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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. form	re: Petition for Pardon After Completion of Sentence (7 pages)	12/00/2000	b(6)

COLLECTION:

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FOLDER TITLE:

Thursday, December 28, 2000

2019-0680-S

rs3252

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]

C. Closed in accordance with restrictions contained in donor's deed of gift.

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

RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

THE WHITE HOUSE
WASHINGTON

December 11, 2000

12-28-00

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MEMORANDUM FOR THE PRESIDENT

FROM: BETH NOLAN *BN by me*
BRUCE LINDSEY *BL by me*
MEREDITH CABE *me*

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

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

- 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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12-28-00

THE WHITE HOUSE
WASHINGTON

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December 27, 2000

MEMORANDUM TO THE PRESIDENT

FROM:

BETH NOLAN
COUNSEL TO THE PRESIDENT

DAVID J. APOL
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT:

Repeal of Executive Order 12834, Ethics Commitments by
Executive Branch Appointees

On January 20, 1993 you signed Executive Order 12834 (attached), which established additional post-employment ethics restrictions on senior political appointees, beyond the restrictions established by law. These restrictions were not applicable to the senior political appointees of prior administrations, even if those appointees held over into your administration. They were intended to ensure that appointees in your administration would not appear to have undue access to their former colleagues after their government service ended. The Executive Order extended a statutory post-employment restriction, which prohibited former senior employees from contacting their former agencies, from one year to five years. It also imposed a lifetime ban on senior employees from engaging in activities that required registration under the Foreign Agents Registration Act.

This proposed Executive Order would revoke Executive Order 12834, effective January 20, 2001. Your appointees who signed the pledge pursuant to Executive Order 12834 would not be subject to those commitments after that date.

Executive Order 12834 imposed substantial post-employment burdens on former senior employees of your administration. Now that your administration is concluding, it appears that these restrictions are no longer necessary to accomplish their primary objective. It is unlikely that former senior employees of your administration will be given special access to the next administration beyond what is justified by their substantive expertise. Moreover, they will remain subject to the post-employment restrictions imposed by law. That law generally prohibits them from representing others before their former agencies for one year after leaving government service and permanently bars them from representing others on particular matters involving specific parties if they personally and substantially participated in the matter while a government employee.

Many people have recommended that the pledge be repealed. Most recently, the Presidential Appointee Initiative, which has done extensive work on transition issues, recommended that this Executive Order be revoked as part of Executive Order 13176, Facilitation of a Presidential Transition, which you signed on November 27, 2000. We did not recommend revoking the pledge at that time because, if the election had come out differently, the rationale for revoking the Executive Order would not have been as strong.

Finally, since these restrictions are beyond what is required by law, it would be appropriate to let the next administration develop its own policy on post-employment restrictions. Obviously, the next President can revoke the Executive Order himself, but there is no guarantee that if he did so the revocation would be retroactive. This could result in the somewhat absurd situation that former senior employees from the Bush/Cheney administration would be allowed to contact their former co-workers and represent foreign governments before the Bush/Cheney administration, while former senior employees from your administration would be prohibited from doing so, even though they would have significantly less "special access." In fact, because the restrictions of the executive order last for five years, former members of your administration could be limited in their participation on the transition team if a Democrat is elected in 2004.

For the reasons mentioned above, we recommend you sign the proposed Executive Order to revoke Executive Order 12834.

Presidential Documents

Title 3—

The President

Executive Order 12834 of January 20, 1993

Ethics Commitments by Executive Branch Appointees

By the authority vested in me as President of the United States by the Constitution and laws of the United States of America, including section 301 of title 3, United States Code, and sections 3301 and 7301 of title 5, United States Code, it is hereby ordered as follows:

Section 1. Ethics Pledges. (a) Every senior appointee in every executive agency appointed on or after January 20, 1993, shall sign, and upon signing shall be contractually committed to, the following pledge ("senior appointee pledge") upon becoming a senior appointee:

"As a condition, and in consideration, of my employment in the United States Government in a senior appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

"1. I will not, within five years after the termination of my employment as a senior appointee in any executive agency in which I am appointed to serve, lobby any officer or employee of that agency.

"2. In the event that I serve as a senior appointee in the Executive Office of the President ("EOP"), I also will not, within five years after I cease to be a senior appointee in the EOP, lobby any officer or employee of any other executive agency with respect to which I had personal and substantial responsibility as a senior appointee in the EOP.

"3. I will not, at any time after the termination of my employment in the United States Government, engage in any activity on behalf of any foreign government or foreign political party which, if undertaken on January 20, 1993, would require me to register under the Foreign Agents Registration Act of 1938, as amended.

"4. I will not, within five years after termination of my personal and substantial participation in a trade negotiation, represent, aid or advise any foreign government, foreign political party or foreign business entity with the intent to influence a decision of any officer or employee of any executive agency, in carrying out his or her official duties.

"5. I acknowledge that the Executive order entitled 'Ethics Commitments by Executive Branch Appointees,' issued by the President on January 20, 1993, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service."

(b) Every trade negotiator who is not a senior appointee and is appointed to a position in an executive agency on or after January 20, 1993, shall (prior to personally and substantially participating in a trade negotiation) sign, and upon signing be contractually committed to, the following pledge ("trade negotiator pledge"):

"As a condition, and in consideration, of my employment in the United States Government as a trade negotiator, which is a position

invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

"1. I will not, within five years after termination of my personal and substantial participation in a trade negotiation, represent, aid or advise any foreign government, foreign political party or foreign business entity with the intent to influence a decision of any officer or employee of any executive agency, in carrying out his or her official duties.

"2. I acknowledge that the Executive order entitled 'Ethics Commitments by Executive Branch Appointees,' issued by the President on January 20, 1993, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service."

Sec. 2. Definitions. As used herein and in the pledges:

(a) "Senior appointee" means every full-time, non-career Presidential, Vice-presidential or agency head appointee in an executive agency whose rate of basic pay is not less than the rate for level V of the Executive Schedule (5 U.S.C. 5316) but does not include any person appointed as a member of the senior foreign service or solely as a uniformed service commissioned officer.

(b) "Trade negotiator" means a full-time, non-career Presidential, Vice-presidential or agency head appointee (whether or not a senior appointee) who personally and substantially participates in a trade negotiation as an employee of an executive agency.

(c) "Lobby" means to knowingly communicate to or appear before any officer or employee of any executive agency on behalf of another (except the United States) with the intent to influence official action, except that the term "lobby" does not include:

(1) communicating or appearing on behalf of and as an officer or employee of a State or local government or the government of the District of Columbia, a Native American tribe or a United States territory or possession;

(2) communicating or appearing with regard to a judicial proceeding, or a criminal or civil law enforcement inquiry, investigation or proceeding (but not with regard to an administrative proceeding) or with regard to an administrative proceeding to the extent that such communications or appearances are made after the commencement of and in connection with the conduct or disposition of a judicial proceeding;

(3) communicating or appearing with regard to any government grant, contract or similar benefit on behalf of and as an officer or employee of:

(A) an accredited, degree-granting institution of higher education, as defined in section 1201(a) of title 20, United States Code; or

(B) a hospital; a medical, scientific or environmental research institution; or a charitable or educational institution; provided that such entity is a not-for-profit organization exempted from Federal income taxes under sections 501(a) and 501(c)(3) of title 26, United States Code;

(4) communicating or appearing on behalf of an international organization in which the United States participates, if the Secretary of State certifies in advance that such activity is in the interest of the United States;

(5) communicating or appearing solely for the purpose of furnishing scientific or technological information, subject to the procedures and conditions applicable under section 207(j)(5) of title 18, United States Code; or

(6) giving testimony under oath, subject to the conditions applicable under section 207(j)(6) of title 18, United States Code.

(d) "On behalf of another" means on behalf of a person or entity other than the individual signing the pledge or his or her spouse, child or parent.

(e) "Administrative proceeding" means any agency process for rulemaking, adjudication or licensing, as defined in and governed by the Administrative Procedure Act, as amended (5 U.S.C. 551, *et seq.*).

(f) "Executive agency" and "agency" mean "Executive agency" as defined in section 105 of title 5, United States Code, except that the term includes the Executive Office of the President, the United States Postal Service and the Postal Rate Commission and excludes the General Accounting Office. As used in paragraph 1 of the senior appointee pledge, "executive agency" means the entire agency in which the senior appointee is appointed to serve, except that:

(1) with respect to those senior appointees to whom such designations are applicable under section 207(h) of title 18, United States Code, the term means an agency or bureau designated by the Director of the Office of Government Ethics under section 207(h) as a separate department or agency at the time the senior appointee ceased to serve in that department or agency; and

(2) a senior appointee who is detailed from one executive agency to another for more than sixty days in any calendar year shall be deemed to be an officer or employee of both agencies during the period such person is detailed.

(g) "Personal and substantial responsibility" "with respect to" an executive agency, as used in paragraph 2 of the senior appointee pledge, means ongoing oversight of, or significant ongoing decision-making involvement in, the agency's budget, major programs or personnel actions, when acting both "personally" and "substantially" (as those terms are defined for purposes of sections 207(a) and (b) of title 18, United States Code).

(h) "Personal and substantial participation" and "personally and substantially participates" mean acting both "personally" and "substantially" (as those terms are defined for purposes of sections 207(a) and (b) of title 18, United States Code) as an employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or other such action.

(i) "Trade negotiation" means a negotiation that the President determines to undertake to enter into a trade agreement with one or more foreign governments, and does not include any action taken before that determination.

(j) "Foreign Agents Registration Act of 1938, as amended" means sections 611-621 of title 22, United States Code.

(k) "Foreign government" means "the government of a foreign country," as defined in section 1(e) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611(e)).

(l) "Foreign political party" has the same meaning as that term in section 1(f) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611(f)).

(m) "Foreign business entity" means a partnership, association, corporation, organization or other combination of persons organized under the laws of or having its principal place of business in a foreign country.

(n) Terms that are used herein and in the pledges, and also used in section 207 of title 18, United States Code, shall be given the same meaning as they have in section 207 and any implementing regulations issued or to be issued by the Office of Government Ethics, except to the extent those terms are otherwise defined in this order.

Sec. 3. Waiver. (a) The President may grant to any person a waiver of any restrictions contained in the pledge signed by such person if, and to the extent that, the President certifies in writing that it is in the public interest to grant the waiver.

- (b) A waiver shall take effect when the certification is signed by the President.
- (c) The waiver certification shall be published in the Federal Register, identifying the name and executive agency position of the person covered by the waiver and the reasons for granting it.
- (d) A copy of the waiver certification shall be furnished to the person covered by the waiver and filed with the head of the agency in which that person is or was appointed to serve.

Sec. 4. *Administration.* (a) The head of every executive agency shall establish for that agency such rules or procedures (conforming as nearly as practicable to the agency's general ethics rules and procedures, including those relating to designated agency ethics officers) as are necessary or appropriate:

(1) to ensure that every senior appointee in the agency signs the senior appointee pledge upon assuming the appointed office or otherwise becoming a senior appointee;

(2) to ensure that every trade negotiator in the agency who is not a senior appointee signs the trade negotiator pledge prior to personally and substantially participating in a trade negotiation;

(3) to ensure that no senior appointee or trade negotiator in the agency personally and substantially participates in a trade negotiation prior to signing the pledge; and

(4) generally to ensure compliance with this order within the agency.

(b) With respect to the Executive Office of the President, the duties set forth in section 4(a), above, shall be the responsibility of the White House Counsel or such other official or officials to whom the President delegates those duties.

(c) The Director of the Office of Government Ethics shall:

(1) subject to the prior approval of the White House Counsel, develop a form of the pledges to be completed by senior appointees and trade negotiators and see that the pledges and a copy of this Executive order are made available for use by agencies in fulfilling their duties under section 4(a) above;

(2) in consultation with the Attorney General or White House Counsel, when appropriate, assist designated agency ethics officers in providing advice to current or former senior appointees and trade negotiators regarding the application of the pledges; and

(3) subject to the prior approval of the White House Counsel, adopt such rules or procedures (conforming as nearly as practicable to its generally applicable rules and procedures) as are necessary or appropriate to carry out the foregoing responsibilities.

