' imprisonment, as to which he would be eligible for parole after serving one-third of the total period. He also received two-year sentences of imprisonment on each of the remaining counts five through 13, to run concurrently with each other but consecutively to the sentence imposed on the first four counts. The prison terms on counts five through 13 were suspended in favor of

five years' probation, with a condition of 500 hours of community service. In addition, petitioner was fined \$65,000 and ordered to pay \$4,566,298 in restitution to the FDIC.²

Petitioner appealed his conviction, but later withdrew the appeal. His motion for reduction of sentence was denied in 1989. He unsuccessfully challenged his conviction and the order of restitution in a motion pursuant to 28 U.S.C. § 2255, and its denial was affirmed on appeal.³ That effort cost him nearly \$50,000 in legal fees, according to an accounting he filed with the probation office. A motion for correction of sentence, again seeking reduction of the restitution amount, was denied in 1997, the appeal of the denial of that motion was denied in 1998, and the Supreme Court denied certiorari in 1999.⁴

Petitioner began serving his prison sentence on August 21, 1989. Although eligible for parole in April 1992, parole was denied and his sentence continued to its mandatory release date of September 30, 1994. Upon his release from prison (after serving approximately five years), he was under mandatory release supervision until the expiration of his eight-year prison term in February 1997. During that period, he completed his court-ordered community service. After his prison sentence expired, he began to serve his five-year period of probation, which will expire in February 2002. He has been making payments on his restitution (at various rates, ranging from a low of \$100 per month, after he lost his job, to a high of \$500 per month), and as of March 2000 still owes \$4,553,458 in restitution. He has paid nothing toward his fine, the payments on which do not commence until his restitution is satisfied.

In addition to the numerous legal proceedings initiated by petitioner challenging his conviction and sentence, noted *supra*, he also has sought to protect his assets and avoid payment of certain financial obligations arising out of his offense and related conduct through bankruptcy. Since his commission of the offense, he has discharged an undisclosed amount of debts in two bankruptcies. At the time of his sentencing, he was in the midst of a bankruptcy proceeding, which he advises he filed in 1987 as a result of a "seven figure" civil judgment against him – presumably, the civil judgment discussed previously in this report in favor of limited partners of the 15th Street partnership. The civil judgment was not discharged, and petitioner's approximately \$400,000 debt to the FDIC resulting from the kickbacks he received also was

²The restitution order reflects the charges to the bank of \$4,172,000 for space leased by the bank for petitioner's benefit that was in excess of the space approved by the FDIC and needed by the bank, and \$394,298 in kickbacks to petitioner that were documented by the government as arising from work paid for by the bank.

³*Johnson v. United States*, 1 F.3d 1237 (5th Cir. 1993). Petitioner asserted that the ordered restitution exceeded the amount authorized by statute, citing *Hughey v. United States*, 495 U.S. 411 (1990) (restitution award under Victim and Witness Protection Act is authorized only for loss caused by specific conduct that is basis of offense of conviction). In affirming the district court's denial of the motion, the Fifth Circuit found that petitioner's failure to appeal the restitution award waived the factual issue as to the appropriateness of the restitution amount, and because *Hughey* did not raise a constitutional issue and the district court's denial did not "result in a complete miscarriage of justice" (quoting *United States v. Capua*, 656 F.2d 1033, 1037 (5th Cir. 1981)), relief was not warranted pursuant to § 2255.

⁴*United States v. Johnson*, 154 F.3d 417 (5th cir. 1998) (table decision), *cert. denied*, 119 S. Ct. 806 (1999). The district court denied petitioner's motion, reiterating that he had waived his right to challenge the restitution award by his failure to appeal it. The Fifth Circuit affirmed, finding that the motion was untimely and the district court lacked jurisdiction to provide relief.

determined to be non-dischargeable pursuant to that proceeding.⁵ However, his homestead, valued at \$1 million, was exempted. The home, which he purchased in 1960 for \$55,500, is a 10,000 square foot residence, embellished by more than \$600,000 in remodeling, paid for by the kickbacks, and a two-story guest house next to the swimming pool. Petitioner had personal belongings at the time insured for nearly \$1 million. He openly advised the probation officer preparing the presentence report that he had formed a separate legal entity to hold certain of his property to avoid seizure by the bankruptcy trustee, and also had sold the entity an option, exercised in 1989, for \$250,000 to purchase a one-half interest in his home as a means of obtaining money to cover his expenses.⁶ In regard to property that was not exempted, he stated that a friend had agreed to "purchase" many of his art objects and furnishings, but allow him to keep them in his home. Recently, during the pardon background investigation, petitioner has described the conveyance of the interest in his home, stating that a friend, indicated by others to be Louise O'Connor, had lent him money to assist with his legal bills, and when he lost the case sought security for repayment, so he conveyed one-half interest in his home to her. However, he states that he now believes that the conveyance is invalid, and a business associate of Ms. O'Connor asserts that petitioner recently stated that he does not intend to repay or otherwise reimburse her for the loan. Petitioner advises that he again filed for bankruptcy in 1995 to protect his homestead from levy and foreclosure by the Internal Revenue Service (IRS).⁷

Grounds for clemency:

Now 70 years old, following his release from prison, petitioner states that he worked for a few months developing a marketing plan for a beverage distributorship, tried unsuccessfully to sell real estate and antiques on his own in 1995 and 1996, worked at the Texas Veterans Land Board as a political appointee under Commissioner Gary Mauro until a new commissioner took office and the appointment was terminated, and then was employed for a few months by a friend, Louise O'Connor, finding properties for her to sell through her real estate business.⁸ He states that he currently helps another friend in real estate development, and otherwise lives off his social security income, retirement, and the rental of the guest house at his estate. He has never married and has no children. His only other criminal history is a 1952 arrest for vagrancy, for

⁵Petitioner was collaterally estopped from contesting whether his indebtedness to FDIC for kickbacks he received could be discharged in bankruptcy because they arose from his acts of embezzlement and willful and malicious injury to the bank. *In re Johnson*, 108 B.R. 129 (Bankr. W.D. Tex. 1989). A creditor of petitioner has advised that the civil judgment was not discharged in bankruptcy "because the debt arose through [petitioner's] fraud while acting in a fiduciary capacity."

⁶*United States v. Johnson*, 160 F.3d 1061 (5th Cir. 1998). The United States sued petitioner in 1998 to enforce its restitution lien on the house, but for unknown reasons dismissed its claims. *Id.*

⁷Petitioner states that shortly after his 1994 release from prison, the IRS levied against his homestead to collect tax deficiencies relating to tax years 1983 through 1985. The IRS's \$205,000 claim against petitioner, which had been included in the prior bankruptcy proceeding, was reopened in the 1995 proceeding, and the parties agreed to abate the claim, providing that the federal tax lien would be reduced to \$20,000, would not bear interest, would attach only to petitioner's homestead, and would not be enforced by the IRS except upon sale of the homestead.

⁸Petitioner does not hold a real estate license in Texas, and, therefore, is not legally permitted to sell real estate in Texas.

which he states the case was dismissed, although the presentence report indicates that he paid a \$15 fine.

Petitioner submits in support of his pardon application letters from a number of longtime personal friends, including Mrs. Lyndon Baines (Lady Bird) Johnson, former First Lady of the United States, Liz Carpenter, Mrs. Johnson's former press secretary, former Congressman Jake Pickle, former news anchorman Walter Cronkite, and Dan Felts, a former Texas state official and director of petitioner's bank. These and other supporters in general do not accept petitioner's guilt, and indicate their belief that petitioner is innocent, was wrongly convicted, was the victim of bad legal advice, was railroaded by the FDIC, or was the victim of a political vendetta by overzealous prosecutors and the judge.⁹ Some friends and business associates also mention petitioner's generosity in charitable matters, although petitioner himself states that since his release from incarceration he has not been civically active, but attempts to assist others through one-on-one counseling on alcohol abuse.

While the pardon background investigation indicates that many of the people who have known petitioner through the years consider him to be an honest, shrewd businessman, other individuals who have had business dealings with him state that he is "untruthful," has a bad reputation in the community, and "is out for himself and himself only." As noted previously in this report, as the result of a civil suit filed against him during the late 1980's by two former limited partners, petitioner is subject to a \$900,000 judgment resulting from his violation of his fiduciary duty as the general partner. Petitioner has made no payments on the judgment, and, as noted previously, unsuccessfully attempted to have it discharged in bankruptcy.¹⁰ Attorneys representing these creditors and an individual creditor have written to the Pardon Attorney strongly opposing clemency.

Concerning a more recent business transaction, the office manager and certified public accountant for Louise O'Connor Real Estate state that petitioner, relying on his longtime friendship with Ms. O'Connor, persuaded her to finance a land development project involving construction of four luxury town homes. These individuals assert that petitioner was deceptive and made misrepresentations concerning the project, however, and that they and Ms. O'Connor learned only after her execution of the agreement with the management company regarding her \$750,000 investment in the project that petitioner had failed to disclose that he is the manager and a limited partner of the management company. They assert also that proceeds from the sale

⁹It should be noted that petitioner has an economic as well as social history with some of the persons who support his pardon petition. For example, both Liz Carpenter and Dan Felts were persons for whom the board of United Bank on March 13, 1986, approved a line of credit of \$200,000 and \$500,000, respectively, from the bank. Petitioner, as noted, was the chairman of the board and the CEO of the bank at that time, and was himself granted a million dollar line of credit at that same meeting, the very day the board discussed a cease and desist order from the FDIC relating to insider abuses. In addition, petitioner accompanied Ms. Carpenter on a vacation to Martha's Vineyard, for which he did not pay.

¹⁰Although petitioner reports that he recently was paid approximately \$55,000 in connection with sale of a town home in a real estate development project, he states that he did not place the money in his personal accounts because he does not want the parties to the civil judgment to be able to attach these funds and, indeed, deliberately keeps his bank accounts almost empty for that reason.

of the first town home were used for other lot improvements rather than being distributed in part to Ms. O'Connor as required by contractual provisions.¹¹ Ms. O'Connor declined to be interviewed in connection with the pardon background investigation.

Petitioner seeks clemency apparently primarily based on a claim that his prosecution was somehow motivated by political considerations. He states that he is still "pained" by the conviction because he never knowingly broke the law, and that he was convicted because of ineffective assistance of counsel. He adds also that he was tried and convicted for something for which he was not indicted, and that every attorney he has consulted has told him that he should not have been convicted. Despite these beliefs, he also asserts that he accepts responsibility for his offense, noting that he has indicated on several occasions that he realizes he needs to show remorse and accept guilt. In this regard, he states that he received approximately \$110,000 in "development fees" arising from the bank's development of its leased space that he believed were appropriate, but expresses remorse that he accepted those fees because of the trouble it has caused. He reiterates, however, that he does not believe he is guilty of the crime for which the jury convicted him, because, he asserts, the development fees were properly disclosed to and approved by bank authorities, and the FDIC misrepresented the amount of development fees he received, so restitution should only be \$110,000, the amount he received from the 13 bank transactions for which he was convicted.¹² (As noted previously on pages two and three, in a written statement submitted to the probation office prior to sentencing, petitioner admitted that he had received 15% fees that he had not disclosed to bank officials or regulators, and in civil litigation admitted receipt of more than \$400,000 of such fees relating to construction work for the bank on the 15th Street building alone.) He also denies the truthfulness of testimony against him at trial indicating that he had made bad loans through the bank. Petitioner is represented in his clemency case by Burrell D. Johnston, Esq.

Official comments:

The United States Attorney for the Western District of Texas, the Honorable James William Blagg, strongly opposes a pardon, as does the Assistant United States Attorney who prosecuted petitioner. Both assert that petitioner is completely unrepentant, continues to assert that his prosecution was politically motivated, and has not paid his court-ordered restitution. In the words of the United States Attorney:

Despite strong evidence of his guilt, his representation by able counsel, and the benefit of the passage of time, he has steadfastly refused to accept any responsibility for his criminal conduct. Instead, he assigns blame elsewhere: he imputes improper motives to the prosecution and the Court; he solicits wholly uni[n]formed testimonials from persons he perceives to be either famous, influential, or both; and all the while he portrays himself as a

¹¹In a recent interview by the FBI, petitioner indicated that a portion of the proceeds of the development have now been distributed to Ms. O'Connor, and their partnership has been terminated.

¹²Petitioner's attempts to reduce the restitution were rejected by the courts. *See supra* notes 3 and 4.

victim rather than perpetrator. Were there some factual basis for such claims, Mr. Johnson's different perspective might be understandable. But given the overwhelming evidence of his guilt, his failure to acknowledge even the slightest wrongdoing on his part, and his failure to make any meaningful restitution, I believe he has not shown himself to be a fitting candidate for clemency.

In opposing pardon, the Assistant United States Attorney points out that petitioner's "extremely serious" offense conduct involved a large financial loss to the bank and the FDIC, and was, in fact, part of a larger pattern of longtime self-dealing and self-enrichment that involved misuse of bank funds and abuse of the trust placed in petitioner as a bank officer, and contributed in large part to the failure of the bank. The Assistant United States Attorney concludes: "[Petitioner's] fraud scheme, which cost the victims and taxpayers more than \$20 million, ranks among the most egregious white collar crimes prosecuted in the Western District of Texas. . . . To this day [petitioner] has not admitted the least deception. A pardon of this aggravated white collar crime would send a horrible message to everyone, especially those officials in the public trust."

The sentencing judge, the Honorable James R. Nowlin, also strongly opposes a pardon, stating:

Having presided over Mr. Johnson's trial and considering the record established by that proceeding, I strongly believe that a Presidential pardon of him for the matters of which he was convicted would be ludicrous. Mr. Johnson received a fair trial (as he himself indicated to me in open court) by a fair and impartial jury, none of whom had ever heard of him before they appeared for jury selection. Since his conviction and sentencing he has indicated little or no remorse and has failed to pay any significant part of the restitution to victims ordered by the Court.

