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415446

THE WHITE HOUSE
WASHINGTON

August 11, 1999

JE 001
OK to AP
- [Signature]
8-11-99

MEMORANDUM FOR SEAN MALONEY
DAVID GOODFRIEND
FROM DAWN CHIRWA [Signature]
RE: Executive Clemency Warrant for 16 Puerto Rican Prisoners

The White House Counsel's Office is submitting to you for the President's signature a warrant prepared by the Department of Justice granting executive clemency to 16 individuals named below:

Elizam Escobar
Ricardo Jimenez
Adolfo Matos
Dylcia Noemi Pagan
Alicia Rodriguez
Ida Luz Rodriguez
Luis Rosa
Carmen Valentin
Edwin Cortes
Alberto Rodriguez
Alejandrina Torres
Oscar Lopez-Rivera
Juan Enrique Segarra-Palmer
Antonio Camacho-Negron
Roberto Maldonado-Rivera
Norman Ramirez-Talavera

The warrant has been reviewed and approved by our office. If you have any questions, please let me know.



IntroSpect

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SCANNING INSERT SHEET

REMAINDER OF CASE NOT SCANNED

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Ruff
Podesta
Echaveste
Reed

THE PRESIDENT HAS SEEN
8-2-99

THE WHITE HOUSE
WASHINGTON
August 1, 1999

Have Chuck
discuss - agency

MEMORANDUM FOR THE PRESIDENT

SUBJECT: CLEMENCY FOR PUERTO RICAN PRISONERS

FROM: SEAN MALONEY
DAVID GOODFRIEND
LISEL LOY *HL*

PHOTOCOPY
WJC HANDWRITING

Chuck Ruff has sent you a detailed memo recommending that you grant clemency in some form to 14 of 17 Puerto Rican prisoners convicted of offenses relating to pro-independence activities. DOJ staff has recommended against clemency, but Eric Holder would favor grants to certain of the prisoners, with appropriate conditions. Members of Congress, who strongly support clemency for all 17 prisoners, have sought to meet with you on this issue. *Although Chuck offers to discuss this with you, his recommendations are ripe for your decision. John Podesta and Maria Echaveste support Chuck's recommendations.*

Background. For six years, various Members of Congress, religious organizations, and others have urged you to grant clemency to these 17 Puerto Rican prisoners, some of whom have been in prison for more than 15 years. Chuck, Jeff Farrow and Janet Murguia met with several Members who strongly support clemency and with the Resident Commissioner who has opposed a general grant of clemency but now indicates he would not object to carefully justified individual grants of clemency.

The petitioners were affiliated with two Puerto Rican independence groups, FALN and Los Macheteros, characterized by the FBI as active terrorist organizations. As part of the campaign for Puerto Rican independence, the two groups were responsible for numerous bombings, armed robberies and other acts of violence that resulted in a number of deaths and injuries. Although the petitioners were engaged in serious criminal conduct in aid of their political goals, they were not convicted of killing or maiming. Many are serving lengthy sentences. They have previously refused to express regret for their conduct, but they may now be prepared to renounce violence if released.

DOJ and the FBI are concerned that the release of the prisoners will encourage more violence and that the prisoners will be viewed as returning heroes. Petitioners have received substantial support from many quarters, including Bishop Tutu, members of the Congressional Black Caucus, religious and labor organizations, Hispanic groups, and, notably, former President Carter -- who commuted to time served the sentences of Puerto Ricans convicted for a 1954 attack on the House of Representatives, in which 5 congressmen were wounded, and the life sentence of a

prisoner who attempted to assassinate President Truman. Petitioners also have broad support across the political spectrum in Puerto Rico.

Action. Chuck provides considerable detail on each individual seeking clemency (*see pages 7-12*). There are, however, 2 principal groups of petitioners: 13 convicted in Illinois and 4 convicted in Connecticut. Chuck recommends clemency for all but 2 of the 13 petitioners convicted in Illinois, on the grounds that their long sentences seem unduly harsh; the crimes were serious but did not result in killing or maiming; and, if the cases were brought today, he does not believe comparable sentences would be imposed. With respect to the Connecticut petitioners, Chuck recommends that you grant some form of clemency to 3 and deny clemency to 1, as set forth below. In all cases, Chuck supports immediate rather than deferred commutation, where applicable. Though some supporters of clemency, including Members of Congress, favor a general grant of clemency to the group, Chuck feels strongly that each case should be considered individually. *Podesta and Echaveste* would support implementing Chuck's recommendation by commuting the sentences to a term that would allow prisoners' release pursuant to mandatory release standards applicable to all prisoners, rather than commuting the sentence to time served. Finally, Chuck recommends that, where you grant clemency, each petitioner be required to state in writing that he or she seeks clemency and will abide by the terms imposed and renounces violence as a means of achieving political goals.

Illinois Petitioners (13 total)

Eight petitioners were convicted in the Northern District of Illinois of seditious conspiracy, armed robbery, and firearms offenses, and in State court for offenses arising out of the same activities. Combined state and federal sentences for each petitioner ranged widely from 55 to 90 years and were imposed consecutively. Petitioners have served 19 years and have so-called mandatory release dates ranging from the early to mid 21st century. Chuck recommends that you grant clemency to these 8 petitioners (Elizam Escobar, Ricardo Jimenez, Adolfo Matos, Dylcia Naomi Pagan, Alicia Rodriguez, Ida Luz Rodriguez, Luis Rosa, Carmen Valentin).

☒ Grant (recommended) ☐ Deny ☐ Discuss

One petitioner, Carlos Alberto Torres, is serving a life sentence for arson in connection with a bombing in which one person was killed. He had been indicted by a federal grand jury on explosives charges but remained a fugitive until he was arrested in 1980 with others in this group. He was identified as the group's leader. At a 1994 parole hearing, he stated that he was involved in a revolution against the U.S. and that his actions had been legitimate. In light of Torres's record prior to his arrest in 1980, his leadership of the group arrested in 1980, and his statements at his parole hearing, Chuck recommends that you deny clemency.

☐ Grant ☒ Deny (recommended) ☐ Discuss

One petitioner, Oscar Lopez-Rivera, was charged with the first nine petitioners and convicted of the same offenses; he later conspired to escape from prison and was convicted of attempted escape and sentenced to an additional 15 years. Chuck recommends against clemency but suggests that you may wish to consider reducing his total sentence to require that he serve 19 years on the original conviction and an additional 10 years for attempted escape.

*Chuck
at least
7-10-99*

☒ Grant reduced sentence (recommended) ☐ Deny ☐ Discuss

Three petitioners (Edwin Cortes, Alberto Rodriguez, and Alejandrina Torres) were convicted in the Northern District of Illinois of seditious conspiracy, interstate transportation of stolen vehicles, and weapons offenses. Each was sentenced to 35 years in prison and has served 16 years. Chuck recommends granting clemency to these three petitioners.

☒ Grant (recommended) ☐ Deny ☐ Discuss

Connecticut petitioners (4 total)

These petitioners, members of Los Macheteros, were convicted in the District of Connecticut of armed robbery and related offenses arising out of the 1984 robbery of a Wells Fargo office.

One petitioner, Antonio Camacho-Negron, was released on parole but reincarcerated for parole violations. Chuck recommends denying clemency based on his failure to comply with parole requirements (and notes that Camacho-Negron would be released on parole, even now, if he agreed to subject himself to supervision of his parole officer).

☐ Grant ☒ Deny (recommended) ☒ Discuss

One petitioner, Juan Enrique Segarra-Palmer, was, according to prosecutors, one of the founders of Los Macheteros, and he received a salary from the organization. He was one of the organizers of the Wells Fargo robbery, and helped his co-conspirator (one of the FBI's 10 most wanted) to escape. He has served only 14 of his 55-year sentence. Chuck recommends clemency be granted only to reduce Segarra-Palmer's sentence to provide for mandatory release after service of 19 years, contingent on good behavior during the intervening years.

☒ Grant reduced sentence (recommended) ☐ Deny ☐ Discuss

Two petitioners (Roberto Maldonado-Rivera and Norman Ramirez-Talavera) have been released and their full terms expired in 1996; they still owe substantial fines. Chuck recommends granting clemency to free them from that obligation.

☒ Grant (recommended) ☐ Deny ☐ Discuss

'99 JUL 28 PM6:14

THE WHITE HOUSE
WASHINGTON

THE PRESIDENT HAS SEEN
8-2-99

July 28, 1999

MEMORANDUM FOR THE PRESIDENT

FROM: Charles F.C. Ruff 
Counsel to the President

SUBJECT: Clemency for Puerto Rican Prisoners

For the last six years, various Members of Congress, religious organizations, and others have been urging you to grant clemency to 17 Puerto Rican prisoners, some of whom have been in federal prison for more than 15 years as the result of convictions for offenses arising out of their participation in the activities of the FALN and other Puerto Rican independence movements. Most recently, Jeff Farrow, Janet Murguia and I met, first with Congressmen Gutierrez and Serrano, and Congresswoman Velazquez, ardent supporters of clemency for all the prisoners, and then with Resident Commissioner Romero-Barcelo, who has been opposed to a general grant of clemency but indicated that he would not object to carefully justified grants of clemency on an individual basis.

I informed the Members that I would consult with the Justice Department and make a recommendation to you, but I made it clear that any clemency recommendation would be on an individual basis and not as a group. They have been pressing for a meeting with you, and we have held them off on the basis of my commitment that I would complete the review process before my departure.

The question of clemency for these prisoners is a very difficult one. On the one hand, many are serving extremely lengthy sentences – longer than one would expect to be imposed for comparable offenses committed today; on the other hand, they did engage in serious criminal conduct – arguably terrorist in nature – in aid of their political goals. They have previously refused to express any regret for their conduct, although we understand that they may now be prepared to acknowledge that violence is not an appropriate means of securing Puerto Rican independence and to renounce recourse to violence if they are released. Nonetheless, Justice remains very concerned that clemency would send the wrong message to the remaining FALN members and that the released prisoners would be greeted as heroes. Justice staff has recommended against clemency, but Deputy Attorney General Holder would favor grants to certain of the prisoners with appropriate conditions.

The apparent reluctance of the petitioners to petition formally for clemency and the uncertain extent to which they are prepared to renounce violence as a means of furthering their political goals (even if some or all are not prepared to express remorse for their past offenses) are matters of concern. Taking all of these matters into account, I recommend that clemency be granted to certain of the petitioners as described below. If you agree that clemency, in some form, is warranted, we recommend that each petitioner be required to state in writing that he or she is seeking clemency and will abide by the terms imposed, and that he or she renounces the use of violence as a means of achieving political goals.

