



Lincoln Center
for the Performing Arts, Inc.

✓ cc: Lisel Loy

000001 11-09-25

DATE: October 10, 2000
TO: John Podesta
FROM: Alina Bloomgarden
SUBJECT: Letter and Proposal for the President from Wynton Marsalis

I am forwarding this letter to you as written by Wynton Marsalis at the suggestion of Bill and Dorothy McSweeney. It is Wynton's hope that the President will have an opportunity to read the following proposal.

As you will see in reviewing the proposal, the hope is to launch this initiative during President Clinton's watch or in some way that it be associated with him since it aptly reflects his values and spirit. If that were not possible, it would be great if the idea had the President's imprimatur, and perhaps advise, so that it could be most effectively directed.

Wynton is very interested in moving this forward and would adjust his schedule if a meeting were called for to discuss the idea and its implementation.

We look forward to receiving response to this proposal. I can be reached at Lincoln Center at (212) 875-5371, fax (212) 875-5330, or email Bloomsy@Aol.Com.

Thank you for your help.

Alina Bloomgarden

cc: Delia
open
10.14.00
red dot

cc: Delia
Tim
return
10.11.00

**Wynton Marsalis
3 Lincoln Center
New York, NY 10023**

September, 2000

Dear Mr. President,

I feel privileged to have spoken with you on several occasions and to have had the chance to support you. I have recently been approached about an initiative that rang so true for me and I thought you would share my excitement about it.

Based on your strong support for the arts and arts education, I know you share my belief in the "power of music to transcend race, age, nationality and language." You said so yourself in your letter to the Statesman of Jazz upon their trip to Japan in September 1997.

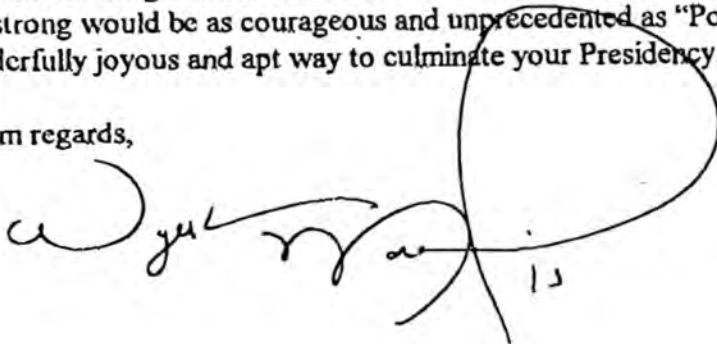
As all of us approach the last few months of your Presidency, I feel there should be something celebratory and ongoing to keep alive the vitality and power of your presidency and your vision for America - something joyous, deeply soulful and swinging.

It is with this in mind that I am compelled to reach out to you about the following proposal: The creation of a national holiday dedicated to music in all its forms in honor of Louis Armstrong. This holiday would stand as an enduring contribution to our cultural identity. It would give us the opportunity as a nation to celebrate the importance of music itself to American life and culture, to honor the only truly American musical genre - jazz, and to place in our national identity for all time one of America's greatest cultural icons, Louis "Satchmo" Armstrong.

While many organizations and institutions will celebrate the centennial of Louis' birth (which takes place on August 4, 2001) it seems appropriate that we create something larger and more lasting to perpetuate the magnitude of "Pops" who was and remains such a beacon for decency, humanity, artistry, unity and the American dream.

Even though many things have happened since 1997, I'm sure that nothing has shaken your faith in the greatness of music. The enactment of a national holiday for Louis Armstrong would be as courageous and unprecedented as "Pops" himself and a wonderfully joyous and apt way to culminate your Presidency.

Warm regards,

A handwritten signature in black ink, appearing to read 'Wynton Marsalis', with a large, stylized loop at the end.

Proposal for the Institution of

National Music Day in honor of Louis Armstrong

Louis Armstrong was a man who was truly universal. He was loved in Africa. He was loved in Europe. He was loved in Japan. He was loved everywhere he went not just because he smiled. He was loved because the sound of that horn was pure spiritual essence; the sound of America and the freedom that it's supposed to offer.