If Misapplication of Funds by a bank officer who happens to have been active in his political contributions and activities is considered acceptable conduct by the Executive Branch then perhaps a Pardon should be granted. Should the Executive Branch believe in equal justice for all then this application should be rejected.

Reasons for denial:

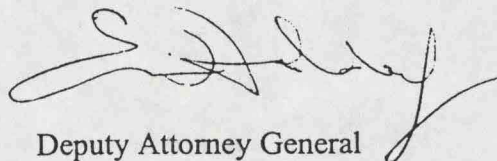
Petitioner, who is still on probation, has made minimal effort to pay his restitution, totaling more than \$4 million, and has paid nothing of his fine. Indeed, he has failed to pay even the small amount of restitution he believes is warranted, and his persistent efforts to reduce or remit his restitution have been consistently rebuffed by the federal courts, including the Supreme Court in its recent refusal to grant certiorari. A grant of a full and unconditional pardon would have the effect of commuting the remaining period of probation and remitting the unpaid balance of both the fine and the restitution. Granting such extraordinary relief would give pause even if

petitioner were otherwise worthy of clemency. Yet, for numerous reasons, he very clearly does not deserve a pardon or any other form of clemency.

Petitioner's offense was of great magnitude, resulting in very substantial monetary losses and the failure of a federally-insured bank. Moreover, he acted solely out of greed, personally profiting greatly from his crime, and, through lengthy and perhaps suspect maneuvering, has managed to hold onto the bulk of his ill-gotten gains, despite the fact that his creditors go unsatisfied and he makes only minimal payments on the restitution he owes. Yet worse, he refuses to acknowledge wrongdoing and remains absolutely unrepentant, claiming still that the kickbacks were properly disclosed development fees, refusing to acknowledge his self-dealing involving the bank's leases, and indicating in yet this additional forum, without credible support, that his prosecution was the result of political considerations. Indeed, it is quite possible that he continues even now to persist in fraudulent conduct, questioning the validity of his obligation to repay a friend who lent him a substantial amount of money, and apparently persuading her to enter into a business transaction without disclosing to her the extent of his own interests therein.¹³ Finally, his application for pardon is very strongly opposed by the United States Attorney and the sentencing judge, in well-reasoned comments, as well as by the victims of his crimes.

This petitioner is in no way deserving of clemency. Only his association with well-known and well-placed friends has necessitated the Pardon Attorney's having to devote significant time and resources to processing this case that fairly cries out for the most summary form of denial. I concur in the sentiments expressed by the sentencing judge: "Should the Executive Branch believe in equal justice for all then this application should be rejected." Accordingly, I strongly advise that you deny this request for a pardon.

Respectfully submitted,



Deputy Attorney General

Date: 12-19-00

¹³In fact, the arrangement with Ms. O'Connor by which he persuaded her to invest in a land development project, and through which some of her money, unbeknownst to her, ended up in petitioner's pocket, is remarkably similar to the kickback scheme for which he was convicted. In the kickback scheme some of the bank funds intended for leasehold construction, ostensibly for the sole benefit of the bank, unbeknownst to bank officials ended up in petitioner's hands.

REPORT TO THE PRESIDENT
ON PROPOSED DENIAL OF EXECUTIVE CLEMENCY FOR
WARREN STANNARD WOOD

Offense: Conspiracy to defraud the United States by filing a false document with the Securities and Exchange Commission.

Sentence: Ninety days' imprisonment; two years' probation; \$5,000 fine.

Date: May 22, 1978.

District: Southern California.

Relief sought: Pardon.

Summary of essential facts:

From about 1974 to 1977, petitioner, then an accountant in his mid-30's, assisted four co-conspirators with their scheme to systematically loot a publicly-owned company of which they had assumed control by fraudulent means.

In 1972, attorney Walter C. Wencke and three co-conspirators (not including petitioner) sold an agricultural corporation to a corporation that owned and operated a number of hotels. By misrepresenting the financial status of the agricultural corporation, they received three to four hundred times what it was really worth and ultimately obtained control of the hotel company, whose stock was publicly traded. During the following three years, they looted more than \$1,000,000 of the company's assets, including hotels, furniture, and leases. Petitioner, who had been a low-level employee of a paper company that was purchased by Wencke, was brought into the scheme to serve as the figurehead of a holding company (Shaw Holding), which was purportedly buying some of those assets for \$545,000 in consideration. In fact, the money was never received, and the co-conspirators provided false information in shareholders' reports and published financial reports concerning the sale of the assets. Among other things, petitioner signed a report to the Securities and Exchange Commission (SEC) which falsely stated that substantial sums were paid to the publicly-held company for the assets. In 1974, petitioner was rewarded for his assistance with a position as the executive manager of the Royal Las Vegas Hotel, which was owned by the hotel corporation. By 1977, he was earning \$60,000 per year in salary and benefits.

In 1976, when the hotel corporation was near collapse, Wencke put it into receivership in Nevada, having himself appointed as its guardian and subsequently falsifying evidence to conceal the theft of its assets. Petitioner was instrumental in assisting with the receivership as well.

Although petitioner cooperated with the United States Attorney's office in investigating and untangling the various activities of Wencke, he, as well as Wencke and three other co-conspirators, was named in a 28-count indictment. He ultimately pleaded guilty to a one-count superseding information concerning the false report to the SEC. He blamed his naivete and his trust in Wencke for his legal problems and claimed that he had been unaware of the falsity of the report to the SEC. The presentence report, while noting that petitioner was the least culpable of the five dependants, described his role as "very needed" in the overall scheme to mask the corporate stealing and concluded "that his personal motives for future consideration in the Wencke empire led him to make criminal decisions." The PSR also included, however, a very favorable evaluation of petitioner from the federal equity receiver, who had observed petitioner's performance as hotel manager for the year following the company's placement in receivership:

During this period I formed a very positive and favorable opinion as to Mr. Wood's abilities, reliabilities [sic], motivation, industry and imagination. He performed in an exceedingly competent manner and was primarily responsible in making the hotel a profitable entity even though it has operated at a substantial loss over a period of years. I considered Mr. Wood to be a valuable employee.

Petitioner moved to Nevada after his completion of his term of incarceration. His probation expired in 1980.

Grounds for clemency:

Now 59 years old, petitioner seeks pardon so that he may vote. At no time during the pardon application process has petitioner expressed any remorse for his conduct. Instead, on his application, he continued to deny that he knew the report to the SEC was false. He also alleged that his attorney induced him to plead guilty with the promise of no incarceration, and that the three-month jail term that was imposed resulted from the attorney's incompetent performance.

Petitioner was born in Portland, Oregon, and grew up in San Jose, California, the oldest of the three children of a certified public accountant. He obtained a Bachelor of Science Degree in business, accounting and finance from San Jose State College, while working part-time as a staff accountant for a C.P.A. firm of which his father was a partner. He then worked as a controller for the Bay Shore paper company before being hired by the Sun Fruit Corporation, another company purchased by Walter Wencke, in 1972. He obtained his real estate license in 1974 and spent a few months self-employed selling real estate that year until he assumed management of the Royal Las Vegas Hotel. Petitioner married in 1961 and divorced in 1978. He has a grown son and daughter from that marriage.

Petitioner has remained single since his divorce and now resides in Boulder City, Nevada, in a \$600,000 home. He supports himself by dealing in real estate, buying and selling both land and mortgages, and estimates his net worth at \$10 million. During the background investigation undertaken in connection with his pardon application, petitioner told the FBI that he was president of five corporations, all chartered by the state of Nevada and one of which was then in bankruptcy proceedings. Secretary of State corporate records, however, revealed that petitioner at that time was president of five additional corporations.

Although petitioner stated on his pardon petition that he had not been the defendant in any lawsuits since his conviction, during his pardon background investigation he told the FBI that he had been a defendant in two civil matters filed within the preceding ten years. One was a suit for real estate commissions incurred during the sale of property in Las Vegas Valley and was settled out of court for \$9,000.¹ The other involved a plaintiff's successful suit to deduct child support payments from monies due to petitioner as holder of a second trust deed. Petitioner also described bankruptcy proceedings then pending against one of his corporations, R & W Construction.² Petitioner stated that he had been involved in other lawsuits, but as a plaintiff and not a defendant.

Petitioner failed to disclose, however, at least three other lawsuits filed against him in the last decade. In one, petitioner was one of four defendants who were sued for failing to honor an option to purchase contained in a lease. That suit was dismissed with prejudice in June 1997. Another complaint that named petitioner along with several other defendants was filed in October 1997 and sought specific performance of a real estate sales contract. The complaint also alleged fraud and misrepresentation on the part of defendants. The FBI interviewed one of the plaintiffs in this action who stated that petitioner had agreed to sell her and another individual a piece of property for \$650,000. Petitioner represented a consortium of owners, two of whom were deceased. The two buyers agreed to close escrow after the estates of the two decedents had been settled. In the interim, however, petitioner received an offer of \$900,000 for the property and refused to honor the pre-existing sales contract. The court ruled for the plaintiffs. The plaintiff remarked at the conclusion of her FBI interview that "[w]hile she could not make an assessment as to [petitioner's] character, . . . she had to go to extraordinary lengths in order to have petitioner honor his agreement with her."

Finally, in 1989, petitioner was one of four defendants named in a lawsuit brought by a real estate broker alleging the breach of an agreement to pay a broker's commission of \$113,000

¹The FBI interviewed the realtor involved in this lawsuit, who stated that petitioner had refused to pay her a sales commission for property for which she located a buyer. She went on to allege that it was later discovered that petitioner had acted unethically by failing to disclose his membership in the partnership that owned the property. She agreed to settle because the real estate firm for which she worked did not have the funds to pursue the lawsuit. The realtor said that the actual amount owed to her was more than \$100,000 and that petitioner had transferred his assets to a trust fund to protect them from a civil judgment in her favor.

²Petitioner stated that he had been advised by his attorney to file for bankruptcy to block the repossession of developed property by U.S. Bakeries. According to petitioner, both R & W Construction and U.S. Bakeries had loaned money to a construction company, Dasco, to develop residential building lots. Petitioner's company had assumed a subordinated position to U.S. Bakeries. When Dasco defaulted on the loan, it transferred ownership of the property to R & W, which then filed for bankruptcy to protect the property from U.S. Bakeries. Subsequent investigation of court records by the F.B.I. revealed that R & W admitted during the course of the bankruptcy proceeding that the transfer of the property had been for a nominal consideration, and agreed to dismiss the case. U.S. Bakeries foreclosed on the property and then sued Dasco for the remainder of the debt. In that lawsuit, still pending at the time of the investigation, the first cause of action alleged that Dasco had transferred the property to R & W "with the intent to hinder, delay and defraud" the plaintiff. The attorney who represented petitioner's corporation in the bankruptcy proceedings told the FBI that he was still attempting to collect five to six thousand dollars in legal fees owed to him by petitioner for his services in this matter.

for the sale of certain real estate. Petitioner filed an answer denying that he belonged to the partnership and the other three defendants cross-claimed against him. Eventually, the three sellers reconveyed the property to petitioner in settlement of all claims and petitioner sold the property to a third party. According to one of the three co-defendants, petitioner never paid the sales commission for which he would have been responsible. The plaintiff real estate broker dismissed the lawsuit in 1994.

Petitioner's neighbors commented favorably on his character and reputation, as did two of his character affiants and several other professional and social acquaintances.³ One realtor observed that petitioner was the most ethical businessman with whom he had ever dealt. An affiant characterized the lawsuits against petitioner as "bullshit."

Petitioner has not participated in any community-related activities or organizations since his conviction, but considers himself to be an asset to the community by virtue of the fact that he is a successful businessman.

Official comments:

Petitioner's probation officer remembered petitioner as an "exemplary" probationer and highly recommended him for pardon, advising that petitioner was one of only five individuals the officer had supervised during the past 20 years that he would so recommend.

Comments from the United States Attorney and sentencing judge were not solicited.

Reasons for denial:

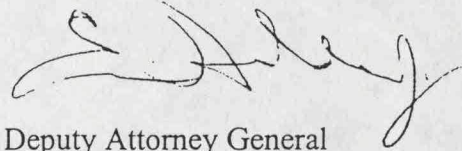
Petitioner's offense is over twenty years old and the role he played was minor. It is plausible that petitioner was not specifically aware that the SEC filing he signed was false (although it is also likely that he knew several of his actions at the time facilitated Wencke's looting of the hotel company). Moreover, he earned high marks from both his probation officer and the federal equity receiver who took control of the hotel where petitioner served as general manager.

Nevertheless, the court records and parties' accounts of the civil litigation arising from petitioner's business activities over the past decade raise troubling questions concerning petitioner's professional ethics. Although some of this litigation may be routine for one involved in commercial real estate development and investment, it is disquieting that, during the pardon application process, petitioner was less than candid in revealing the full extent of either this litigation or his corporate involvement. He has no record of community or charitable activities. Finally, he has blamed both his co-conspirator and his attorney for his conviction, and has neither accepted personal responsibility nor expressed remorse for the conduct for

³The third character affiant, an individual in his eighties who was hospitalized at the time of his FBI interview, could not remember petitioner as a result of a stroke he had recently suffered.

which he seeks pardon. I believe he is an inappropriate candidate for the forgiveness signified by a pardon, and I recommend that you deny the petition.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "S. H. King", written in a cursive style.

Deputy Attorney General

Date: 1 - 10 - 01

CATEGORY 7 DOCUMENTS

SAMPLE

Smolover, Deborah S

From: Smolover, Deborah S
Sent: Thursday, September 23, 1999 1:22 PM
To: Holder, Eric H
Cc: Ohlson, Kevin A
Subject: Freddie Meeks/Port Chicago Sailors Pardon Application

Eric,

Kevin asked me to provide you with the following information on the Freddie Meeks/Port Chicago Sailors pardon application:

At the beginning of the summer, Roger Adams received a pardon application for Meeks, submitted by his counsel, G. Brian Busey, at Morrison & Foerster. Because of Meeks's age (79) and declining health, Busey requested that the application review be expedited and that a pardon be granted by July 17, 1999 (the 55th anniversary of the Port Chicago explosion).