Background

Thirteen of the petitioners, who were convicted in three separate cases in the Northern District of Illinois in the early 1980s, were members of the FALN, which began a campaign for Puerto Rican independence in the mid-1970s. As part of that campaign, members of the FALN planted bombs, committed armed robberies, and planned or engaged in other acts of violence. Among the early acts of serious violence for which the FALN claimed credit were a number of bombings in New York City, including the bombing of Fraunces Tavern in 1975 that resulted in four deaths and more than 60 injuries. The FBI continues to treat the FALN as a "viable terrorist organization" posing an ongoing risk of violent conduct.

The four petitioners convicted in Connecticut were members of Los Macheteros, which has been one of the most violent of the pro-independence groups and is also classified by the FBI as a continuing terrorist group. Over the years, Los Macheteros has taken credit for a number of bombings and robberies, resulting in five deaths. The group has been linked to the murder of a police officer; a machine-gun attack on a bus on a naval base, resulting in the death of two American sailors; the shooting of other American military personnel; and rocket attacks on U.S. courthouses in Puerto Rico.

For purposes of this discussion, the petitioners can be divided into four groups:

1. Nine were convicted in the Northern District of Illinois of seditious conspiracy, armed robbery, and various firearms offenses. The arrest of these defendants was the culmination of an investigation into the activities of the FALN, including numerous bombings in New York, Chicago and elsewhere beginning in the mid-1970s, as well as robberies intended to secure funds and weapons. A bomb factory was discovered in Chicago in 1976, leading to the identification of three of the petitioners – Carlos Torres, Ida Luz Rodriguez, and Oscar Lopez-Rivera – as members of the FALN, but they went underground until their arrest on April 4, 1980. On March 15, 1980, members of the FALN, including three of the petitioners, seized the Carter-Mondale office in Chicago, threatened the staff, and stole lists of supporters who thereafter were sent threatening letters.

The petitioners were arrested by state police who were investigating an earlier armed robbery of a car rental agency in Evanston. They were found, wearing

disguises, in a van in Evanston containing several weapons as they were preparing to rob an armored truck. Searches of FALN safe houses then revealed evidence linking the FALN to the robbery of an armory and the Carter-Mondale takeover. The petitioners were first tried in state court on weapons and robbery charges; seven were sentenced to eight-year terms, and two (Alicia Rodriguez and Luis Rosa) were sentenced to 30-year terms. They were then indicted in federal court in December 1980 on charges of seditious conspiracy (including several bombings that resulted in injury to people), Hobbs Act (robbery), interstate transportation of stolen vehicles, and weapons offenses, arising out of the same conduct that underlay the state charges.

The defendants, claiming to be prisoners of war, refused counsel and watched the trial on television from their cells. They also refused to cooperate with the probation office in preparing the presentence reports.

Seditious conspiracy and the Hobbs Act carried maximum sentences of 20 years, which were imposed consecutively. The weapons charges carried 10-year sentences, which were made to run consecutively to the first two sentences, and the stolen vehicle charges carried 5-year sentences which were made to run consecutively to the other sentences. The extraordinary variances in the total sentences (from 55 to 90 years) depended on how many firearm and vehicle counts there were and the extent to which the court chose to make those sentences consecutive to each other as well as consecutive to the more serious offenses.¹

The status of these nine petitioners is summarized in the following table:

<u>Name and Present Age</u>	<u>Sentence</u>	<u>Projected Release Date</u>	<u>Years Served*</u>
Elizam Escobar (51)	60 years	2024	15/4
Ricardo Jimenez (43)	90 years	2043	15/4
Adolfo Matos (48)	70 years	2025	15/4
Dylcia Noemi Pagan (52)	55 years	2020	15/4
Alicia Rodriguez (45)	55 years	2033	3/16
Ida Luz Rodriguez (49)	75 years	2034	15/4

¹ Most of the petitioners were sentenced under a statute that made them eligible for parole after serving one-third of their sentence (or 10 years if sentenced to 30 years or more). Many have waived parole, and those who sought it have been denied and told that they would not be considered for another 15 years. The petitioners have so-called mandatory release dates (two-thirds of each consecutive term, or 30 years for a term of 45 years or more), ranging from the early to mid-years of the 21st century. Notably, because of an error by the Bureau of Prisons, five of the petitioners have been told that their release dates are considerably earlier than they would be if properly calculated. These petitioners have not been told of the error.

Luis Rosa (38)	75 years	2039	3/16
Carlos Alberto Torres (46)	70 years	2024	15/4
Carmen Valentin (53)	90 years	2043	15/4

* Because these individuals first served sentences as the result of their state convictions, I have noted their combined federal/state years in prison.

2. Oscar Lopez-Rivera (56) was charged with the other nine petitioners but was not arrested until May 1981. He was convicted of the same offenses and sentenced to serve 55 years. In 1984, he conspired to escape from Leavenworth by helicopter, and in 1988 he was convicted of attempted escape and sentenced to 15 years, consecutive to his earlier sentence. He too refused to cooperate at trial and sentencing. He has a projected release date of 2027.

3. Three of the petitioners (Edwin Cortes, Alberto Rodriguez and Alejandrina Torres) were convicted in the Northern District of Illinois of seditious conspiracy, interstate transportation of stolen vehicles, and weapons offenses. They were arrested in June 1983 as the result of government surveillance that uncovered a plan by Torres and Cortes to help Lopez-Rivera and Luis Rosa escape from prison (an escape before the one for which Lopez-Rivera was convicted); a plan by Cortes and Rodriguez to rob a Chicago Transit receipts collector; and the construction by Cortes and Rodriguez of pipe bombs to be detonated at various military sites. They declared themselves prisoners of war but were represented by standby counsel and participated in parts of the trial, although they refused to participate in the sentencing process. Each was sentenced to 35 years in prison.

<u>Name and Present Age</u>	<u>Sentence</u>	<u>Release Date</u>	<u>Years Served</u>
Edwin Cortes (44)	35 years	2004	16
Alberto Rodriguez (46)	35 years	2005	16
Alejandrina Torres (60)	35 years	2004	16

4. Four of the petitioners, members of Los Macheteros, were convicted in the District of Connecticut of armed robbery and related offenses, arising out of the 1984 robbery of a Wells Fargo office that netted \$7 million. The leader of the group, Victor Gerena, remains a fugitive and is on the FBI's 10 Most Wanted List.

Juan Enrique Segarra-Palmer helped plan the Wells Fargo robbery and helped Gerena escape to Mexico. He also helped purchase and retrofit a motor home to smuggle part of the robbery proceeds to Mexico. He was convicted of bank robbery, interstate transportation of stolen funds, and related offenses and was sentenced to 55 years. He applied for parole in 1997, but the Commission denied his application, noting his central role in the organization, and continued his sentence for 15 years. His release date is 2013.

Antonio Camacho-Negron drove a truck in an unsuccessful attempt to transport some of the robbery proceeds to Mexico and accompanied Segarra-Palmer on another trip to take the proceeds to Mexico. He was released on his mandatory release date of February 13, 1998, but shortly thereafter was reincarcerated for violating the terms of his release (he refused to report to his parole officer after his release) and was ordered to serve the remainder of his sentence.²

Roberto Maldonado-Rivera, a leader of a unit of Los Macheteros, drove a car across the Mexican border, following the motor home in which Segarra-Palmer was carrying the robbery proceeds. He was convicted of conspiracy to rob banks and transport stolen money and was sentenced to 5 years. He was released on his mandatory release date of June 30, 1994, and his full term expired in 1996.

Norman Ramirez-Talavera was convicted of the same offense as Maldonado-Rivera. He used some of the robbery proceeds to purchase toys, which he then helped distribute on the streets of Hartford, along with \$20 bills. He was released on parole from his five-year sentence in 1994, and his full sentence expired in 1996.

<u>Name and Present Age</u>	<u>Sentence</u>	<u>Release Date</u>	<u>Years Served</u>
Antonio Camacho-Negron (53) [Released in 1998 and rearrested for parole violation.]	15 years	2002	13
Roberto Maldonado-Rivera (63)	5 years	Released	
Norman Ramirez-Talavera (42)	5 years	Released	
Juan Enrique Segarra-Palmer (49)	55 years	2013	14

Recommendation

When consulted in 1994, the United States Attorneys in Chicago and Connecticut strongly opposed clemency, and the judge who presided over the Connecticut case stated that those sentences should stand. (The judges who presided over the Chicago trials were not consulted because two were retired and one was trying an FALN-related case.) The FBI has provided an assessment of the current activities of the FALN and Los Macheteros which describes both as active terrorist organizations, still committed to violence in aid of the cause of independence. Both Justice and the FBI are concerned that the release of the Puerto Rican prisoners will encourage further violence and that they will be viewed as returning heroes. A part of their concern is the continuing refusal of the prisoners to acknowledge their wrongdoing and the continuing assertion by at least some of the prisoners that they are political prisoners.

² I am informed that Camacho-Negron would be released on parole, even now, if he agreed to abide by the requirement that he subject himself to the supervision of his parole officer.

The petitioners have received substantial support from many quarters, including former President Carter, Bishop Tutu, members of the Congressional Black Caucus, a number of religious organizations, labor organizations, and Hispanic civic and community groups, as well as widespread support across the political spectrum within Puerto Rico. President Carter's support is noteworthy because of his decision to commute to time served (some 25 years) the sentences of the Puerto Ricans who were convicted for their 1954 attack on the House of Representatives, which resulted in the wounding of five congressmen. President Carter also commuted to time served (25 years) the life sentence of Oscar Collazo, who attempted to assassinate President Truman (Collazo's confederate killed a White House policeman). (President Truman had earlier commuted Collazo's death sentence to life imprisonment.)

Various arguments have been advanced by petitioners' supporters, including the argument that they were engaged in a struggle against "colonialism" and acted out of sincere political beliefs. Indeed, the most recent communication to me from the United Church of Christ, in anticipation of a demonstration at the White House, refers to the petitioners as political prisoners. This argument cannot justify clemency for those who engaged in or planned the kinds of offenses for which petitioners were convicted. The only question is whether their sentences were unduly severe and whether their continuing incarceration serves any meaningful purpose.

In this regard, petitioners' supporters have attempted to argue, on the basis of raw statistics from the Administrative Office of U.S. Courts, that the sentences imposed were substantially higher than the average sentence for violent crimes, but their statistical analysis is flawed at best. Nonetheless, it is true that most of the Chicago petitioners have spent substantial time in prison (e.g., 19 years in combined state and federal terms), and the extraordinarily long sentences imposed on them were the result of seemingly ad hoc judgments by the sentencing judge to make the sentences on some or all of the counts consecutive rather than concurrent. By doing so, the judge not only extended the parole eligibility and mandatory release dates well into the 21st century but made the granting of parole much less likely.