Wynton Marsalis

Louis Armstrong turned jazz into individual improvisation that didn't break away from the backing of the ensemble but set the spotlight on one individual." *George Avakian*

Jazz holds a unique place in our nation's musical heritage. In its dynamism, innovation, and diversity, it speaks to our souls and gives voice to our joys and sorrows. Jazz remains a vibrant part of our cultural that is cherished by music lovers here and around the world. *President William Jefferson Clinton*

**Submitted by:
Wynton Marsalis
Alina Bloomgarden
Kim Hargraves**

PROPOSAL

In identifying a meaningful way to celebrate Louis Armstrong on the centennial of his birth, we propose a day set aside in the nation to honor music itself and its important and vital role in American life. There's no better ambassador for the power of music to elevate, express and heal than Louis "Satchmo" Armstrong, one of the founders and expositors of the uniquely American music - Jazz. A national holiday for music designated on the centennial of Louis Armstrong's birth provides an opportunity to not only celebrate the life journey and contributions of one human being but what this human being stood for in his country and in the world that will continue far beyond the events on one day or even one year.

He is a person who used the democratic ideal to distinguish himself by utilizing his God-given talents to become master of his odds;

He codified the art of improvisation in jazz, the only truly American music form.

He came from humble beginnings and became America's goodwill ambassador to the world.

He developed a language through his music that transcended barriers.

He understood that a basic spiritual presence inhabits all people regardless of their station in life and this he loved.

He was an innovator who captured the American essence in sound and taught and defined for the entire nation and the world what America sounded like.

He was an African American who rose above the imposed confines of race to become a man for all time and all nations.

He is a perfect hero for our times and for all times.

Whereas Louis Armstrong, the man and his music, touches all that is identifiable, enduring and noble about the land we call America, we propose the creation of

National Music Day in honor of Louis Armstrong

A day to give pause for all to enjoy and partake of America's musical bounty.

American National Music Day in honor of Louis Armstrong

This holiday will be designated each year to take place on the date of Louis Armstrong's Birthday, August 4th. The nation and its businesses will remain open with an air of celebration. Music will be at the center of the nation's day, available and accessible to all. Every town and city, institution and business, camp and conservatory, community and neighborhood, school and home will celebrate the power of music on this sonorous national holiday.

There are many forms this celebration can take:

f - Musicians and institutions will proudly participate in this goodwill endeavor by offering performances that are free and accessible.

f - Composers will debut their compositions.

f - Children and youth in bands, orchestras, choirs and theater will find a productive focus for their summer in preparation for festive community concerts.

f - Neighborhoods and communities will present concerts, music fairs and parades.

f - Live music will be performed in hospitals, retirement homes, and other facilities where populations are confined.

f - Companies and their employees will determine various ways to recognize this day in their own offices.

Activities of National Music Day will be instituted and guided by a non-profit organization established to commemorate and celebrate the power of music of all genres in the spirit of Louis Armstrong.

Wynton Marsalis, Pulitzer Prize winning composer, noted jazz and classical trumpet player and artistic director of Jazz at Lincoln Center.

Alina Bloomgarden, originated and produced Classical Jazz with Wynton Marsalis and Stanley Crouch which led to creation of Jazz at Lincoln Center. Currently administers educational programs at Lincoln Center and produces Reel to Real for families.

Kim Hargraves, managed and developed music education programs for The ASCAP Foundation and is now principal of a firm specializing in strategic partnerships between corporations and non-profits.

THE WHITE HOUSE

Assistant to the President and
Staff Secretary

OCT. 14, 2000

BETH -

PER OUR DISCUSSION, I
FORWARDED 3 OF THE 5
CLEMENCY MEMOS TO THE
PRESIDENT YESTERDAY; I
AM RETURNING THE OTHER
2 (RECONSIDERATION + HAMMER),
ALONG WITH YOUR COVER
NOTE.

-LISEL

THE WHITE HOUSE

WASHINGTON

October 5, 2000

00 OCT 6 PM 12:36

MEMORANDUM FOR THE PRESIDENT

FROM: BETH NOLAN *Bm*
BRUCE LINDSEY
MEREDITH CABB *mc*

SUBJECT: Attached Executive Clemency Memoranda

Attached are four memoranda listing executive clemency matters for your consideration. The first submits 7 pardon requests, which we recommend you grant. The second lists 34 cases in which you have previously denied pardons, but which we believe you may wish to reconsider. If you would like to pardon those individuals, we will contact them to ensure they still wish to be pardoned. Once we have confirmation both that you would like to pardon the individual and that the individual still seeks that pardon, we will communicate your decision to the Department of Justice. The third memorandum recommends that you grant a commutation in the case of Vicki Lopez-Lukis. The fourth recommends that you deny several commutation requests.