(d) In order to promote clarity and fairness in the application of paragraph 3 of the senior appointee pledge:

(1) the Attorney General shall, within six months after the issuance of this order, publish in the Federal Register a "Statement of Covered Activities," based on the statute, applicable regulations and published guidelines, and any other material reflecting the Attorney General's current interpretation of the law, describing in sufficient detail to provide adequate guidance the activities on behalf of a foreign government or foreign political party which, if undertaken as of January 20, 1993, would require a person to register as an agent for such foreign government or political party under the Foreign Agents Registration Act of 1938, as amended; and

(2) the Attorney General's "Statement of Covered Activities" shall be presumed to be the definitive statement of the activities in which the senior appointee agrees not to engage under paragraph 3 of the pledge.

(e) A senior appointee who has signed the senior appointee pledge is not required to sign the pledge again upon appointment to a different office, except that a person who has ceased to be a senior appointee, due to

termination of employment in the executive branch or otherwise, shall sign the senior appointee pledge prior to thereafter assuming office as a senior appointee.

(f) A trade negotiator who is not also a senior appointee and who has once signed the trade negotiator pledge is not required to sign the pledge again prior to personally and substantially participating in a subsequent trade negotiation, except that a person who has ceased employment in the executive branch shall, after returning to such employment, be obligated to sign a pledge as provided herein notwithstanding the signing of any previous pledge.

(g) All pledges signed by senior appointees and trade negotiators, and all waiver certifications with respect thereto, shall be filed with the head of the appointee's agency for permanent retention in the appointee's official personnel folder or equivalent folder.

Sec. 5. Enforcement. (a) The contractual, fiduciary and ethical commitments in the pledges provided for herein are enforceable by any legally available means, including any or all of the following: debarment proceedings within any affected executive agency or judicial civil proceedings for declaratory, injunctive or monetary relief.

(b) Any former senior appointee or trade negotiator who is determined, after notice and hearing, by the duly designated authority within any agency, to have violated his or her pledge not to lobby any officer or employee of that agency, or not to represent, aid or advise a foreign entity specified in the pledge with the intent to influence the official decision of that agency, may be barred from lobbying any officer or employee of that agency for up to five years in addition to the five-year time period covered by the pledge.

(1) The head of every executive agency shall, in consultation with the Director of the Office of Government Ethics, establish procedures to implement the foregoing subsection, which shall conform as nearly as practicable to the procedures for debarment of former employees found to have violated section 207 of title 18, United States Code (1988 ed.), set forth in section 2637.212 of title 5, Code of Federal Regulations (revised as of January 1, 1992).

(2) Any person who is debarred from lobbying following an agency proceeding pursuant to the foregoing subsection may seek judicial review of the administrative determination, which shall be subject to established standards for judicial review of comparable agency actions.

(c) The Attorney General is authorized:

(1) upon receiving information regarding the possible breach of any commitment in a signed pledge, to request any appropriate federal investigative authority to conduct such investigations as may be appropriate; and

(2) upon determining that there is a reasonable basis to believe that a breach of a commitment has occurred or will occur or continue, if not enjoined, to commence a civil action against the former employee in any United States District Court with jurisdiction to consider the matter.

(d) In such civil action, the Attorney General is authorized to request any and all relief authorized by law, including but not limited to:

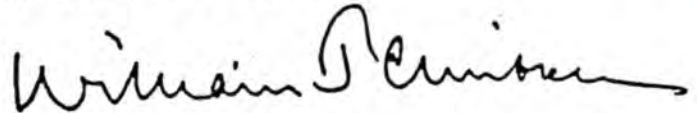
(1) such temporary restraining orders and preliminary and permanent injunctions as may be appropriate to restrain future, recurring or continuing conduct by the former employee in breach of the commitments in the pledge he or she signed; and

(2) establishment of a constructive trust for the benefit of the United States, requiring an accounting and payment to the United States Treasury of all money and other things of value received by, or payable to, the former employee arising out of any breach or attempted breach of the pledge signed by the former employee.

Sec. 6. *General Provisions.* (a) No prior Executive orders are repealed by this order. To the extent that this order is inconsistent with any provision of any prior Executive order, this order shall control.

(b) If any provision of this order or the application of such provision is held to be invalid, the remainder of this order and other dissimilar applications of such provision shall not be affected.

(c) Except as expressly provided in section 5(b)(2) of this order, nothing in the pledges or in this order is intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.



THE WHITE HOUSE,
January 20, 1993.

[FR Doc. 93-1871
Filed 1-21-93; 12:29 pm]
Billing code 3195-01-M

SENIOR APPOINTEE PLEDGE

As a condition, and in consideration, of my employment in the United States Government in a senior appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. I will not, within five years after the termination of my employment as a senior appointee in any executive agency in which I am appointed to serve, lobby any officer or employee of that agency.
2. In the event that I serve as a senior appointee in the Executive Office of the President ("EOP"), I also will not, within five years after I cease to be a senior appointee in the EOP, lobby any officer or employee of any other executive agency with respect to which I had personal and substantial responsibility as a senior appointee in the EOP.
3. I will not, at any time after the termination of my employment in the United States Government, engage in any activity on behalf of any foreign government or foreign political party which, if undertaken on January 20, 1993, would require me to register under the Foreign Agents Registration Act of 1938, as amended.
4. I will not, within five years after termination of my personal and substantial participation in a trade negotiation, represent, aid or advise any foreign government, foreign political party or foreign business entity with the intent to influence a decision of any officer or employee of any executive agency, in carrying out his or her official duties.
5. I acknowledge that the Executive order entitled "Ethics Commitments by Executive Branch Appointees," issued by the President on January 20, 1993, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.

Signature

Date

_____, 19____

Print or type your full name (Last, first, middle -- spell out each fully)

Privacy Act Statement

Executive Order 12834 entitled "Ethics Commitments by Executive Branch Appointees," issued by the President on January 20, 1993 (and published at 58 Federal Register 5911-5916 on 1/22/93), requires every senior appointee in every executive agency appointed on or after January 20, 1993 to sign this pledge upon becoming a senior appointee. This pledge establishes a contractual commitment regarding your post-employment activities and your activities after your personal and substantial participation in a trade negotiation has ceased. If there is a violation or apparent violation of this pledge, this pledge may be disclosed to the Department of Justice or any other appropriate Federal agency charged with the responsibility of investigating, prosecuting, enforcing or implementing the Executive order. Disclosure of this pledge can also be made to another Federal agency, a court or a party in connection with your hiring when the Government is a party as well as to another Federal agency in connection with your hiring when the pledge is relevant and necessary thereto. Further, this pledge may be disclosed to the Executive Office of the President and the Office of Government Ethics to enable them to carry out their responsibilities under Executive Order 12834 and other ethics oversight authorities. This pledge will be filed for permanent retention in your official personnel folder or equivalent folder. Your signing this pledge is a condition, in consideration, of your employment as a senior appointee, or your receiving a pay raise that will make you a senior appointee, as defined in the Executive order.

TRADE NEGOTIATOR PLEDGE

As a condition, and in consideration, of my employment in the United States Government as a trade negotiator, which is a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. I will not, within five years after termination of my personal and substantial participation in a trade negotiation, represent, aid or advise any foreign government, foreign political party or foreign business entity with the intent to influence a decision of any officer or employee of any executive agency, in carrying out his or her official duties.

2. I acknowledge that the Executive order entitled "Ethics Commitments by Executive Branch Appointees," issued by the President on January 20, 1993, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.

Signature

Date

_____, 19____

Print or type your full name (Last, first, middle -- spell out each fully)

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GREGORY ORFALEA
Senior Public Affairs Specialist

(301) 443-9530
Fax (301) 443-5592
gorfalea@samhsa.gov

Rockwall II, Suite 800
5515 Security Lane
Rockville, MD 20852

Memorandum

00 DEC 28 PM 3:25

12-28-00

TO NSC for

Reply

✓ yes

Subject Middle East proposal; 551st PUC

To President Bill Clinton

I read with great interest about the U.S. peace proposal now on the table for Israelis and Palestinians. It is a fair and intelligent one, an antidote to a life of chronic war. Each side, in a sense, gives up part of its dream, the most unrealistic part--the Israelis, East Jerusalem, most of which is inhabited by Arabs or Armenians, and the Palestinians, the right of return to pre-1967 Israel, a place hardly inviting to most Palestinians. The Israelis get unfettered access to the Wailing Wall--fair enough; the Palestinians can bring refugees from Lebanon, et al, to new affordable/public housing on the West Bank and Gaza, funded by the international community.

If there is any way I can help you convince the people on the Arab side of the wisdom of this proposal, I would jump to it with honor. I have met Chairman Arafat and know fairly well some of his close aides. I also have relatives in rather high places in Syria (the chief engineer of Damascus, for example), and would be more than willing to travel there to bring home the notion of the importance of supporting this compromise for regional peace and prosperity.

I do not underestimate the difficulty of prying a nation off its maximal dreams. Still, the prospect of Mr. Sharon entering the picture is horrid for both sides. I also think you deserve all the credit possible for persevering in a most difficult, perhaps *the* most difficult, of arenas.

On another matter, I wish to thank you deeply for approving the Presidential Unit Citation for actions at the Battle of the Bulge to the 551st Parachute Infantry Battalion, for whose colonel, long dead, my long-dead father was the messenger. The Army is working on a ceremony for January 8, 2000, at the Pentagon, through the chief of staff, General Eric Shinseki. These are your final days. I am sure you have many things to do of great, or greater, importance in this limited time. But if there is any chance you might be able to make even a brief appearance at this ceremony, the last old men of the 551st would never forget it. Neither will the country. In the 55 years since WWII, only President Carter before has pinned that dark blue ribbon on men from that war. It won't happen again.

If I may say so as your supporter from the jog to Old Ebbitt's Grill in 1991, your fellow HOYA, and for a few more days your willing employee, I think you have done a masterful job as President and am proud of you. The historians, of which I count myself one, will begin to enumerate just how you have done so--with peace, with the economy, with gun control, and other matters--sooner than most think. As for personal problems, I say now what I said then: *He who is without sin cast the first stone.* Godspeed! Follow Pres. Carter's example. You have other great days ahead.



Memorandum

Date December 27, 2000
From Gregory Orfalea
Subject Middle East proposal; 551st PUC
To President Bill Clinton

12-28-00

100 DEC 28 PM 3:25

TO NSC for

Reply

✓ yes

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12-28-00

December 20, 2000

00 DEC 20 AM 10:45

RECOMMENDED TELEPHONE CALL

TO: Governor Tony Knowles (D-AK)
(O): 907-465-3532 (Scheduler: Johnny Ceffalio)

RECOMMENDED BY: Mickey Ibarra *Wibiz*

PURPOSE: To return the Governor's call (placed on December 15) regarding the Arctic National Wildlife Refuge and the Forest Service's Roadless policy in the Tongass National Forest.

Background

Arctic National Wildlife Refuge (ANWR)

- As you know, recently some environmentalists have made high profile calls for a national monument designation in the Arctic National Wildlife Refuge, and Governor Knowles, who strongly opposes such a designation, is likely to ask you about your intentions. *(If he does not ask, you should not raise the issue.)*
- You said recently in an interview that you have not made any final decision on this issue. You also said that you do not believe monument designation can permanently protect the Refuge from oil and gas drilling -- it will take an Act of Congress to overturn current law to allow drilling, and an Act of Congress also can overturn monument designation.
- For that reason, as you know, Secretary Babbitt does not believe monument designation is a good idea.

