

# FOIA MARKER

**This is not a textual record. This is used as an  
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Presidential Library Staff.**

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**Collection/Record Group:** Clinton Presidential Records

**Subgroup/Office of Origin:** Counsel Office

**Series/Staff Member:** Meredith Cabe

**Subseries:**

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**OA/ID Number:** 21454

**FolderID:**

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**Folder Title:**  
Clemency Correspondence

**Stack:**

**S**

**Row:**

**113**

**Section:**

**5**

**Shelf:**

**3**

**Position:**

**1**

# Withdrawal/Redaction Sheet

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE                                                                | DATE       | RESTRICTION |
|--------------------------|------------------------------------------------------------------------------|------------|-------------|
| 001. letter              | Marion Berry to Chuck Brain; RE: SSN [partial] (1 page)                      | 11/18/1999 | b(6)        |
| 002. letter              | Sam Malone to Carolyn Boyd; RE: SSN [partial] (1 page)                       | 11/09/1999 | b(6)        |
| 003. letter              | Verdale Freeman to Louise F. Oberdorfer; RE: Personal [partial] (1 page)     | 12/19/1997 | b(6)        |
| 004. letter              | Angela Schulz to the White House; RE: Personal [partial] (1 page)            | 04/17/2000 | b(6)        |
| 005. report              | In the Matter of the Parole of Linda Evans; RE: Personal [partial] (2 pages) | n.d.       | b(6)        |
| 006. letter              | James Nichols to Stuart Herrington; RE: Personal (4 pages)                   | 10/14/1999 | b(6)        |
| 007. letter              | Jay Bradford to Nancy Hernreich; RE: SSN [partial] (1 page)                  | 09/21/1999 | b(6)        |
| 008. letter              | David Jacks to President Bill Clinton; RE: SSN [partial] (1 page)            | 04/14/1999 | b(6)        |

### COLLECTION:

Clinton Presidential Records  
Counsel Office  
Meredith Cabe  
OA/Box Number: 21454

### FOLDER TITLE:

Clemency Correspondence

2006-1704-F

db3500

### RESTRICTION CODES

#### Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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

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

RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

MC

THE WHITE HOUSE  
WASHINGTON

May 17, 2000

The Honorable James A. Traficant, Jr.  
U.S. House of Representatives  
2446 Rayburn House Office Building  
Washington, DC 20515

Dear Representative Traficant:

Thank you very much for your letter to the President of April 12, 2000, regarding executive clemency for Mr. Pat Traficant.

According to longstanding guidelines established by the Department of Justice, individuals seeking executive clemency must first file an application with the Office of the Pardon Attorney at the Department of Justice. I have therefore forwarded your correspondence to that office so they can provide Mr. Traficant with application materials. Their address is 500 First Street, NW, Fourth Floor, Washington, DC, 20530, and their phone number is (202) 616-6070.

We will keep a copy of your correspondence in our office to ensure it is available to the President, should Mr. Traficant decide to apply.

I hope this information is helpful to you. If you have any questions, please do not hesitate to contact me or Meredith Cabe of my staff at (202) 456-5388.

Sincerely,



Beth Nolan  
Counsel to the President

cc: Roger C. Adams  
Pardon Attorney

THE WHITE HOUSE  
WASHINGTON

February 1, 2000

The Honorable Sam Farr  
U.S. House of Representatives  
1221 Longworth Building  
Washington, DC 20515-0517

Dear Representative Farr:

Thank you very much for your letter to the President of December 22, 1999, regarding executive clemency for Mr. Phillip V. DiGirolamo.

As you may be aware, an application for clemency for Mr. DiGirolamo is currently pending at the Department of Justice. As with all applications for clemency, the Department of Justice will conduct a thorough review of Mr. DiGirolamo's application for clemency, and then forward it, along with the Department's recommendation, to the President.

I will forward a copy of your correspondence to the Office of the Pardon Attorney at the Department of Justice to ensure your views are included in their review of Mr. DiGirolamo's application. We will also keep your correspondence in our office so it will be available to the President when the matter comes before him.