As you recall, Meeks had refused to resume loading ammunition after the 1944 explosion at the Port Chicago Magazine in California, in which 320 people were killed. As a result, he was convicted by a general court-martial of making a mutiny and was sentenced to 15 years confinement at hard labor, reduced in rank, and ordered to forfeit pay. At the time, he was to receive a dishonorable discharge. In 1945, his sentence was reduced to 17 months confinement. In 1946, he received an honorable discharge from the Navy and was eligible for full benefits.

The pardon application does not raise the traditional grounds of "forgiveness," but instead seeks a pardon based on Meeks's innocence and on miscarriage of justice. Specifically, Meeks argues that systemic racial discrimination at Port Chicago "inherently infected the decisions both to prosecute and to convict 50 black sailors of Making a Mutiny." The current Administration conducted a thorough review of the Port Chicago cases in 1991 and concluded that there was no basis for expunging the convictions. This review resulted from Congress's direction to the Navy to review all 258 convictions to determine whether the investigations and trials were tainted by racial prejudice or other improper factors. The Secretary of the Navy conducted two independent reviews and concluded in 1994 that neither racial prejudice nor other improper factors tainted the original investigations and trials and upheld all 258 Port Chicago convictions. In 1994, Secretary of Defense Perry reviewed the matter and concurred with the Secretary of the Navy.

Meeks's pardon application takes issue with the Defense Department findings. Specifically, Meeks argues that the 1994 review by the Navy was inadequate and ignored the prominent role that racial bias played in the Port Chicago prosecutions.

Roger Adams consulted with Meredith Cabe at the White House and Meredith advised that the pardon request should be handled in the normal course, considering the pardon as an indication of forgiveness, not a review of the prosecution on the merits. She also indicated that the expedited review request was not feasible and that the July "deadline" requested by Busey could not be met.

Roger Adams requested factual input and comments from the Navy by September 1st. The Navy did not meet that deadline. Roger is hopeful that he will receive the Navy's views shortly (i.e., within 2 - 3 weeks). (As is typically in court-martial cases, Meeks's counsel also submitted an application directly to the Navy.) Roger further anticipates that he will have a recommendation to you by October 15th. I asked Roger what OPA will likely recommend. Roger indicated that he would be "very inclined" to recommend that Meeks be granted a pardon on traditional grounds (i.e., forgiveness).

Roger talked with Meredith yesterday and reports that the WH concurs with this time-table. (Apparently Meeks's counsel also sent a letter to the WH alerting them to Meeks' declining health and urging that the matter be handled promptly.)

Finally, Roger indicated that additional survivors might file similar petitions pending the disposition of

Meeks's application.

Please let me know if you need any additional information on this matter.

Thank you.

Deborah

Smolover, Deborah S

From: Bradley, Annie
Sent: Friday, January 05, 2001 4:54 PM
To: Smolover, Deborah S; Holder, Eric H
Subject: Former Mayor

Maynard Jackson (Atlanta) called concerning a pardon that was sent directly to the President: Name of the person is Raymond McClendon. The Mayor is recommending to Eric and the President that McClendon be pardoned and if there are any questions, the attorney handling the case is Larry Thompson of King and Spalding (the Atlanta office).

Tks. Annie

File

Drawer: Clemency

Forder: Jan 2001 Matters

File: Raymond McClendon

Smolover, Deborah S

From: Smolover, Deborah S
Sent: Thursday, October 19, 2000 12:03 PM
To: Holder, Eric H; Ohlson, Kevin A
Subject: POTUS Clemency Announcement

Eric, Kevin:

The WHCO just called and informed me that the President will announce 8 clemency decisions tomorrow, including 7 pardons and 1 commutation. The favorable pardons include: Casto, Little, Hall, McMillan, Rust, Schoffstall, and Smith. None is controversial. Please note only that in Casto (a bank embezzlement case) you authorized Roger to send a favorable report and recommendation that noted your dissent. The one commutation is controversial. It relates to Vicki Lopez Lucas, a county commissioner in Florida who was dating a lobbyist and was convicted on bribery/public corruption charges stemming from her lying to the press. We did not send a memo to the WHCO on this case (in fact, it is still pending in Roger's office). The WH is acting sua sponte. Donna Bucella strongly opposes this case. It might be helpful to call her with a heads up. I will provide you with a copy of Donna's June 26, 2000 letter to Roger in this matter for your consideration. I will also alert OPA (Myron and Chris) that the announcement is forthcoming. Thanks.

Deborah

CATEGORY 8 DOCUMENTS

- SAMPLE

SUMMARIES OF SELECTED PENDING CLEMENCY CASES

Bobby Griffin: Mr. Griffin is the former Speaker of the Missouri House of Representatives, who was convicted in December 1997 of bribery and mail fraud arising from his acceptance of \$61,000 to steer political consulting business to his co-defendant. He was sentenced to 48 months' imprisonment and a \$7,500 fine. Now 64 years old, Mr. Griffin filed a petition in January 1999 seeking commutation of his prison term to care for his wife, who suffered a stroke approximately 10 months after he reported to prison. His request is supported by numerous members of the political community in Missouri, including former United States Senator Thomas Eagleton and the Mayor of Kansas City, Emanuel Cleaver. The United States Attorney opposes clemency. OPA's report recommending denial of clemency is attached at **Tab 5**.

*Has
Clemency
in denial
2/4/00*

Martin Hughes: Mr. Hughes, now 79 years old, is a former labor leader in Ohio who was convicted in 1987 for offenses related to the falsification of the records of his labor union and tax violations, involving a scheme to funnel several hundred thousand dollars of union funds to political candidates and campaign workers in Ohio. As a result of his conviction, he is subject to a 13-year statutory prohibition on holding union office. In 1990, he unsuccessfully sought a gubernatorial pardon, which was opposed by the Office of the United States Attorney for the Northern District of Ohio on the ground that the Governor lacked the power to pardon a federal offense. Mr. Hughes then applied for a presidential pardon, in part to have his civil rights restored. That petition was denied in September 1995. He again applied for pardon in April 1998. His request is opposed by the United States Attorney, the Criminal Division, and the sentencing judge, and supported by former President Carter, several federal judges, and Ambassador Richard Celeste. OPA's report recommending denial of clemency is attached at **Tab 6**.

Ruben Johnson: Mr. Johnson is the former president of the now-defunct United Bank of Texas, and was convicted in 1989 in the Western District of Texas of bank fraud and misapplication of funds by a bank officer, for which he received an "old-law" sentence of eight years' imprisonment, five years' probation with 500 hours of community service, a fine of \$65,000, and \$4,566,298 in restitution. The offenses involved a scheme from 1978 to 1984 to siphon bank funds by inflating payments to a contractor to cover more than a million dollars in kickbacks that Mr. Johnson received. Very recently off probation and not having completed payment of his financial obligations, Mr. Johnson nonetheless filed a petition for pardon in February 1999. Clemency is opposed by the United States Attorney, and is supported by Lady Bird Johnson, Liz Carpenter, and Walter Cronkite. OPA has reviewed the case and is preparing a report recommending denial of clemency.

Peter MacDonald: Mr. MacDonald is the former President of the Navajo Nation, who was convicted in 1992 of racketeering and fraud-related offenses, for which he was sentenced to 60 months' imprisonment and three years of supervised release, and in 1993 of conspiracy to commit kidnaping and burglary, for which he was sentenced to a concurrent term of 175 months' imprisonment and five years' supervised release. His aggregate court-imposed financial obligations were \$15,000 in fines and more than \$1.5 million in restitution. His fraud offenses

related to improper financial transactions involving the tribe's money; his subsequent offenses arose from a July 1989 riot, in which two people were killed, that occurred on the reservation when he and his supporters attempted to take control of the tribal government after he had been placed on administrative leave as president of the tribe. Mr. MacDonald was denied clemency in December 1996. Mr. MacDonald applied again for clemency in March 1998. Now 71 years old, he seeks commutation of his prison term and his supervised release, and remission of his financial obligations. His clemency request is premised in part on his health, in that he has suffered serious cardiac problems and underwent a five-vessel coronary bypass operation in 1998. Clemency is opposed by the United States Attorney and the sentencing judges in both cases, and is supported by the Navajo Nation (which has pardoned him for related tribal offenses), Congressman Udall, and Senators Bingaman, Domenici, and Reid, among others. (Former President Carter supported his previous clemency request.) The Department's Office of Tribal Justice also supports commutation of Mr. MacDonald's sentence. President of the Navajo Nation Kelsey Begawe is meeting with the Pardon Attorney and Deputy Attorney General on this matter on February 7, 2000. The Deputy Attorney General's recommendation to deny clemency was forwarded to the White House in September 1998 and is attached at **Tab 7**.

Mel Reynolds: Mr. Reynolds is the former Congressman from Chicago who was convicted in 1997 of bank fraud and related offenses and conspiracy to defraud the Federal Election Commission, for which he was sentenced to 78 months' imprisonment, five years' supervised release, and \$20,000 in restitution. His offenses relate to his falsification of a number of loan and mortgage documents and to his falsifying documentation of campaign receipts and expenditures and diverting state and local campaign funds to his bid for federal office. (He was previously convicted in state court for a sexual offense involving an under-aged campaign worker.) He seeks either to have his sentence commuted to a shorter term or to be allowed to serve it in a halfway house, citing family hardship. Congressman Charles Rangel supports Mr. Reynolds' request for placement in a halfway house, as do Congressman Clyburn (Chair of the Congressional Black Caucus) and Congresswoman Meek. The comments of the United States Attorney and, through him, the sentencing judge have been requested, and OPA is awaiting a response. Mr. Reynolds originally sought commutation of his sentence in March 1999, while his conviction was still on appeal. In accordance with OPA policy, OPA declined to process the clemency application until the litigation was concluded. In September 1999, Mr. Reynolds notified OPA that his appeal was unsuccessful and requested reactivation of his clemency petition. OPA is currently drafting a report recommending against clemency.

Preston King: Dr. King is the economics professor in London seeking a pardon of his April 1961 conviction for three counts of failing to perform duties required under the Universal Military Training and Services Act and for his pending prosecution for bail-jumping. Dr. King contends that his treatment by his local draft board in 1958 and 1959 and the ensuing criminal prosecution were the result of racism. Dr. King submitted a request to the Pardon Attorney to waive the standard pardon eligibility criteria. The waiver request is under consideration. OPA has drafted a memorandum recommending that the waiver request be denied. OPA's memorandum is attached at **Tab 8**.

V CLEMENCY REGULATIONS RE: VICTIM NOTIFICATION/CONSULTATION:

Our Working Group on Clemency Regulations is finalizing proposed new clemency regulations that provide for victim notification and consultation in certain clemency matters. OPA's draft regulations submitted to the Working Group are attached at **Tab 9**. The Working Group is addressing two final issues: (1) victim notification in pardon matters (as opposed to commutation cases); and (2) shifting the responsibility of victim notification from United States Attorneys' Offices to FBI and/or BOP. We are expecting comments from the WHCO on the current draft on February 3, 2000. OLA has provided Senator Leahy's and Senator Hatch's staffs with copies of the current draft. We will circulate final proposed regulations next week.

VI RESTORATION OF RIGHTS:

I understand that you are interested in procedures for restoring defendants' civil rights short of grants of clemency. The loss of civil rights as a result of conviction is determined in large part by state law, even for federal convictions. Mechanisms for restoring those rights are frequently provided under state law, but the variation among the states on what rights are lost and how they are restored is considerable. In 1992 OPA published a survey of state laws regarding the loss and restoration of the principle civil rights -- the right to vote, to sit on a jury, and to hold public office -- and the loss and restoration of firearms privileges. In addition, the survey addressed occupational disabilities resulting from conviction. OPA updated the survey in 1996. The new edition added discussion of "Megan's laws" to the topics previously covered. A copy of the 1996 survey is attached at **Tab 10**.

I hope this provides helpful background information for the meeting tomorrow. I would, of course, be happy to provide any additional information that may be of use.

cc: Ann Harkins (OAG)
Shan Wu (OAG)
Kevin Ohlson (ODAG)
Jon Schwartz (ODAG)

CATEGORY 9 DOCUMENTS

SAMPLE

CLEMENCY STATUS
AS OF 12/21/00

<u>Petitioner</u> <u>Name:</u>	<u>Status of</u> <u>Petition:</u>	<u>OPA</u> <u>Status:</u>	<u>DOJ</u> <u>Recommendation</u>	<u>Victim</u> <u>Consultation:</u>	<u>WHCO</u> <u>Request:</u>
Archie Schaffer (Pardon)	No Petition Received	None	None	None	None (Alert list)
[OPA Comment: Espy/HUD]					
Webster Hubbell (Pardon)	No Petition Received	None	None	None	None
[OPA Comment: Whitewater/Fraud]					
Susan McDougal (Pardon)	No Petition Received	None	None	None	None
[OPA Comment: Whitewater/Contempt]					
Jim Guy Tucker (Pardon)	No Petition Received	None	None	None	NCIC Check (Alert list)
[OPA Comment: Former Gov. Arkansas]					
John Haley (Pardon)	Applied Dec. 2000	OPA Declined Petition Per 5 Year Regulation	None	None	NCIC Check (Alert list)
[OPA Comment: Jim Guy Tucker's Attorney; Tax Fraud Case]					
Dan Rostenkowski (Pardon)	No Petition Received	None	None	None	NCIC Check (Alert list)
[OPA Comment: Former Illinois Congressman; Public Corruption]					

CLEMENCY STATUS
AS OF 12/21/00

<u>Petitioner</u> <u>Name:</u>	<u>Status of</u> <u>Petition:</u>	<u>OPA</u> <u>Status:</u>	<u>DOJ</u> <u>Recommendation</u>	<u>Victim</u> <u>Consultation:</u>	<u>WHCO</u> <u>Request:</u>
Susan Rosenberg (Commutation)	Applied Aug. 2000	Memo Sent to ODAG and WHCO Nov. 2000, Including Request That If WHCO is Interested in Case, USAO Should Clemency Contact Victims	No Report and Recommenda- tion Prepared by OPA because OPA Did Not Yet Receive Views from All USAOs. Also OPA believe No Potential Grounds for	None; However Many Letters Received and Provided to WHCO re: Victims in Nov. and Dec.	None (Alert list)