Tongass National Forest – Roadless Rule

- The Governor will raise the issue of whether the pending rule for protection of roadless areas in national forests will cover the Tongass National Forest. The draft rule stated that a decision about whether to include the Tongass would be deferred until April 2004. Overwhelming public reaction was against excluding the Tongass.
- On environmental grounds, the rationale for including the Tongass – the largest remaining temperate rainforest in the world – is compelling. The preferred alternative in the final environmental impact statement calls for protecting roadless areas beginning in April 2004, but allows the existing timber program to go forward until then to allow for a transition period. (The rule would go into effect for all other forests immediately.)
- The Governor strongly believes that the Tongass should be exempt from the rule. He supported the land management planning process for the Tongass, and will argue that the eleven-year process that produced that plan was enough and that Southeast Alaska now needs stability.

JP
Kallahan

See memo

BJ

*Copied
Podestis*

- However, the Governor did not attack the proposal in the final EIS with the same vehemence as the Alaska delegation. While there is no doubt he would prefer to see the Tongass completely exempt from the rule, we believe he understands that there is good possibility that the Tongass will be included. In that case, his primary interest is in securing a fair transition period.
- The Forest Service is working on some transition ideas that would postpone and perhaps largely eliminate job impacts in Southeast Alaska. Some of these include grandfathering in certain timber sales, creating new jobs in the woods, and direct grants to Alaska for projects identified by the Governor to stimulate economic development and diversification in Southeast Alaska.

Talking Points

ANWR

- As I said recently, I have not made any final decision on this. I don't think that monument designation can permanently protect the Refuge from oil and gas drilling, since it would take an Act of Congress to do that. So Bruce Babbitt has said that he does not believe monument designation is a good idea.
- But, as I have said, there may be other valid reasons for monument designation, and I want to take a careful look at the issue and discuss it further with Secretary Babbitt and others.
- As you know, protection of the Refuge from oil drilling is something I've felt very strongly about throughout my Administration. I have been willing to veto any legislation, including budget bills, that would have opened the Refuge to drilling. I know that we have agreed to disagree on this point, and that it is one of the few areas in which this has consistently been the case. I always respect your view, but we really have different perspectives on this issue.
- President-elect Bush made clear throughout the campaign that he disagrees with me on this point, and has stated that drilling in the Refuge is a key component of his energy policy. And I am concerned that even without an Act of Congress his Administration could use whatever discretion it has administratively in managing the Refuge to move in this direction.
- I feel very strongly that this would do irreparable harm to one of the country's last wild places, and that it is a very shortsighted energy policy. I am interested in making sure that I've done everything within my authority as President to try to prevent that from happening. So for that reason I want to have full information on the legal and practical issues presented before I make a final decision. When I have made a decision, I commit to you that I will let you know before it's made public.

Tongass

- I understand that the Tongass is different in several respects from the other national forests, and I understand and respect your concerns about its inclusion in the roadless rule.

- A final decision about the Tongass has not yet been made. I anticipate that it will be made in early January.
- In making the decision, I can assure you that your concerns will be on our minds. If the final decision is to include the Tongass in some manner, serious attention will be paid to development of robust transition assistance. [Depending on the tone of the conversation, you might solicit his thoughts about what type of transition package would be most helpful.]
- I also pledge that you will get advance word of the decision before it is announced.

Staff Contact:

Matt Bennett (x 6-6422)

NEW YORK OBSERVER

54 East 64th Street • New York, N.Y. 10021 • (212) 755-2400
Fax: (212) 980-2087

Sidney Blumenthal
Assistant to the President
Executive Office of the President
The White House
Washington, D.C.

via fax

December 20, 2000

Dear Sid:

As I mentioned today, Showtime and Britain's Channel 4 have joined to make a two-hour documentary based on *The Hunting of the President*. They are committing substantial resources to produce a first-class documentary that will become the definitive version of this important story. We anticipate that it will be televised not only here and in the United Kingdom next spring, but eventually in other European nations and possibly Japan.

I will be involved as both script editor and co-producer, while Gene Lyons will also be consulting on script, interviews and research.

I am writing now to request a post-inauguration interview with President Clinton. His participation would of course lend tremendous authority to the story we are trying to tell.

I expect that we will be on a tight production schedule leading to completion of the documentary by late spring, so we would like to arrange the interview at the earliest possible date. The location can be arranged at the President's convenience as well--in New York, Little Rock, Los Angeles or Washington.

My thanks for your attention to this request.

Best regards,

Joe Conason

12-28-00

Jeff
Horned 12/28/00 (M. W.)

To Street
cc: Herrnreich

United States Senate

WASHINGTON, DC 20510-4204

<http://thompson.senate.gov>

December 19, 2000

*M. Cade
Call him re: Nick
1/2*

✓
The President
The White House
Washington, D.C. 20500

12-28-00

Dear Mr. President:

I am writing to urge you to issue a Presidential pardon for Jim Lake. I have known Jim for approximately 20 years and consider him to be an honorable man of integrity. He has served his country and his fellow citizens with compassion and commitment.

There have been several occasions when Jim and I have talked about the serious mistake he made concerning the matter for which he pled guilty. I can say without hesitation that he steadfastly accepted responsibility, acknowledged his mistake and refused to blame others, although he had an opportunity to do so. Long before I considered writing this letter, I told Jim how proud I am of him for the courageous way he has accepted responsibility and has born the shame and humiliation that has resulted from his action.

Jim has now rebuilt his life with courage and good humor, but I know that there will always be remorse for the occasion when his actions diverged from his lifelong pattern of exemplary conduct. I believe that Jim has been clearly rehabilitated and is a model for others because of his candor and courage.

It is especially important to Jim that he have his right to vote restored since he has been deeply involved in our democratic process all his life. In the course of his political involvement, I might add, he has gained the respect and admiration of Democrats as well as Republicans and of representatives of the media of all persuasions.

I appreciate your consideration in this matter.

Sincerely,

Fred Thompson

Fred Thompson
United States Senator

12-28 00
To Legislative
Affairs
cc: M. Cade
Podesta

Yes - Make sure
M. Cade gets it ASAP
and that Legis knows
that M. Cade has copy.
AUR

IPG Photonics

John H. Dalton
President

December 15, 2000

The President
The White House
Washington, DC 20500

President Clinton:

I am writing to you on behalf of Jim Lake. I understand that a pardon for him is under consideration. I respectfully request that you consider the information in this letter when making a decision about pardoning him.

I met Jim Lake when I moved to Washington in 1993 to serve as Secretary of the Navy. He and I are part of a small breakfast group which meets weekly, and, in that capacity, I have seen him regularly over the last seven and a half years. As a result of those meeting with him, I became aware of the crime he committed, and I have heard him express true remorse, on more than one occasion, for the mistakes he made. He deeply regrets those errors in judgment, and I believe he has paid a significant price for them, both professionally and personally.

I know him to be a man of great integrity who genuinely cares about the welfare of his fellowman. I know of occasions where he has gone out of his way to help other people when there was absolutely no benefit which would accrue to him. He is an honorable man that I am proud to have as my friend.

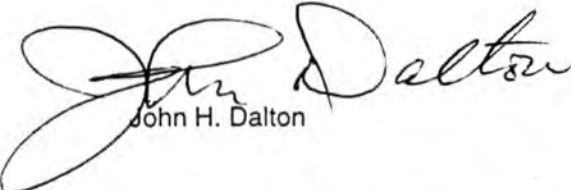
Jim Lake is genuinely sorry for breaking the law, and he knows that he was wrong. From my discussions with him, I understand that he has devoted significant time and attention over the last several years to cooperate fully with the government's investigation of the circumstances involving his crime.

I believe Jim Lake is a quality human being who has great potential for continued service to his local community and our country in future years. He is an unselfish person who is committed to enhancing the quality of life of individuals and his country. He would really like to have his right to vote restored. This is something that is extremely important to him.

I would greatly appreciate any consideration you would give to my comments about him. Thank you very much for allowing me to present my thoughts about Jim Lake to you.

With best wishes.

Very respectfully,



John H. Dalton

P.O. Box 519, 660 Main Street, Sturbridge, MA 01566 • Tel: (508) 347-6800 ext. 264 • Fax: (508) 347-6838
600 14th Street NW, Suite 800, Washington, DC 20005-2004 • Tel: (202) 662-4874 • Fax: (202) 783-4211

WILLIAM H. WEBSTER
INTERNATIONAL SQUARE BUILDING
1825 EYE STREET, N.W.
WASHINGTON, D.C. 20006

December 21, 2000

The Honorable William J. Clinton
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Re: Jim Lake -- Recommendation for Pardon

Dear Mr. President:

I understand that Jim Lake is under consideration for a pardon following his conviction for fraud by wire in connection with fundraising on behalf of a defeated candidate for office. I write to urge favorable consideration for executive clemency.

I have known Jim Lake for at least a dozen years. He has always enjoyed a good reputation in his primary field, communications. In the past few years I have gotten to know him better as a participant in a non-partisan fellowship association which includes several men of distinguished background and unquestioned integrity. Jim has always been up front about his conviction, his sincere regret in having participated in any activity contrary to law and his conscious efforts to make amends for that circumstance. He has been a model in terms of accepting responsibility for his own conduct.

While the offence for which he pled guilty should not be minimized, it should be put in perspective. In order to protect others less responsible, he waived his grant of immunity and fully disclosed his role in a hastily contrived scheme to raise money to repay the debt of a defeated candidate under circumstances which violated the election laws. There were no victims other than the American public generally and for this he has expressed deep remorse.

Jim paid his fines and discharged his responsibilities under probation. He wants very much to be restored to full citizenship and have the right to participate in the American democratic process, about which he feels deeply. I believe his is exactly the kind of circumstance where executive clemency is warranted and my trust in Jim is such that I unhesitatingly recommend him for your favorable consideration.

Sincerely,



William H. Webster

WHW:ceh

PERSONAL STATEMENT

James H. Lake
724 South Union Street
Alexandria, Virginia 22314

BACKGROUND

To paraphrase the oft-spoken admonition of my father, "*...set your sights high, work as hard as you must to achieve your goals, and always do the right thing and you will succeed, in fact, it is the only way to succeed.*" I have tried hard to live by that code and have been well served as a result. The one time I failed to do so, I paid a very high price, both personally and professionally.

A foundation built by hardworking, spiritual parents instilled, from earliest memory, the importance of integrity, honesty, hard work, perseverance and excellence in all aspects of life. Generosity to others-- in spirit, as well as material matters--helping others--whether family, friends or others less advantaged--contributions to the community in every way possible, were all expected virtues. Always "*do the right thing*" was the underlying value to be pursued if one's life were to maximize its potential and be of value.

My father was a railroad worker, necessitating many moves and many consequent change in school locations. Nonetheless, I was always able to secure the top grades in each new school, achieve elective student government positions and develop the respect of students and teachers alike. I graduated from high school ranked 20th in a class of 726.

Attending college at UCLA, I was able to graduate with a 3.2 gpa, while working more than 60 hours per week as an assistant manager of a large chain supermarket, in order to support my wife and twin, infant sons.

PUBLIC SERVICE/POLITICAL

After college, I worked in the small business owned by my wife's family. During this period I served the community in many volunteer enterprises. I was honored when appointed to fill a vacancy on the local elementary school district board at age 27. The vacancy occurred when Governor Pat Brown appointed my predecessor to another position. My predecessor, the most visible, active partisan Democrat in the local community proposed my appointment as his replacement even knowing that I was a solid Republican.

In 1966, while aggressively looking for a new business to enter or a new job to secure, I went to work as a full-time volunteer in the congressional campaign of Bob Mathias, seeking to unseat a 7-term Democrat in a district that was 67% Democrat in registration. I also did volunteer work for the campaign of Ronald Reagan, seeking the governorship of California the first time. Against all odds, both won—and changed my life!

I accepted the position as Field Representative for Mr. Mathias and served in that position for three years, before being asked to come to Washington D.C. as his Administrative Assistant. This experience, which enabled me to be directly involved in helping to solve the many serious problems

confronting both individuals and groups of constituents, was a truly enriching experience. I was involved first hand in helping people, who felt they had no voice, overcome problems that seemed intractable.