Thank you again for contacting the President about this important matter. If you have any questions, please do not hesitate to contact me or Meredith Cabe of my staff at (202) 456-5388.

Sincerely,



Beth Nolan  
Counsel to the President

cc: Roger C. Adams  
Pardon Attorney

THE WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET

ID# 407671  
PAGE 1

DATE RECEIVED:

NAME OF CORRESPONDENT: THE HONORABLE SAM FARR

SUBJECT: REQUESTS A PRESIDENTIAL PARDON FOR PHILLIP V. DIGIROLAMO

|                            |              | ACTION         | DISPOSITION      |              |        |                       |
|----------------------------|--------------|----------------|------------------|--------------|--------|-----------------------|
| ROUTE TO:<br>OFFICE/AGENCY | (STAFF NAME) | ACTION<br>CODE | DATE<br>YY/MM/DD | TYPE<br>RESP | C<br>D | COMPLETED<br>YY/MM/DD |

LEGISLATIVE AFFAIRS LARRY STEIN

ORG

2000/01/06

CR

A

00/01/19

ACTION COMMENTS

✓ Counsel Beth Nolan A 00/01/19

ACTION COMMENTS:

ACTION COMMENTS:

ACTION COMMENTS:

COMMENTS

ADDITIONAL CORRESPONDENTS: 0

MEDIA: LETTER

INDIVIDUAL CODES:

REPORT CODES:

USER CODES:

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C - COMPLETED  
S - SUSPENDED

OUTGOING CORRESPONDENCE:

TYPE RESP = INITIALS OF SIGNER  
CODE = A  
COMPLETED = DATE OF OUTGOING

REFER QUESTIONS AND ROUTING UPDATES TO RECORDS MANAGEMENT (ROOM 72, OEOB) EXT-62590  
KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS MANAGEMENT.

**THE WHITE HOUSE**

**WASHINGTON**

**January 14, 2000**

**MEMORANDUM FOR BETH NOLAN  
COUNSEL TO THE PRESIDENT**

**FROM: CHARLES M. BRAIN  
LEGISLATIVE AFFAIRS**

**SUBJECT: PRESIDENTIAL CORRESPONDENCE**

Attached please find a copy of a letter sent to the President from Rep. Sam Farr (D-CA).

I do not believe this letter requires a Presidential response at this time. Please review the attached letter and respond directly to the Member(s) of Congress. Please forward a copy of the response to the Office of Records Management, Room 72 Old Executive Office Building.

Thank you very much for your assistance in this matter. If you have any questions, please feel free to call Courtney Crouch, Office of Legislative Affairs, at 456-7500.

Enclosure

THE WHITE HOUSE  
WASHINGTON

January 14, 2000

  
Dear Representative Farr:

Thank you for your letter to the President supporting a Presidential pardon for Mr. Phillip V. DiGirolamo.

You can be assured that this case will be thoroughly reviewed, and you will receive a response in the near future. In the meantime, if I can be of assistance to you, please do not hesitate to contact me.

Best wishes.

Sincerely,



Charles M. Brain  
Assistant to the President  
and Director for Legislative  
Affairs

The Honorable Sam Farr  
House of Representatives  
Washington, D.C. 20515

SAM FARR  
17TH DISTRICT, CALIFORNIA

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEES

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND  
DRUG ADMINISTRATION, AND RELATED AGENCIES

MILITARY CONSTRUCTION

CHAIR, CALIFORNIA DEMOCRATIC  
CONGRESSIONAL DELEGATION

CO-CHAIR, CONGRESSIONAL TRAVEL AND  
TOURISM CAUCUS

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0517**

December 22, 1999

1221 LONGWORTH BUILDING  
WASHINGTON, DC 20515-0517  
(202) 225-2861

100 WEST ALISAL  
SALINAS, CA 93901  
(831) 424-2229

701 OCEAN STREET  
ROOM 318  
SANTA CRUZ, CA 95060  
(831) 429-1976

samfarr@mail.house.gov  
www.house.gov/farr

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



Dear Mr. President:

As the year draws to an end and you are reviewing requests for Presidential pardons, I would appreciate your consideration of Mr. Phillip V. DiGirolamo of Moss Landing, Monterey County, California.