-105

THE WHITE HOUSE
WASHINGTON

October 5, 2000

000015-22181

MEMORANDUM TO THE PRESIDENT

FROM: BETH NOLAN *BN*
BRUCE LINDSEY *ML*
MEREDITH CABB

SUBJECT: Possible Reconsideration of Pardons Recommended by DOJ that were Denied

Below are cases in which the Department of Justice recommended that you grant pardons, but which you originally denied. You indicated you would like to review those cases. We have identified the following ones as cases you may wish to reconsider.

If you agree, and would like to pardon these individuals, we will contact them to ensure they would still accept a pardon (and that they are still living). We will then convey to the Department of Justice that you have granted pardons in those cases where we have both your approval and confirmation that the petitioner still would like a pardon.

- I. The following are pardon cases denied on December 21, 1998, for which the Department of Justice submitted recommendations in favor of granting pardons.

NAME/DISTRICT	OFFENSE	RATIONALE
Harlan Richard Billings D. Maine (1985) Age: 56	Conspiracy to possess with intent to distribute in excess of 1,000 pounds of marijuana (agreed to serve as lookout for offloading of shipment of marijuana; withdrew his participation before any drugs arrived). Sentenced to 3 years' probation with \$200 hours of community service (terminated one year early) and fined \$5000.	Agreed to minor role in offense, which he abandoned before any illegal activity took place; offense aberration in otherwise law-abiding life; favorable character and professional references; involvement in community; seeks pardon to restore self-esteem, to acquire Coast Guard captain's license, and to restore his federal firearms privileges; demonstrates remorse and rehabilitation; U.S. Attorney and sentencing judge recommend pardon.

William Robert Carpenter N.D. California (1991) Age: 40	Possession of marijuana with intent to distribute, distribution of marijuana and aiding and abetting (helped several individuals offload a shipment of marijuana from a boat in return for \$5,000). Sentenced to one year's probation.	Relatively minor role in offense, committed when young (24); petitioner has since overcome drug and alcohol addiction; favorable character and employment references; seeks pardon to become correctional officer; cooperated with the prosecution of wider conspiracy; U.S. Attorney recommends pardon.
Rickey Lee Cunningham S.D. Texas (1973) Age: 46	Possession with intent to distribute marijuana (stopped at U.S. and Mexico border with 18 pounds of marijuana). Sentenced to 5 years' probation (under Youth Corrections Act).	Remoteness of offense, committed when young (20); since offense has led law-abiding, productive life, remaining steadily employed; leadership in his labor union; favorable employment and character references; requests pardon to enhance employment opportunities.
Peter Welling Dionis N.D. New York (1976) Age: 49	Conspiracy to import, importation, and possession with intent to distribute controlled substances (conspired to import 38 pounds of hashish from Canada to U.S.; succeeded in importing 20 pounds). Sentenced to two years' imprisonment and two years' special parole.	Remoteness of offense, which has been aberration in otherwise law-abiding life; favorable character and employment references; involvement in church and community; honorable service in Marine Corps in Vietnam; expresses sincere remorse; recommendation of U.S. Probation Officer.

Joe Robert Grist W.D. Texas (1990) Age: 33	Misapplication of funds by a bank employee (as a 23-year-old teller, on four separate occasions embezzled a total of \$11,700 from his cash drawer). Sentenced to five years' probation (terminated early).	Involved in church and community; since offense has been treated for alcohol and drug addiction and has become licensed chemical dependency counselor; has received bachelor's degree and has continued education; favorable character references; seeks pardon to obtain social work license; sentencing judge, probation officer recommend pardon; U.S. Attorney does not object.
Leroy Kenneth Hartung, Jr. D. Nevada (1986) Age: 48	Unlawful interception of wire communications (as DEA agent, illegally recorded conversations of suspected cocaine distributor).	Since offense, has led law-abiding, productive life; involved in church and community; favorable character and employment references; seeks pardon to enhance employment opportunities, to remove stigma of conviction, to remove federal firearms disabilities, and for family's sake; sentencing judge, U.S. Attorney do not object; probation officer recommends pardon.
Robert Quinn Houston S.D. Mississippi (1986) Age: 51	Conspiracy to obstruct commerce by extortion (on behalf of a Mississippi State Senator, sought payments to secure Senator's support of pending legislation that would legalize pari-mutuel betting on horse racing). Sentenced to five years' probation (terminated early), 416 hours of community service, and fined \$10,000.	Cooperated extensively with investigation; offense an aberration in otherwise law-abiding, productive life; extensive involvement in community; very favorable character references; seeks pardon to restore his civil rights, for his family's sake, and to facilitate international travel in connection with his business; probation officer, criminal division chief of U.S. Attorney's Office recommend pardon; sentencing judge does not object.