I had always intended to return to California to the pursuit of some sort of "business" enterprise after a couple of years in Washington. The experiences learned working for Mathias showed me, for the first time in a very compelling and 'real' way, the importance that good, responsive and principled government could play in the life of ordinary citizens and benefit our nation. Government and politics were no longer just a nuisance and burden to citizens and business but an institution that could be used by each of us to enable realization of our most ambitious aspirations—when inspirationally led and adequately managed. The opportunity to be a part of such a dynamic and worthwhile experience became my motivational stimulus.

In 1973, I was asked to become Deputy Assistant Secretary of Agriculture, for Marketing and Consumer Services. I had the good fortune to lead, with Clayton Yeutter, the Assistant Secretary, the USDA's effort to significantly improve the Food Stamp Program, against overwhelming odds; worked to implement, for the first time, the WIC program, working closely with Senator Hubert Humphrey's office; re-write the laws regulating the Commodity Futures Industry, creating the CFTC from what it had been as the Commodity Exchange Authority, a small agency within the U.S. Department of Agriculture(USDA); and, notwithstanding the anger from various agriculture commodity groups, establish a dialogue and working relationship with activist consumer groups led by Carol Tucker Foreman—permitting, for the first time ever, consumer voices to be really heard at USDA.

All of this, and much more besides, occurred in one year-1973. At the end of 1973, I was asked four times, and refused four times to become the Director of the Washington Office for the State of California, serving as Governor Reagan's personal Representative in Washington for his last year in office. After all, I had one of the greatest jobs I could imagine—directly involved in a major way to improve important programs when people said it couldn't be done, and thus helping to make the institutions of government work better for us all.

Discussing my rationale for turning down this opportunity with my friend, and the instigator of the recruitment effort, Michael Deaver, I was persuaded that to be a part of, not just the last year of his governorship, but the beginning of his quest for the Presidency was a unique opportunity few would have, and could be the ultimate contribution one could make to the idealistic goals I had for public service. I joined Governor Reagan's personal staff as Director of the Washington, D. C. office for the State of California in early 1974, his last year in office. At the time, I had no concept of the extraordinary adventure I had embarked upon!

From the first day, I became a part of the core team that developed the rationale for his quest, developed the strategy and ran the day to day details of his 1976 campaign. I managed the New Hampshire Primary campaign, after which I became Press Secretary and traveled with Governor Reagan every day, to every stop of the 1976 campaign, through the GOP Convention in Kansas City. During the 1980 campaign, I was again responsible for running the New Hampshire Primary campaign as well as serving as a member of the circle of advisors running the entire campaign, through the primary election day in New Hampshire when Governor Reagan turned a close race with George Bush into an overwhelming 2-1 victory. I served a similar role during the 1984 campaign, from its planning stages beginning in 1983 through the successful re-election, including serving as Communications Director of the 1984 Convention in Dallas, and as Communications Director for the 1985 Inaugural.

This experience exceeded any expectations I could have ever imagined! To be at the very center of service to my country, my party, and to the ideals I held high, in the most important thing we do as Americans only once in every four years--election of our leader--was a privilege and honor that humbles me to this day. My father's mantra was right. *"Set your sights high, work as hard as you must in order to succeed, and always do the right thing."*

In the 1988 presidential election, I was asked by Vice President George Bush to serve as Press Secretary for his campaign for the Presidency, an offer I was unable to accept for business reasons, recommending, instead, Sheila Tate, who served in that role. I did serve as Communications Director for the Republican National Convention in New Orleans and, after the convention, as Senior Communications Advisor in the campaign. In 1991, I was asked to serve in the White House as Assistant to the President for Communications for President Bush, an offer I was again unable to accept. I did serve during the 1992 re-election campaign as Deputy Campaign Manager and as Communications Director for the GOP Convention in Houston.

Yes, I have been truly blessed with opportunity to participate in extraordinary activities and events. I have been able to work successfully for the principles in which I believe, while serving the larger principles of democracy and community service. One of the most gratifying benefits of these experiences has been watching as two of my sons were inspired to follow in my footsteps to serve in both government and politics.

Since the 1992 general elections I have had minor behind the scenes roles in the 1996 and 2000 conventions.

My career in federal government service ended in December, 1973, when I went to work for Governor Reagan. My career with the California State government ended just before the end of his term. In November, 1974, I began my own government relations consulting and lobbying business.

With the exceptions of the Reagan campaigns of 1976 and 1980, all of my political campaign endeavors have been as a volunteer worker. In all other cases, I took a leave from my firm in order to be available to the campaign on a full-time basis. I was motivated to do so for several reasons: to save the campaign money, to avoid negative press about appearances of a conflict of interest (such charges were still, nonetheless, levied, but did not register) and, most importantly, it provided another new opportunity to engage in the public service of advancing the benefits of democracy in an exciting and important way.

PROFESSIONAL /BUSINESS

My involvement in professional and business activities have permitted me to enjoy satisfaction and reward similar to that experienced in government and politics. My father's formula of high goals, hard work and "*doing the right thing*" continued to prove itself.

What started as a one-man government relations and lobbying business in December, 1974, representing agriculture clients from California, ultimately led to the formation of the first law firm in Washington, D.C. that included both lawyers and non-lawyers in a professional relationship of equality, dependent only upon performance and production, notwithstanding professional credentials. What six of us (5 lawyers & 1 non-lawyer) formed in July of 1981 became a firm of approximately 200 with about 35 professional non-lawyers and 80 lawyers.

I resigned the firm in 1986 when I started a new "strategic communications" firm, Robinson Lake & Lerer with two partners. In January, 1987, we began with an office in Washington, D.C. with myself, one professional and one support staff; in New York, we had my two partners, two professionals and 3 support staff. When I resigned from the firm on October 23, 1995, we had offices in Washington D.C., New York, Boston and Chicago, with about 200 employees.

In the interim, we changed the way communications management was practiced, especially in New York and Washington. As a result of the strategy-based "campaign approach" we used to serve our clients, our firm became "the place" to work; every top political press professional in Washington wanted to be in the firm.

At one time, Mike McCurry, former Press Secretary to the President of the U. S., Joe Lockhart, former Press Secretary to the President of the U.S., John Buckley, former Press Secretary in the Presidential Campaign of Jack Kemp, and now Senior Vice President of Fannie Mae, Linda Peek, former Press Secretary to Senator Robert Byrd, during his term as Majority Leader of the U. S. Senate, and now serving as a Vice President for Communications for The Coca Cola Company, Lance Morgan, former Press Secretary for Senator Moynihan, and later Communications Director for the Iran Contra Committee, now President for BSMG in Washington, Cynthia Hudson, Assistant Press Secretary for Geraldine Ferraro, when she was running mate with Walter Mondale in the 1984 Election, Director of Surrogate Operations for the Dukakis Presidential campaign, presently Chairman of the Public Affairs Practice for Burson-Marsteller, Mark Helmke, formerly Press Secretary for the Senate Foreign Relations Committee, when Senator Lugar served as Chairman, and, later, Communications Director when Lugar ran for President in 1996, and Doug Lowenstein, former Legislative Director for Senator Howard Metzenbaum, now President of the Interactive Television Assn., all worked for RLSM at the same time. It was quite a crew!

The success we were able to realize for our clients was exceptional. Our business growth was very strong and our reputation was unsurpassed. We set our goals for our company and for our clients very high, we worked very hard to ensure victory, and I insisted and we all committed to always do the right thing—for our clients, for our company and for ourselves. It worked, as it always does, quite well.

A PERSONAL FAILURE

Sun Diamond Growers of California had been a client of mine for at least 15 years, going back to the time when I was the only person in my one-person, government relations lobbying firm. In the Spring of 1994, Mr. Richard Douglas was the Senior Vice President of Sun Diamond and responsible for all government relations matters. Mr. Douglas and I had a close personal and professional relationship going back to 1981 when he was an official of the United States Department of Agriculture. I was instrumental in his selection as Vice President for Sun Diamond. We worked together closely when my firm was primarily an agriculture lobbying firm, beginning in 1984, and continued to work closely together after I changed my firm to one that did virtually no lobbying and had relatively few agriculture clients. We worked on behalf of Sun Diamond's interests very successfully and also worked together successfully on behalf of Republican Party officials, candidates and policies.

In the Spring of 1994, Mr Douglas telephoned my office while I was travelling out of Washington on behalf of another client. When I returned his call he informed me that he and others were endeavoring to assist Mr. Henry Espy eliminate a campaign debt. This debt occurred as a result of Mr. Espy's unsuccessful effort to secure the democratic nomination to fill the vacant congressional seat created when his brother, Mike Espy, resigned the seat upon acceptance of the position of Secretary of Agriculture in the Cabinet of President Clinton. Mr. Espy and Mr. Douglas were close personal friends going back to the time when they were roommates while attending Howard University.

I told Mr. Douglas that I would "...be glad to write a check." Mr. Douglas indicated that was "fine" but that he needed to raise \$5000. I told Mr. Douglas that I would be happy to try and raise such funds as soon as I returned to Washington D. C. I was scheduled to be out of town for 2-3 days. I promised to call others in Washington who might have such an interest and to do the best I could to assist. I asked Mr. Douglas, in the meantime, to put together a list of persons or organizations that would be likely contributors, so that I could begin making contact as soon as I returned.

Mr. Douglas indicated that there was some time urgency and then asked if I would, instead, approach others in my firm and ask them to each write a check for \$1000 payable to the Henry Espy

campaign. He indicated that I could promise to reimburse them and that he would devise a way to reimburse me from Sun Diamond funds. He suggested the persons I might approach. Though I was very uneasy about this arrangement, because I knew it to be illegal, I finally agreed to the request. To this day, I don't really know why I agreed to do it. I knew it was wrong, I was under no real pressure from Mr. Douglas to do so, I could have said no. Maybe I just wanted to help my friend and client achieve his goal as soon as possible, or maybe I didn't want to make him feel badly by rejecting his suggestion of illegal behavior, maybe I didn't want to take the time to make calls out of my busy schedules. To this day, and, be assured, a lot of personal soul searching has been dedicated to this question, I still can not answer the question with any certainty. I did know it "wasn't the right thing to do" and, as always, my father's admonitions proved right. It was one of the important decisions of my life. It has changed my life as much as any other decision I have ever made.

Upon return to Washington, I separately asked Mark Helmke, a senior officer of my company for over seven years, my twin sons, Michael Lake and James C. Lake, both officers of the company, and Cynthia Hudson, a senior officer of the company, and a person with whom I had a close personal relationship, each to write checks to the "Henry Espy Campaign" for \$1000. I promised to reimburse them for such amount. Three of the contacted individuals did so. The fourth, Cynthia Hudson, asked "...how does this work?" When I explained, she asked "...is this really right?" I responded that it was not, technically, but that it was done in Washington on a regular basis. I added, "...however, if you don't feel comfortable doing so, please do not." She chose not to contribute the \$1000. We never discussed the matter again and I solicited no other persons. Neither Helmke, nor my sons asked any such questions. I do not know what Helmke knew about the legality, but my sons believed it to be legal. After all, I was their father, they could never imagine that I would ask them to do anything wrong. They, more than anyone knew the standard—"do the right thing."

I collected \$3000 from the other individuals and \$1000 from my own account and delivered the money to Mr. Douglas. I asked how he wanted to arrange for reimbursement and he told me he would think about it and let me know.

I was later informed that Sun Diamond should be billed for a \$5000 dinner table contribution to the Joint Center Dinner. The Joint Center is a progressive policy "think tank" which focuses on public policy matters primarily of importance to the black community. Sun Diamond had purchased such "tables" in prior years.

Mr. Douglas approved an expense reimbursement for the \$5000 "contribution." I was reimbursed \$5000 from Bozell, parent company of Robinson Lake Sawyer Miller, which handles all billing and accounting matters for RLSM. Bozell was reimbursed for this same amount by Sun Diamond, once they were presented a bill for services plus out of pocket expenses.