Mr. DiGirolamo owns and operates a successful small business in the fishing community of Moss Landing. His business, Phil's Fish Market and Eatery, employs 20 plus employees and serves the commercial fishermen, researchers at Monterey Bay Aquarium Research Institute and Moss Landing Marine Lab, local residents and tourists. In fact, it was the meeting point for the local planning team for the National Oceans Conference that you attended in Monterey in June, 1998. He is active in charitable functions and was named Citizen of the Year by the Moss Landing Chamber of Commerce in 1996. He is an active and productive citizen of the Monterey Bay area.

Mr. DiGirolamo fully realizes the seriousness of his conviction and served two years at the Federal Prison Camp, Lompoc and four additional months at a halfway house in Salinas, California. He was released in 1987 and since that time has been a dedicated and hardworking businessman and husband, father and grandfather.

I appreciate your consideration. Please do not hesitate to contact me if I can provide any further information.

Sincerely

SAM FARR  
Member of Congress

SF/db

12-99

THE WHITE HOUSE

WASHINGTON

February 3, 2000

The Honorable Gaston Cantens  
Florida House of Representatives  
307 House Office Building  
Tallahassee, FL 32399-1300

Dear Representative Cantens:

Thank you very much for your letter to the President of November 22, 1999, regarding executive clemency for the following individuals: Eduardo Arocena, Jose Dionisio Suarez Esquivel, Valentin Hernandez, Virgilio Paz Romero, and Jorge Perez.

As you may know, the President's power to grant executive clemency extends only to federal offenses. Of the five individuals you mention, only Mr. Arocena and Mr. Perez were convicted of federal crimes. Further, there are no applications for executive clemency pending for these two individuals at this time. According to longstanding guidelines established by the Department of Justice, individuals seeking executive clemency must first file an application with the Office of the Pardon Attorney. Application materials may be obtained from that office by mail at 500 First Street, NW, Fourth Floor, Washington, DC, 20530, or by phone at (202) 616-6070.

The power to grant clemency to Mr. Esquivel, Mr. Hernandez, and Mr. Romero lies with the appropriate state officials of the states where they were convicted, rather than with the President.

I have forwarded a copy of your letter to the Office of the Pardon Attorney. We will also keep your correspondence in our office so that it is available to the President should Mr. Arocena or Mr. Perez decide to apply for clemency.

Thank you again for contacting the President about this important matter. If you have any questions, please feel free to contact me at (202) 456-5388.

Sincerely,



Meredith E. Cabe  
Associate Counsel to the President

cc: Roger C. Adams  
Pardon Attorney

**THE WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET**

ID# 407728  
PAGE 1

DATE RECEIVED: 1999/12/03

NAME OF CORRESPONDENT: THE HONORABLE GASTON CANTENS

SUBJECT: REQUEST THAT EDUARDO AROCENA, JOSE DIONISIO SUAREZ ESQUIVEL, VALENTIN HERNANDEZ, VIRGILIO PAZ ROMERO AND JORGE PEREZ BE GRANTED THE OPPORTUNITY TO PLEAD THEIR CASE FOR CLEMENCY, IN ACCORDANCE WITH ALL APPLICABLE RULES AND REGULATIONS

| ROUTE TO:                |              | ACTION      |               | DISPOSITION |     |                    |
|--------------------------|--------------|-------------|---------------|-------------|-----|--------------------|
| OFFICE/AGENCY            | (STAFF NAME) | ACTION CODE | DATE YY/MM/DD | TYPE RESP   | C D | COMPLETED YY/MM/DD |
| COUNSEL TO THE PRESIDENT | BETH NOLAN   | ORG         | 1999/12/29    |             | C   | 99/12/30           |
| ACTION COMMENTS          |              |             |               |             |     |                    |
| CUAT 40                  |              | A           | 2000/1/5      |             |     | 1/1                |
| ACTION COMMENTS:         |              |             |               |             |     |                    |
|                          |              |             | 1/1           |             |     | 1/1                |
| ACTION COMMENTS:         |              |             |               |             |     |                    |
|                          |              |             | 1/1           |             |     | 1/1                |
| ACTION COMMENTS:         |              |             |               |             |     |                    |