[OPA Comment: Weapons and Explosives Charges; "The Family"/"Weathermen"]

Harrison Williams, Jr. (Pardon)	Applied Aug. 2000	Pending. Contacted FBI, CRM, Probation; Awaiting Responses	None	None	NCIC Check (Alert List)
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[OPA Comment: Former New Jersey Senator; ABSCAM; Political Corruption]

Daniel Walker (Pardon)	Applied Feb. 2000	Completed	Negative Recommendation Send to WHCO Dec. 2000	None	NCIC Check (Alert List)
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[OPA Comment: Former Governor of Illinois; Bank Fraud]

Russell Wayne Lee (Pardon)	Denied Dec. 1998. Filed Request to Reconsider. OPA Denied, OPA to Reconsider After Dec. 2000 Per 2 Year Reg.	Petition Pending in in OPA for reconsider- ation after Dec. 28th.	Negative Recommendation Sent to WHCO Prior to Dec. 1998	None	NCIC Check (Alert List)
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[OPA Comment: Arkansas Attorney; Fraudulent Billings to City of Little Rock]

CLEMENCY STATUS
AS OF 12/21/00

<u>Petitioner</u> <u>Name:</u>	<u>Status of</u> <u>Petition:</u>	<u>OPA</u> <u>Status:</u>	<u>DOJ</u> <u>Recommendation</u>	<u>Victim</u> <u>Consultation:</u>	<u>WHCO</u> <u>Request</u>
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Jack L. Williams (Pardon)	No Petition Recieved	None	None	None	NCIC Check (Alert List)
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[OPA Comment: False Statement to Federal Agents re: Espy Investigation]

Peston Bynum (Pardon)	Applied May 1999. OPA Told Petitioner He Was Ineligible Per 5 Year Regulation (Released 1998)	None	None	None	NCIC Check (Alert List)
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[OPA Comment: Bribery; False Declaration before Grand Jury; Arkansas Affiants]

William Fugazy (Pardon)	Applied Dec. 1999; OPA Told Petitioner Ineligible Per 5 Year Reg. (Released 1998). Counsel Asked for Reconsideration.	Reconsider- ation Pending.	None	None	NCIC Check (Alert List)
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[OPA Comment: Perjury in Bankruptcy Proceeding; S.D.N.Y. Opposes]

Melvin J. Reynolds (Comm- utation)	Applied Sept. 1999	Completed	Negative Recommendation To WHCO Dec. 2000	OPA Contacted Victim Banks via USAO	Nothing Beyond Report
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[OPA Comment: Former Congressman from Illinois; Financial Fraud/Election Fraud]

CLEMENCY STATUS
AS OF 12/21/00

<u>Petitioner</u> <u>Name:</u>	<u>Status of</u> <u>Petition:</u>	<u>OPA</u> <u>Status:</u>	<u>DOJ</u> <u>Recommendation</u>	<u>Victim</u> <u>Consultation:</u>	<u>WHCO</u> <u>Request</u>
Mario Biaggi (Pardon)	Applied Aug. 1999	Pending; OPA Awaiting FBI Background Investigation	None	None	NCIC Check (Alert List)

[OPA Comment: Former Congressman from New York; RICO; Still Owes \$1.25 million in Unpaid Fines that would be Eliminated Upon Receiving Clemency]

Linda Evans (Commu- tation)	Applied Oct. 1999	Pending; Factual Memo Sent to WHCO Dec. 21 st	None	None	None
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[OPA Comment: Weapons Charges; Harboring Fugitive; Malicious Damage to Government Property; Capitol Bombing; "The Family"/"Weathermen"]

Ronald Blackley (Commu- tation)	Applied Oct. 2000	Pending OPA	None	None	None
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[OPA Comment: Espy's Chief of Staff; False Statement on Financial Disclosure Form]

Robert Palmer	Applied Sept. 2000	Pending OPA; Awaiting FBI Investigation	None	None	None
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[OPA Comment: Whitewater; False Statement in Real Estate Appraisal]

CLEMENCY STATUS
AS OF 12/21/00

<u>Petitioner Name:</u>	<u>Status of Petition:</u>	<u>OPA Status:</u>	<u>DOJ Recommendation</u>	<u>Victim Consultation:</u>	<u>WHCO Request</u>
Michael Milken (Pardon)	Applied Oct. 2000	Pending; Provided WHCO With Statements From S.D.N.Y. and SEC	None	None	NCIC Check (Alert List)

[OPA Comment: Securities Fraud]

John Francis McCormick (Pardon)	Applied Sept. 1998	Completed Report and Recommendation Dec. 2000	Negative Recommendation to WHCO	None	None Beyond Report
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[OPA Comment: Police Officer; Public Corruption]

William Borders (Pardon)	Applied March. 2000	Completed Report and Recommendation Dec. 2000	Negative Recommendation to WHCO	None	NCIC Check [Alert List]
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[OPA Comment: Bribery of Federal Judge]

Ruben Johnson (Pardon)	Applied Fed. 1999	Completed Report and Recommendation Dec. 2000	Negative Recommendation to WHCO	OPA Contacted Victims	NCIC Check [Alert List]
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[OPA Comment: Bank Fraud; Victims Owed \$4 million in Restitution and \$65,000 Fine; Victims will Lose Restitution If Granted Clemency; Victims Have Contacted OPA; WHCO Told Of Victims' Concerns]

CATEGORY 11 DOCUMENTS

SAMPLE



U.S. Department of Justice

Pardon Attorney

500 First Street, N.W.
Suite 400
Washington, D.C. 20530

JAN 20 1998

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Roger C. Adams *RCA*
Acting Pardon Attorney

SUBJECT: Petition for pardon filed by Patricia Hearst Shaw.

PURPOSE: To provide information to the Attorney General concerning petition for pardon filed by Patricia Hearst Shaw.

TIMETABLE: None.

DISCUSSION: In October 1996, Patricia Hearst Shaw filed a petition for pardon of her 1976 convictions for armed bank robbery and using a firearm during the commission of a violent crime, relating to actions she undertook after being kidnaped by the Symbionese Liberation Army in 1974. Her seven-year sentence was commuted by President Carter in January 1979, after she had served approximately two and one-half years in prison. A previous pardon petition by Ms. Shaw, filed in 1988, was withdrawn by her in 1992.

Ms. Shaw's pardon request is supported by former President Carter, who authorized his attorney, Terry Adamson, to meet with this office concerning Ms. Shaw's petition. Mr. Adamson, along with Ms. Shaw and her attorney, George Martinez, met with us on January 9, 1998, at which time they were told that this office's review of the case is not yet complete and will take several more months. While we do not generally provide information to applicants about exactly where in the process their petitions are, an exception was made in this case because of Mr. Adamson's expressed intention to have President Carter call the White House concerning the case.

It became apparent in talking with Ms. Shaw and her attorney that former Pardon Attorney David Stephenson disclosed information to them that is generally not disclosed by

- 2 -

this office to applicants, including the fact that a favorable recommendation had been prepared by Mr. Stephenson on her 1988 pardon request, but that his recommendation had been rejected by the Deputy Attorney General's office at some point during the Bush Administration. Also unusual in the history of considering clemency for Ms. Shaw is the fact that before her petition for commutation of sentence was granted in 1979, then Pardon Attorney John Stanish traveled to the prison where Ms. Shaw was incarcerated to interview her. Such a face-to-face meeting with a commutation applicant is extraordinary and is likely the only one for at least the past quarter century.

At this point, the customary background investigation by the Federal Bureau of Investigation concerning her present petition has been completed, and the process of soliciting comments on the pardon request, including from present and former prosecutors and the sentencing judge, has begun. One of the important issues in soliciting comments will be to determine the extent to which, if at all, Ms. Shaw is at risk for prosecution for the killing of a pregnant woman during one of the bank robberies in which Ms. Shaw participated.

We understand that President Carter has asked to meet with you, the Deputy Attorney General, and the President to express his support for Ms. Shaw's pardon request. While meetings with Department officials in clemency cases are unusual, they are by no means unknown in high-profile cases. Nor are they improper, particularly in light of the Department's function of serving as liaison with the public concerning clemency issues. For example, the issue of executive clemency for Jonathan Pollard was raised by Israeli Attorney General Rubinstein during a meeting with you in 1997, and recently Deputy Attorney General Holder met with three Members of Congress who support clemency for the so-called Puerto Rican Nationalists, persons serving prison sentences for crimes allegedly committed in the cause of independence for Puerto Rico. In addition, the Department's reports in clemency cases routinely note for the President any known support for or opposition to clemency, including by prominent individuals. As to the timing of a meeting with former President Carter, however, you and the Deputy Attorney General may wish to wait until after you have had a chance to read this office's proposed report and recommendation to the President before scheduling a meeting.

We do not expect the investigative process for the pardon petition and the report to the President to be completed before the summer of this year.



Washington, D.C. 20530

OCT 27 1999

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL *E 18*
11-29-99

FROM: Roger C. Adams *RC*
Pardon Attorney

SUBJECT: Letter from former First Lady Rosalynn Carter Concerning Pardon
Applicant Robert O. Wilson

PURPOSE: To obtain the signature of the Attorney General on a response to
Rosalynn Carter's letter in support of pardon for Robert O. Wilson

TIMETABLE: Response no later than 10/28/99 (Exec. Sec. Folder No. 844285)

DISCUSSION: On November 25, 1997, Robert O. Wilson filed an application for
pardon of his 1980 conviction of two counts of mail fraud in the
Middle District of Tennessee. Mr. Wilson was found guilty by a
jury of submitting a fraudulent claim to an insurance company for
equipment he falsely represented as stolen. President Jimmy
Carter submitted a character affidavit in support of Wilson's
pardon petition, citing Mr. Wilson's role as a "top leader" in
Habitat for Humanity Projects, and describing him as an
"outstanding, law-abiding, and responsible citizen in every
respect." President Carter reaffirmed these views when he was
interviewed in August 1998 by an FBI special agent conducting
petitioner's background investigation. There is significant
opposition to pardon for Mr. Wilson and our office has not yet
completed our review of his application. In a letter dated
September 30, 1999, Mrs. Carter expresses her support of pardon
for Mr. Wilson, calling him "an outstanding member of his
community," "a successful businessman," and "a good family

Memorandum for the Attorney General

Page 2

Subject: Letter from Rosalynn Carter Concerning Pardon Applicant Robert O. Wilson

man strong in his religious faith." In addition, she requests your assistance in finding out the status of Wilson's application.

The proposed response informs Mrs. Carter that the application remains under consideration, thanks her for her views and assures her that the Carters' support for Wilson will be taken into account during the review process.

Attachments

CATEGORY 12 DOCUMENTS

SAMPLE



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

December 14, 2000

Meredith Cabe, Esq.
Associate Counsel to the President
Office of the White House Counsel
Old Executive Office Building
Room 128
Washington, DC 20502

Re: Michael Milken Pardon Petition

Dear Ms. Cabe:

I write to convey my strenuous opposition to the petition for a Presidential pardon recently submitted on behalf of Michael Milken. I am also authorized to represent that the United States Securities and Exchange Commission ("SEC") strongly opposes the petition, and will write separately to express its view. All of the prosecutors who handled the Milken case, including then United States Attorney Benito Romano, also oppose Mr. Milken's petition, or defer to this Office's strong opposition to the petition.¹ In addition, E. Leroy Heath, Deputy Chief Postal Inspector of the United States Postal Inspection Service, the agency that investigated the criminal case, opposes the petition.

Given the scope and seriousness of Mr. Milken's crimes, and the comparatively trivial nature of the disabilities he cites in support of his petition, a pardon for Mr. Milken is wholly unwarranted. A pardon would significantly damage the credibility of our criminal justice system, seen as it surely would be, as a decision according special and favored treatment for affluent and well-connected white collar defendants. It is also critical, in my view, that the strong and deserved message of deterrence that was sent by the prosecution of Mr. Milken not be tainted or

¹ A copy of a letter sent to us by Mr. Romano, in which he expresses his vigorous opposition to a pardon, is included as an attachment to this letter.

Meredith Cabe, Esq.

December 14, 2000

Page -2-

diluted by a pardon that would largely eviscerate both that important message and the consequences that, for other defendants, rightly follow and remain from a conviction of serious crimes. Fundamental fairness and the integrity of our criminal justice system and this nation's financial markets argue compellingly against the rare exercise of the President's pardon powers in this case.

Mr. Milken pled guilty to six felonies, including conspiracy, securities fraud, mail fraud, tax fraud, filing false reports with the SEC, and assisting a securities brokerage firm to violate its net capital reporting obligations. In committing these crimes, Milken assisted Ivan Boesky, the former arbitrageur who pled guilty in 1987, to disguise Boesky's ownership of the stock of a takeover target in order to deceive the market. Milken deceived public investors by disguising the sale of a large amount of stock in another takeover target, in order to artificially maintain the price of that stock. Milken held, or "parked," stock for Boesky to circumvent net capital rules designed to protect public investors. Milken earned illegal profits by fraudulently adjusting prices on trades of securities with customers of Drexel Burnham Lambert Incorporated ("Drexel"). Lastly, Milken assisted a fund manager in defrauding the IRS by entering into prearranged trades to reduce the manager's tax liability.

The United States District Judge who sentenced Milken found that, when faced with discovery of his unlawful practices, Milken engaged in serious and deliberate efforts to obstruct justice. In addition, as described in the SEC's submission, after Mr. Milken was released from jail, he structured his business activities in a secretive manner designed to circumvent his 1991 lifetime bar from the securities industry. The SEC later determined that Milken had violated that bar.

In sum, while Mr. Milken, both before and after his sentence, is to be commended for his important and worthy charitable and educational pursuits, such activities plainly do not deserve the reward and exoneration of a Presidential pardon in the circumstances of this case.