In the Spring of 1994, Independent Counsel, Donald Schmaltz, undertook an investigation to determine the guilt or innocence of Secretary of Agriculture, Mike Espy. Questions had been raised, suggesting that Mr. Espy had accepted certain illegal gratuities. As a result of Mr. Douglas's close relationship with Mr. Espy, he was interviewed by the FBI in this connection, and because my firm had a well known, close relationship with Mr. Douglas and, had for many years been involved with the USDA, we were required by subpoena to submit documents to the OIC (eventually more than 40,000 documents were submitted). I offered to be interviewed by the OIC to assist their investigation.

My lawyer, Mr Plato Cacheris, and I met with the OIC, Mr. Ted Greenberg in May, 1995. Mr Cacheris advised the OIC that I had information for them, but that he had advised me not to discuss this information with the OIC until an agreement was reached for a letter granting immunity from prosecution. After some discussion of the exact content of such a letter, an agreement was reached by Mr. Greenberg and Mr. Cacheris. Before signing the letter, I raised with Mr. Greenberg, in the presence of Mr. Cacheris, that I would not sign the letter until I was assured that my sons and Mr. Helmke as well as my company, all of whom were innocent of any knowing involvement and had no

knowledge of any facts, would not be subject to any prosecution. I was assured, "... if no one had any more than incidental, indirect involvement and were merely innocent parties, they had no reason to be concerned." I was further promised that at any time during the process their testimony were required such immunity would be arranged depending upon the circumstances. Upon that assurance, I signed the document.

Pursuant to that agreement, I provided the OIC with extensive cooperation in order to facilitate their investigation of Mr. Espy and Mr. Douglas. I provided the OIC with the first and only report of this matter they received. However, about October 13 or 14, 1994, I learned that the OIC intended to indict my firm for my acts. Neither my firm RLSM, nor our parent, Bozell, had any knowledge of any of this. They were truly innocent bystanders, knowing nothing of my misconduct. In exchange for the OIC commitment to forego prosecution against these innocent parties, I waived the immunity against prosecution I had been granted and pled guilty to the counts at issue and subjected myself to the weight of criminal conviction and sentencing.

CONVICTION AND PENALTY

On October 23, 1995, I entered a plea of guilty to a three count Information, charging one felony count of wire fraud, one misdemeanor count of aiding and abetting the making of an illegal corporate campaign contribution, and one misdemeanor count of aiding and abetting the making of an illegal conduit campaign contribution. I further agreed to pay \$150,000 in punitive fines and \$1000 in restitution and to provide the government with extensive aid and cooperation in its ongoing investigation. I paid the fine of \$150,000 and the Restitution of \$1000 on December 19, 1995. In addition, I promised to reach agreement directly with the Federal Election Commission for violation of its statutes. In May 1996, I paid a fine of \$9000 to the FEC for violations of its statutes by me and my sons. I was notified by the FEC in June, 1996 that the matter was closed.

For more than two and a half years, I devoted myself to making amends for this conduct by endeavoring to assist the government in any way possible. In recognition of these efforts, the Independent Counsel filed a motion requesting that the Court depart downward from the sentencing guideline range in my case.

On January 30, 1998 Judge Ricardo M Urbina ordered a sentence of two years probation; the publishing and distribution of a monograph on the contribution limits of the FECA, the prohibitions and criminal provisions regarding corporate campaign contributions under FECA, the prohibitions and criminal provisions regarding conduit contributions under FECA, and methods of preventing criminal violations of FECA.

During sentencing, when asked by the Judge if I desired to make a statement, I commented:

"Yes, your honor. I realize that the circumstances that bring me before this court today are entirely of my own making. No one else is responsible—not the Independent Counsel, not Mike Espy, not Henry Espy, not Richard Douglas. I violated the law, but even more importantly, I violated my own standards of ethics and integrity. I let down my family, my friends, my partners, my employees, all of the people closest to me, who know me best and had every reason to expect more from me.

"Your honor, I am very sorry for this very serious failure of judgement. I am even more remorseful for the pain and disappointment I have caused others.

"Notwithstanding the great personal pain and financial cost I have experienced, I truly believe this to have been a very valuable experience. It encouraged me to evaluate what is truly important in my life; to reprioritize and re-channel and to focus my energies on

family, friends and my spirituality. I have been truly blessed with an outpouring of love and friendship from family, friends and acquaintances; a real extension of love and fellowship from many exceptional people. I consider myself very fortunate, indeed."

The monograph was completed within the five months ordered by the court.

Probation was completed on January 30, 2000.

"...and always do the right thing."

I lived by a code. I expected others, my sons, my partners and my employees to follow that same code. I failed my own standards and myself. I have paid a dear price for that failure.

My father also used to remind me, "... to whom much is given, much is expected." I have lived a blessed life in every measurable way, partly because I lived by strong values of integrity and spirituality. Much *was* given me, much *was* expected of me, and I failed to live up to my end of the bargain-- to "...always do the right thing." I deserved the consequences.

At the time of my sentencing, on January 30, 1998, my lawyer, Plato Cacheris presented the Court a MEMORANDUM IN AID OF SENTENCING, which, in part, states:

Over his more than 20 years in the business, Mr. Lake and employees addressed a wide variety of matters, including complex and politically contentious issues, both at the national and international level, requiring the involvement of the heads of various government agencies and/or the White House. Yet, notwithstanding his extensive career and active involvement with a multitude of government agencies, with the exception of this lone incident of misconduct, neither Mr. Lake nor the company he co-founded ever were accused at any level of engaging in anything other than proper and professional conduct. To the contrary, senior officials, in both Democratic and Republican administrations, often sought out Mr. Lake for his personal and professional guidance on policy and communication matters.

In sum, nothing in Mr. Lake's background indicates any propensity for criminal activity. This incident was a clear aberration from the exemplary way Mr. Lake has conducted his life. Though he never hesitated to accept responsibility for his actions, the realization of how greatly he failed his family, friends, colleagues, the broader community and himself has left him deeply ashamed and humiliated. As a result of his conduct, Mr. Lake not only lost his job, but he lost the company he co-founded and built into a profitable and respected business. Although he realizes that he will never again enjoy the same degree of success, Mr. Lake is making strides to rebuild his career and life. While he fully appreciates that rebuilding his life in the wake of a felony conviction will not be easy, Mr. Lake, with the unbending support of his family and friends, is determined to again be a productive and respected member of society.

From the time of my first interview with the OIC, I have told only the truth, providing the first and only information they had about this matter. I have answered every question asked by the prosecutor to the best of my ability, spent hundreds of hours in interviews, court preparation, testimony before the Grand Jury and in two separate trials, and provided the OIC with more than 40,000 documents, covering virtually every transaction conducted by me and/or my firm for a period of more than five years, which they scoured in an effort to find any other illegal or improper acts.

When confronted with a choice, I gave up personal immunity from prosecution in order to save innocents from prosecution for my actions.

I have completed every condition imposed upon me by the court.

My life is a happy one. Once again, living by the standards which brought so much success into my life--family, faith, integrity-- my wife and I have a relationship and happiness that is stronger and richer than ever before. Together, we have created a bond with both of our families that is really quite special. My sons have seen the consequences of my error in judgement and lapse of integrity, as well as my efforts to rectify that error by refusal to let others suffer for my acts. I have worked very hard to restore their pride and respect for me. I have become the president of a new, small but successful communications firm, serving corporate clients on public policy matters, much as my prior company did. My income is not what it once was, but I am happier. My priorities and energies are now, even more conscientiously than before, dedicated to matters of the highest value--family, friends and personal spiritual development.

REQUEST FOR PRESIDENTIAL PARDON

In November 1960, I was eligible to vote for the first time. Since that first election, I have never missed the opportunity and the responsibility to vote in every election until my conviction for the felony to which I pleaded guilty in this matter.

I have always considered this right and obligation one of the most important responsibilities of every citizen. Coupled with the political activities in which I was engaged, in every election since 1966, this has been one of the most cherished and satisfying experiences of my life. The opportunity to be directly engaged in the most important thing we as Americans undertake every four years, and to feel that I have personally made a difference has both inspired me, humbled me and filled me with gratitude.

I have been able to volunteer in only a minor way in the 1996 and 2000 general elections, but I am unable to vote. My ability to become engaged in really, direct major involvement in these elections, as I had for so many years, has been impeded by my felony conviction.

I have dedicated much of my life to government and politics. I believe government is good and can be better. I believe politics is good and can be the energizing force to improve our government and our lives. My lifelong career of participation in both activities has been an extraordinarily rewarding part of my life. I believe I made a constructive contribution. Unfortunately, I am presently unable to do so, as a result of the impediments that arise from my felony conviction.

At times like the current election, I feel as though I were like that child so often seen in photographs -- nose pressed against the window of the candy store, looking longingly at the displays so wonderfully tempting. So close, so desirable, but yet, so far away and unobtainable.

Mr. President, to have the full benefits of citizenship would be the last remaining blessing for which I could ask. I would be very grateful to once again be able to participate fully in the political activities of our country in a manner that for so many years was part of the fundamental fabric of my life and that defined me and my commitment to public service.

CHARACTER AFFIDAVIT
on behalf of

James Howard Lake

(print or type name of petitioner)

In support of the application of the above named petitioner to the President of the United States for pardon, I, Fred Thompson

(print or type name of affiant)

residing at U.S. Senate, Washington, D.C. 20510

Number

Street

City

State

Zip Code

202-224-4944

Telephone (include area code)

whose occupation is United States Senator

certify that I have personally known the petitioner for 20 years. Except as otherwise indicated below, petitioner has behaved since the conviction in a moral and law-abiding manner. My knowledge of petitioner's reputation, conduct and activities, including whether the petitioner has been arrested or had any other trouble with public authorities and has been steadily employed, is as follows:

See attachment

I do solemnly swear that the foregoing information is true and correct to the best of my knowledge and belief.

(signature of affiant)

Subscribed and sworn to before me this _____ day of _____, 19 ____

Notary Public

Withdrawal/Redaction Sheet

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001. form	re: Petition for Pardon After Completion of Sentence (7 pages)	12/00/2000	b(6)

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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]

C. Closed in accordance with restrictions contained in donor's deed of gift.

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RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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WEDNESDAY

Often, Parole Is One Stop On the Way Back to Prison

By FOX BUTTERFIELD

LOS ANGELES, Nov. 22 — It seemed like the perfect solution. Build more prisons and America would be a safer place. In fact, as the nation's incarceration rate has quadrupled over the last two decades, the crime rate has fallen for eight straight years.

But only now are politicians and criminologists beginning to confront an unexpected consequence of the get-tough-on-crime philosophy that created the prison-building boom. More prisoners in prison means that, eventually, more prisoners will be let out. This year, a record 600,000 inmates will be released from state and federal prisons nationwide, up from 170,000 in 1980.

As the former prisoners return, largely to the poor neighborhoods of large cities, there is mounting evidence that they represent what some criminologists and prison officials now call the collateral damage of the prison-building boom.

Because states sharply curtailed education, job training and other rehabilitation programs inside prisons, the newly released inmates are far less likely than their counterparts two decades ago to find jobs, maintain stable family lives or stay out of the kind of trouble that leads to more prison. Many states have unintentionally contributed to these problems by abolishing early release for good behavior, removing the incentive for inmates to improve their conduct, the experts say.

In addition, parole officers are quicker to revoke a newly released inmate's parole for minor violations, like failing a drug test, meaning more inmates are returned to prison time and again, creating what some experts say is a self-perpetuating prison class. In California, for example, 68 percent of the people admitted to prison last year were on parole at the time they were sent back, up from only 21 percent in 1980, according to the California Department of Corrections.

partment of Corrections.

Evidence of the troubles posed by the large number of returning prisoners is beginning to show up across the nation.

In Boston, which has had one of the largest declines in crime of any major city, the police superintendent, Paul Joyce, said that newly released inmates were a major reason for a 13 percent increase in firearms-related crimes in the first half of the year. Mr. Joyce said part of the reason was that the former inmates brought prison grudges or gang affiliations back to the streets.

In Tallahassee, Fla., Todd Clear and Dina Rose, a husband and wife team of criminologists, have found that the crime rate in

Continued on Page A28

A TIDE OF PAROLEES

A special report.