**COMMENTS**

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*Vol. 11*

5046226



607241



# Florida House of Representatives

## Gaston Cantens

District 114

□ 300 S.W. 107th Avenue, #213  
Sweetwater, Florida 33174  
(305)227-7626

□ 307 House Office Building  
Tallahassee, Florida 32399-1300  
(850)488-2831

November 22, 1999

The Honorable William Jefferson Clinton  
President of the United States of America  
The White House  
1600 Pennsylvania Avenue  
Washington, D.C. 20005

Dear Mr. President:

I have been contacted by many constituents, relatives and community leaders expressing their views regarding the following inmates: Eduardo Arocena (#12573-004), incarcerated at Talladega Federal Correctional Institution in Alabama; Jose Dionisio Suarez Esquivel (#27097), incarcerated at Avoyelles Parish Jail in Marksville, Louisiana; Valentin Hernandez (#A-067540), incarcerated at Union Correctional Institution in Raiford, Florida; Virgilio Paz Romero (#98007162), incarcerated at the Downtown Detention Facility in West Bradenton, Florida and Jorge Perez (38686-004), incarcerated at Estill Federal Prison Camp in South Carolina.

In their communications, they have stated that these five individuals should be considered political prisoners because their actions were the result of their ideals and their quest to fight communism which has always been considered a common enemy of the people of Cuba and the United States.

Therefore, the families, friends and colleagues respectfully request that these individuals be granted the opportunity to plead their case for clemency, in accordance with all applicable rules and regulations.

The relatives, community leaders, and all who have expressed their concerns thank you.

Sincerely,

Gaston Cantens  
State Representative, District 114

**Committees:** Claims, *Chairman* ♦ Business Regulation & Consumer Affairs ♦ Civil Justice Council ♦ Education  
Innovation ♦ Finance & Taxation ♦ Water & Resource Management ♦ Reapportionment



**Florida House of Representatives**

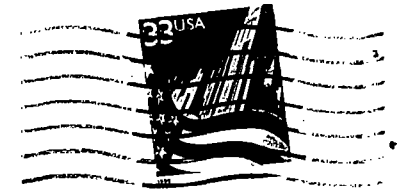
**Gaston I. Cantens**

Representative, District 114

Suite 213

300 S.W. 107th Avenue

Sweetwater, FL 33174-3602



The Honorable William J. Clinton  
President of the U.S.A.

The White House  
1600 Pennsylvania Avenue  
Washington, D.C. 20005

DEC 3 1999

200006/0001



THE WHITE HOUSE  
WASHINGTON

March 31, 2000

The Honorable Marion Berry  
615 S. Main Street  
Suite 211  
Jonesboro, AR 72401

Dear Representative Berry:

Thank you for your letter to Chuck Brain of November 18, 1999, regarding executive clemency for Sam T. Malone. I regret your letter just reached my desk and apologize for the delay in replying.

Mr. Malone's application for clemency remains pending at the Department of Justice. I will forward a copy of your correspondence to the Office of the Pardon Attorney at the Department to ensure it is included in their review of Mr. Malone's application. I will also ask that office to contact Mr. Malone about the status of his application. We will keep your correspondence in our office as well so it will be available to the President when the matter comes before him.

Thank you again for contacting the White House about this important matter. If you have any questions, please do not hesitate to contact me or Meredith Cabe of my staff at (202) 456-5388.

Sincerely,



Beth Nolan  
Counsel to the President

cc: Roger C. Adams  
Pardon Attorney

# Withdrawal/Redaction Marker

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| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE                                           | DATE       | RESTRICTION |
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| 001. letter              | Marion Berry to Chuck Brain; RE: SSN [partial] (1 page) | 11/18/1999 | b(6)        |

### COLLECTION:

Clinton Presidential Records  
Counsel Office  
Meredith Cabe  
OA/Box Number: 21454

### FOLDER TITLE:

Clemency Correspondence

2006-1704-F  
db3500

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

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

RR. Document will be reviewed upon request.