Attached is a memorandum from the Chief of our Securities Fraud Unit which details the many reasons why Mr. Milken's petition for a pardon should be denied. We were not aware until

Meredith Cabe, Esq.
December 14, 2000
Page -3-

Saturday, December 9 that Mr. Milken had filed a petition, although we understand that he filed his petition with the Department of Justice in October. In view of the possible imminency of a decision, I am directly conveying our views immediately. If you or the President need any further information, please do not hesitate to contact us.

Thank you for your consideration.

Respectfully submitted,



MARY JO WHITE
United States Attorney
Southern District of New York

Attachments

By Telefax and Regular Mail

cc: Hon. Arthur Levitt
Chairman
Richard H. Walker
Director, Division of Enforcement
United States Securities and
Exchange Commission

Roger C. Adams, Esq.
Pardon Attorney
United States Department of Justice

WILLKIE FARR & GALLAGHER

787 Seventh Avenue
New York, NY 10019-6099
212 728 8000

Direct: 212 728 8258
Fax: 212 728 8111
bromano@willkie.com

Benito Romano

December 12, 2000

VIA HAND DELIVERY

Robert Khuzami
Deputy Chief, Securities & Commodities
U.S. Attorney's Office,
Southern District of New York
One St. Andrew's Plaza
New York, New York 10007

Dear Mr. Khuzami:

I understand that Michael Milken, prosecuted and convicted by the Office in 1989 for securities fraud arising from his activities as head of the High Yield Bond Department of the now-defunct Drexel Burnham Lambert, Inc. ("Drexel"), has made an application to the President for a pardon, which is to be acted upon soon.

It is my view that the Office should vigorously oppose the application for several reasons. First, having served his prison sentence, the effect of a pardon would be, among other things, to void his conviction, which resulted from a guilty plea to charges that were considerably less serious than those contained in his indictment. Mr. Milken was indicted for violations of the RICO statute for having engineered a wide-ranging scheme to control and manipulate the market for so-called "junk bonds" to benefit himself, Drexel and a select few associates. Through a network of professionals and other persons of influence in the high yield bond market, Milken amassed enormous power, which at various times he used illegally to manipulate the value of junk bonds and other securities and to facilitate improper gains from confidential information. In the financial markets, the crimes with which Milken was charged were the most serious and reflected a systemic assault on the regulatory system.

Second, Milken's crimes not only undermined public confidence in the financial markets, it did grievous harm to innocent persons. Milken's activities led to the prosecution and conviction of his firm, Drexel, which, as a result, ceased doing business, leaving hundreds of innocent employees with their reputations tarnished and out of work.

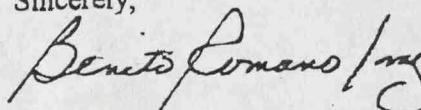
Finally, a pardon sends entirely the wrong message to the financial community at a time when individual entrepreneurs have achieved unprecedented levels of personal wealth. In its day, the

New York
Washington, DC
Paris
London

Robert Khuzami
December 12, 2000
Page 2

cases against Drexel and Milken were regarded as the most significant joint effort ever undertaken by the Department of Justice and the Securities and Exchange Commission; unlike any other case of its kind, it involved criminal activity at the highest levels of the financial community. Nothing has changed in the securities markets that would suggest that the lessons learned from these prosecutions are no longer relevant. Indeed, the granting of the petition would foster the cynical view expressed by many at the time: the securities laws do not apply in the same manner to the wealthy and powerful.

Sincerely,

A handwritten signature in cursive script, appearing to read "Benito Romano /mj".

Benito Romano

BR/mmj

CATEGORY 16 DOCUMENTS

SAMPLE

DAG TALKING POINTS FOR
PHONE CALL WITH BETH NOLAN AND BRUCE REID
ON CLEMENCY REGULATIONS AND PRESTON KING

FEBRUARY 23, 2000 (Afternoon)

(Prepared by Heather Pearlman (OLA) and Deborah Smolover (ODAG))

I CLEMENCY REGULATIONS:

- As you know, the Department, in consultation with the WHCO, has been working on new clemency regulations on victim notification and consultation since the fall of 1999. We have made very good progress on the draft regulations and they are in final form, ready for the AG's and the President's review and approval.
- Earlier this month, Sen. Hatch introduced far-reaching victim notification legislation. It is the Department's view that this legislation is unconstitutional. The Committee mark-up is scheduled for tomorrow morning at 10:00 a.m.
- The Department has been working with Hatch's and Leahy's staffs to avoid the need for legislation and to get their support for our proposed regulations. Over the course of the last two weeks, we have modified our proposed regulations to incorporate what we view as legitimate Congressional concerns.
- However, at this time it appears that Hatch will go forward with his original legislation, notwithstanding our regulatory accommodations. It is our view that further discussions with the Hill before tomorrow's mark-up would not be fruitful. Hatch's and Leahy's staffs are insistent that the regulations include far-reaching provisions for internal Pardon Attorney oversight. While we have drafted additional regulations on this issue, we cannot go as far as they insist.
- At this point, I would recommend that we discontinue negotiations with Hatch's and Leahy's staffs.
- It is possible that Hatch's bill will be considered on the Senate floor sometime this year. Also, the House has introduced identical legislation. If the bill were to pass, do you have a sense of the likelihood of a Presidential veto?
- I recommend that we continue working together to finalize the victim notification/consultation regulations and abandon the regulations on Pardon Attorney accountability. At the FALN hearing I committed to taking a serious look at our victim notification process and the AG supports the regulations. I think that abandoning the regulatory process in response to Hatch's mark-up would be a mistake and would yield the incorrect perception that we were only committed to victim notification to fend off legislation in this area. I still believe victim notification and consultation is the right thing to do.

- Finally, we have follow-up responses to the FALN hearing still pending. Most of these questions address victim notification. I would like to report that we have worked hard with Congress on this issue and we are continuing to work with the WH on finalizing our proposed regulations that guarantee victims a voice in the clemency process.

II PRESTON KING:

- The USAO-M.D.Ga moved to dismiss both of King's outstanding warrants yesterday. This morning, Chief Judge Duross Fitzpatrick signed orders dismissing the warrants.
- The USMS (M.D.Ga and N.D.Ga) have been notified and the outstanding warrants have been removed from NCIC. Customs and INS have been notified as well.
- Regarding the law enforcement checks, the FBI report is clear. Interpol is clear for Great Britain, Australia, and New Zealand. Reports are not back from Kenya and Ghana.
- King is arriving in Atlanta at 5:40 today. We have been told that King will be accompanied on the plane by reporters from the Today Show and the Atlanta Journal and Constitution. Liz Holtzman has indicated that King will hold a press conference in Atlanta at the Mayor's office at 6:00 tonight. Reporters from CNN, Fox, and print media are camped out at the airport awaiting his arrival.
- We should come to some understanding of what we can say to the press regarding the Department's role and views in this case. We have already received some inquiries (most recently from the British Embassy) about DOJ's role, particularly whether the Pardon Attorney accepted King's petition and granted a waiver of the rules, whether the Department recommended favorably in this cases, and whether the President's expedited decision was based on the King family's recent loss.
- Our concern is that without further explanation it will appear as though the Pardon Attorney received a petition in December along with a waiver request, the Department processed the matter, and the President reached a decision, in February. This could lead to further accusations that the Pardon Attorney's Office acted in violation of its regulations. Clearly, this is not the case.
- One approach is for the President to make a public statement that the pardon was his decision alone. He could add that the Department did not make a recommendation in this case because the clemency regulations preclude consideration of the petition. Of course, we do not believe it would be appropriate for the Department to make such a statement.
- Alternatively, we could reiterate to the press that which has been disclosed previously by the Pardon Attorney to Congress; that is, that King submitted (not "filed") a petition with the Pardon Attorney along with a brief requesting waiver.

QUESTIONS

David Marc Cooper – tax suit by U.S.? does he still owe judgment?
Kerry William Lavac – outstanding federal tax lien?
Maria del Carmen Olgalde – ongoing INS investigation?
Stephen Pliss – pending prosecution? (was witness in recent kickback case?)
New Square cases (Kalmon Stern, Benjamin Berger, David Goldstein, Jacob Elbaum)– what was the extent of personal gain?
Harvey Weinig – is there a commutation that would make him parole-eligible? (what is it?)
John Cross, Jr. – can we confirm whether he gave money (he was convicted of extorting) to baseball team?
William Doyne McCord – possible to get PSR?
Allen McMurrey – what was conduct for which he was convicted? possible to get PSR/description of offense?
Leonard Moeller and Peter McRae – 27-month sentences, when projected for release?
Charles Ravenel – what was his full sentence? Is there fine/restitution?
Douglas Steiner – what was conduct for which he was convicted? (possible to get PSR/description of offense?)
Stanley Pruet Jobe – can we get more information about the investigations referenced in DOJ recommendation?

NCIC CHECKS

Missing from list:

John Bustamante (still need info)
John Cross, Jr.
David Disiere
Tim Maness (b)(6)
William Doyne McCord
David Steven Brown
Abel Holtz

Two spelling questions:

Miguelina del Carmen Olgalde (surname)
Lorelta De-Ann Kauffmann (surname)

(Susan is already looking into these)

New checks:

John Ballis
Leonard Krimsky
Howard Mechanic/Gary Tredway
Peter Max (need DOB)
Charles D. Ravenel

Timothy Reddin
Douglas Steiner
Jimnie Wilson
Dorothy Rivers
Preston Bynum
Billy Wayne Cox
Henry Blume Loe
Thomas Wilson Waddell, III
James A. Malkus

Fax: 1/15/2001 12:48 PM

1. NCIC Checks

(b)(6)

Hildebrando Lopez, (OPA should have petition)

John Francis McCormick, (OPA should have petition)

2. Follow-up questions

Kimberly Johnson: please provide all information known regarding incident report for "threatening bodily harm"

Diana G. Nelson: (OPA has petition) Please contact sentencing judge regarding position on commutation.

Peter Ninemire: can you determine what happens if we commute entire federal sentence; is he remanded to state custody???

Please get PSR on George Edward Locke, (b)(6) sentenced December 18, 1986 to 15 months, ED AR

Please get PSR on Danny Ray Lasater, (b)(6) sentenced on December 18, 1986 to 30 month, ED AR

CATEGORY 18 DOCUMENTS

SAMPLE

THE WHITE HOUSE
WASHINGTON

December 21, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: CHARLES F.C. RUFF
DAWN CHIRWA
MEREDITH B. CABE

SUBJECT: Favorable Parol Recommendations

We have received the Justice Department's recommendations in favor of pardons after completion of sentence for the 53 individuals identified below. We concur with the Justice Department's recommendation in each case.

We have listed each petitioner by name, age, and district where convicted, and have included brief synopses of the nature of the offense and specific rationale for granting clemency. For your information, one of the petitioners is from Arkansas: Sharon Sue Johnson.

The Department of Justice recommendations in these cases reflect their consideration of the following factors for each petitioner: (1) the nature of the crime; (2) the length of time since conviction; (3) the acceptance of responsibility by the petitioner for his or her actions; (4) favorable character references; and (5) the petitioner's conduct in the years since completing his or her sentence.

In addition, in January, 1996, you provided guidance to the Department of Justice through this office which instructed them to consider, in addition to the factors listed above, the following:

1. Indications that the crime for which pardon is sought is truly aberrational, i.e., a lone instance of criminal behavior in an otherwise exemplary life;
2. Cases in which the relevant crime was committed long ago, when the petitioner was a youth, which does not involve a major crime (major crimes would include such offenses as drug trafficking, sex offenses involving minors, political corruption, and violent felonies such as murder or rape);
3. Cases not involving major crimes in which the individual has undergone meaningful rehabilitation by making sustained and significant contributions to the community since the completion of his or her sentence.

Also, you instructed Justice to consider the following criteria as raising a high presumption against granting executive clemency:

1. Cases involving the types of major crimes listed above;
2. Cases involving an extensive criminal history, i.e., where the petitioner has three or more separate convictions.

The presumption against clemency in such cases could only be overcome by a truly exceptional rehabilitative history or if some other extraordinary circumstances exist.

In reviewing the recommendations from the Department of Justice, we considered both the factors considered by the Department as a matter of course, as well as the additional guidance you provided. We determined, in light of those factors, that certain clemency applications recommended favorably by the Department of Justice do not warrant clemency at this time. Those applicants' names are listed in the attached memorandum recommending denial of pardon applications.

We recommend pardons for the following individuals:

<u>NAME/DISTRICT</u>	<u>OFFENSE</u>	<u>RATIONALE</u>
Haig Ardash Arakelian (a/k/a Haig Arthur Arakelian) S.D. California (1975) Age: 51	Possession of marijuana (a misdemeanor; large amt. of marijuana found in rental house petitioner shared with several others; petitioner out of town at time of raid) (Previous state-court conviction fully pardoned by CA governor)	Remoteness of offense; minor role in offense (if any); employed and law-abiding since conviction, earning wages for suggested improvements to U.S. Postal Service; very favorable character references; expresses remorse; accepts responsibility, seeking pardon to "rid himself of shame" and for his children; U.S. Attorney recommends pardon.
Estel Edmond Ashworth N.D. Texas (1974) Age: 67	Theft of mail by postal employee (stole \$38 from mail addressed to a bank).	Cooperated fully when caught; expresses remorse; honorable service in Air Force and Reserves; excellent post-conviction conduct; since 1983 has served as Pentecostal minister, working for many charitable causes; highly favorable recommendations from family; character references.