Michael Thomas Johnson S.D. Mississippi (1987) Age: 47	Filing false income tax returns (as a veterinarian in his early thirties, underreported his income by \$111,000, resulting in nonpayment of approx. \$22,000 in taxes). Sentenced to three years' probation (terminated early) and 360 hours of community service.	Involvement in church and community; very favorable character and professional references; IRS reports petitioner has satisfied his tax obligation for years of offense, as well as penalties and interest; shows sincere remorse; probation officer recommends pardon; U.S. Attorney, sentencing judge do not object.
Richard Tabor Johnson E.D. Virginia (1983) Age: 67	Conspiracy to defraud the U.S. (as an authorized vendor to the Norfolk Naval Shipyard, billed the shipyard approx. \$1,842 for products that he never delivered, and then provided free products from his store to shipyard employees). Sentenced to 60 days in jail, three years' probation, and fined \$5,000.	Cooperated immediately when discovered; offense involved relatively minor sum and is an isolated event in otherwise law-abiding life; involvement in community; very favorable character and professional references; honorable service in Navy; probation officer recommends pardon; sentencing judge does not object.
Daniel Wayne Keys S.D. Texas (1977) Age: 43	Possession with intent to distribute marijuana (stopped at Mexican border with 132 pounds of marijuana in his van). Sentenced to two years' imprisonment and three years' parole.	Remoteness of offense, committed at age 21; favorable character and employment references; seeks pardon to remove his federal firearms disabilities and to facilitate travel abroad; honorable service in Army; probation officer recommends pardon, U.S. Attorney does not object.
Jack Kligman E.D. Pennsylvania (1985) Age: 65	Conspiracy to defraud the U.S. and mail fraud (provided confidential contract pricing information on government contracts to a bidder in exchange for payment). Sentenced to five years' probation (with psychological counseling and 200 hours community service) and fined \$11,000.	Petitioner voluntarily ceased his criminal activity prior to the commencement of the government investigation; offense an aberration in otherwise law-abiding life; favorable character and professional references; seeks pardon to restore his civil rights, to remove stigma of conviction, and to enhance employment opportunities; sincerely remorseful.

Hector Osvaldo Labagnara D. New Jersey (1976) Age: 61	Conspiracy to transport stolen motor vehicles in interstate commerce, receipt and sale of stolen motor vehicles, and transport and disposition of falsely made vehicle registrations (sold stolen cars that had been delivered to petitioner's restaurant, receiving \$200 per car). Sentenced to three months' imprisonment and five years' probation.	Isolated offense in otherwise law-abiding life; relatively minor role in conspiracy; remoteness of offense; favorable character and professional references, community involvement; seeks pardon to ease the stigma of conviction and for family's sake; expresses remorse; U.S. Attorney does not object; probation officer highly recommends.
Leon Lee Liebscher W.D. Oklahoma (1982) Age: 66	Conspiracy to defraud the U.S. (tax evasion) (as an elected county commissioner, accepted \$30,183 in cash kickbacks he failed to report as income on his tax returns). Sentenced to two years' imprisonment and fined \$5,000.	Remoteness of offense; involvement in community and church; very favorable character and professional references; honorable service in Army; expresses genuine remorse; seeks pardon to restore his civil rights, for his family's sake, and to restore his right to carry a firearm; probation officer, sentencing judge recommend pardon.
Pierluigi Mancini N.D. Georgia (1985) Age: 37	Possession of cocaine with intent to distribute (arrested in possession of 577 grams of cocaine at the Atlanta International Airport). Sentenced to five years' probation with 500 hours community service and fined \$6,000 (as reduced).	Extensive involvement in community including volunteering for rehab center and substance abuse prevention and recovery groups; has since recovered from drug addiction, which motivated offense; academic advancement since conviction; very favorable character and professional references; seeks pardon as a sign of forgiveness and to facilitate international travel; probation officer, Prosecuting Asst. U.S. Attorney recommend pardon; U.S. Attorney, sentencing judge do not object.