Revolving Door

Parole violators returned to custody in California.



Source: California Department of Corrections

The New York Times

BARAK DECLARES EARLY ELECTIONS, IN SURPRISE MOVE

VOTE POSSIBLE BY SPRING

He Acts Before the Parliament
Can Oust Him on Its Own
— Says 'I'm Prepared'

By DEBORAH SONTAG

JERUSALEM, Nov. 28 — Preempting his opponents' initiative, Prime Minister Ehud Barak told the Israeli Parliament tonight that he was ready to face new elections and to let his first term in office collapse prematurely after 17 months.

Since July, Mr. Barak has staved off the fall of his spindly minority government, first as he conducted intensive peace negotiations with the Palestinians and then as he presided over the disintegration of the peace effort into a two-month-long violent conflict.

Tonight Mr. Barak gave up. After a failed day of intense politicking, with a devastating majority of the Parliament lined up to bring him down, Mr. Barak did not even wait for the lawmakers to vote him and themselves out of office.

He rose to the podium in the middle of a raucous debate, filled with blistering attacks on his supposed failures as a statesman, and informed Parliament that he was "not blind."

"I say to you: 'You want elections? I'm prepared,'" Mr. Barak said, as the lawmakers quieted to a hush, surprised by his move. He continued brashly, "I've won every election I've ever run in to date."

Mr. Barak, a former general and the head of the Labor Party, was elected to a four-year term a year and a half ago. He said he would meet with the opposition Likud Party in the next few days to coordinate an election date. Political experts said elections would take place by mid-

Often, Parole Is One Stop On Way Back to Prison, And Then Back to Parole

Continued From Page A1

poor neighborhoods rises as the number of newly released inmates increases. Family and financial pressures often are the cause, they say — including the pressure to pay the \$50 to \$150 the state charges them for their own supervision.

California Led the Way

Although law enforcement experts say that the large number of inmates being returned to prisons is a nationwide phenomenon, nowhere is it more striking than in California, the state with the largest prison population and the first state to abolish flexible sentences, which historically led to early release for good behavior.

In California, four out of five former inmates returned to prison were sent back not for committing new crimes but for technical violations of the terms of their parole; for example, failing a drug test or missing appointments with parole agents.

The state retains the authority to supervise released offenders even though they serve their full sentences. The parole supervision normally lasts three years, barring other infractions. Some of these returning inmates have been to prison 10 times. (The so-called three-strike law, which puts a habitual offender in prison for 25 years to life, does not apply to parole violations.)

Without such a high rate of return of parolees, studies have shown, California's prison population would have declined, not grown, as crime dropped in the 1990's.

The difficulties that inmates face on release showed up in a report last year by the California State Legislative Analyst's Office: 85 percent of released prisoners in California are drug or alcohol abusers, 70 percent to 80 percent are still jobless after a year, 50 percent are illiterate and 10 percent are homeless. Nationwide, the figures are similar. Allen J. Beck of the Bureau of Justice Statistics, a branch of the Justice Department, said 82 percent of people on parole who are returned to prison are drug or alcohol abusers, 40 percent are unemployed, about 75 percent have not completed high school and 19 percent are homeless.

Other reports have found that 20 percent of inmates nationwide suffer from severe mental illness, like schizophrenia or depression. In addition, almost one-quarter of all people infected with the AIDS virus and more than one-third of those with tuberculosis were released from prison or jail in the past year, according to a new study by Theodore Hammitt, of Abt Associates, a consulting firm in Cambridge, Mass.

"When most Americans think of the surge in the prison population, they think it has reduced crime and that makes them more secure," said Joan Petersilia, a professor of criminology at the University of California at Irvine, a leading authority on parole. "What they forget is that 97 percent of prisoners will be released, and the more times a person has been to prison before, the more likely they are to be rearrested, because things like finding housing and jobs and re-establishing family ties become harder and harder for them."

The problem is not that individual criminals are committing more crime, Mr. Beck said, but that the pool of potential criminals has grown. "What's worrisome," he said, "is that because we've got more and more



Steven Butler, homeless when he was arrested, returned to homelessness.

people coming out of prison, more and more people are failing, so the risk to the community has increased dramatically."

Take three recent California cases, drawn from official records and interviews with the former inmates:

Antoine Mahan, 33, was released from prison after serving four years for burglary, the last two in solitary confinement. After releasing him directly from solitary confinement, the prison gave him the customary \$200 in "gate money," which was supposed to help him start a new life, then drove him to the train station for the trip home to San Francisco.

But Mr. Mahan described himself as a crack addict with the AIDS virus and a diagnosis of manic depression, though he received no drug or psychiatric treatment while in prison, he said. By the time the train reached San Francisco, it was evening, too late, he recalled in an interview, for the required check-in with his parole agent, so, he said, he broke into a McDonald's to sleep and resumed selling and taking drugs. So far, he remains out on parole.

And there is Steven Butler, 44, who was released from prison after serving a one-year sentence for possession of cocaine. Records show he was given his \$200 and a bus ticket back to Los Angeles, where he had been arrested.

But Mr. Butler was homeless at the time of his arrest, with no family here, so the first night after getting off the bus, he said, he went back to sleeping on the same skid-row street just east of downtown where he had lived before. With no education, job skills or hope, he said, he used some of his money to buy dope to make himself feel better.

There is also Sam Watland, a 33-year-old from coastal San Luis Obispo who looks like the surfer he once was. He has been released on parole nine times in the last decade: three times after serving sentences for embezzlement, auto theft and assault, and six times after parole revocations. He has had his parole revoked so many times, and so quickly — once he lasted only 14 days on the outside — that the day before his most recent release from prison, he had nightmares he would get picked up again.

California parole agents have become quicker since the early 1980's to revoke paroles, sending people back to prison for violations of the conditions of their release, said C. A. Terhune, who recently retired as the director of the Department of Corrections. Mr. Terhune said that was a response to "the current public climate" to get tougher on criminals, tightening the conditions for parole. With improved urine tests, for example, it is easier for parole officers to catch drug use.

A growing number of prison officials and criminologists say they question whether this drive to revoke parole so quickly is good public policy or whether it simply drives up costs and diverts money from more effective treatment programs.

"I'd have fewer inmates if there weren't parole officers whacking so many guys back," said Martin F. Horn, Pennsylvania's secretary of corrections.

3-Time Parole Violator

Jason Peterson had lost 60 pounds when he was released after spending almost two years in solitary confinement at Pelican Bay, California's super maximum-security prison, while serving a sentence for possession of a pipe bomb.

When he returned to his mother's house in San Francisco, after months without human contact, he refused to leave his bedroom, his mother, Jeannine Peterson, said in a lengthy interview recently. Her account was supported by her son's lawyer and a psychiatrist hired by the family.

Concerned about his mental state, Mrs. Peterson, an elementary school special education teacher, called his parole officer, who offered to take him to the hospital. Instead, she said, the parole officer arrived with police officers, who handcuffed her son and took him into custody.

The next morning, the parole agent called to say that Mr. Peterson's parole had been revoked for psychiatric reasons and he had been given an additional year in prison at San Quentin, his mother said.

Mrs. Peterson hired a lawyer, Graham Noyes, who demanded a parole revocation hearing, and a psychiatrist, Terry Kupers, to examine her son. Mr. Noyes and Dr. Kupers said they were excluded from participating in the revocation hearing.

The issue of providing lawyers for inmates in parole revocation hearings is the subject of a class-action suit pending against the California Department of Corrections in Federal District Court in Sacramento. The inmates contend that under rulings by the United States Supreme Court in the 1970's, they are entitled to such representation. The corrections department generally allows lawyers in parole revocation hearings only if the inmate is deemed mentally impaired. Inmates may not call witnesses or exclude hearsay evidence.

Hearings are presided over by a deputy commissioner of the Board of Prison Terms, a branch of the Department of Corrections, who serves as both judge and jury.

The deputy commissioner in Mr. Peterson's case found him to be psychotic and a danger to others, and sentenced him to the additional year in prison, according to department records.

Since then, Mr. Peterson has become an apprentice plumber, but he has had his parole revoked three more times, department records show. Once it was revoked for possession of a dangerous weapon — a serious issue to the department, given his original conviction — though his mother and lawyer say it was only a plumber's knife his parole agent found in his toolbox when the agent searched Mr. Peterson's truck.

The next time it was again for possession of a dangerous weapon, what the parole agent described as a hand grenade in Mr. Peterson's bedroom. Mr. Peterson's sister said it was actually a toy grenade she had bought for her Halloween costume.

Then last spring Mr. Peterson was charged with assault and making a terrorist threat when he got into an argument with a former girlfriend, who he said had been harassing his current girlfriend. A department spokesman said the former girlfriend's mother testified against him, but Mr. Peterson's boss in the plumber's union, who tried to testify for him, was excluded from the hearing.

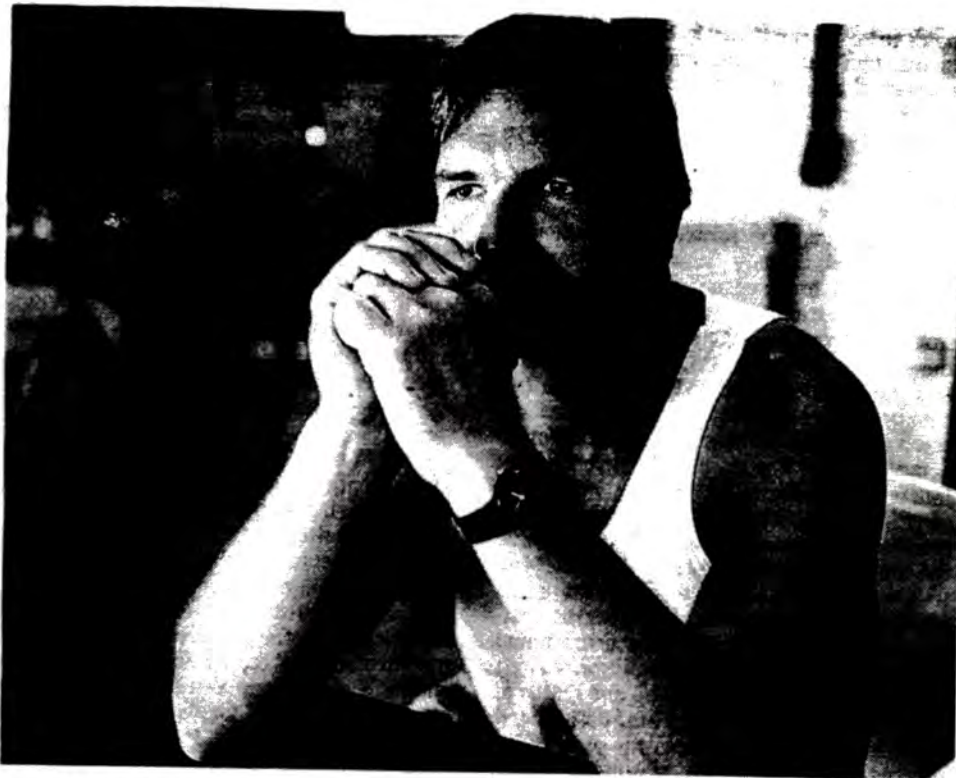
So far, Mr. Peterson has spent a year and 11 months in prison on parole revocations, almost as long as he did on his original two-year sentence. And the total could go on almost indefinitely, because under California law, each time Mr. Peterson has his parole revoked, he stops earning credit toward his original three-year parole term. The parole revocations themselves, in California, can last from a few weeks to a year.

In support of the quick parole-revocation policy, Jerome Marsh, the assistant regional director of parole for southern California, said, "Our No. 1 priority now is public safety," not the more historical goal of



Photographs by Monica Almeida

Antoine Mahan served four years for burglary, the last two in solitary confinement. From solitary, he was given \$200 in "gate money" and a drive to the train station.



Sam Watland has been released on parole nine times in the last decade. The night before his last release, he said, he had a nightmare about being quickly rearrested.