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MARION BERRY  
1ST DISTRICT, ARKANSAS

COMMITTEE ON AGRICULTURE  
SUBCOMMITTEE ON  
DEPARTMENT OPERATIONS OVERSIGHT,  
NUTRITION AND FORESTRY  
SUBCOMMITTEE ON LIVESTOCK,  
DAIRY, POULTRY, AND  
FRUIT AND VEGETABLE CROPS

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE  
SUBCOMMITTEE ON GROUND TRANSPORTATION  
SUBCOMMITTEE ON AVIATION

Congress of the United States  
House of Representatives  
Washington, DC 20515-0401

November 18, 1999

1113 LONGWORTH H.O.B.  
WASHINGTON, DC 20515  
TEL.: (202) 225-4076  
FAX: (202) 225-5602

615 S. MAIN STREET  
SUITE 211  
JONESBORO, AR 72401  
TEL.: (800) 866-2701  
FAX: (870) 972-4605

The White House  
Chuck Brain  
Deputy Assistant to the President  
for Legislative Affairs and House Liaison  
112 East Wing  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C.

Re: Sam T. Malone

(b)(6)

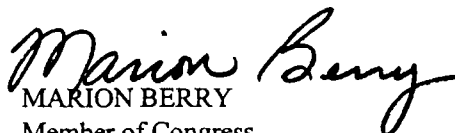
[001]

Dear Mr. Brain:

The above referenced constituent contacted my Jonesboro office concerning a Presidential Pardon he had applied for almost two years ago. He has not received a response and assumes this has been lost. I would appreciate your review of the attached letter and provide a written response to my Jonesboro office.

Thank you for your concern in these matters of mutual interest.

Sincerely,

  
MARION BERRY  
Member of Congress

MB/cb

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November 9, 1999

#46268 CB

NOV 11 1999

To: Carolyn Boyd, Representative of Congressman Marion Berry  
615 South Main  
Suite 211  
Jonesboro, Ark. 72401

From: Sammy T. Malone, Sr.  
205 Circle Drive  
Cord, Ark. 72524

Phone: 870-799-8480 ( night )  
870-252-3422 ( day )

Ms. Boyd,

About 2 years ago, I, Sam Malone ( s.s.# [REDACTED] (b)(6) ) filed an application for a presidential pardon.

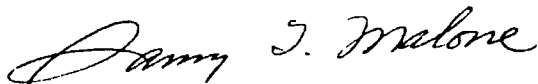
[002]

I was investigated by the F.B.I. from the Jonesboro, Ark. office.  
As of this date, November 9, 1999, I have not received any information as to whether the application was approved or denied.

I would appreciate your help in checking out this matter.

Thank You.

Sincerely,



Sam T. Malone

THE WHITE HOUSE  
WASHINGTON

March 9, 2000

The Honorable Louis F. Oberdorfer  
1423 Kirby Road  
McLean, Virginia 22101

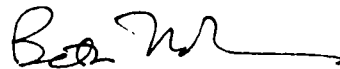
Dear Judge Oberdorfer:

Thank you very much for forwarding to Paul Oetken a copy of the correspondence you sent to Chuck Ruff regarding sentencing of non-violent drug offenders.

I very much appreciate your taking the time to share with the President and our office your thoughts on this issue, and hope you will keep us informed of your views.

Thank you again for contacting the White House.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth Nolan", with a long horizontal flourish extending to the right.

Beth Nolan  
Counsel to the President

LOUIS F. OBERDORFER  
1423 KIRBY ROAD  
MCLEAN, VIRGINIA 22101

January 12, 1998

Honorable Charles F. Ruff  
Counsel to the President  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20500

Dear Chuck:

Apropos my letter of January 6, I noticed today's account in the New York Times of a new initiative for in-prison drug treatment, both federal and state.