It is extremely difficult to translate these sentences into sentences that might be imposed if the petitioners were prosecuted today and sentenced under the Sentencing Guidelines. Part of the difficulty stems from determining what comparable guideline would be applied to the conviction for seditious conspiracy, since that is not one of the offenses dealt with by the Guidelines. In addition, recent legislation has provided for a special enhancement where crimes designated as "terrorist" are involved, and it is not clear whether that enhancement would be applicable. It is clear, however, that the string of consecutive sentences that resulted in such extraordinarily long (and varying) prison terms would not be possible under the Guidelines, although, of course, whatever sentences were imposed would be served in full (minus good time) since parole has been abolished. In sum, Justice's efforts to estimate comparable sentences themselves produced such widely varying results as to offer little of value to our analysis.

Whatever the conduct of other FALN members may have been, these petitioners were convicted of serious crimes but not of killing or maiming. In these circumstances, even were the case brought today, I do not believe that comparable sentences would be imposed. Some guidance can be found in the prosecution of an FALN member who was convicted last month in Chicago of conspiring to place explosive devices at a Marine recruiting center. He received a sentence of 51 months, and the government chose not to charge seditious conspiracy or to seek any special enhancement of the sentence.

Despite the urging of Congressman Gutierrez and his colleagues, it would not be appropriate to treat the petitioners as a group. Clemency, in its nature, should be awarded to individual petitioners based on their own conduct, both that which resulted in their original convictions and that in which they engaged during their imprisonment. Moreover, release of the entire group of petitioners would be surely treated by their adherents as a political statement condoning their conduct.

Giving due weight to the strongly held views of the U.S. Attorneys and the concerns of the FBI about the continuing activities of the FALN, as well as the legitimately strong feelings of those whose relatives have been the victims of earlier FALN attacks (such as the Fraunces Tavern bombing), I nonetheless believe that clemency for some of these petitioners is warranted. With the few exceptions noted below, the lengthy sentences imposed on the Chicago petitioners seem unduly harsh, even for the offenses the petitioners committed, particularly because the federal interest in these defendants, beyond the state prosecutions, would have been vindicated by pursuing only the seditious conspiracy charge. Moreover, the wide variance in the sentences does not appear to be grounded in the comparative seriousness of the petitioners' conduct. As to the Connecticut defendants, however, I believe that, with two minor exceptions, no clemency would be appropriate.

The Department of Justice gave extensive consideration to various types of clemency, ranging from reduction of sentences to time served to the setting of release dates earlier than those that are now applicable but still extending well into the next century. In my judgment, if you decide to grant clemency, little purpose would be served by delaying the effective date of any reduction in sentence (with one exception noted below).

The Chicago Prisoners

Lopez-Rivera

LOPEZ-RIVERA was originally sentenced to 55 years in prison but thereafter tried to escape and was sentenced to an additional term of 15 years for that attempt. **In these circumstances, clemency would not be appropriate, although you may wish to consider reducing his total sentence of 70 years so as to require that he serve 19 years on the original conviction and an additional 10 years for the attempted escape.**

The Group of Nine

ELIZAM ESCOBAR, now 51, is married and has at least one child. He graduated from the University of Puerto Rico and was a licensed bilingual teacher of social studies in the New York City schools. He was one of the armed men who took over the Carter-Mondale office in Chicago. When arrested in the van in Evanston, preparing to rob the armored truck, he, like the others, was in disguise and in possession of various weapons. He served four years of an eight-year state sentence and then began serving his federal sentence of 60 years. He waived parole, and his mandatory release date is 2019. **I recommend that clemency be granted by reducing Escobar's sentence to time served – a total of 19 years.**³

RICARDO JIMENEZ, now 43, is not married. He attended but did not graduate from college and, when arrested, was employed at a pharmacy. He conducted surveillance of the Carter-Mondale office and was arrested in Evanston in the van with the weapons. He served four years of an eight-year state sentence and then began serving his federal sentence of 90 years. He became eligible for parole in 1994 but waived consideration. His mandatory release date is 2043 but had previously been incorrectly reported as 2036. **I recommend that clemency be granted by reducing Jimenez's sentence to time served – a total of 19 years.**

ADOLFO MATOS, now 48, is married and has two daughters. His education ended in the seventh grade, and at the time of his arrest was employed as a parking attendant. He participated in the takeover of the Carter-Mondale office and in an armed attempt to break into the weapons vault at a National Guard Armory. He was arrested in the van in Evanston, wearing a disguise and in possession of weapons. He served four years of an eight-year state sentence and then began serving his federal sentence of 70 years. He became eligible for parole in 1994 but waived consideration. His mandatory release date is 2025. **I recommend that clemency be granted by reducing Matos's sentence to time served – a total of 19 years.**

³ Where I have recommended that clemency be granted in a such a manner as to result in a petitioner's immediate release, that could be accomplished in one of two ways – either by commuting the sentence to time served or by commuting the sentence to a term that would result in the petitioner's release pursuant to the mandatory release standards applicable to all prisoners (i.e., approximately 28.5 years for those who have served 19 years). In either event, clemency would be conditioned on the petitioner's acceptance of, and compliance with, the requirement that he or she report regularly to the appropriate supervisory personnel (presumably a parole officer) – a requirement that could be imposed by you if there were a direct commutation to time served or that would be imposed automatically under Parole Commission procedures if there were commutation to a term that resulted in mandatory release.

DYLCIA NAOMI PAGAN, now 52, is the common law wife of William Morales, who lost both hands in an explosion while making a pipe bomb and is a fugitive after escaping from prison in 1979. She has one son and stated at her parole hearing that she had severed her relationship with Morales. She attended Hunter College and Brooklyn College and had been briefly employed as an associate producer for WCBS-TV. She participated in the armed takeover of the Carter-Mondale office, and was arrested in Evanston in the van with weapons. She served four years of an eight-year state sentence and then began serving her federal sentence of 55 years. She initially waived and then applied for parole. At her hearing in 1994 she refused to answer questions about her offenses but stated that she had not intended to hurt anyone and that she had no plans to engage in political activity if released. The Commission denied her application and scheduled her next hearing for 2009. Her release date is 2016 (although BOP had originally computed it as 2013). **I recommend that clemency be granted by reducing Pagan's sentence to time served -- a total of 19 years.**

ALICIA RODRIGUEZ, now 45, is unmarried. She is the sister of petitioner Ida Luz Rodriguez. At the time of her arrest, she was enrolled in Northeastern Illinois University. She was involved in renting two FALN safe houses; she cased the rental car office in Evanston before the robbery; and was arrested in the van in Evanston armed with a handgun. She served 16 years of a 30-year state sentence and then began serving her federal sentence of 55 years. She will be eligible for parole in 2006. Her release date is 2033 (although BOP had originally computed it as 2026). **I recommend that clemency be granted by reducing Rodriguez's sentence to time served -- a total of 19 years.**

IDA LUZ RODRIGUEZ, now 49, is unmarried and has one son. She graduated from Northeastern Illinois University, and at the time of her arrest, she was employed as an equal employment specialist at EPA. She was driving the van containing weapons and her fellow defendants, and her purse contained a loaded pistol with an obliterated serial number. She served four years of an eight-year state sentence and then began serving her federal sentence of 75 years. She became eligible for parole in 1994 but waived consideration. Her release date is 2034 (although BOP had originally computed it as 2014). **I recommend that clemency be granted by reducing Rodriguez's sentence to time served -- a total of 19 years.**

LUIS ROSA, now 38, is married and has at least one son. At the time of his arrest, he was a student at the University of Illinois. He participated in the armed robbery of the car rental office in Evanston, in which the employees were threatened with death. When arrested in Evanston in the van, he was in disguise and attempting to remove the weapons from the vehicle. He served 16 years of a 30-year state sentence (plus two six-month sentences for contempt of court) and then began serving his federal sentence of 75 years. He will be eligible for parole in 2006. His release date is 2039. **Although Rosa's conduct appears to have been more egregious than that of his codefendants, in light of his age (19) at the time of the offenses, I recommend that clemency be granted by reducing Rosa's sentence to time served -- a total of 19 years.**

CARLOS ALBERTO TORRES, now 46, is married to Haydee Beltran Torres, who is serving a life sentence for arson in connection with the bombing of the Mobil Oil building in New York in which one person was killed. He has one child. His father is Reverend Jose Torres, a minister of the United Church of Christ, and his mother is the petitioner Alejandrina Torres. He attended but did not graduate from college and was unemployed at the time of his arrest. He was seen carrying explosives into an FALN bomb factory and rented buildings used as bomb factories and safe houses, including the apartment in New York where William Morales was injured in the explosion of a pipe bomb. In 1977, he was indicted by a federal grand jury on explosives charges but remained a fugitive until his arrest in Evanston in the van. The prosecutors identified him as the leader of the Evanston group. He served four years of an eight-year state sentence and then began serving his federal sentence of 70 years. He initially waived and then applied for parole. At his 1994 hearing, he stated that he was involved in a revolution against the United States and that his actions had been legitimate. **In light of Torres's record before the events leading to his 1980 arrest, his status as leader of the Evanston group, and his statements at his parole hearing, I recommend that you deny clemency.**

CARMEN VALENTIN, now 53, is not now married but has a son from an earlier marriage and a granddaughter. She graduated from Northeastern Illinois University and received a masters degree in secondary school administration from Roosevelt University. At the time of her arrest, she was a teacher and counselor for the YMCA College of Metropolitan Chicago and had previously been a teacher and counselor at Stateville Penitentiary and the Chicago City schools. She was identified as the person who stole a car used by FALN members, and when arrested in Evanston in the van was wearing a disguise and carrying a loaded pistol with an obliterated serial number. She served three years of an eight-year state sentence and then began serving her federal sentence of 90 years. She has waived parole consideration and has a release date of 2037 (although BOP had originally computed it as 2013). **I recommend that clemency be granted by reducing Valentin's sentence to time served – a total of 19 years.**

The Group of Three

EDWIN CORTES, now 44, is married and has two children. At the time of his arrest he was a counselor for the Illinois Department of Unemployment Compensation. He was arrested at an FALN safe house where 21 pounds of dynamite were being stored for use in making bombs to be exploded at military facilities on the July 4th weekend. He also conspired with Alberto Rodriguez to rob a Chicago Transit Authority receipts collector and with Rodriguez and Alejandrina Torres to assist Lopez-Rivera to escape from Leavenworth (one year before the attempted escape for which Lopez-Rivera was convicted). Sentenced to 35 years in prison, he has been in custody for 16 years and has a mandatory release date in 2004. He first waived parole consideration but then sought parole and was denied. **I recommend that clemency be granted by reducing Cortes's sentence to time served – a total of 16 years.**