Edward Francis McKenna III S.D. Mississippi (1993) Age: 33	Possession with intent to distribute anabolic steroids (purchased Sustanon 250 from an undercover agent on behalf of co-worker). Sentenced to one year's probation and fined \$750.	Isolated offense in otherwise law-abiding life; seeks pardon to enable him to remain enlisted in the Army National Guard and be reinstated to his civil service position in the Mississippi Army National Guard; favorable character and professional references; U.S. Attorney, sentencing judge recommend pardon.
Andrew Kirkpatrick Mearns, III D. Delaware (1978) Age: 45	Possession of cocaine with intent to distribute and distribution of cocaine (served as an intermediary in the sale of cocaine; arrested in possession of 7 oz.). Sentenced to six months in jail.	Cooperated immediately when discovered; very involved in community; favorable character and employment references; seeks pardon to restore his self-esteem, for his children's sake, and as a sign of forgiveness; co-defendant pardoned in March, 2000; sentencing judge recommends pardon.
Philip James Morin W.D. Texas (1984) Age: 53	Distribution of cocaine (on three occasions, sold a total of approx. five and one-third ounces of cocaine to undercover law enforcement agents for \$12,700). Sentenced to six years in jail (as reduced) and four years' special parole (terminated early).	Involvement in community activities; very favorable character and professional references; honorable service in Army; seeks pardon to enhance employment opportunities, to remove stigma of conviction, and as a sign of forgiveness; expresses sincere remorse; sentencing judge recommends pardon; U.S. Attorney does not object.
Daryl Edward Nelson D. Minnesota (1974) Age: 56	Possession of an unregistered firearm (possession of a .22 Armalite rifle he had purchased from a friend for \$50, but had not registered as required by law). Sentenced to one year's probation.	Remoteness and minor nature of offense; after several youthful offenses (none since this offense), has led law-abiding life; favorable character and professional references; seeks pardon to restore peace of mind, in recognition of his rehabilitation, and to facilitate starting locksmith business; U.S. Attorney does not object.

Roger Lee Nelson D. Nebraska (1981) Age: 50	Mail fraud (submitted a false proof-of-loss insurance claim after he deliberately set fire to his own home). Sentenced to two year's probation (terminated early).	Remoteness of offense; offense isolated incident in otherwise law-abiding life; involvement in community; seeks pardon to restore firearms rights; honorable service in Air Force; expresses remorse; probation officer, U.S. Attorney do not object.
John Russell Raup U.S. Air Force (1984) Age: 37	Larceny of government property (stole a variety of items from an FB-111 aircraft) and wrongful possession of marijuana. Sentenced to two years' confinement, forfeiture of pay of \$300/month for 24 months, reduction in grade, and bad-conduct discharge.	Since offense has led law-abiding, productive life; expresses remorse and believes conviction "redirected" his life; involvement in community; favorable character and professional references; seeks pardon for forgiveness, to restore civil rights, and to remove the stigma of conviction.
Lloyd Edward Rickey N.D. Indiana (1983) Age: 59	Interstate transportation of a stolen motor vehicle (two counts) (stole tow cars and drove them across state lines). Sentenced to four years' imprisonment and five years' probation.	Remoteness of offense which appears to be isolated event in otherwise law-abiding life; favorable character and professional references; seeks pardon as a sign of forgiveness and to enhance employment opportunities; expresses remorse; probation officer recommends pardon; U.S. Attorney does not object.

Stanley Sirote E.D. New York (1974) Age: 65	Bribery of a public official (as the owner and president of a mortgage company, paid more than \$55,000 in bribes to several employees of the Hempstead, New York office of the Federal Housing Administration for the purpose of obtaining and expediting mortgage insurance on mortgages issued and sold by his company). Sentenced to three years' probation and fined \$40,000.	Voluntarily came forward and cooperated with investigation; active contributor to charitable organizations; very favorable character and professional references; seeks pardon to restore his civil rights and to clear his name for his family's sake; probation officer recommends pardon; U.S. Attorney does not object.
Dent Elwood Snider, Jr. D. Colorado (1981) Age: 53	Using a telephone to facilitate the distribution of cocaine (discussed sale of cocaine on telephone and then sold cocaine to undercover agent.) Sentenced to three years' probation (terminated early) with condition of mental health/alcohol treatment counseling.	Remoteness of offense; favorable character and professional references; seeks pardon to enhance employment opportunities; has overcome a long-standing drug and alcohol abuse problem; U.S. Attorney recommends pardon; sentencing judge does not object.
Stephanie Marie Vetter D. New Mexico (1979) Age: 44	Possession with intent to distribute methamphetamine (sold 12 grams of amphetamine for \$600 and 1.6 grams of methamphetamine for \$100 to undercover DEA agents and 286 morphine sulfate tablets to an undercover state narcotics officer for \$5,000). Sentenced to five years' probation.	Remote and isolated offense (committed at age 22) in otherwise law-abiding life; very favorable character and professional references; expresses genuine remorse and seeks pardon as a sign of forgiveness; probation officer, U.S. Attorney do not object to pardon.