Some time ago the GAO appraised the federal in-prison drug treatment program. It found that inmate participation had been disappointing because there was no strong institutional incentive for inmates to endure the extra struggle. See GAO, *Drug Treatment: Despite New Strategy Few Federal Inmates Receive Treatment* 5 (Sept. 1991).

Incentives could be provided in the federal system by a systematic program using the President's power to reprieve and pardon to commute the sentences of successful and promising participants in in-prison drug treatment.

Sincerely,

A handwritten signature in cursive script, appearing to read "Louis Oberdorfer".

Copy sent by Fax to 202-456-6279

# FACSIMILE

DATE: Jan. 12, 1998

TO Honorable Charles F. Ruff.

ORGANIZATION Council to the President

FAX NO. 202-456-6279

FROM Louis Oberdorfer.

FAX NO. 202-273-0012

OFFICE NO. 202-273-0422

NO. OF PAGES 2 (including this cover sheet)

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LOUIS F. OBERDORFER  
1423 KIRBY ROAD  
MCLEAN, VIRGINIA 22101

January 6, 1998

Fax No. 202-456-6279

Honorable Charles F. Ruff  
Counsel to the President  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20500

Dear Chuck:

At the Renaissance dinner the other night I mentioned to the President that I was sending him a note. The attached is that note. If you think it appropriate, I would appreciate your giving it to him.

There is also a copy for you.

Sincerely,

A handwritten signature in cursive script, reading "Louis Oberdorfer".

Enclosures

LOUIS F. OBERDORFER  
1423 KIRBY ROAD  
MCLEAN, VIRGINIA 22101

January 6, 1998

The President  
The White House  
Washington, D. C. 20500-2000

Dear Mr. President:

It was good to see Hillary and you in such fine fettle the other night at Hilton Head. Your responses to the Q and A were most refreshing.

Before dinner I gave Linda a question about a subject which we discussed years ago, before you were President: sentencing of non-violent drug law violators. The question didn't get past Linda's "cutting room." This, therefore, is the note that I mentioned to you just before dinner which spells out the suggestions implicit in that question.

How about an Executive Order grounded on the President's power to "Reprieve and Pardon"<sup>1</sup> to commute the sentences of certain non-violent drug law violators?

The Order could create within the Bureau of Prisons a blue ribbon committee (possibly a cadre of former state and federal judges) to recommend clemency in selected cases. The Order could also establish criteria for clemency: for example, those who are drug free and well behaved in prison, have otherwise clean records, and hold promise of living crime-free and drug-free during and after supervised release. Compare 28 C.F.R., ch. 1, § 1.3 (commutation of sentence, e.g. for "severity of sentence.")

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<sup>1</sup>U.S. Const., art. II, § 2.

One, but not the only, category of inmates eligible for clemency could be couriers (“mules”) of crack cocaine and so-called “cookers” who convert powder cocaine to crack. Those convicted of involvement, for example, with five or more grams of crack cocaine attract the same sentence that would have been imposed on a courier of 500 or more grams of powder cocaine.

Attached is a summary of a case of mine which is another classic example: an addicted mother of seven paid \$100 by a government agent for cooking powder into crack and faces a 10-year crack sentence instead of a three year powder one.<sup>2</sup>

The Executive Order could authorize the supervised release of those non-violent crack couriers, cookers and the like who have served the term that they would have served if they had been handling powder. Or, the Executive Order could establish an appropriate increment for the crack courier or cooker — substantially less than that presently mandated by the 100 to 1 formula.

Whatever may have been the intention of the Congress which enacted the 100 to 1 formula, it has in practice, impacted overwhelmingly on young African-Americans. Neither the prosecutors, the appellate courts nor Congress has responded sympathetically to efforts by concerned sentencing judges and the Sentencing Commission to ameliorate the situation. The 100 to 1 discrepancy, as it has played out, is arguably the most flagrant practice of racial discrimination by the federal government since President Truman integrated the Armed Forces 50 years ago.