ALBERTO RODRIGUEZ, now 46, is married and has two children. He graduated from the University of Chicago in 1976 and at the time of his arrest was employed as a counselor at Northeastern Illinois University. He was arrested after being observed at the same safe house as Cortes, and conspired with Cortes to rob the Transit Authority receipts collector. Sentenced to 35 years in prison, he has served 16. He was made eligible for parole at the discretion of the Parole Commission but initially waived parole. Thereafter he applied for parole but was denied, and his mandatory release date is 2005. At his parole hearing in 1995, he stated that, if released, he would publicly renounce violence and that, although he still supports Puerto Rican independence, he would pursue that goal by peaceful means. Congresswoman Velazquez appeared at the parole hearing on Rodriguez's behalf although she did not know him personally. **I recommend that clemency be granted by reducing Rodriguez's sentence to time served – a total of 16 years.**

ALEJANDRINA TORRES, now 60, is married to the Reverend Jose Alberto Torres, a minister of the United Church of Christ, and has two daughters and a grandson. At the time of her arrest, she was employed as an executive secretary at the University of Illinois Medical Center. She was arrested after meeting with Cortes at the FALN safe house and discussing a communiqué they were to issue after the planned July 4th bombings. She also conspired with Cortes and Rodriguez to effect the escape of Lopez-Rivera. Sentenced to 35 years, she has served 16. In the early years of her incarceration, she had 15 incident reports but has had only one since 1988. Although eligible for parole at the discretion of the Commission, she has waived parole consideration, and her mandatory release date is 2004. **I recommend that clemency be granted by reducing Torres's sentence to time served – a total of 16 years.**

The Connecticut Petitioners

Of the four Connecticut prisoners seeking clemency, two – MALDONADO-RIVERA and RAMIREZ-TALAVERA – have already completed their sentences but continue to owe substantial fines (\$100,000 and \$50,000 respectively). **I recommend that clemency be granted to the extent of freeing them from that obligation.**

CAMACHO-NEGRON was released on parole but then reincarcerated for parole violations. **In light of his refusal to comply with the conditions of his first release, I recommend that clemency be denied.**

SEGARRA-PALMER, now 49, is married and has five children by his current and former marriages. He graduated from Harvard but was self-employed selling flowers at the time of his arrest and was receiving a salary from Los Macheteros, of which, according to the prosecutors, he was one of the founders. He was one of the organizers of the Wells Fargo robbery, and helped his co-conspirator, Victor Gerena, escape to Mexico. At his 1997 parole hearing, he stated that he "used to believe that violence was a legitimate means for Puerto Rican independence" but denied that he intended to kill anyone. **In light of his leadership role in Los Macheteros and his role in the robbery and subsequent**

events, and taking into account the fact that he has served only 14 years of his 55-year sentence (compared to the 19 years served by the Chicago petitioners), I recommend that clemency be granted only to the extent of reducing his sentence to provide for mandatory release after service of 19 years, contingent on his good behavior during the intervening years.

Conclusion

Because these petitions raise such difficult legal and policy questions, I thought it would be useful to meet with you after you have had a chance to review this memorandum in order to get your preliminary reaction and pursue any other lines of inquiry you believe necessary. I have asked Betty to find some time on your schedule during the week of August 2.

THE WHITE HOUSE

WASHINGTON

July 28, 1999

MEMORANDUM FOR THE PRESIDENT

FROM: Charles F.C. Ruff 
Counsel to the President

SUBJECT: Clemency for Puerto Rican Prisoners

For the last six years, various Members of Congress, religious organizations, and others have been urging you to grant clemency to 17 Puerto Rican prisoners, some of whom have been in federal prison for more than 15 years as the result of convictions for offenses arising out of their participation in the activities of the FALN and other Puerto Rican independence movements. Most recently, Jeff Farrow, Janet Murguia and I met, first with Congressmen Gutierrez and Serrano, and Congresswoman Velazquez, ardent supporters of clemency for all the prisoners, and then with Resident Commissioner Romero-Barcelo, who has been opposed to a general grant of clemency but indicated that he would not object to carefully justified grants of clemency on an individual basis.

I informed the Members that I would consult with the Justice Department and make a recommendation to you, but I made it clear that any clemency recommendation would be on an individual basis and not as a group. They have been pressing for a meeting with you, and we have held them off on the basis of my commitment that I would complete the review process before my departure.

The question of clemency for these prisoners is a very difficult one. On the one hand, many are serving extremely lengthy sentences – longer than one would expect to be imposed for comparable offenses committed today; on the other hand, they did engage in serious criminal conduct – arguably terrorist in nature – in aid of their political goals. They have previously refused to express any regret for their conduct, although we understand that they may now be prepared to acknowledge that violence is not an appropriate means of securing Puerto Rican independence and to renounce recourse to violence if they are released. Nonetheless, Justice remains very concerned that clemency would send the wrong message to the remaining FALN members and that the released prisoners would be greeted as heroes. Justice staff has recommended against clemency, but Deputy Attorney General Holder would favor grants to certain of the prisoners with appropriate conditions.

The apparent reluctance of the petitioners to petition formally for clemency and the uncertain extent to which they are prepared to renounce violence as a means of furthering their political goals (even if some or all are not prepared to express remorse for their past offenses) are matters of concern. Taking all of these matters into account, I recommend that clemency be granted to certain of the petitioners as described below. If you agree that clemency, in some form, is warranted, we recommend that each petitioner be required to state in writing that he or she is seeking clemency and will abide by the terms imposed, and that he or she renounces the use of violence as a means of achieving political goals.

Background

Thirteen of the petitioners, who were convicted in three separate cases in the Northern District of Illinois in the early 1980s, were members of the FALN, which began a campaign for Puerto Rican independence in the mid-1970s. As part of that campaign, members of the FALN planted bombs, committed armed robberies, and planned or engaged in other acts of violence. Among the early acts of serious violence for which the FALN claimed credit were a number of bombings in New York City, including the bombing of Fraunces Tavern in 1975 that resulted in four deaths and more than 60 injuries. The FBI continues to treat the FALN as a "viable terrorist organization" posing an ongoing risk of violent conduct.

The four petitioners convicted in Connecticut were members of Los Macheteros, which has been one of the most violent of the pro-independence groups and is also classified by the FBI as a continuing terrorist group. Over the years, Los Macheteros has taken credit for a number of bombings and robberies, resulting in five deaths. The group has been linked to the murder of a police officer; a machine-gun attack on a bus on a naval base, resulting in the death of two American sailors; the shooting of other American military personnel; and rocket attacks on U.S. courthouses in Puerto Rico.

For purposes of this discussion, the petitioners can be divided into four groups:

1. Nine were convicted in the Northern District of Illinois of seditious conspiracy, armed robbery, and various firearms offenses. The arrest of these defendants was the culmination of an investigation into the activities of the FALN, including numerous bombings in New York, Chicago and elsewhere beginning in the mid-1970s, as well as robberies intended to secure funds and weapons. A bomb factory was discovered in Chicago in 1976, leading to the identification of three of the petitioners – Carlos Torres, Ida Luz Rodriguez, and Oscar Lopez-Rivera – as members of the FALN, but they went underground until their arrest on April 4, 1980. On March 15, 1980, members of the FALN, including three of the petitioners, seized the Carter-Mondale office in Chicago, threatened the staff, and stole lists of supporters who thereafter were sent threatening letters.

The petitioners were arrested by state police who were investigating an earlier armed robbery of a car rental agency in Evanston. They were found, wearing

disguises, in a van in Evanston containing several weapons as they were preparing to rob an armored truck. Searches of FALN safe houses then revealed evidence linking the FALN to the robbery of an armory and the Carter-Mondale takeover. The petitioners were first tried in state court on weapons and robbery charges; seven were sentenced to eight-year terms, and two (Alicia Rodriguez and Luis Rosa) were sentenced to 30-year terms. They were then indicted in federal court in December 1980 on charges of seditious conspiracy (including several bombings that resulted in injury to people), Hobbs Act (robbery), interstate transportation of stolen vehicles, and weapons offenses, arising out of the same conduct that underlay the state charges.

The defendants, claiming to be prisoners of war, refused counsel and watched the trial on television from their cells. They also refused to cooperate with the probation office in preparing the presentence reports.

Seditious conspiracy and the Hobbs Act carried maximum sentences of 20 years, which were imposed consecutively. The weapons charges carried 10-year sentences, which were made to run consecutively to the first two sentences, and the stolen vehicle charges carried 5-year sentences which were made to run consecutively to the other sentences. The extraordinary variances in the total sentences (from 55 to 90 years) depended on how many firearm and vehicle counts there were and the extent to which the court chose to make those sentences consecutive to each other as well as consecutive to the more serious offenses.¹

The status of these nine petitioners is summarized in the following table:

<u>Name and Present Age</u>	<u>Sentence</u>	<u>Projected Release Date</u>	<u>Years Served*</u>
Elizam Escobar (51)	60 years	2024	15/4
Ricardo Jimenez (43)	90 years	2043	15/4
Adolfo Matos (48)	70 years	2025	15/4
Dylcia Noemi Pagan (52)	55 years	2020	15/4
Alicia Rodriguez (45)	55 years	2033	3/16
Ida Luz Rodriguez (49)	75 years	2034	15/4

¹ Most of the petitioners were sentenced under a statute that made them eligible for parole after serving one-third of their sentence (or 10 years if sentenced to 30 years or more). Many have waived parole, and those who sought it have been denied and told that they would not be considered for another 15 years. The petitioners have so-called mandatory release dates (two-thirds of each consecutive term, or 30 years for a term of 45 years or more), ranging from the early to mid-years of the 21st century. Notably, because of an error by the Bureau of Prisons, five of the petitioners have been told that their release dates are considerably earlier than they would be if properly calculated. These petitioners have not been told of the error.

Luis Rosa (38)	75 years	2039	3/16
Carlos Alberto Torres (46)	70 years	2024	15/4
Carmen Valentin (53)	90 years	2043	15/4

* Because these individuals first served sentences as the result of their state convictions, I have noted their combined federal/state years in prison.

2. Oscar Lopez-Rivera (56) was charged with the other nine petitioners but was not arrested until May 1981. He was convicted of the same offenses and sentenced to serve 55 years. In 1984, he conspired to escape from Leavenworth by helicopter, and in 1988 he was convicted of attempted escape and sentenced to 15 years, consecutive to his earlier sentence. He too refused to cooperate at trial and sentencing. He has a projected release date of 2027.