Michael Lynn Weatherford E.D. North Carolina (1986) Age: 38	Interstate travel in aid of racketeering and aiding and abetting (picked up a bag containing \$30,000 and two pistols for a neighbor and drove neighbor from South Carolina to North Carolina). Sentenced to two years' supervised probation.	Relatively minor role in larger offense; offense appears a youthful mistake (committed at 23) in otherwise law-abiding life; involvement in community and charitable activities; seeks pardon as a sign of forgiveness; probation officer recommends pardon.
Charles Elvin Witherspoon E.D. Texas (1977) Age: 50	Embezzlement of bank funds (as a cashier and auditor for a bank, embezzled \$141,500 over an 18- month period). Sentenced to 10 months' imprisonment (as reduced).	Remoteness of offense; made full restitution to bank; favorable character and professional references; seeks pardon as a sign of forgiveness, for his family's sake, to enhance employment opportunities, and to remove firearms disabilities; former U.S. Attorney recommended pardon in 1991, and sentencing judge concurred; current U.S. Attorney does not object.
Charles Z. Yonce, Jr. D. South Carolina (1988) Age: 50	Conspiracy to possess with intent to distribute cocaine and aiding and abetting (bought cocaine for personal use and sold 7 grams to friends). Sentenced to 6 months' imprisonment followed by 5 years' probation (as reduced).	Cooperated fully when contacted by FBI; relatively minor role in conspiracy; has since overcome drug addiction that motivated offense; involvement in community; favorable character and professional references; expresses remorse; seeks pardon to restore his civil rights, for forgiveness, to remove his federal firearms disabilities, and for family's sake; probation officer, U.S. Attorney, prosecuting attorney, and sentencing judge all recommend pardon.

- II. The three cases in this group were also ones in which DOJ recommended pardon. These were denied on December 23, 1997.

<u>NAME/DISTRICT</u>	<u>OFFENSE</u>	<u>RATIONALE</u>
Alberto Britton S.D. Florida (1987) Age: 32	Possession with intent to distribute cocaine (at the age of 20, worked as a courier for a drug smuggling organization). Sentenced to time served (about five months in jail) and five years' probation (terminated early).	Offense an aberration, committed as youth, in otherwise law-abiding life; cooperated with authorities, despite death threats, providing substantial assistance in large drug investigation; favorable character and professional recommendations; seeks pardon to help him become a U.S. citizen (believes his life would be in jeopardy if he is deported to Colombia); DEA special agent recommends pardon, sentencing judge has no objection.
Darrin Dean Dorn S.D. Iowa (1981) Age: 37	Conspiracy to destroy by means of explosives a building used in interstate commerce (as part of a late-night prank, ignited a homemade pipe bomb at the front door of the city hall). Sentenced to six months in jail, three years' probation, and ordered to pay \$109 restitution.	Relatively minor nature of offense, attributable to teenage immaturity; very favorable character and professional recommendations; expresses genuine remorse; commendable service in U.S. Army; seeks pardon to facilitate employment as a commercial airline pilot; U.S. Attorney, sentencing judge recommend pardon.
Irma Ann Hendrix S.D. California (1976) Age: 48	Conspiracy to distribute and dispense heroin (introduced undercover agents to her source of heroin, who offered to sell agents 1lb. of heroin for \$17,600). Sentenced to four months in jail, three years' probation, and three years' special parole.	Has since overcome drug abuse problem which motivated offense; involved in community; expresses sincere remorse; very favorable character and professional recommendations; seeks pardon to obtain teaching certificate; U.S. Attorney recommends pardon.