"It says Department of Corrections, but there was no corrections," said Raul Morales, who has been sent to prison five times for convictions and eight for parole violations.

trying to help keep offenders from going back to prison.

Parole Disappears

It was not always this way.

In 1977, only 788 inmates who had been released on parole were returned to prison in California, compared with 90,000 in 1999.

At that time, most inmates across the nation served flexible sentences, say 5 to 10 years, and parole boards appointed by governors had discretion in determining when prisoners were ready for release, usually when they could show they had rehabilitated themselves or had a job or family waiting for them. Prison officials approved of parole, because it encouraged inmates to improve and helped maintain order.

But California led a sweeping national change in 1977 when it became the first state to take away the power of the parole board and eliminated flexible sentences, replacing them with fixed terms determined in advance by a judge. Under the new system, inmates were automatically released at the end of their term without review by a parole board, though after their release they were still on parole.

The switch came in reaction to the explosion of violent crime in the late 1960's and early 1970's and an unusual agreement by liberals and conservatives that discretionary release on parole was a failure. Liberals complained that parole boards were too influenced by an inmate's race, leading to longer time served for blacks. Conservatives attacked parole boards for letting criminals out too early.

Unfortunately, Professor Petersilia said, "When we adopted fixed sentences, there is no longer any incentive for prisoners to reform, just as there is no way to judge whether their behavior has improved."

Moreover, although in California newly released inmates are still monitored by parole agents, in many states inmates who "max out," in prison slang, are simply allowed to walk out without any further monitoring, sometimes directly from solitary confinement. Nationwide, of the 600,000 inmates to be released this year, 100,000 will be unsupervised, according to Mr. Beck of

the Justice Department.

At the same time, the public was calling for a get-tough approach to crime, and many prison rehabilitation programs were eliminated. They included classes, vocational training and halfway houses, where inmates could adjust to the outside world by working regular jobs in the day and staying in supervised housing at night. The money saved went to building more prisons.

According to a report by the Bureau of Justice Statistics, the number of state prison inmates participating in drug treatment programs dropped to 1 in 10 in 1997 from 1 in 4 in 1991. At the same time, many states, including New York, have stopped allowing inmates to take college extension courses, which were once very popular, and Congress prohibited inmates from receiving Pell grants to pay for college class tuition, said Jeremy Travis, a senior fellow at the Urban Institute in Washington.

Now, only 9 percent of prisoners are in full-time job training or education programs, while 24 percent are completely idle, said James Austin, director of the Institute on Crime, Justice and Corrections at George Washington University.

Bruce Western, a professor of sociology at Princeton University, has found that even when paroled inmates are able to find jobs, they earn only half as much as people of the same social and economic background who have not been incarcerated.

William Sabol, a senior researcher at Case Western Reserve University, said, "That makes parolees less capable of forming stable relationships and supporting families, and therefore more likely to engage in illegal activities."

Similarly, men who have been imprisoned and paroled will have a harder time supervising their children, Mr. Sabol said, making their offspring more likely to get into trouble. Several other studies have found that half of all teenagers in juvenile prisons have parents who have been incarcerated.

In Tallahassee, Professors Clear and Rose found neighborhoods where everyone had at least one friend or relative who had been in prison.

Florida is one of 13 states that now permanently take away the right to vote from

anyone convicted of a felony. This is another factor that tends to alienate former prisoners from being a part of society, the experts say.

Another pitfall for former inmates is that even when they do try to succeed, the get-tough movement has made it hard for them to find jobs, with recent laws barring them from certain occupations. In California, parolees are legally banned from working in law, real estate, medicine, nursing, physical therapy and education. Harriet Davis of Berkeley got out of prison in 1986, after serving three years for shooting a man who beat her, and then earned a college nursing degree and passed the registered-nurse licensing test. But the new California law barring ex-felons from nursing has left her to scrape by as a stock room clerk or home-care aid, or sometimes on welfare.

The growing number of inmates returned to prison carries a cost to taxpayers as well. Nationwide, in the 1990's, the number of criminals sent to state prisons rose 22.7 percent, to 565,291 in 1998, up from 460,739 in 1990, according to the Bureau of Justice Statistics. But the number of new criminals sent to state prisons rose only 7.5 percent, while the number of inmates returned to prison, either for parole violations or for committing new crimes while on parole, jumped 54.4 percent, to account for the bulk of the growth in prison inmates.

Problems, Solutions

The cases of Ruth Ann Clements and Raul Morales, drawn from interviews and court papers, illustrate the perils of release and a hope for the future.

Ms. Clements had no family or friends in Stockton, the agricultural city where her parole officer took her last spring, putting her in a rundown residential hotel after she had served 10 years in Valley State Prison in Chowchilla, the last four years in solitary confinement, for stabbing her boyfriend to death.

Her parents are dead. Her four children were scattered around the country — one was in a juvenile prison in Louisiana for being a runaway. Her years in solitary left Ms. Clements, 43, depressed, anxious and disconnected from the world, she and her lawyer, Casandra Shaylor, said.

A prison doctor had prescribed Prozac and Buspar for her depression and anxiety, but when she was released she was not given a supply of the drugs, as required by state law.

Prison officials declined to comment on why she was denied the drugs, citing privacy concerns.

"I get overwhelmed easily now," Ms. Clements said recently, sitting in her small room in the residential hotel, filled with other drug addicts and parolees, put there by the authorities.

Even cooking a meal was hard, she said, since she had not cooked in 10 years. She did not have a car or a driver's license — it expired long ago — and she did not know how to get a new one or to find her way around Stockton. Discouraged, she made no effort to find work.

In September, Ms. Clements was charged with drinking and battery, violations of the conditions of her parole, according to the Department of Corrections, after she and a man in the residence got into an argument. She is now back in prison, her parole revoked, with an additional term of 10 months.

Her daughter Amber, 16, who had been released from juvenile prison in Louisiana and put on a bus to Stockton, has been placed in foster care.

"So much for the belief that families should be put back together," her mother wrote in a letter from prison.

Raul Morales has a better chance, thanks to a new official awareness that the prison and parole systems are leading to failure.

A 34-year-old heroin addict from East Los Angeles, Mr. Morales has been sent to prison five times for convictions for drug possession and burglary, and eight times for parole violations. (His early convictions were before enactment of the three-strike law.)

Heroin was all he knew, Mr. Morales said, explaining, "My dad and grandfather did heroin, and so I did heroin with them."

Prison did not change his drug habit. "It says Department of Corrections, but there was no corrections," Mr. Morales said. "You do your time, then you get out, and then you go back to drugs."

But in his most recent incarceration, he found himself in Corcoran State Prison in a new drug treatment program run by Phoenix House, which has a contract with the California Department of Corrections. As he was about to be released, he agreed to enroll in a continuing program administered by Phoenix House in an old apartment building on the boardwalk in Venice, an ocean-front section of Los Angeles. To make sure he did not slip, a Phoenix House van picked him up at the gate outside Corcoran and drove him there.

The Venice building contained 50 beds, with a view of the Pacific, and group therapy, a 12-step self-help program, anger-management classes, vocational training and free medical care. After six months, the former inmates are supposed to be ready to go out on their own.

"It's not easy," said Howard Friend, the director. "When you go for a job application, you have to tell them you've been in prison, and then you often don't get called back."

The Phoenix House program in Corcoran is too new to have been evaluated. But a study of a similar program at the R. J. Donovan Prison in San Diego found that of inmates who completed treatment in prison and then went through an after-care program in the community, like Phoenix House, only 27 percent were returned to prison after three years. By comparison, in a control group of inmates who did not participate in treatment, or refused after-care, 75 percent ended up back in prison.

That is a surprising result, California officials say. The drug treatment program reversed almost exactly the state's overall recidivism rate of nearly 70 percent of inmates ending up back in prison.

It could be such success stories that led California voters to approve, over the strong opposition of virtually all law enforcement officials, a referendum that will change the state's approach to drug violations. The ballot measure calls for first-time drug offenders and parolees found using drugs to be provided treatment instead of being sent to prison.

METRO

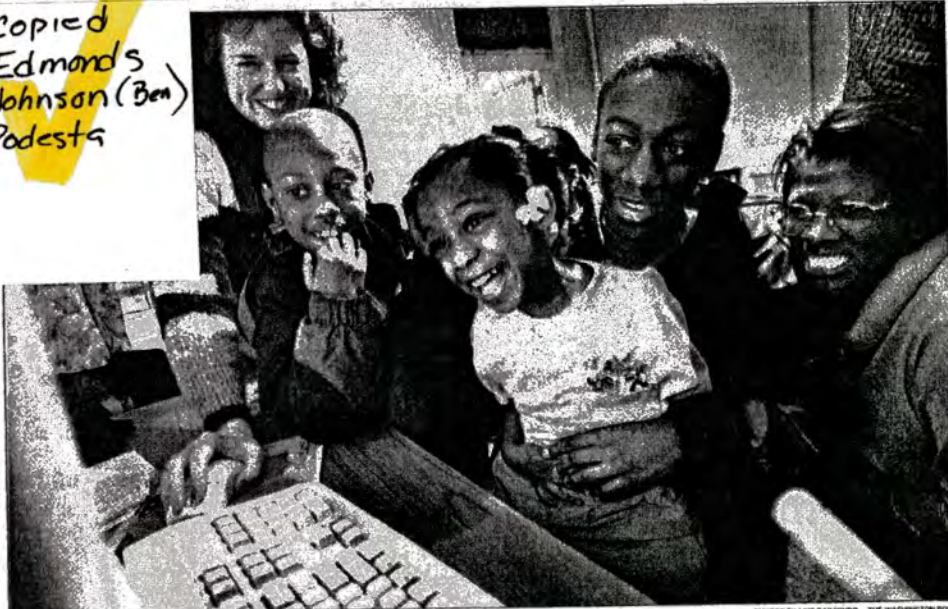
SATURDAY, DECEMBER 23, 2000

LARC FISHER

Voting Rights, Clinton Joins D.C. Little Too Late

the president is putting "Taxation Without Representation" plates on his license for him. Why, he's a regular rights activist, he wants us to see: He sat by while Congress all over this city's partiality. He let his Justice Department lawyers attack a moderate some of the city's most faithful advocates to persuade the that voting rights for the District only constitutional, but essential. Hinting that he would reverse the ruling of Pennsylvania Avenue NW of the White House—a great of the city's commitment to justice—but never got around to it. And he repeatedly appointed governors to run the colonial boards of local planning. On his way out the door, the president is spinning madly, desperate, ramrod confident that we see the obvious contradictions of it. However, one of the most savvy all time. He's put the next in a pretty pickle. To stay true to anti-democratic views about his home town, George W. will now take an active step of dissing the president. He'll have to remove the new before they've even collected their order of soot. The new D.C. plates, for their mess, for their simple power, for ability to build and display all in three elegant words. On Monday the tags were available, I in endless lines in the snake pit of Department of Motor Vehicles to get them. Amazingly, despite efforts to the illusion of efficiency, the DMV to the Soviet-style system of lines for a single transaction. To your plates, you must wait first to number, then again at a separate to hand in your application, a time to pay the cashier, and a time to collect your new plates.

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During a teleconference with inmate Irv Williams, Jonathan Gross, 13, center, holds his sister Jasmine Gross, 3, while his mother, Linda Gross, right, and her grandson Elijah Williams, 8, left, look on. Program director Carol Fennelly controls the computer mouse.

A Love Line to Dad in Prison

Program Helps D.C. Families Reconnect With Inmates Sent Cross-Country

By DAVID MONTGOMERY
Washington Post Staff Writer

Blue letters appear slowly on the computer screen, drawn by an unseen hand: H-A... A shy, smiling 11-year-old named Kiara is sitting at the computer in the basement of a church in the Shaw neighborhood of Northwest Washington, mesmerized by the letters. She has so much to tell the man composing the message in Youngstown, Ohio. They have been separated for a long time, by miles and circumstance.

P-P-Y...

The best thing that happened today is she was voted most popular in her class. The best thing that could happen ever? Well, in her mind she can picture the man holding her hand in front of a house on a

sunny day.