Vincent Anthony Burgio C.D. California (1972) Age: 64	Possession of counterfeit government obligations (purchased counterfeit Federal Reserve Notes)	Remoteness of offense; law-abiding since offense; honorable service in A. Force; favorable character references active in church; U.S. Attorney, sentencing judge, and probation officer do not oppose.
Thomas Earl Burton E.D. Virginia (1982) Age: 45	Attempted possession with intent to distribute cocaine (arrested in "reverse sting" attempting to purchase cocaine from undercover agents)	Law-abiding and employed by car dealerships since offense; very favorable character references; extreme remorse; seeks pardon for forgiveness and to acquire licenses and certifications from state insurance dept. and SEC; U.S. Attorney, probation officer note extensive rehabilitation and recommended pardon.
Jesse Cuevas D. Nebraska (1984) Age: 71	Unauthorized possession of food stamps (bought food stamps for cash when undercover agent said she needed cash to buy clothes for children).	Expresses remorse; aberrant event in otherwise law-abiding life; committed offense out of sympathy; honorable service in Navy during WWII; participates in charitable activities, including feeding needy in his neighborhood; highly favorable recommendations from probation officer, sentencing judge, references.
Harry Erla Fox U.S. Army (1961) Age: 59	Absence without leave (went AWOL on three occasions from Fort Devens, MA).	Expresses genuine remorse; offenses committed during alcohol binges; petitioner has since become active in AA, even after diagnosis with Lou Gehrig's disease and disability; suffered from undiagnosed bipolar disorder at time of offenses; very short life expectancy.
James William Gardner D. Wyoming (1983) Age: 51	Conspiracy to distribute a controlled substance (cocaine; petitioner was present during two transactions conducted by a co-worker, drove co-worker to one of the sales).	Relatively minor role in offense; assisted prosecutors after arrest; honorable service in Marines, receiving Purple Heart for Vietnam combat; active in community, with youth and the environment; favorable recommendations from employer, probation officer; seeks pardon to run for office and adopt child.

Alejandro Cruz Guedea U.S. Army (1949) Age: 68	Larceny of government property (while warehouseman, stole 36 typewriters (value: \$2,124) and six bags of trousers from Kobe base to sell to Japanese black marketers)	Particularly suggestible youth, due to difficulty in comprehension and lack of education (6th grade); offense aberration in otherwise law-abiding life; steady employment from 1953 until retirement in 1992; remoteness of offense; Army upgraded petitioner's discharge in 1995.
Sebraien Michael Haygood (f/k/a Roderick Preston) E.D. New York (1982) Age: 44	Importation of cocaine (arranged for cocaine to be imported from Rio de Janeiro to the U.S.)	Cooperated when caught; law-abiding since offense, earning law degree, serving as federal judicial clerk, and now as partner in law firm; active in community service; seeks pardon to qualify as federal bankruptcy trustee and to adopt child; very favorable character references; U.S. Attorney strongly recommends pardon.
Warren Curtis Hultgren, Jr. W.D. Texas (1982) Age: 47	Conspiracy to possess with intent to distribute cocaine (negotiated sale of cocaine with confidential informant)	Admitted responsibility when caught; law-abiding since offense; currently employed in business assisting elderly in their homes; active in church, teaching substance abuse class; very favorable character references, including Governor Keating and for Sen. Boren; genuine remorse; seeks pardon to clear name and enhance employment opportunities; sentencing judge strongly recommends pardon.
Sharon Sue Johnson E.D. Arkansas (1986) Age: 45	Bank embezzlement (embezzled \$1,060 from customer accounts)	Remoteness of offense; relatively low amount of money involved; law-abiding since offense; active in church; favorable character references; very favorable recommendation from probation officer; U.S. Attorney does not object.

Ronald Ray Kelly U.S. Marine Corps (1969) Age: 50	Unauthorized absence, escaping from custody and breaking restriction (went AWOL upon discovering he would be trained as office clerk rather than in heavy machinery, as recruiter had led him to believe).	Raised in abusive household with alcoholic father; committed offense at young age; has since earned B.A. in sociology (working towards M.A.); steadily employed as social worker in prisons and in social service in Wisconsin; active in Oneida Tribe, organizing spiritual workshops for Native American inmates; very favorable recommendations from employers, neighbors.
Francis Dale Knippling D. South Dakota (1985) Age: 60	Conversion of property mortgaged to the Farmers Home Administration (sold cattle and horses that were pledged as security to FmHA without informing FmHA)	Immediately admitted offense when contacted, producing receipts of transactions; accepts full responsibility and expresses remorse; active with youth and horses (4-H, rodeos); very favorable character references; favorable recommendation from U.S. Attorney, probation officers.
Michael Ray Krukar D. Alaska (1988) Age: 42	Unlawful distribution of marijuana (sold marijuana to undercover postal inspector)	Honorable service in Navy; law-abiding since offense; steadily employed in community service since offense, with Salvation Army and Alaska Psychiatric Hospital; has been active in AA, and is state-certified chemical dependency counselor; accepts responsibility for mistakes; genuine remorse; seeks pardon to qualify for state service jobs which require security clearance; very favorable character references; U.S. Attorney, probation officer strongly support pardon.
Michael Francis Larkin D. Massachusetts (1984) Age: 54	Making false statements to the U.S. Department of Housing and Urban Development (received \$6,974 in rebates from federal program for inner city home renovations; never made renovations)	Sincere remorse; very involved in community, particularly with children; very favorable character references; U.S. Attorney has no objection; seek pardon to advance in current job and to qualify as parole and probation officer.

Leslie Jan McCall W.D. Oklahoma (1988) Age: 51	Use of a telephone to facilitate distribution of cocaine (assisted her husband, who dealt small amounts of cocaine).	Immediately admitted guilt and assisted prosecutors (leading to arrest of two major drug dealers); relatively minor role in offense; drug-free since conviction; references attest to complete rehabilitation; genuine remorse; believes "the system worked" in her case, as she made a mistake and recovered; seeks to be promoted in county government without risking embarrassment for employer; favorable recommendation of U.S. Attorney.
Bobby Joe Miller E.D. Texas (1982) Age: 60	Misprision of felony (owned road construction business, failed to report that county commissioners received a kickback from him).	Impossible to do business in county without participating (systemic corruption in place since 1968); cooperated fully when caught; expresses extreme remorse; three other vendors from same county already pardoned; honorable service in Army National Guard and Reserve; extremely favorable recommendations from character references, probation officer, U.S. Attorney, FBI, sentencing judge.
William Edward Payne D. Oregon (1965) Age: 58	Willfully attempting to evade excise tax on wagers (underreported illegal gambling earnings on tax returns to IRS)	Remoteness of offense; petitioner expresses remorse; active in community; very favorable character references; U.S. Attorney, probation office take no position.
Robert Earl Radke C.D. California (1981) Age: 82	Attempt to evade income taxes (failed to report interest income, resulting in nonpayment of approx. \$14,900 in taxes).	Expresses deep remorse; honorable service in Army and Navy, earning 3 bronze medals; awarded medal of valor for service as assistant fire chief for Los Angeles; involved in many civic and charitable projects; excellent references from coworkers, probation officer.

David Walter Ratliff N.D. Oklahoma (1981) Age: 49	Making a false statement in connection with sale of crude oil (falsely certified that shipment contained no "lower tier crude" oil, when in fact it was all lower tier crude oil)	Assisted in prosecution in another, very important miscertification case, as well as in a later civil case; expresses extreme remorse; very active in civic and charitable organizations, donating substantial time and money to ranch for troubled youth; favorable character references; U.S. Attorney recommends pardon; sentencing judge "highly recommends" pardon.
Billy Wayne Reynolds E.D. Texas (1981) Age: 67	Mail fraud (as county commissioner, received kickbacks from vendors)	Readily admitted offense and assisted in continuing investigation; extreme remorse; honorable service in Army; very active in church, community, volunteer fire department; favorable character references; seeks pardon to serve on jury; U.S. Attorney takes no position; sentencing judge recommends pardon.
Benito Maldonado Sanchez, Jr. W.D. Texas (1960) Age: 57	Possessing marijuana without paying transfer tax (marijuana found during search of car at U.S.-Mexico border).	Relative age of offense; stable, law-abiding life since, working nearly 30 years for California Rural Legal Assistance; very active in community service; favorable recommendations from U.S. Attorney, character references.
Vicki Lynn Seals (f/k/a Vicki Lynn Miller) W.D. Texas (1984) Age: 43	Making a false statement to a federally insured bank (stole \$400 from drawer while employed as teller).	Rehabilitation and steady employment since release; employer, a correction facility management company, encouraged application for pardon to enable further promotion of petitioner; relatively minor nature of offense; favorable recommendation from U.S. Attorney, co-workers.

Lewis Craig Seymour W.D. Oklahoma (1979) Age: 47	Distribution of Phencyclidine (PCP) (petitioner present when two associates sold PCP to undercover officers)	Since release has been law-abiding, drug- and alcohol-free, and an active member of AA; remoteness of offense; after release obtained technical training, and since 1993 has owned heating and air conditioning business; volunteers time through AA assisting substance abusers; expresses remorse; very favorable recommendation from ex-spouse, favorable comments by U.S. Attorney.
Irving A. Smith D. Maryland (1957) Age: 85	Conspiracy to engage in horizontal price-fixing in violation of Sherman Act (participated w/54 other liquor retailers and wholesalers in conspiracy to fix liquor prices in Maryland - a misdemeanor).	Stable and law-abiding since offense; remoteness of offense; expresses deep remorse; extremely generous contributor to charities; active in Synagogue; favorable recommendations from rabbi, colleagues, neighbors.
Darrin Paul Sobin E.D. California (1987) Age: 33	Conspiracy to manufacture marijuana (at age 19, agreed to help his mother and father tend a marijuana crop on his uncle's farm)	Expresses extreme remorse; parents enlisted petitioner's help in various illegal activities throughout his childhood; secondary role in offense after offense, petitioner completed college and law school, becoming member of D.C. bar despite conviction; very active in community; very favorable character references; favorable recommendation of sentencing judges.
Monty Mac Stewart W.D. Oklahoma (1983) Age: 45	Mail fraud, and aiding and abetting the filing of a false federal income tax return (had kickback scheme with county commissioners, using mail, and aided in filing of false corporate tax return b/c kickbacks not reported)	Cooperated extensively when caught; offense was widespread practice in county, taught to petitioner when he joined family business; three other vendors convicted as result of same investigations have been pardoned (by Pres. Clinton); consistently expresses remorse and accepts full responsibility; law-abiding since conviction and not employed as airline pilot; Asst. U.S. Attorney takes no position; sentencing judge opposes pardon.

Kevin Lester Teker W.D. Washington (1989) Age: 32	Maliciously damaging property used in interstate commercial activity (detonated dynamite in three suicide attempts; damaged door at auto repair shop and broke windows at a school (no people in vicinity)).	Offense result of severe depression (and intoxication) following death of friend; immediately admitted offense and showed remorse; committed when young (21); now sober, law-abiding, active in community, donating services as pilot; seeks pardon to serve as pilot-in-command of Civil Air Patrol search and rescue; favorable references from employers, friends, probation officer sentencing judge strongly recommended.
John Timothy Thompson W.D. Oklahoma (1986) Age: 53	Use of a telephone to facilitate cocaine distribution (sold part of personal cocaine stash to help support habit).	Readily admitted offense and cooperated when arrested; overcame serious drug problem present at time of offense; expresses genuine remorse; steadily employed and law-abiding since offense; now a minister, devoting many hours to community service; favorable recommendations from other ministers, neighbors, U.S. Attorney, sentencing judge, probation officer.
Paul Loy Tobin S.D. Alabama (1968) Age: 50	Interstate transportation of stolen motor vehicle (stole car and drove across state line to avoid drug prosecution).	Offense aberration in law-abiding life; relative age of offense; state charges pardoned by Gov. Lawton Chiles; expresses extreme remorse; suffered severe injury while employed as free lance scuba diver, and despite disability has owned and operated two businesses; has continually sought further education to better opportunities; active in community; favorable recommendation of U.S. Attorney.
Gerald William Wachter E.D. Pennsylvania (1974) Age: 55	Conspiring to cause stolen goods to be transported in interstate commerce (while employed at women's clothing manufacturer, diverted and sold items from employer's inventory).	After offense became successful real estate developer; active in civic and charitable activities; regularly employs state and federal parolees, probationers, and work release prisoners in business projects; favorable recommendations of associates, neighbors, tenants, probation officer, U.S. Attorney.

Marian Lane Wolf N.D. Texas (1988) Age: 57	Misprision of felony (was passenger in vehicle when then-boyfriend sold amphetamines).	Relatively minor involvement in illegal activity; expresses sincere remorse; steadily employed and law-abiding since offense, owning own retail business until suffering stroke; now disabled, works from home as telephone hotline operator; has been active with children in community; favorable references from probation officer, employers, alcohol treatment counselor.
Samuel Harrell Woodard (f/k/a Samuel Harold Manzella) S.D. Georgia (1955) U.S. Air Force (1952) Age: 64	Theft from an interstate shipment (with two others, stole 5 cases of cigarettes from trucking company warehouse) Two convictions for being AWOL (sentenced each time to 30 days in stockade and forfeiture of \$20 pay; received less than honorable discharge).	Remoteness of offenses; accepts responsibility and expresses extreme remorse; credits incarceration with "turning life around"; active in community organizations; very favorable character references; U.S. Attorney, probation officer both recommend pardon (Air Force not contacted due to age of offense).

DECISION:

☒ GRANT:W. J. Clinton

DENY:

MORE INFORMATION:

CATEGORY 29 DOCUMENTS

SAMPLE



Office of the Deputy Attorney General
Washington, D.C. 20530

January 20, 1998

MEMORANDUM FOR: The Honorable Charles F.C. Ruff
Counsel to the President

FROM: Eric H. Holder, Jr. *EH*
Deputy Attorney General

SUBJECT: Recommended Denials of Executive Clemency--
Eight Petitions for Pardon (Ashburn-Van De Weerd)

The eight individuals listed below have submitted petitions for pardon. A review of the contents of each petition and other relevant records establishes that each petition is without merit. Therefore, denial of pardon by the President is recommended for each petitioner listed. An appendix containing essential information pertaining to each petition is attached.