3. Three of the petitioners (Edwin Cortes, Alberto Rodriguez and Alejandrina Torres) were convicted in the Northern District of Illinois of seditious conspiracy, interstate transportation of stolen vehicles, and weapons offenses. They were arrested in June 1983 as the result of government surveillance that uncovered a plan by Torres and Cortes to help Lopez-Rivera and Luis Rosa escape from prison (an escape before the one for which Lopez-Rivera was convicted); a plan by Cortes and Rodriguez to rob a Chicago Transit receipts collector; and the construction by Cortes and Rodriguez of pipe bombs to be detonated at various military sites. They declared themselves prisoners of war but were represented by standby counsel and participated in parts of the trial, although they refused to participate in the sentencing process. Each was sentenced to 35 years in prison.

<u>Name and Present Age</u>	<u>Sentence</u>	<u>Release Date</u>	<u>Years Served</u>
Edwin Cortes (44)	35 years	2004	16
Alberto Rodriguez (46)	35 years	2005	16
Alejandrina Torres (60)	35 years	2004	16

4. Four of the petitioners, members of Los Macheteros, were convicted in the District of Connecticut of armed robbery and related offenses, arising out of the 1984 robbery of a Wells Fargo office that netted \$7 million. The leader of the group, Victor Gerena, remains a fugitive and is on the FBI's 10 Most Wanted List.

Juan Enrique Segarra-Palmer helped plan the Wells Fargo robbery and helped Gerena escape to Mexico. He also helped purchase and retrofit a motor home to smuggle part of the robbery proceeds to Mexico. He was convicted of bank robbery, interstate transportation of stolen funds, and related offenses and was sentenced to 55 years. He applied for parole in 1997, but the Commission denied his application, noting his central role in the organization, and continued his sentence for 15 years. His release date is 2013.

Antonio Camacho-Negron drove a truck in an unsuccessful attempt to transport some of the robbery proceeds to Mexico and accompanied Segarra-Palmer on another trip to take the proceeds to Mexico. He was released on his mandatory release date of February 13, 1998, but shortly thereafter was reincarcerated for violating the terms of his release (he refused to report to his parole officer after his release) and was ordered to serve the remainder of his sentence.²

Roberto Maldonado-Rivera, a leader of a unit of Los Macheteros, drove a car across the Mexican border, following the motor home in which Segarra-Palmer was carrying the robbery proceeds. He was convicted of conspiracy to rob banks and transport stolen money and was sentenced to 5 years. He was released on his mandatory release date of June 30, 1994, and his full term expired in 1996.

Norman Ramirez-Talavera was convicted of the same offense as Maldonado-Rivera. He used some of the robbery proceeds to purchase toys, which he then helped distribute on the streets of Hartford, along with \$20 bills. He was released on parole from his five-year sentence in 1994, and his full sentence expired in 1996.

<u>Name and Present Age</u>	<u>Sentence</u>	<u>Release Date</u>	<u>Years Served</u>
Antonio Camacho-Negron (53)	15 years	2002	13
[Released in 1998 and rearrested for parole violation.]			
Roberto Maldonado-Rivera (63)	5 years	Released	
Norman Ramirez-Talavera (42)	5 years	Released	
Juan Enrique Segarra-Palmer (49)	55 years	2013	14

Recommendation

When consulted in 1994, the United States Attorneys in Chicago and Connecticut strongly opposed clemency, and the judge who presided over the Connecticut case stated that those sentences should stand. (The judges who presided over the Chicago trials were not consulted because two were retired and one was trying an FALN-related case.) The FBI has provided an assessment of the current activities of the FALN and Los Macheteros which describes both as active terrorist organizations, still committed to violence in aid of the cause of independence. Both Justice and the FBI are concerned that the release of the Puerto Rican prisoners will encourage further violence and that they will be viewed as returning heroes. A part of their concern is the continuing refusal of the prisoners to acknowledge their wrongdoing and the continuing assertion by at least some of the prisoners that they are political prisoners.

² I am informed that Camacho-Negron would be released on parole, even now, if he agreed to abide by the requirement that he subject himself to the supervision of his parole officer.

The petitioners have received substantial support from many quarters, including former President Carter, Bishop Tutu, members of the Congressional Black Caucus, a number of religious organizations, labor organizations, and Hispanic civic and community groups, as well as widespread support across the political spectrum within Puerto Rico. President Carter's support is noteworthy because of his decision to commute to time served (some 25 years) the sentences of the Puerto Ricans who were convicted for their 1954 attack on the House of Representatives, which resulted in the wounding of five congressmen. President Carter also commuted to time served (25 years) the life sentence of Oscar Collazo, who attempted to assassinate President Truman (Collazo's confederate killed a White House policeman). (President Truman had earlier commuted Collazo's death sentence to life imprisonment.)

Various arguments have been advanced by petitioners' supporters, including the argument that they were engaged in a struggle against "colonialism" and acted out of sincere political beliefs. Indeed, the most recent communication to me from the United Church of Christ, in anticipation of a demonstration at the White House, refers to the petitioners as political prisoners. This argument cannot justify clemency for those who engaged in or planned the kinds of offenses for which petitioners were convicted. The only question is whether their sentences were unduly severe and whether their continuing incarceration serves any meaningful purpose.

In this regard, petitioners' supporters have attempted to argue, on the basis of raw statistics from the Administrative Office of U.S. Courts, that the sentences imposed were substantially higher than the average sentence for violent crimes, but their statistical analysis is flawed at best. Nonetheless, it is true that most of the Chicago petitioners have spent substantial time in prison (e.g., 19 years in combined state and federal terms), and the extraordinarily long sentences imposed on them were the result of seemingly ad hoc judgments by the sentencing judge to make the sentences on some or all of the counts consecutive rather than concurrent. By doing so, the judge not only extended the parole eligibility and mandatory release dates well into the 21st century but made the granting of parole much less likely.

It is extremely difficult to translate these sentences into sentences that might be imposed if the petitioners were prosecuted today and sentenced under the Sentencing Guidelines. Part of the difficulty stems from determining what comparable guideline would be applied to the conviction for seditious conspiracy, since that is not one of the offenses dealt with by the Guidelines. In addition, recent legislation has provided for a special enhancement where crimes designated as "terrorist" are involved, and it is not clear whether that enhancement would be applicable. It is clear, however, that the string of consecutive sentences that resulted in such extraordinarily long (and varying) prison terms would not be possible under the Guidelines, although, of course, whatever sentences were imposed would be served in full (minus good time) since parole has been abolished. In sum, Justice's efforts to estimate comparable sentences themselves produced such widely varying results as to offer little of value to our analysis.

Whatever the conduct of other FALN members may have been, these petitioners were convicted of serious crimes but not of killing or maiming. In these circumstances, even were the case brought today, I do not believe that comparable sentences would be imposed. Some guidance can be found in the prosecution of an FALN member who was convicted last month in Chicago of conspiring to place explosive devices at a Marine recruiting center. He received a sentence of 51 months, and the government chose not to charge seditious conspiracy or to seek any special enhancement of the sentence.

Despite the urging of Congressman Gutierrez and his colleagues, it would not be appropriate to treat the petitioners as a group. Clemency, in its nature, should be awarded to individual petitioners based on their own conduct, both that which resulted in their original convictions and that in which they engaged during their imprisonment. Moreover, release of the entire group of petitioners would be surely treated by their adherents as a political statement condoning their conduct.

Giving due weight to the strongly held views of the U.S. Attorneys and the concerns of the FBI about the continuing activities of the FALN, as well as the legitimately strong feelings of those whose relatives have been the victims of earlier FALN attacks (such as the Fraunces Tavern bombing), I nonetheless believe that clemency for some of these petitioners is warranted. With the few exceptions noted below, the lengthy sentences imposed on the Chicago petitioners seem unduly harsh, even for the offenses the petitioners committed, particularly because the federal interest in these defendants, beyond the state prosecutions, would have been vindicated by pursuing only the seditious conspiracy charge. Moreover, the wide variance in the sentences does not appear to be grounded in the comparative seriousness of the petitioners' conduct. As to the Connecticut defendants, however, I believe that, with two minor exceptions, no clemency would be appropriate.

The Department of Justice gave extensive consideration to various types of clemency, ranging from reduction of sentences to time served to the setting of release dates earlier than those that are now applicable but still extending well into the next century. In my judgment, if you decide to grant clemency, little purpose would be served by delaying the effective date of any reduction in sentence (with one exception noted below).

The Chicago Prisoners

Lopez-Rivera

LOPEZ-RIVERA was originally sentenced to 55 years in prison but thereafter tried to escape and was sentenced to an additional term of 15 years for that attempt. **In these circumstances, clemency would not be appropriate, although you may wish to consider reducing his total sentence of 70 years so as to require that he serve 19 years on the original conviction and an additional 10 years for the attempted escape.**

The Group of Nine

ELIZAM ESCOBAR, now 51, is married and has at least one child. He graduated from the University of Puerto Rico and was a licensed bilingual teacher of social studies in the New York City schools. He was one of the armed men who took over the Carter-Mondale office in Chicago. When arrested in the van in Evanston, preparing to rob the armored truck, he, like the others, was in disguise and in possession of various weapons. He served four years of an eight-year state sentence and then began serving his federal sentence of 60 years. He waived parole, and his mandatory release date is 2019. **I recommend that clemency be granted by reducing Escobar's sentence to time served – a total of 19 years.**³

RICARDO JIMENEZ, now 43, is not married. He attended but did not graduate from college and, when arrested, was employed at a pharmacy. He conducted surveillance of the Carter-Mondale office and was arrested in Evanston in the van with the weapons. He served four years of an eight-year state sentence and then began serving his federal sentence of 90 years. He became eligible for parole in 1994 but waived consideration. His mandatory release date is 2043 but had previously been incorrectly reported as 2036. **I recommend that clemency be granted by reducing Jimenez's sentence to time served – a total of 19 years.**

ADOLFO MATOS, now 48, is married and has two daughters. His education ended in the seventh grade, and at the time of his arrest was employed as a parking attendant. He participated in the takeover of the Carter-Mondale office and in an armed attempt to break into the weapons vault at a National Guard Armory. He was arrested in the van in Evanston, wearing a disguise and in possession of weapons. He served four years of an eight-year state sentence and then began serving his federal sentence of 70 years. He became eligible for parole in 1994 but waived consideration. His mandatory release date is 2025. **I recommend that clemency be granted by reducing Matos's sentence to time served – a total of 19 years.**

³ Where I have recommended that clemency be granted in a such a manner as to result in a petitioner's immediate release, that could be accomplished in one of two ways – either by commuting the sentence to time served or by commuting the sentence to a term that would result in the petitioner's release pursuant to the mandatory release standards applicable to all prisoners (i.e., approximately 28.5 years for those who have served 19 years). In either event, clemency would be conditioned on the petitioner's acceptance of, and compliance with, the requirement that he or she report regularly to the appropriate supervisory personnel (presumably a parole officer) – a requirement that could be imposed by you if there were a direct commutation to time served or that would be imposed automatically under Parole Commission procedures if there were commutation to a term that resulted in mandatory release.

