

# FOIA MARKER

**This is not a textual record. This is used as an  
administrative marker by the William J. Clinton  
Presidential Library Staff.**

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**Collection/Record Group:** Clinton Presidential Records  
**Subgroup/Office of Origin:** Records Management - SUBJECT FILE  
**Series/Staff Member:** Subject Files  
**Subseries:**

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**OA/ID Number:** 23376  
**Scan ID:** 036075 CU  
**Document Number:**

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**Folder Title:**  
JL001

<b>Stack:</b>	<b>Row:</b>	<b>Section:</b>	<b>Shelf:</b>	<b>Position:</b>
<b>S</b>	<b>85</b>	<b>3</b>	<b>6</b>	<b>1</b>

# Withdrawal/Redaction Sheet

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. letter	Benjamin Cunningham to the President; RE: Personal [partial] (2 pages)	10/09/1993	b(6)

### COLLECTION:

Clinton Presidential Records  
WHORM-Subject File-General  
JL001  
OA/Box Number: 23376

### FOLDER TITLE:

036075CU

2006-1704-F  
db3252

### 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]

**WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET**

5001

☐ O - OUTGOING☐ H - INTERNAL☒ I - INCOMINGDate Correspondence  
Received (YY/MM/DD) 93 109 14Name of Correspondent: Benjamin Cunningham☐ MI Mail Report

User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: Commutation of a death sentence or grant of a stay of execution for Joe Louis Wise (in Virginia)**ROUTE TO:****ACTION****DISPOSITION**

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
CU	Nuss	ORIGINATOR	93 109 14			1 1
CU	ATOS	Referral Note: <u>I</u>	93 09 14			1 1
		Referral Note: _____	1 1			1 1
		Referral Note: _____	1 1			1 1
		Referral Note: _____	1 1			1 1
		Referral Note: _____	1 1			1 1

**ACTION CODES:**

A - Appropriate Action  
C - Comment/Recommendation  
D - Draft Response  
F - Furnish Fact Sheet  
to be used as Enclosure

I - Info Copy Only/No Action Necessary  
R - Direct Reply w/Copy  
S - For Signature  
X - Interim Reply

**DISPOSITION CODES:**

A - Answered  
B - Non-Special Referral  
C - Completed  
S - Suspended

**FOR OUTGOING CORRESPONDENCE:**

Type of Response = Initials of Signer  
Code = "A"  
Completion Date = Date of Outgoing

Comments: we received this on the 14th

Keep this worksheet attached to the original incoming letter.  
Send all routing updates to Central Reference (Room 75, OEOb).  
Always return completed correspondence record to Central Files.  
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

**SCANNED**

# RECORDS MANAGEMENT ONLY

RECEIVED

## CLASSIFICATION SECTION

No. of Additional Correspondents: \_\_\_\_\_ Media: \_\_\_\_\_ Individual Codes: \_\_\_\_\_

Prime Subject Code: 61 \_\_\_\_\_ Secondary Subject Codes: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

## PRESIDENTIAL REPLY

Code	Date	Comment	Form
C	_____	Time: _____	P- _____
DSP	_____	Time: _____	Media: _____

### SIGNATURE CODES:

#### CPn - Presidential Correspondence

- n - 0 - Unknown
- n - 1 - William J. Clinton
- n - 2 - Bill Clinton
- n - 3 - Bill

#### CLn - First Lady's Correspondence

- n - 1 - Hillary Rodham Clinton
- n - 2 - Hillary Clinton
- n - 3 - Hillary
- n - 4 - Mrs. Hillary Clinton

#### CBn - Presidential & First Lady's Correspondence

- n - 1 - Hillary & Bill Clinton
- n - 2 - Hillary & Bill

### MEDIA CODES:

- B - Box/package
- C - Copy
- D - Official document
- F - FAX
- G - Message
- H - Handcarried
- L - Letter
- M - Mailgram
- O - Memo
- P - Photo
- R - Report
- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study

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Mr To Pres - sent  
B. Nussbaum  
For the attention of the President of the USA