- III. In the four cases listed below, the Pardon Attorney submitted recommendations in favor of granting pardons, but noted the Deputy Attorney General did not concur. The petitions for Andrews and Hardiman were denied on July 17, 1996; the petition for Nash was denied on December 23, 1997; and the petition for Murphy was denied on December 21, 1998.

<u>NAME/DISTRICT</u>	<u>OFFENSE</u>	<u>RATIONALE</u>
Michael Robert Andrews D. Colorado (1977) Age: 53	Aiding and abetting the distribution of cocaine (with another person, sold four ounces of cocaine for \$7,000 to an undercover DEA agent). Sentenced to three years' imprisonment (reduced to confinement for 67 days and 4.5 years' probation with the special condition that he perform voluntary service for the National Park Service two days per month for 1 year) and three years' special parole.	Remoteness of offense; has overcome drug abuse problem which motivated offense; has become a law-abiding and productive citizen, earning both undergraduate and masters degrees; involved in community; favorable character and professional recommendations; U.S. Attorney supports pardon.
Michael Joseph Hardiman S.D. California (1975) Age: 53	Possession of marijuana with the intent to distribute (participated in a conspiracy to smuggle 681 pounds of marijuana into the United States from Mexico). Sentenced to two years' imprisonment and three years' special parole.	Remoteness of offense; petitioner played relatively minor role in smuggling scheme; involved in community; favorable character and professional recommendations; seeks pardon to obtain permanent teaching position; probation officer recommends pardon; sentencing judge does not object.
John Edward Murphy N.D. California (1962) Age: 64	Forging a U.S. Treasury check (\$78.00). Sentenced to three years' probation and ordered to pay \$78 in restitution.	Remoteness and minor nature of offense; despite troubled youth, petitioner has led law-abiding life for 29 years; involvement in community and church; very favorable character and professional references; pardon would enhance qualifications for a bartender's license.

Thomas Edward Nash, Jr. W.D. North Carolina (1988) Age: 58	Conspiracy to restrain interstate trade and commerce in violation of the Sherman Act (while employed at Coca-Cola Bottling Co., engaged in conspiracy to suppress and eliminate competition in the soft drink distribution industry by fixing the wholesale and discount prices of soft drinks in North and South Carolina). Sentenced to three years' probation (terminated early) and fined \$100,000.	Upon learning of government investigation, voluntarily ceased activity and approached authorities with offer of cooperation; involved in community, including substantial financial contributions to charities; expresses sincere remorse; favorable character and professional recommendations; seeks pardon out of concern his conviction is a source of embarrassment to charities he is involved with, and because he and his grown children have experienced difficulty obtaining loans; probation officer recommends pardon, sentencing judge has no objection.
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DECISION

GRANT: _____

DENY: _____

DISCUSS: _____

THE WHITE HOUSE

WASHINGTON

October 5, 2000

00 OCT 6 PM 12:38

MEMORANDUM FOR THE PRESIDENT

FROM: BETH NOLAN *BN*
BRUCE LINDSEY
MEREDITH CABE *MC*

SUBJECT: Setting of Execution Date for David Paul Hammer

An execution date has been set for David Paul Hammer, another inmate on federal death row. Judge Muir, the sentencing judge in the case, ordered that Hammer's sentence be carried out on November 15, 2000.¹

Hammer successfully sought dismissal of his direct appeal, and has indicated he does not intend to apply for clemency. He specifically asked that a date be set and that his sentence be carried out expeditiously. He has also, however, changed his mind several times about the course of his case, accepting and later rejecting legal representation, and submitting and retracting his appeal. We believe it is possible that he may again change his mind and decide to seek clemency.

As you know, the clemency procedures currently in place provide that an inmate should have 120 days between the time his execution date is set and the date itself, to allow the clemency application process to take place. In Hammer's case, the judge set a date that will allow Hammer less than half that time.

It may be that Hammer will decide not to seek clemency. However, one of the issues that was of primary importance in the Garza case was finalizing a set of procedures under which all federal inmates under a sentence of death would be treated alike, and given the same opportunity to apply for clemency, whether they choose to take advantage of that opportunity or not. We therefore recommend that you stay Hammer's sentence to February 15, 2001, to allow him that minimum of 120 days, but to avoid setting an execution date in the very first days of a new President's term.

AGREE _____

DISAGREE _____

DISCUSS _____

¹ Hammer was sentenced to death for the murder of another inmate, Andrew Marti.