DYLCIA NAOMI PAGAN, now 52, is the common law wife of William Morales, who lost both hands in an explosion while making a pipe bomb and is a fugitive after escaping from prison in 1979. She has one son and stated at her parole hearing that she had severed her relationship with Morales. She attended Hunter College and Brooklyn College and had been briefly employed as an associate producer for WCBS-TV. She participated in the armed takeover of the Carter-Mondale office, and was arrested in Evanston in the van with weapons. She served four years of an eight-year state sentence and then began serving her federal sentence of 55 years. She initially waived and then applied for parole. At her hearing in 1994 she refused to answer questions about her offenses but stated that she had not intended to hurt anyone and that she had no plans to engage in political activity if released. The Commission denied her application and scheduled her next hearing for 2009. Her release date is 2016 (although BOP had originally computed it as 2013). **I recommend that clemency be granted by reducing Pagan's sentence to time served – a total of 19 years.**

ALICIA RODRIGUEZ, now 45, is unmarried. She is the sister of petitioner Ida Luz Rodriguez. At the time of her arrest, she was enrolled in Northeastern Illinois University. She was involved in renting two FALN safe houses; she cased the rental car office in Evanston before the robbery; and was arrested in the van in Evanston armed with a handgun. She served 16 years of a 30-year state sentence and then began serving her federal sentence of 55 years. She will be eligible for parole in 2006. Her release date is 2033 (although BOP had originally computed it as 2026). **I recommend that clemency be granted by reducing Rodriguez's sentence to time served – a total of 19 years.**

IDA LUZ RODRIGUEZ, now 49, is unmarried and has one son. She graduated from Northeastern Illinois University, and at the time of her arrest, she was employed as an equal employment specialist at EPA. She was driving the van containing weapons and her fellow defendants, and her purse contained a loaded pistol with an obliterated serial number. She served four years of an eight-year state sentence and then began serving her federal sentence of 75 years. She became eligible for parole in 1994 but waived consideration. Her release date is 2034 (although BOP had originally computed it as 2014). **I recommend that clemency be granted by reducing Rodriguez's sentence to time served – a total of 19 years.**

LUIS ROSA, now 38, is married and has at least one son. At the time of his arrest, he was a student at the University of Illinois. He participated in the armed robbery of the car rental office in Evanston, in which the employees were threatened with death. When arrested in Evanston in the van, he was in disguise and attempting to remove the weapons from the vehicle. He served 16 years of a 30-year state sentence (plus two six-month sentences for contempt of court) and then began serving his federal sentence of 75 years. He will be eligible for parole in 2006. His release date is 2039. **Although Rosa's conduct appears to have been more egregious than that of his codefendants, in light of his age (19) at the time of the offenses, I recommend that clemency be granted by reducing Rosa's sentence to time served – a total of 19 years.**

CARLOS ALBERTO TORRES, now 46, is married to Haydee Beltran Torres, who is serving a life sentence for arson in connection with the bombing of the Mobil Oil building in New York in which one person was killed. He has one child. His father is Reverend Jose Torres, a minister of the United Church of Christ, and his mother is the petitioner Alejandrina Torres. He attended but did not graduate from college and was unemployed at the time of his arrest. He was seen carrying explosives into an FALN bomb factory and rented buildings used as bomb factories and safe houses, including the apartment in New York where William Morales was injured in the explosion of a pipe bomb. In 1977, he was indicted by a federal grand jury on explosives charges but remained a fugitive until his arrest in Evanston in the van. The prosecutors identified him as the leader of the Evanston group. He served four years of an eight-year state sentence and then began serving his federal sentence of 70 years. He initially waived and then applied for parole. At his 1994 hearing, he stated that he was involved in a revolution against the United States and that his actions had been legitimate. **In light of Torres's record before the events leading to his 1980 arrest, his status as leader of the Evanston group, and his statements at his parole hearing, I recommend that you deny clemency.**

CARMEN VALENTIN, now 53, is not now married but has a son from an earlier marriage and a granddaughter. She graduated from Northeastern Illinois University and received a masters degree in secondary school administration from Roosevelt University. At the time of her arrest, she was a teacher and counselor for the YMCA College of Metropolitan Chicago and had previously been a teacher and counselor at Stateville Penitentiary and the Chicago City schools. She was identified as the person who stole a car used by FALN members, and when arrested in Evanston in the van was wearing a disguise and carrying a loaded pistol with an obliterated serial number. She served three years of an eight-year state sentence and then began serving her federal sentence of 90 years. She has waived parole consideration and has a release date of 2037 (although BOP had originally computed it as 2013). **I recommend that clemency be granted by reducing Valentin's sentence to time served – a total of 19 years.**

The Group of Three

EDWIN CORTES, now 44, is married and has two children. At the time of his arrest he was a counselor for the Illinois Department of Unemployment Compensation. He was arrested at an FALN safe house where 21 pounds of dynamite were being stored for use in making bombs to be exploded at military facilities on the July 4th weekend. He also conspired with Alberto Rodriguez to rob a Chicago Transit Authority receipts collector and with Rodriguez and Alejandrina Torres to assist Lopez-Rivera to escape from Leavenworth (one year before the attempted escape for which Lopez-Rivera was convicted). Sentenced to 35 years in prison, he has been in custody for 16 years and has a mandatory release date in 2004. He first waived parole consideration but then sought parole and was denied. **I recommend that clemency be granted by reducing Cortes's sentence to time served – a total of 16 years.**

ALBERTO RODRIGUEZ, now 46, is married and has two children. He graduated from the University of Chicago in 1976 and at the time of his arrest was employed as a counselor at Northeastern Illinois University. He was arrested after being observed at the same safe house as Cortes, and conspired with Cortes to rob the Transit Authority receipts collector. Sentenced to 35 years in prison, he has served 16. He was made eligible for parole at the discretion of the Parole Commission but initially waived parole. Thereafter he applied for parole but was denied, and his mandatory release date is 2005. At his parole hearing in 1995, he stated that, if released, he would publicly renounce violence and that, although he still supports Puerto Rican independence, he would pursue that goal by peaceful means. Congresswoman Velazquez appeared at the parole hearing on Rodriguez's behalf although she did not know him personally. **I recommend that clemency be granted by reducing Rodriguez's sentence to time served – a total of 16 years.**

ALEJANDRINA TORRES, now 60, is married to the Reverend Jose Alberto Torres, a minister of the United Church of Christ, and has two daughters and a grandson. At the time of her arrest, she was employed as an executive secretary at the University of Illinois Medical Center. She was arrested after meeting with Cortes at the FALN safe house and discussing a communiqué they were to issue after the planned July 4th bombings. She also conspired with Cortes and Rodriguez to effect the escape of Lopez-Rivera. Sentenced to 35 years, she has served 16. In the early years of her incarceration, she had 15 incident reports but has had only one since 1988. Although eligible for parole at the discretion of the Commission, she has waived parole consideration, and her mandatory release date is 2004. **I recommend that clemency be granted by reducing Torres's sentence to time served – a total of 16 years.**

The Connecticut Petitioners

Of the four Connecticut prisoners seeking clemency, two – MALDONADO-RIVERA and RAMIREZ-TALAVERA – have already completed their sentences but continue to owe substantial fines (\$100,000 and \$50,000 respectively). **I recommend that clemency be granted to the extent of freeing them from that obligation.**

CAMACHO-NEGRON was released on parole but then reincarcerated for parole violations. **In light of his refusal to comply with the conditions of his first release, I recommend that clemency be denied.**

SEGARRA-PALMER, now 49, is married and has five children by his current and former marriages. He graduated from Harvard but was self-employed selling flowers at the time of his arrest and was receiving a salary from Los Macheteros, of which, according to the prosecutors, he was one of the founders. He was one of the organizers of the Wells Fargo robbery, and helped his co-conspirator, Victor Gerena, escape to Mexico. At his 1997 parole hearing, he stated that he "used to believe that violence was a legitimate means for Puerto Rican independence" but denied that he intended to kill anyone. **In light of his leadership role in Los Macheteros and his role in the robbery and subsequent**

events, and taking into account the fact that he has served only 14 years of his 55-year sentence (compared to the 19 years served by the Chicago petitioners), I recommend that clemency be granted only to the extent of reducing his sentence to provide for mandatory release after service of 19 years, contingent on his good behavior during the intervening years.

Conclusion

Because these petitions raise such difficult legal and policy questions, I thought it would be useful to meet with you after you have had a chance to review this memorandum in order to get your preliminary reaction and pursue any other lines of inquiry you believe necessary. I have asked Betty to find some time on your schedule during the week of August 2.

Executive Grant of Clemency

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS ELIZAM ESCOBAR, RICARDO JIMÉNEZ, ADOLFO MATOS, DYLCIA NOEMI PAGÁN, ALICIA RODRÍGUEZ, IDA LUZ RODRÍGUEZ, LUIS ROSA, and CARMEN VALENTÍN were convicted in the United States District Court for the Northern District of Illinois on an indictment (Case No. 80 CR 736) charging violations of Title 18, United States Code, Sections 2384 (Count One); 1951 and 2 (Count Two); 924(c)(2) (Counts Four, Five, Six, Seven, and Eight); 924(b) and 2 (Count Nine); and 2312 and 2 (Counts Ten, Eleven, Twelve, and Thirteen), and Title 26, United States Code, Section 5861(d) and Section 2 of Title 18, United States Code (Count Three), and on February 18, 1981, were sentenced as follows:

Elizam Escobar, to a total effective sentence of sixty (60) years' imprisonment (twenty years' imprisonment on Count One; twenty years' imprisonment on Count Two, consecutive to Count One; ten years' imprisonment on each of Counts Three, Four, and Nine, concurrent with each other and consecutive to Counts One and Two; and five years' imprisonment on each of Counts Ten and Thirteen, consecutive to each other and to the other counts);

Ricardo Jiménez, to a total effective sentence of ninety (90) years' imprisonment (twenty years' imprisonment on Count One; twenty years' imprisonment on Count Two, consecutive to Count One; ten years' imprisonment on each of Counts Three, Four, and Nine, consecutive to each other and to Counts One and Two; and five years' imprisonment on each of Counts Ten, Eleven, Twelve, and Thirteen, consecutive to each other and to the other counts);