97 01 0193	Stephen P. Ashburn
96 04 0295	David J. Brancato
97 04 0324	David B. Carew
97 06 0476	Randolph H. Hall
97 10 0024	Billy Kesel
97 06 0458	Roman F. Mrozinski
97 02 0240	Jacqueline A. Sharpe
97 10 0005	Patricia A. Van De Weerd

Attachment

APPENDIX

Stephen P. Ashburn

Relief Sought

Offense/District

Sentence/Date

Pardon

Threatening to inflict bodily harm and to take the life of the President of the United States

Five years' probation; \$500 fine

Middle Louisiana

May 17, 1991

Factual Summary and Reasons for Denial

In January 1991, petitioner, a chemist for a large chemical company in St. Gabriel, Louisiana, became angry because his one of his supervisors had criticized the quality of his work. Shortly thereafter, petitioner made three telephone calls pretending to be the supervisor, two to a government building in Washington, D.C. and one to the Iraqi embassy in the country of Jordan, threatening to kill the President of the United States. Although there is no evidence that petitioner actually intended to carry out any such threats, he admitted that he believed the threats would be taken seriously and that law enforcement authorities would immediately begin investigating the supervisor, who was a Swiss citizen legally residing in the United States. Petitioner stated that he hoped the telephone calls would eventually lead to the supervisor's deportation. Pled guilty and sentenced to five years' probation, with a special condition of mental health counseling. After he enrolled in medical school at St. Louis University in 1994, petitioner's supervision was transferred to the Eastern District of Missouri. In his pardon application, petitioner failed to disclose that he was arrested in December 1995 after failing to appear at a probation revocation hearing, which had been scheduled based on his refusal to participate in mental health treatment. At a subsequently hearing, he was sentenced to seven days in custody. A court-ordered psychiatric evaluation concluded that while he does not have a diagnosable mental illness, he does have a "passive-aggressive" personality disorder that leads him to have personality conflicts with others, particularly with those in positions of authority. In this regard, petitioner has been terminated or asked to resign three times for insubordination, most recently in 1994. Petitioner seeks pardon to enhance his ability to obtain a license to practice medicine, although he minimizes his offense by describing it as a "practical joke" on the supervisor. Reasons for denial: Recent offense, the gravity of which petitioner evidently fails to appreciate; lack of candor in pardon application; poor adjustment to probation supervision.

David J. Brancato

Relief Sought

Offense/District

Sentence/Date

Pardon

Receiving unlawful gratuities (three counts)

30 days' imprisonment in a work release center; three years' probation; 500 hours community service; \$3,000 fine

Maryland

January 5, 1990

Factual Summary and Reasons for Denial

From 1984 to 1988, petitioner was a review chemist with the Division of Generic Drugs of the Food and Drug Administration ("FDA") in Rockville, Maryland. In that position, he was responsible for reviewing applications submitted by generic drug manufacturers seeking FDA approval to market their products to the public. From 1986 until he resigned in 1988, petitioner met for meals at local restaurants with senior executives from two generic drug companies whose applications he was reviewing. At these meetings, petitioner discussed with the executives the status of their pending applications and accepted cash payments (totaling approximately \$16,000) from them on at least 10 occasions. During this period, petitioner recommended approval for a number of generic drug applications submitted by these companies. Pled guilty and was later permanently debarred (over petitioner's objections) from providing services in any capacity to a person with an approved or pending drug product application, pursuant to the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 335a(a). Probation was terminated early in November 1991. Now 47 years old, petitioner has been employed as an environmental scientist by the United States Army Corps of Engineers since 1994. Since his release from imprisonment, petitioner has had four other jobs, including a period of "self-employment." He seeks pardon as a sign of forgiveness, to restore his right to vote, and to facilitate his obtaining a higher security clearance for employment purposes. In his pardon application, he contends that at the time he accepted the payments, he believed they were merely "gifts" from his "friends" and denies that he had any intent to "corrupt the generic drug review process." He also claims that "most if not all of the money was funneled to charity." However, the presentence report states that petitioner donated approximately \$8,500 to various charities during this period, which constitutes just over half of the gratuities accepted. Reasons for denial: Recent offense involving acceptance of gratuities by a public official in connection with the performance of his official responsibilities; petitioner understates the seriousness of offense and attempts to minimize his culpability.

David B. Carew

Relief Sought

Offense/District

Sentence/Date

Pardon

Counterfeiting obligations of the United States

18 months' imprisonment; two years' supervised release; \$1,000 fine

Maryland

May 5, 1989

Factual Summary and Reasons for Denial

In July 1988, petitioner, a quality control engineer at a major corporation, was arrested after passing approximately \$500 in counterfeit twenty-dollar bills at a shopping mall in York, Pennsylvania. Subsequent to his arrest, Secret Service agents interviewed petitioner's neighbors and learned that in the previous three months, he had moved various pieces of machinery and equipment into his basement. The agents then conducted a consensual search of petitioner's residence and discovered approximately \$41,000 in counterfeit twenty-dollar bills, a printing press, a graphic arts camera, a photographic enlarger, a plate maker, a paper cutter, and graphic arts supplies, including paper and inks. Petitioner's codefendant, who was recruited to drive them to the shopping mall, admitted that he had been instructed by petitioner to destroy the remaining \$6,500 in counterfeit currency in his possession. Pled guilty and sentenced to 18 months' imprisonment; supervised release was terminated early in 1991. Now 43 years old, petitioner is currently employed as a graphic designer. He seeks pardon to remove the civil disabilities attendant upon his felony conviction and to enhance future employment possibilities. In his pardon application, petitioner denies ever having consulted a mental health professional, whereas the presentence report states that he had been seeing a counselor on a weekly basis for eight months and had been prescribed anti-depressant medication for six years. Although he expresses remorse for his offense, he also minimizes his conduct, asserting that it involved only "a few hundred dollars." Reasons for denial: Recentness of offense, involving a sophisticated and calculated effort to pass large amounts of counterfeit currency; petitioner vastly understates the scope of the offense; lack of candor in pardon application.

Randolph H. Hall

Relief Sought

Offense/District

Sentence/Date

Pardon

Income tax evasion

12 months' imprisonment (as modified); \$10,000 fine

Northern Georgia

October 28, 1977 (modified on March 31, 1978)

Factual Summary and Reasons for Denial

In April 1973, petitioner, the owner of a successful automobile parts business in Atlanta, Georgia, and his former wife jointly filed a false income tax return for the 1972 calendar year. Petitioner asserted that his taxable income for the year was \$1,245 and the amount of tax due was \$758, when in fact their income was approximately \$100,000, for which they owed taxes of more than \$45,000. During the course of the investigation, petitioner made numerous false representations to the IRS concerning the source and amount of his income, his interests in businesses and real estate, the existence of bank accounts, and the manner in which he had acquired certain property, all in an apparent effort to conceal his true income and assets. Pled guilty to one count of income tax evasion and originally sentenced to two years' imprisonment and fined \$10,000, later modified pursuant to petitioner's motion for reduction of sentence. In his pardon application, petitioner failed to describe his offense or to express any remorse for his conduct, merely noting the fact that he committed "tax evasion from 1971-1975." Also failed to disclose two prior arrests for domestic battery and one of his prior marriages. Now 67 years old, petitioner recently retired from his automobile parts business. He requests pardon to remove his federal firearms disabilities for hunting purposes. Reasons for denial: Failure to acknowledge responsibility or express remorse for his conduct; lack of candor in pardon application.

Billy Kesel

Relief Sought	Offense/District	Sentence/Date
Pardon	Making false claims against the United States	Three years' probation; \$11,334.05 restitution
	Southern Texas	September 11, 1992

Factual Summary and Reasons for Denial

In November 1986, petitioner, a commercial shrimper from Galveston, Texas, submitted a false claim totaling approximately \$11,000 to the National Marine Fisheries Service, which administers the Fishermen's Contingency Fund ("FCF"), a program designed to compensate commercial fishermen for certain kinds of property and economic losses. Petitioner altered the figures on eight invoices for damage to his vessel and fabricated four other invoices to justify his claim for economic losses, all of which was submitted, together with a notarized statement, in support of his FCF claim. The fraud was discovered in March 1990 when a cooperating witness in another investigation brought the information to the attention of the Office of Inspector General ("OIG") of the Department of Commerce. OIG investigators later verified that petitioner had submitted two additional fraudulent FCF claims totaling more than \$20,000, but these could not be prosecuted because the statute of limitations had run. Pled not guilty and convicted by a jury; conviction affirmed on appeal. At the time of his conviction, petitioner was employed in the casino industry, but was forced to surrender his gaming license as a result of the conviction. Since then, he has worked a series of short-term construction jobs as a pipefitter and welder. Has a prior conviction for DUI and a prior arrest for shoplifting. Now 56 years old, petitioner seeks pardon in order to reacquire his gaming license. In his pardon application, petitioner failed to disclose that he was tried and acquitted in state court on criminal charges of shrimping in closed waters. His probation expired in 1995. He still owes more than \$5,000 in restitution, although he appears to be making efforts to pay. Reasons for denial: Recent and serious fraudulent activity; failure to complete restitution; lack of compelling equities justifying pardon.

Roman F. Mrozinski

Relief Sought	Offense/District	Sentence/Date
Pardon	Obstruction of state or local law enforcement with intent to facilitate an illegal gambling business	Two years' probation
	Northern Ohio	December 3, 1991

Factual Summary and Reasons for Denial

In 1989, as part of a sting operation investigating police corruption in the Cleveland area, two FBI agents established an illegal gambling business and recruited local policemen to act as watchmen, doormen, escorts, and to otherwise protect the gambling operation and its patrons from official police intervention. In September 1990, petitioner, a 22-year veteran of the Cleveland Police Department, was paid \$350 to provide protection for a gambling game conducted at a local hotel. During the course of the evening, petitioner turned away a hotel security officer who was inquiring about the occupants of the room by displaying his badge, identifying himself as a policeman, and indicating that he was "taking care of everything." Both at sentencing and in his pardon application, petitioner purports to express remorse for the offense, but he minimizes his culpability by stating that he merely "used poor judgment in accepting this part time job." He also maintains that he did not realize that he was participating in an illegal gambling operation, but thought he was merely providing security for a "private party," although he failed to report the incident to his superiors. Similarly, two of his character references, also police officers, report that petitioner claims to have thought the job involved "providing security at a parking lot" and that he "immediately disassociated himself" from the operation when he realized its true nature. Now 50 years old, petitioner has been retired and living on disability since his conviction and termination from the police force. He seeks pardon to "put the episode behind him," enhance his future employment possibilities, and to facilitate his involvement in community affairs. Reasons for denial: Recent offense involving public corruption by a veteran police officer; fails to acknowledge culpability and attempts to minimize role in the offense.

Jacqueline A. Sharpe

Relief Sought	Offense/District	Sentence/Date
Pardon	Embezzlement of government money	45 days' imprisonment; five years' probation; \$13,339.87 restitution
	Northern California	June 11, 1982

Factual Summary and Reasons for Denial

In 1981 and 1982, petitioner worked as the bookkeeper for the Oakland Business Development Corporation, a nonprofit corporation established for the purpose of making loans to qualified businesses in the City of Oakland through financing received from the United States Department of Housing and Urban Development. During this period, petitioner embezzled approximately \$13,000 from the corporation by forging authorized signatures to corporate checks and depositing them into her personal bank account. Pled not guilty and convicted by a jury. At the time, petitioner denied any involvement in the offense, contending that she was "set up" by others. In her pardon application, however, petitioner admits her guilt, explaining that at the time she was going through a divorce and was heavily dependant on cocaine and alcohol, an addiction she seems to have overcome. Although her probation was terminated in 1987, she still owed approximately \$11,000 in restitution, which has apparently never been paid, although petitioner reports that she signed a consent judgment in favor of a bonding company for this amount. In 1994, petitioner filed for bankruptcy, discharging \$25,000 in debt, and is currently paying a percentage of the debt in monthly installments. In 1992, petitioner obtained a bachelor's degree and, although briefly unemployed and on public assistance in 1996, started a new job as an administrative assistant for a construction company in December 1996. Now 47 years old, petitioner seeks pardon in recognition of her rehabilitation and for employment purposes. Reasons for denial: Recent employment and financial instability, including filing for bankruptcy; failure to complete restitution; no compelling equities justifying pardon.

Patricia A. Van De Weerd

Relief Sought	Offense/District	Sentence/Date
Pardon	Theft by United States postal employee	60 days' imprisonment; two years' supervised release; \$1,000 fine; \$165 restitution
	Western Wisconsin	June 22, 1990

Factual Summary and Reasons for Denial

In January 1989, the United States Postal Service began investigating the disappearance of money, postage, and other items from the Tomahawk, Wisconsin post office, where petitioner had worked since 1980. In March 1989, a concealed video camera recorded petitioner removing two \$25 stamp coils from the postmaster's desk drawer. In June 1989, a postal inspector placed an unaddressed, unsealed envelope in the lobby drop box containing \$15 in postage, \$95 in cash, and a handwritten list of "things to do." Petitioner, whose job responsibilities included removing items from the drop box, kept the envelope. Several days later, a postal inspector placed a bank envelope in the drop box containing \$100 in cash. Petitioner also removed and kept this envelope. When petitioner was leaving the post office that day, she was detained and questioned about the bank envelope. After initially denying any knowledge of the thefts, petitioner admitted taking both envelopes, but only after some of the money was found in her purse. At that time, she also admitted stealing five or six \$25 stamp coils from the postmaster's desk drawer. Pled guilty, pursuant to a plea agreement, to a one-count information. Convicted of shoplifting after pleading guilty but prior to sentencing. Completed supervised release without incident in September 1992. Now 38 years old, petitioner is attending school to become a registered dental hygienist. She seeks pardon as a sign of forgiveness and to "start my new career off right." In her pardon application, however, she significantly downplays the seriousness of the offense, asserting that she only took one envelope containing stamps and cash and that she placed it in her desk intending to keep the items only if no one else claimed them. Although she expresses some remorse for her conduct, she characterizes it as a "violation of procedure." Petitioner has not been involved in any charitable or civic activities since her conviction. Reasons for denial: Recentness of offense, involving repeated acts of theft by a public employee, the seriousness of which petitioner evidently fails to recognize; minimization of culpability undermines petitioner's expression of remorse.