H-O-L-L...

Oh, she knows what he's spelling! Her lips silently form the words, while she admires a digital snapshot of the man on the screen. He's wearing a white cap and smiling back at her.



Inmate Irv Williams, left, is pictured live from Youngstown, Ohio, while his family members are shown in the District.

D-A-Y... "Happy Holiday," Kiara says.

"Happy Holidays," she corrects herself.

"I put an S on it because there are so many of them," says John Settles, referring to the ones they will miss sharing. His voice reaches Kiara through the computer's speaker. He is her father, convicted of second-degree murder and sent to prison for 15 years to life when she was 4 months old.

A red heart appears on the computer screen.

Settles, in his late thirties, is sitting at a terminal in the Northeast Ohio Correctional Center, where he can hear Kiara

See PRISON, B4, Col. 1

THE REGION

Hope House Reconnects D.C. Inmates, Their Children

PRISON: From B1

through a speaker and see the words and pictures she draws on the screen, along with a fresh digital snapshot of the girl.

"I can see your pretty eyes and everything in this shot," he says.

Sitting beside Kiara at Shiloh Baptist Church, but out of range of the camera on top of the computer, is Carol Fennelly. She arranges these twice-a-month free computer teleconferences through Hope House, her latest crusade. After a career advocating for homeless and poor people through the Community for Creative Non-Violence with the late Mitch Snyder, Fennelly, 51, wanted to do something for the families of inmates shipped away as the prison complex in Lorton is shut down.

"I woke up one morning in one of my epiphany moments and knew I was moving to Youngstown," she says. After an epiphany moment, her will is formidable. Once at CCNV, she fasted for 48 days to advocate for housing.

She decided to focus on helping children maintain relationships with their imprisoned fathers because most such programs nationwide deal only with mothers. Last June, Hope House held a "summer camp" at the prison, where 11 children from the District spent each day for a week with their fathers. It ended with the dads grilling hot dogs and hamburgers, and then there was a birthday party, to cover years of missed birthdays for everyone present.

Fennelly also visits the prison with children's books and a tape recorder. The fathers read stories aloud, and Fennelly brings the tapes back to the children in the District. Only prisoners enrolled in a parenting class can take part. "I want to work with dads who are serious about being dads," she says.

She knows Hope House might appear to critics as a benefit for criminals that offers nothing to crime victims. In response, she cites research suggesting that children with fathers behind bars are more likely to break the law themselves. They need their fathers. "If you don't care about the dads," she says, "care about the kids."

Church and prison are connected via a balky modem. Hope House can't afford a high-speed connection. The children speak into a small plastic microphone. There is a slight pause before the fathers respond, as though it took a while for the words to reach them, and their voices occasionally break with static, like a cell phone in the Metro. Sometimes there is so much laughter and picture-drawing bouncing back and forth between Youngstown and the District that the line overloads and goes dead. Emotion overwhelms technology. Abort, redial.

Now Kiara wants to play Hangman, the word game. She makes eight blanks for a three-word mystery phrase. Pretty soon Settles guesses it: *I Love You*.

Then, using the art software, Kiara draws the picture she has in her mind: the little girl and the man holding hands in front of the house with a big yellow sun.

"Tell me the story behind this picture," her father says.

"I don't have a story," says Kiara.

"Create one for me."

"It's just a picture. That's the story."

Silence.

Then Kiara starts writing. Red letters appear slowly on the screen in the prison.

This picture is about you and me spending time together on a sunny day.

The prisoner reads the words out loud and his daughter smiles.

This kind of bonding is what officials had in mind a little more than a year ago when they let Fennelly into the prison, which is operated by Corrections Corporation of America and has 1,000 former Lorton inmates. Program manager Mark Fellows says Hope House prepares the men for release by helping them develop parenting skills and secure their family ties.

The company just agreed to let Fennelly begin teleconferences with D.C. inmates transferred to a prison in Estancia, N.M. For families, distance is only one obstacle. Collect calls from the prison are expensive for many families. The teleconferences are free.



Jonathan Gross, 13, waits for the family to be linked to his father at a prison in Youngstown, Ohio. Jonathan's sister Jasmine, 3, sits anxiously at the computer.

LaTosha Williams resisted letting her son Derek, 11, visit his father, Derrick Ballard-Bey, 31, serving three to nine years for assault with a deadly weapon. She didn't want the boy to experience what she considers the dehumanizing atmosphere of prison, even as a visitor. Derek's first teleconference takes place late one afternoon at Union Temple Baptist Church in Anacostia.

"This is as close as he's got to his father in seven years," his mother says.

Derek was so nervous and excited beforehand that he carefully selected dark blue pants and a matching shirt, and then kept asking his mom if he looked sharp enough for dad to see him after all these years.

Ballard-Bey's face appears on the screen, with less hair than Derek and his mom remember from pictures, but the same smile and dimples.

"Hey, D," says the father.

"Hey, dad," says the boy.

"Man, I miss you."

"I miss you, too."

The boy's mother looks back and forth from her son to the picture of the father and shakes her head. "You all look like the Bobbsey Twins," she says.

Pretty soon they're playing Tic-Tac-Toe on the computer. Ballard-Bey is as anxious as his son about this virtual meeting. "I'm still so nervous right now even as I'm speaking," he says.

"It's been so long since I've seen him. It's like looking at a miniature of me."

More teleconferences will follow for Derek and his father. Fennelly insists on it. She doesn't want to provide a service for casual hellos. She wants to build relationships.

On another afternoon at Union Temple, Irm Williams, 39, imparts a little firm guidance for his son, Jonathan, 13.

"They tell me that report card wasn't too good this time," says Williams, who started a 15-year sentence for voluntary manslaughter in 1997.

"Yeah," says Jonathan, a tall eighth-grader.

"You're going to work on that, right?"

"Yeah."

"Don't give up on me."

"I'm not going to give up."

"Okay. That's what counts."

Then they slip into their regular kidding back and forth. The rest of the family—Jonathan's mother, sisters, brother—crowd around the computer in the church, the cathode rays lighting up their faces. Williams asks a series of brain teasers, such as, "Do they have a Fourth of July in England?" The battle of wits fills nearly an hour with unselfconscious hilarity.

"I try to follow what he says," Jonathan says afterward. "When he comes back, he's going to be a better person than what he was before. That's going to be good for me."

Eugene



Yogi Berra Museum & Learning Center

Staff Sec. 5225258

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Dec. 15, 2000

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Dear President Clinton:

Hope this note finds you well. The reason I am writing to you is for a small personal request. I am writing a book about some of the lessons I've learned on and off the field. The book will be published next spring, and the title is "When You Come to a Fork in the Road, Take It."

I would be truly grateful if you could find time within the next couple of weeks to write a blurb about how supposedly smart I am.

The response will be included on the book jacket exactly as you have written. You can mail it or fax it to us at the museum. Thanks a million, Mr. President. I wish you and your family a happy holiday, and hope you can visit our museum next year.

Yours truly,

Yogi

Yogi Berra

12/28/00
Send to Cohen?
Yes ☒
No ☐

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Gun Conundrum: More on Streets, Fewer Incidents

By GARY FIELDS

Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON—More guns lead to more gun-related incidents, right? Not necessarily.

In a little-noticed report, the Bureau of Justice Statistics, the research arm of the Justice Department, said that gun-related deaths and woundings dropped 33% from 1993 to 1997. During the same time, the number of firearms in circulation in the U.S. rose nearly 10%, according to statistics from the Bureau of Alcohol, Tobacco and Firearms.

Combined, the reports appear to raise questions about a core argument for people who want more gun control: that there is a direct correlation between the proliferation of firearms in the U.S. and its gun problems.

"We have more guns than we've ever had, and the crime rate and gun-crime rate are dropping. That tells me that what is going on can't just be the prevalence of guns," says James Pasco, executive director of the Fraternal Order of Police, the nation's largest law-enforcement organization. The challenge, he says, is "to figure out what the anomaly was."

Gun-control organizations take a different view of the statistics. Kristin Rand, an analyst for the Violence Policy Center, says the BJS study doesn't put the issue of gun violence in context. The nation's firearms incidents, both on a per-capita basis and in total, are still higher than in most, if not all, other nations, she says. "Mt. Ranier is not really very tall if you compare it to Mt. Everest, but it's still a mountain," she says.

The BJS, in its report released in October, estimates that U.S. gun deaths and woundings fell to 96,636 in 1997 from 143,795 in 1993. And the decline continued in 1998, the latest year for which figures are available, newer federal statistics show. Separately, based on annual production and export and import figures, the ATF says there were 236.5 million guns in the U.S. in 1997, the final year of the survey, up from 216.3 million in 1993. The bureau estimates there are 250 million firearms in the country now.

The new statistics come amid a gun debate that has intensified since April 1999, when two Columbine High School students in Colorado

killed 12 schoolmates, a teacher and themselves. Gun-control groups say the tragedy could have been prevented had it been more difficult for the students to get firearms. Gun-rights groups say the killings could have been stopped had a teacher or other bystander been legally armed.

Criminologists say the issue of guns and how they correlate to crime is more complex than either side has depicted it. There is little statistical evidence to back claims that the presence of legal guns deters crime, they say. At the same time, the results of gun-control laws have been mixed.

"I'm not a gun-control zealot or a gun-rights fanatic, and I think we've underestimated the potential for self-responsibility on the part of Americans who don't want to see another Columbine," says Jack Levin, director of the Brudnick Center on Violence at Northeastern University in Boston. "As I see it, we need laws when people can't con-

trol themselves, and, right now, it seems people are controlling themselves."

Several factors may be behind the drop in gun crimes. First, there is the economy. The median household income was \$40,800 in 1999, up from \$31,241 in 1993. Unemployment now is 3.9%, down considerably from 6.9% in 1993. Those two factors may mean less stressful lives and a greater stake in

"There are social forces more significant than the gun that explain why gunshot wounds are down," says Mike Rustigan, a criminologist at San Francisco State University. "The fact is, the majority of people who buy firearms are not criminals or drug dealers or gangsters."

For gun-rights groups such as the National Rifle Association, the ATF figures and the BJS statistics are a confirmation of what they have maintained for years: Most gun owners obey the law and more legal hurdles aren't needed. John Snyder, spokesman for the Citizens Committee for the Right to Keep and Bear Arms, says the numbers aren't widely discussed because "they don't conform to the politically correct philosophy of the government that more guns mean more crime."

Others say gun-control laws have undoubtedly had some impact on holding down shootings. But how much is debatable, since it is hard to prove what didn't happen because a particular law was enacted.

For example, the 1994 Brady Law and its latest incarnation, the "instant check" system, are credited with keeping guns out of the hands of 600,000 people prohibited from having them due to a criminal record or other reasons. But there is no way to tell how many of those people are plans and coordinators who focus attention on the problem of guns.

Still, law-enforcement authorities and new laws are not a panacea. According to the survey released last month, gun-related incidents already had begun to drop when the Brady law went into effect in 1994. And its forerunner, the Gun Control Law of 1968, did not lower the crime rate. In fact, gun incidents increased in the aftermath of the law, the first to limit who could buy or possess firearms in the U.S.

Advocates say the evidence that gun-control laws work is the fact that the percentage of the population that owns firearms isn't growing even though more are in circulation. Jennifer Palmieri, a spokeswoman for Americans for Gun Safety, says the surveys she has seen from the National Opinion Research Center at the Uni-

versity of Chicago show that gun ownership has declined to about 22% of the U.S. population in 1999 from almost 27% in 1989. She says that having guns in fewer hands means less potential for gun incidents.

If it is true that the percentage of Americans who possess guns has been falling, that means there are more multiple gun owners in the U.S. But that fact alone can't explain the drop in gun-related incidents in the BJS study.

"If the same people who have always had guns are the only ones who are buying the new ones, but there are fewer woundings and killings, then the behavior of those people has changed" says Northeastern's Mr. Levin. "Having a gun and using a gun are two different things."

—Jennifer Davit
contributed to this story