Adolfo Matos, to a total effective sentence of seventy (70) years' imprisonment (twenty years' imprisonment on Count One; twenty years' imprisonment on Count Two, consecutive to Count One; ten years' imprisonment on each of Counts Three, Four, and Nine, concurrent with each other and consecutive to Counts One and Two; and five years' imprisonment on each of Counts Ten, Eleven, Twelve, and Thirteen, consecutive to each other and to the other counts);

Dylcia Noemi Pagán, to a total effective sentence of fifty-five (55) years' imprisonment (twenty years' imprisonment on Count One; twenty years' imprisonment on Count Two, consecutive to Count One; ten years' imprisonment on each of Counts Three, Four (incorrectly identified in the judgment and commitment order as Count Six), and Nine, concurrent with each other and consecutive to Counts One and Two; and five years' imprisonment on each of Counts Ten, Eleven, Twelve, and Thirteen, concurrent with each other and consecutive to the other counts);

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Alicia Rodríguez, to a total effective sentence of fifty-five (55) years' imprisonment (twenty years' imprisonment on Count One; twenty years' imprisonment on Count Two, consecutive to Count One; ten years' imprisonment on each of Counts Three, Six (incorrectly identified in the judgment and commitment order as Count Four), and Nine, concurrent with each other and consecutive to Counts One and Two; and five years' imprisonment on each of Counts Ten, Eleven, Twelve, and Thirteen, concurrent with each other and consecutive to the other counts);

Ida Luz Rodríguez, to a total effective sentence of seventy-five (75) years' imprisonment (twenty years' imprisonment on Count One; twenty years' imprisonment on Count Two, consecutive to Count One; ten years' imprisonment on each of Counts Three, Seven (incorrectly identified in the judgment and commitment order as Count Six), and Nine, consecutive to each other and to Counts One and Two; and five years' imprisonment on each of Counts Ten, Eleven, Twelve, and Thirteen, concurrent with each other and consecutive to the other counts);

Luis Rosa, to a total effective sentence of seventy-five (75) years' imprisonment (twenty years' imprisonment on Count One; twenty years' imprisonment on Count Two, consecutive to Count One; ten years' imprisonment on each of Counts Three, Five, and Nine, consecutive to each other and to the other counts; and five years' imprisonment on each of Counts Ten, Eleven, Twelve, and Thirteen, concurrent with each other and consecutive to the other counts); and

Carmen Valentín, to a total effective sentence of ninety (90) years' imprisonment (twenty years' imprisonment on Count One; twenty years' imprisonment on Count Two, consecutive to Count One; ten years' imprisonment on each of Counts Three, Eight, and Nine, consecutive to each other and to the other counts; and five years' imprisonment on each of Counts Ten, Eleven, Twelve, and Thirteen, consecutive to each other and to the other counts); and

WHEREAS EDWIN CORTÉS, ALBERTO RODRÍGUEZ, and ALEJANDRINA TORRES were convicted in the United States District Court for the Northern District of Illinois on an indictment (Case No. 83 CR 494) charging violations of Title 18, United States Code, Sections 2384 (Count One), 842(j) (Count Three), 371 (Count Four), 2312 (Count Five), and 1951 (Count Eight), and Title 26, United States Code, Sections 5861(d) (Counts Two and Six) and 5861(i) (Count Seven), and on October 4, 1985, were sentenced as follows:

Edwin Cortés, to a total effective sentence of thirty-five (35) years' imprisonment, followed by five (5) years' probation (twenty years' imprisonment on Count One; ten years' imprisonment on each of Counts Two and Six, concurrent with each other and consecutive to Count One; five years' imprisonment on Count Four, consecutive to Counts One, Two, and Six; one, five, ten, and twenty years' imprisonment on Counts Three, Five, Seven, and Eight, respectively, suspended, and five years' probation consecutive to the periods of custody imposed on Counts One, Two, Four, and Six);

Alberto Rodríguez, to a total effective sentence of thirty-five (35) years' imprisonment, followed by five (5) years' probation (twenty years' imprisonment on Count One; ten years' imprisonment on Count Six, consecutive to Count One; five years' imprisonment on Count Four, consecutive to Counts One and Six; ten and twenty years' imprisonment on Counts Seven and Eight, respectively, suspended, and five years' probation consecutive to the periods of custody imposed on Counts One, Four, and Six); and

Alejandrina Torres, to a total effective sentence of thirty-five (35) years' imprisonment, followed by five (5) years' probation (twenty years' imprisonment on Count One; ten years' imprisonment on each of Counts Two, Six, and Seven, concurrent with each other and consecutive to Count One; five years' imprisonment on Count Four, consecutive to Counts One, Two, Six, and Seven; one and five years' imprisonment on Counts Three and Five, respectively, suspended, and five years' probation consecutive to the periods of custody imposed on Counts One, Two, Four, Six, and Seven); and

WHEREAS OSCAR LÓPEZ-RIVERA was convicted in the United States District Court for the Northern District of Illinois on an indictment (Case No. 80 CR 736) charging violations of Title 18, United States Code, Sections 2384 (Count One), 1951 and 2 (Count Two), 924(b) and 2 (Count Nine), 2312 and 2 (Counts Ten, Eleven, Twelve, and Thirteen), and on August 11, 1981, was sentenced to a total effective sentence of fifty-five (55) years' imprisonment (twenty years' imprisonment on Count One; twenty years' imprisonment on Count Two, consecutive to Count One; ten years' imprisonment on Count Nine, consecutive to Counts One and Two; and five years' imprisonment on each of Counts Ten, Eleven, Twelve, and Thirteen, concurrent with each other and consecutive to Counts One, Two, and Nine). *AND WHEREAS OSCAR LÓPEZ-RIVERA* was also convicted in the Northern District of Illinois on an indictment (Case No. 86 CR 513) charging violations of Title 18, United States Code, Sections 371 (Count One) and 1952(a)(3)

and 2 (Counts Two, Three, Seven, and Eight); and on February 26, 1988, was sentenced to a total effective sentence of fifteen (15) years' imprisonment (five years' imprisonment on Count One; five years' imprisonment on each of Counts Two and Three, concurrent with each other and consecutive to Count One; and five years' imprisonment on each of Counts Seven and Eight, concurrent with each other and consecutive to Counts Two and Three), the entire sentence to be consecutive to the sentence previously imposed on August 11, 1981 (Case No. 80 CR 736); and

WHEREAS JUAN ENRIQUE SEGARRA-PALMER was convicted in the United States District Court for the District of Connecticut on an indictment (Case No. H-85-50 (TEC)) charging violations of Title 18, United States Code, Sections 2113(a) (Counts One, Three, Five, and Seven), 2314 (Counts Ten, Twelve, and Thirteen), 1951 (Counts Fourteen and Fifteen), and 371 (Count Sixteen), and on June 15, 1989, was sentenced to a total effective sentence of fifty-five (55) years' imprisonment (as modified on appeal) and a \$500,000 fine (twenty years' imprisonment on Counts One, Three, Five, and Seven, concurrent with each other; ten years' imprisonment on Counts Ten, Twelve, and Thirteen, concurrent with each other and consecutive to Counts One, Three, Five, and Seven; twenty years' imprisonment on Count Fourteen, consecutive to Counts One, Three, Five, Seven, Ten, Twelve, and Thirteen, and a \$250,000 fine; twenty years' imprisonment on Count Fifteen, concurrent with Count Fourteen; and on Count Sixteen, five years' imprisonment, consecutive to Count Fourteen, and a \$250,000 fine); and

WHEREAS, in recognition of the total lengths of the various terms of incarceration, it has been made to appear that the ends of justice do not require that the said persons remain incarcerated until their presently projected release dates or serve their aforesaid sentences in their entirety;

NOW, THEREFORE, BE IT KNOWN that I, William J. Clinton, President of the United States of America, in consideration of the premises, divers other good and sufficient reasons me thereunto moving, do hereby commute the aforesaid prison sentence of each of the prisoners as follows, on the conditions described below:

Elizam Escobar: I hereby commute the twenty-year term on Count Two to imprisonment of four (4) years, ten (10) months, and ten (10) days, consecutive to Count One, leaving intact the twenty-year term on Count One, and commute the remaining terms to be concurrent with each other and with the term on Count One, for a total effective sentence of imprisonment of twenty-four (24) years, ten (10) months, and ten (10) days;

Ricardo Jiménez: I hereby commute the twenty-year term on Count Two to imprisonment of five (5) years, one (1) month, and seventeen (17) days, consecutive to Count One, leaving intact the twenty-year term on Count One, and commute the remaining terms to be concurrent with each other and with the term on Count One, for a total effective sentence of imprisonment of twenty-five (25) years, one (1) month, and seventeen (17) days;

Adolfo Matos: I hereby commute the twenty-year term on Count Two to imprisonment of four (4) years, eleven (11) months, and ten (10) days, consecutive to Count One, leaving intact the twenty-year term on Count One, and commute the remaining terms to be concurrent with each other and with the term on Count One, for a total effective sentence of imprisonment of twenty-four (24) years, eleven (11) months, and ten (10) days;

Dylcia Noemi Pagán: I hereby commute the twenty-year term on Count Two to imprisonment of six (6) years, five (5) months, and twenty (20) days, consecutive to Count One, leaving intact the twenty-year term on Count One, and commute the remaining terms to be concurrent with each other and with the term on Count One, for a total effective sentence of imprisonment of twenty-six (26) years, five (5) months, and twenty (20) days;

Alicia Rodríguez: I hereby commute all the terms to imprisonment of four (4) years and three (3) months, concurrent with each other, for a total effective sentence of imprisonment of four (4) years and three (3) months;

Ida Luz Rodríguez: I hereby commute the twenty-year term on Count Two to imprisonment of three (3) years, two (2) months, and twenty-seven (27) days, consecutive to Count One, leaving intact the twenty-year term on Count One, and commute the remaining terms to be concurrent with each other and with the term on Count One, for a total effective sentence of imprisonment of twenty-three (23) years, two (2) months, and twenty-seven (27) days;

Luis Rosa: I hereby commute all the terms to imprisonment of four (4) years, seven (7) months, and fifteen (15) days, concurrent with each other, for a total effective sentence of imprisonment of four (4) years, seven (7) months, and fifteen (15) days;

Carmen Valentín: I hereby commute the twenty-year term on Count Two to imprisonment of four (4) years, eleven (11) months, and twenty-two (22) days, consecutive to Count One, leaving intact the twenty-year term on Count One, and commute the remaining terms to be concurrent with each other and with the term on Count One, for a total effective sentence of imprisonment of twenty-four (24) years, eleven (11) months, and twenty-two (22) days;