CATEGORY 30 DOCUMENTS

SAMPLE



U. S. Department of Justice

Pardon Attorney

Washington, D.C. 20530

JUL 16 1999

MEMORANDUM

TO: Eric H. Holder, Jr.
Deputy Attorney General

FROM: Roger C. Adams *RC A*
Pardon Attorney

SUBJECT: Daniel Larry Thomas, Jr.
Recommendation for pardon

Petitioner pled guilty in the Northern District of Ohio in 1987 to illegal use of a communication facility to distribute cocaine and was sentenced to 18 months' imprisonment. Between March and July 1985, he had purchased cocaine for his personal use and sold a portion of each purchase to friends and acquaintances in order to finance his habit. He was released to a halfway house in July 1988 and his sentence expired without incident in October 1988. He has no other criminal record.

Now 46 years old, Mr. Thomas currently serves as a city councilman in his home town of Struthers, Ohio, and is actively involved in state and local politics. Mr. Thomas is well-recommended by his associates and neighbors, who uniformly describe him as a friendly, honest, hard-working, and responsible individual. He has participated in numerous community and charitable activities. He requests a pardon primarily as a sign of forgiveness.

The United States Attorney's Office and the sentencing judge take no position on petitioner's application, although, as explained in the proposed letter of advice, the judge has stated that the petitioner has had a "complete change in . . . lifestyle" since his conviction, and has established a record of "substantial service to his community in a variety of ways." The United States Probation Officer who supervised Mr. Thomas strongly supports pardon, stating that petitioner is remorseful for his offense, seems to be leading a productive life, and "would benefit greatly" from a presidential pardon. His petition is also strongly supported by his Congressman, Representative James A. Traficant, Jr.

I recommend that Mr. Thomas be granted a pardon based on his demonstrated good conduct over many years, his excellent reputation in the community, and the favorable comments of the United States Probation Officer.

Attached for your review is a proposed letter of advice to the President setting forth the pertinent facts and recommending pardon. If it meets with your approval, please sign and return it to this office for forwarding to the White House.



U. S. Department of Justice

Pardon Attorney

Washington, D.C. 20530

OCT 27 1998

MEMORANDUM FOR: Eric H. Holder, Jr.
Deputy Attorney General

FROM: Roger C. Adams *RCA*
Pardon Attorney

SUBJECT: Lawrence David Share
96 04 0260
Applicant for Pardon

In August 1998, you signed and referred to the White House a letter of advice recommending that the President deny pardon in the case of Lawrence David Share, who was convicted of securities fraud in the 1970's. The Department's negative recommendation is based largely on the fact that, although Mr. Share is now a successful insurance salesman living in Florida and has had no further contact with the criminal justice system, he clearly does not accept responsibility for his conduct and has publically portrayed himself as the victim of a miscarriage of justice. In the letter of advice, we noted that the sentencing judge, the Honorable Gordon Thompson, Jr. of the United States District Court for the Southern District of California (who took senior status in 1995), declined to take a position one way or the other on Mr. Share's application. We based this on a letter from the judge dated March 24, 1997. This office recently received a second, unsolicited, letter from Judge Thompson in which he now states that he has "no objection to Mr. Share being granted a pardon and would, based upon his past performance over these many years, encourage same." Although I do not believe that this fact warrants a reconsideration of the Department's position in the case, I wanted to bring it to your attention, particularly given Mr. Share's relatively high profile in his local community.

I have attached copies of the signed letter of advice and both of Judge Thompson's letters for your review. I propose that this office send a memorandum to the White House Counsel's Office, together with a copy of Judge Thompson's second letter, but explaining that the Department has not changed its recommendation. Please advise if you concur in this course of action.

Concur

Do not concur

CATEGORY 31 DOCUMENTS

SAMPLE



U. S. Department of Justice

Office of the Deputy Attorney General

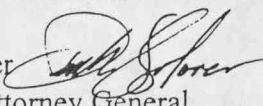
Associate Deputy Attorney General

Washington, D.C. 20530

October 19, 2000

MEMORANDUM FOR THE DEPUTY ATTORNEY GENERAL

FROM:

Deborah S. Smolover 
Associate Deputy Attorney General

SUBJECT:

Pardon Denial Recommendation: Philip Vito Digirolamo

I REQUESTED TIMETABLE

The WHCO has requested review of pending "full" pardon denial recommendations drafted by the Office of the Pardon Attorney (OPA) to ascertain whether any are in fact worthy of favorable action. I have reviewed four full denial reports drafted by OPA, of which this is the third. I concur in OPA's negative recommendation in this case.

II SUMMARY OF PARDON PETITION AND OPA INVESTIGATION

Petitioner Philip Vito Digirolamo, 56, pled guilty in the Northern District of California to conspiring to import marijuana and willfully subscribing to a false tax return, and, in 1984, was sentenced to three and one-half years' imprisonment. He was released in 1987 and his parole supervision expired without incident in 1988. He fulfilled his outstanding tax obligations and has no other criminal record.

Between 1979 and 1982, petitioner, then a partner in an investment group that owned several commercial fishing vessels in California, became actively involved in a wide-ranging drug smuggling operation that was responsible for importing a total of approximately \$20 to \$25 million worth of marijuana into the United States from Colombia over a two year period. Essentially, petitioner provided boats, facilities, and equipment used to smuggle marijuana into the San Francisco Bay area. He received over \$2 million in cash for his equipment and services. He kept over \$400,000 and distributed the remainder to others in his organization.

Petitioner withdrew from the drug conspiracy in 1982. In 1983, upon learning that one of the ring-leaders had been arrested, he turned himself in to the FBI. He then participated in a series of debriefings relating to the drug smuggling enterprise. His cooperation ultimately led to the conviction of 39 individuals.

Mr. Digirolamo is a life long resident of Monterey County, California where he has had extensive involvement in the fishing industry. His first marriage ended in divorce, and he was awarded custody of his three children from that marriage. He remarried in 1975. After his release from prison, petitioner started a small retail fish business, which has grown substantially over the years, evolving into a nearly \$ 2 million business. Petitioner enjoys an excellent reputation in the community, and one of his character affiants is the FBI agent who arrested him. He is involved in a variety of community affairs, and was voted "Man of the Year" by the Moss Landing Chamber of Commerce in 1996 for his contributions to the business community.

Petitioner seeks clemency in recognition of his rehabilitation, as a sign of forgiveness, for the sake of his family, and to restore his firearms privileges so that he may hunt. He accepts responsibility for his conduct and has remained drug free since his conviction.

III RECOMMENDATIONS OF THE UNITED STATES ATTORNEY
AND SENTENCING JUDGE

The U.S. Attorney for the Northern District of California opposes pardon. While recognizing that petitioner has "turned his life around and become a valued member" of his community, the U.S. Attorney notes that Mr. Digirolamo was a "very important member of a significant narcotics organization." Moreover, the U.S. Attorney observes that petitioner's offense was not an aberration, but was part of a course of conduct that lasted over two years. The sentencing judge, Hon. Spencer Williams, recommends in favor of pardon, based on petitioner's record of rehabilitation since his conviction. In fact, Judge Williams concludes that "if anyone deserves a pardon, he [i.e., petitioner] does."

IV VICTIM'S RECOMMENDATION

Not applicable.

V OPA RECOMMENDATION

The Pardon Attorney recommends that Mr. Digirolamo's petition be denied. OPA notes that in the 16 years since petitioner's only criminal conviction, he has by all accounts lived a stable and productive life. He is highly regarded in his community and is involved in a variety of charitable activities. Nevertheless, OPA opposes pardon at this time, based on the seriousness of petitioner's offense. In addition, OPA notes that petitioner has no compelling need for pardon.

VI ODAG RECOMMENDATION

I concur in the Pardon Attorney's negative recommendation. Mr. Digirolamo actively participated in a significant narcotics conspiracy, over an extended period of time, and was responsible for facilitating the importation of an enormous amount of drugs into the United States, for which he received over \$400,000. Moreover, I agree with the Pardon Attorney that petitioner has failed to present a compelling need for pardon. While his rehabilitation is indeed commendable, I would recommend against pardon at this time.

CATEGORY 33 DOCUMENTS

SAMPLE



U. S. Department of Justice

Pardon Attorney

Washington, D.C. 20530

APR 24 1995

MEMORANDUM FOR DEBORAH SMOLOVER
ASSOCIATE DEPUTY ATTORNEY GENERAL

FROM: Roger C. Adams *RC*
Pardon Attorney

SUBJECT: William Fugazy

Attached is the original of the letter sent by Andrew Maloney to Eric Holder concerning his client, William Fugazy. You will recall that Mr. Fugazy was not eligible to apply for a pardon because he was well short of the five-year waiting period following his plea of guilty and sentence to two years' probation including a term of six months' home confinement. Mr. Maloney called me about my decision not to grant a waiver and said he was going to "appeal" that decision to the DAG. The attached letter is his "appeal."

I am not sure that a conscious decision was made to "buck" the letter to me, but another letter from me will not satisfy Mr. Maloney, and he will simply write to the DAG again. I have enclosed a possible response for the DAG's signature. I have indicated previously that the White House would likely be interested in this case, given Mr. Fugazy's considerable connections in New York. (Among others, his supporters include Mayor Giuliani.) On Friday, the White House Counsel's Office asked for a copy of the memorandum I had done for the DAG explaining my decision in this case. Kevin Ohlson said it was acceptable to send them a copy, and I did so.

Please let me know if the DAG signs and sends the attached letter, or what other action you plan to take on this matter.

Attachments

#3

CATEGORY 34 DOCUMENTS

SAMPLE



U. S. Department of Justice

Pardon Attorney

Washington, D.C. 20530

MAR 10 2000

MEMORANDUM FOR ERIC H. HOLDER, JR.
 DEPUTY ATTORNEY GENERAL

FROM: Roger C. Adams *RCA*
 Pardon Attorney

SUBJECT: Chart of Pending Pardon Cases

At Deborah Smolover's request, we have prepared the attached chart showing the status of all pardon cases pending in the Office of the Pardon Attorney (OPA). As of March 7, 2000, there were 365 cases. That number is four cases fewer than the 369 I reported in the monthly report of March 1 because, since that date, some new cases have been received but several other cases have been closed administratively. (A case is closed administratively if the petitioner indicates he no longer wants the case processed or, more commonly, refuses to respond to at least two screening letters asking for more information.)

We have highlighted on the chart the 15 cases in which we have already decided to draft a letter of advice for your signature recommending a pardon. (That number increased by one from the 14 that I noted in my March 1 monthly report because, since then, we have received the views of the U.S. Attorney and sentencing judge in an additional case, and decided to draft a report recommending a pardon.)

As is emphasized in the legend that accompanies the chart, we may well recommend pardons in more cases than the 15 currently noted. However, the investigations are not fully complete (or in a few we have not had time to analyze completely all the information we have received). Consequently, while I am reluctant to promise the White House a specific number of additional cases in which I will propose that you sign a letter of advice recommending a pardon, by dint of statistical probability and our experience, there will undoubtedly be some in this category.

The chart reflects the information which Ms. Smolover indicated the White House wanted. I would underscore that it should not be taken as fully reflective of who is a "good" or "bad" candidate for a pardon. As you know, there are many factors that cannot be captured in a chart, and in many cases the chart reflects only the information that the applicant provided. For these reasons, and because the chart identifies which cases are still in OPA and, to some extent, our views on a particular case, you may want to suggest that the document not be circulated outside the White House Counsel's Office.

Attachment

PARDON CASES PENDING IN THE OFFICE OF THE PARDON ATTORNEY (as of March 7, 2000)

<i>Name (Age)</i>	<i>Date Filed</i>	<i>District of Conviction</i>	<i>Date of Conviction</i>	<i>Offense</i>	<i>Other Record</i>	<i>Status</i>
ADAMS, Jimmy Wayne (62)	4/19/99	E/TX	12/92	Mail fraud	C, 1983, public intoxication C, 1964, contributing to the delinquency of a minor	Recommendation in progress
ADRIAN, Gregory Wayne (52)	2/10/98	S/FL	11/92	Selling drug samples	C, 1973, petty larceny C, 1984, soliciting prostitution C, 1988, soliciting prostitution	Recommendation in progress
ALLEN, Clemmons J., Jr. (57)	10/19/99	N/IN	2/93	Operating an illegal gambling business	None known	Recommendation in progress
ALLEN, Michael Hahn (66)	4/21/97	Navy	8/87	Espionage	C, 1958, DUI C, 1994, DUI	Recommendation in progress
ALLEN, Verlia Jean (52)	7/19/99	W/AR	9/90	False statements to a US agency	None known	Determining need for further investigation 10/99
ALTIERI, Gerard (57)	10/4/99	S/NY	9/90	Conspiracy to commit tax evasion	A, 1957, disorderly	Initial screening
ALTSCHUL, Bernice Ruth (73)	4/1/98	AZ	12/92	Conspiracy to commit money laundering	None known	Awaiting response from US Attorney and sentencing judge 3/00
ALVAREZ, Francisco I. (31)	11/20/98	S/FL	9/92	Credit card fraud	A, 1993, petit theft	Recommendation in progress
ANDERSON, Aldine Raymond (62)	2/29/00	S/FL	3/86	Destruction and embezzlement of mail	None known	Initial screening
ANDREWS, William Robert, Jr. (44)	8/15/97	1) S/FL 2) S/FL	1) 4/81 2) 6/81	1) Conspiracy to possess with intent to distribute marijuana 2) Possession with intent to distribute cocaine	Juv.: petty larceny; forgery A, 1984, battery, possession of marijuana, disorderly	Reviewing response of US Attorney and sentencing judge 8/99

Especially for recently filed cases, data reported may be based solely on the information provided by the petitioner. In the "Other Record" column, "A" indicates an arrest, "C" indicates a conviction, and "TV" signifies a traffic violation; juvenile adjudications are denoted "juv." In the status column, the status reported is the most recent development in the case. Shaded cases are those in which a favorable recommendation is now being prepared. p. 1