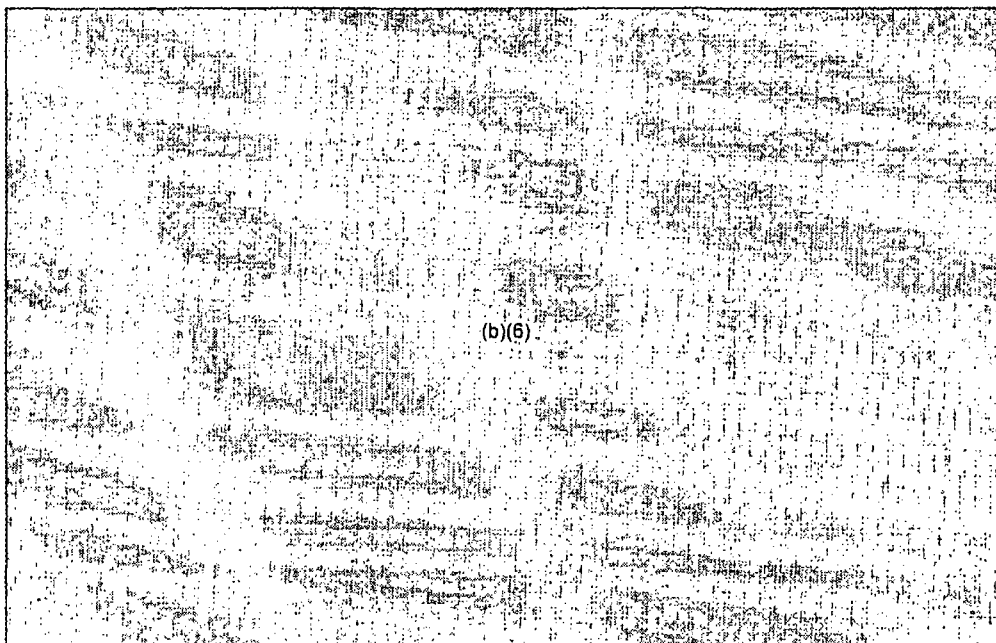
93 SEP 14 ALL: 20

Dear Mr President,

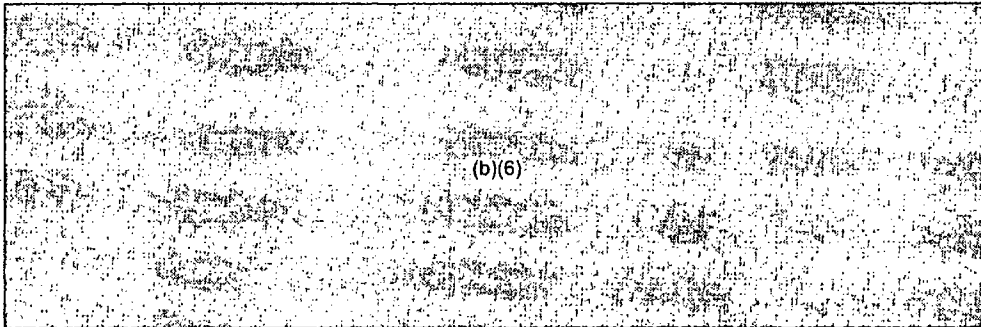
I am writing to you to plead on behalf of the life of Joe Louis Wise, Sr, a 32 year old black man due to be executed in Virginia on September 14th 1993.

There are a number of reasons why Joe should be spared. Firstly, the court appointed a single lawyer for Joe when the usual practice in Virginia had been to appoint two. Joe's lawyer was just 28 years old, just over two years out of law school, had never received any special training in capital defense, had never tried a murder case, and had never tried a Jury trial. Thus, the court placed Joe's life in the hands of the least experienced defense team ever given a death row inmate. The General Assembly has now decreed that no other people charged with capital murder could ever be given such a weak defense, and now the defense team must have had a great deal of training, but this does not help Joe now in his struggle to survive.

Joe's lawyer was overwhelmed with the case and the Commonwealth's Attorney openly laughed at him in front of the jury. In one incident the Commonwealth's Attorney imparted to the Jurors the notion that Joe had to prove his innocence beyond any reasonable doubt before the jury could acquit him, even though this goes against two of the most treasured precepts of the American system of justice. Joe's lawyer never objected to that. Also, in the sentencing trial, Joe's lawyer never presented any evidence at all, because he believed that once the prosecution had proved vileness he had to be sentenced to death. He could have presented lots of evidence about Joe's disturbed childhood on which many juries will opt for life in prison, but instead he invited the jury to opt for death.



[001]



Joe's only chance to challenge the failings of this lawyer came in state habeas corpus proceedings, where the Mecklenburg court again chose lawyers for Joe. These new lawyers failed to adequately investigate and prepare the case, then failed to use proper procedures to appeal to the Virginia Supreme Court. Joe himself had written to the Supreme Court to be sure he got his appeal, and told them that his lawyers were failing him, but the courts ignored his letters. The result was that the adequacy of Joe's lawyer was never reviewed by the Virginia Supreme Court and this failure to appeal created a technicality that prevented the federal courts from reviewing this.

The premise of the American criminal justice system is that fair verdicts result from fair fights, i.e. when both defense and prosecution lawyers are competent, prepared and vigorous in their representation. Joe's fight was not fair, so how can we expect the verdict to be. It is worth noting that since 1908 all defendants convicted of capital murder in Mecklenburg County have been blacks accused of killing or raping whites. Joe is black, and accused of killing a white man. Such blatant racism should have been overcome by today.

Please consider this carefully, and act responsibly by saving Joe's life in favour of life imprisonment. Thank you for listening.

Yours faithfully,

Benjamin Cunningham.