Edwin Cortés: I hereby commute the ten-year terms imposed on Counts Two and Six to imprisonment of six (6) years, ten (10) months, and twenty-five (25) days, concurrent with each other and consecutive to Count One, leaving intact the twenty-year term imposed on Count One; and commute the remaining prison sentence on Count Four to a term concurrent with the term imposed on Count One; and commute the suspended prison terms imposed on Counts Three, Five, and Seven to be concurrent with each other and with all the other terms, rather than consecutive, and to eliminate the period of probation altogether, for a total effective sentence of imprisonment of twenty-six (26) years, ten (10) months, and twenty-five (25) days;

Alberto Rodríguez: I hereby commute the ten-year term imposed on Count Six to imprisonment of six (6) years, seven (7) months, and twenty-six (26) days, consecutive to Count One, leaving intact the twenty-year term imposed on Count One; and commute the remaining prison sentence on Count Four to a term concurrent with the term imposed on Count One; and commute the suspended prison terms imposed on Counts Seven and Eight to be concurrent with each other and with all the other terms, rather than consecutive, and to eliminate the period of probation altogether, for a total effective sentence of imprisonment of twenty-six (26) years, seven (7) months, and twenty-six (26) days;

Alejandrina Torres: I hereby commute the ten-year terms imposed on Counts Two, Six, and Seven to imprisonment of six (6) years and twenty-three (23) days on each count, concurrent with each other and consecutive to Count One, leaving intact the twenty-year term imposed on Count One; and commute the remaining prison sentence on Count Four to a term concurrent with the term imposed on Count One; and commute the suspended prison terms imposed on Counts Three and Five to be concurrent with each other and with all the other terms, rather than consecutive, and to eliminate the period of probation altogether, for a total effective sentence of imprisonment of twenty-six (26) years and twenty-three (23) days;

Oscar López-Rivera: I hereby commute his sentence in Case No. 80 CR 736 as follows: I commute the twenty-year term imposed on Count Two to imprisonment of nine (9) years, five (5) months, and four (4) days, consecutive to Count One, leaving intact the twenty-year term imposed on Count One; and commute all the other terms to be concurrent with each other and with the term imposed on Count One, for a total effective sentence in Case No. 80 CR 736 of imprisonment of twenty-nine (29) years, five (5) months, and four (4) days, and leave intact his consecutive fifteen-year sentence in Case No. 86 CR 513, for a total effective sentence in both cases of imprisonment of forty-four (44) years, five (5) months, and four (4) days;

Juan Enrique Segarra-Palmer: I hereby commute the ten-year terms imposed on Counts Ten, Twelve, and Thirteen to imprisonment of nine (9) years, eleven (11) months, and seven (7) days on each, concurrent with each other and consecutive to the terms imposed on Counts One, Three, Five, and Seven, leaving intact the concurrent twenty-year terms imposed on Counts One, Three, Five, and Seven; and commute all the other terms to be concurrent with each other and with the terms imposed on Counts One, Three, Five, and Seven, for a total effective sentence of imprisonment of twenty-nine (29) years, eleven (11) months, and seven (7) days; I further remit so much of the \$500,000 total fine as has not been paid as of this date.

It is my intention by granting commutation on conditions to effect the release of **Edwin Cortés, Elizam Escobar, Ricardo Jiménez, Adolfo Matos, Dylcia Noemi Pagán, Alberto Rodríguez, Alicia Rodríguez, Ida Luz Rodríguez, Luis Rosa, Alejandrina Torres, and Carmen Valentín** by virtue of their having served to their mandatory release dates under the sentences as commuted; it is further my intention to effect the release of **Juan Enrique Segarra-Palmer** and **Oscar López-Rivera** when they reach their mandatory release dates under the sentences as commuted, if not earlier released on parole.

The commutation granted to each prisoner shall further be conditioned upon the following circumstance, and will not take effect unless and until this condition is met, as shall be determined by me in my complete discretion: that the prisoner submit a signed, written statement requesting that his or her sentence be commuted by me, agreeing to abide by all conditions of release imposed by law or by the Parole Commission (or its successor, if it is no longer then in existence), and renouncing the use or threatened use of violence to achieve any goal, including any goal concerning the status of Puerto Rico.

The commutation granted to each prisoner is further conditioned upon the following circumstances:

(1) that he or she not be found by the Parole Commission to have violated the terms and conditions of release, as imposed by the Parole Commission (or its successor, if it is no longer then in existence) or otherwise by law; and

(2) that he or she not be convicted of another criminal offense under federal or state law at any time after this commutation is signed.

If any of the prisoners does not satisfy either of the aforesaid conditions, as determined by me (or a future President) in my complete discretion, this commutation may be voided in its

entirety as to that prisoner and that prisoner shall be recommitted under the original judgment of conviction to a penal institution designated by the Attorney General and remain incarcerated until the sentence as originally imposed upon him or her by the court shall have been served by him or her in accordance with law or until he or she is otherwise released in accordance with law.

FURTHER, as to **Oscar López-Rivera** and as to **Juan Enrique Segarra-Palmer**, I impose for each the following additional condition: that he obey institution rules and regulations during the remaining period of his incarceration. If **Oscar López-Rivera** or **Juan Enrique Segarra-Palmer** does not satisfy this condition, as determined by me (or a future President) in my complete discretion, the commutation as to him may be voided in its entirety and he shall remain committed under the original judgment of conviction until the sentence as originally imposed upon him by the court shall have been served by him in accordance with law or until he is otherwise released in accordance with law. This commutation is not intended to usurp or influence the power or discretion of the Parole Commission (or its successor, if it is no longer then in existence) in accordance with Title 18, United States Code, Section 4205, to grant earlier parole, or its power and discretion in accordance with Title 18, United States Code, Section 4206(d), should his mandatory release date be later than his two-thirds date, to determine that he should not be released at his two-thirds date because he has seriously or frequently violated institution rules or that there is a reasonable probability that he will commit any Federal, State, or local crime.

FURTHER, WHEREAS **ROBERTO MALDONADO-RIVERA** and **NORMAN RAMÍREZ-TALAVERA** were convicted in the United States District Court for the District of Connecticut on an indictment (Case No. H-85-50) charging a violation of Title 18, United States Code, Sections 371, 2314, and 659 (Count Sixteen), and on June 8, 1989, **Roberto Maldonado-Rivera** was sentenced to five years' imprisonment and a fine of \$100,000, and **Norman Ramírez-Talavera** was sentenced to five years' imprisonment and a fine of \$50,000, and both have now completed their respective prison terms; and

WHEREAS **ANTONIO CAMACHO-NEGRÓN** was convicted in the United States District Court for the District of Connecticut on an indictment (Case No. H-85-50 (TEC)) charging violations of Title 18, United States Code, Sections 2314 and 2 (Count Thirteen), and 371, 2314, and 659 (Count Sixteen), and on June 8, 1989, was sentenced to ten years' imprisonment on Count Thirteen and five years' imprisonment on Count Sixteen, consecutive to Count Thirteen, and a fine of \$100,000;

NOW, THEREFORE, BE IT KNOWN that I, William J. Clinton, President of the United States of America, in consideration of the premises, divers other good and sufficient reasons me thereunto moving, do hereby remit so much of the aforesaid fines of **Antonio Camacho-Negrón, Roberto Maldonado-Rivera, and Norman Ramírez-Talavera** as have not been paid as of this date, on the condition described below:

The remission granted to **Antonio Camacho-Negrón, Roberto Maldonado-Rivera, and Norman Ramírez-Talavera** shall be conditioned upon the following circumstance, and will not take effect unless and until this condition is met, as shall be determined by me in my complete discretion: that each submit a signed, written statement requesting that the unpaid balance of his fine be remitted by me and renouncing the use or threatened use of violence to achieve any goal, including any goal concerning the status of Puerto Rico.

IN TESTIMONY WHEREOF I have signed my name and caused the seal of the Department of Justice to be affixed.

DONE at the City of Washington this

11th day of August

in the year of our Lord One Thousand
Nine Hundred and Ninety-Nine and of
the Independence of the United States
the Two Hundred and Twenty-Fourth.



William J. Clinton

William J. Clinton
President

NOW, THEREFORE, BE IT KNOWN that I, William J. Clinton, President of the United States of America, in consideration of the premises, divers other good and sufficient reasons me thereunto moving, do hereby remit so much of the aforesaid fines of **Antonio Camacho-Negrón, Roberto Maldonado-Rivera, and Norman Ramírez-Talavera** as have not been paid as of this date.

IN TESTIMONY WHEREOF I have signed my name and caused the seal of the Department of Justice to be affixed.

DONE at the City of Washington this

11th day of August

in the year of our Lord One Thousand

Nine Hundred and Ninety-Nine and of

the Independence of the United States

the Two Hundred and Twenty-Fourth.



William J. Clinton

William J. Clinton
President

PHOTOCOPY
WJC HANDWRITING

8/11/99

This page not used/Sent to DOJ. New page
was substituted by Dawn Chirba, and ok
for AD by L. Loy. New orig to Dawn C.
8/11/99, 4:45 pm.

Dawn C.

Office of the Executive Clerk Receipt

TO: Department of Justice

8/11/99

(Date)

Received From The White House: Exec. Grant of Clemency signed by the President

August 11, 1999,

Delivered by _____

Received by Mamaly

Time Received 4:50 pm

Counsel's Office

another copy for
the VP.

Dana.

Sean has

VP copy

original brought to
President 8/1 - could
not find VP copy on
Sean's desk, so I made

CLOSE HOLD
WHITE HOUSE STAFFING MEMORANDUM

Document No. _____

Date: 7-28-99 ACTION / CONCURRENCE / COMMENT DUE BY: 7-29-99

Subject: Clemency for Puerto Rican Prisoners

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	MOORE	☐	☐
PODESTA	☒	☐	NASH	☐	☐
ECHAVESTE	☒	☐	REED	☐	☐
RICCHETTI	☒	☐	RUFF	☐	☐
LEW	☐	☐	SOSNIK	☒	☐
BERGER	☐	☐	SPERLING	☐	☐
BLUMENTHAL	☐	☐	STEIN	☐	☐
CAHILL	☐	☐	STREETT	☐	☐
FRAMPTON	☐	☐	TRAMONTANO	☒	☐
IBARRA	☐	☐	UCELLI	☐	☐
JOHNSON, B.	☐	☐	VERVEER	☐	☐
JOHNSON, J.	☐	☐	WALDMAN	☐	☐
KLAIN	☐	☐	YELLEN	☐	☐
LANE	☐	☐	_____	☐	☐
LEWIS	☐	☐	_____	☐	☐
LINDSEY	☐	☐	_____	☐	☐
LOCKHART	☐	☐	_____	☐	☐
MARSHALL	☐	☐			

REMARKS:

Any comment?

RESPONSE:

CLOSE HOLD