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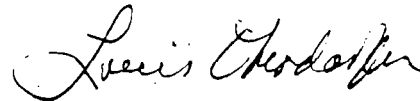
<sup>2</sup>United States v. Blakney, No. 97-3043, Judgment (D.C. Cir. Oct. 23, 1997); United States v. Walls, 70 F.3d 1323 (D.C. Cir. 1995), reversing and remanding 871 F. Supp. 24 (D.D.C. 1994); see also United States v. Campbell, 959 F. Supp. 20 (D.D.C. 1997).

The Framers of the Constitution empowered the President to grant “Reprieves and Pardons” in the name of “[h]umanity and good policy,” because “[t]he criminal code of every country partakes so much of necessary severity, that without an easy access to exceptions in favor of unfortunate guilt, justice would wear a countenance too sanguinary and cruel.” The Federalist No. 74 (Hamilton) at 482 (Modern Library College Ed.).

President Lincoln’s 1863 Emancipation Proclamation was an Executive Order.

Here, an early Executive Order focusing on the 100 to 1 discrepancy would faithfully execute the constitutional law which vests in the President the exclusive power to grant humane Reprieves and Pardons. It would also significantly implement your commendable commitment to racial reconciliation.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Louis Cherodoff". The signature is written in a cursive, flowing style.

Attachment

Do not use  
this attachment

Negative article  
in Legal Times  
rel. to Blakney

3/6/00 —

## ATTACHMENT

Re: United States v. Blakney, No. 97-3043, Judgment (D.C. Cir. Oct. 23, 1997); United States v. Walls, 70 F.3d 1323 (D.C. Cir. 1995), reversing and remanding 871 F. Supp. 24 (D.D.C. 1994); see also United States v. Campbell, 959 F. Supp. 20 (D.D.C. 1997).

A pair of hardened drug dealers offered a large quantity of powder cocaine to an undercover DEA officer. The undercover officer demanded crack to enhance the potential sentence. The dealers involved one Karen Blakney, an addict, with a record of petty (e.g. shoplifting) crimes, to "cook" the powder into crack. The undercover officer paid Blakney \$100 in government funds for her cooking services.

The dealers had intentionally and for big money poisoned hundreds of drug users. I sentenced them to life imprisonment.

Blakney has 7 children. By the time of sentencing she had dried out. I discounted to zero the cooking that she did in the pay of the United States and ruled that imposition on her of the 10 year sentence mandated by statute for her involvement with crack instead of the 3-year sentence applicable if she were involved with powder would be cruel and unusual and in violation of the Eighth Amendment. The case went up on appeal. Blakney served her three years with commendations from her warden and was released while the appeal was pending.

Nineteen months after her release the Court of Appeals affirmed the conviction, but reversed and remanded for resentencing for her involvement with crack.

Meanwhile, on supervised release, Blakney had reunited with her children (she is now expecting another momentarily), was (and remains) drug free, obtained a good job, and won the enthusiastic praise of her Probation Officer. According to the Sentencing Commission staff, only

five defendants out of more than 40,000 whose convictions were reversed on appeal had been free for a substantial period only to be returned to prison. See United States v. Campbell, 959 F. Supp. 20, 21 (D.D.C. 1997). I found that, even if, on the pre-sentence facts, a 10-year sentence was not cruel and unusual, sending her back to prison for 7 more years, after her "exemplary" return to private life, would be. I resented her to time served.<sup>1</sup>

In open court, on the record, I literally implored the United States Attorney to forego any appeal, exercising the same sentencing discretion employed by the undercover officer who paid Blakney for cooking the powder and thus enhancing the mandatory sentences from the powder to the crack range.

The request went unheeded. The United States Attorney prosecuted the appeal with the suggestion to the Court of Appeals that it remove me from the case.

On December 23, 1997, I received the mandate of the Court of Appeals implementing its decision of October 23, reversing and remanding for resentencing with the observation that if the United States Attorney requested me to recuse myself, the Court was confident I would do so. Counsel has filed no further appeal.

I have today requested our Calendar Committee to reassign the case to another judge. The Court of Appeals obviously wants me out of the case. More importantly, in the circumstance, returning Blakney to prison for another 7 years would be, for me, too much like enforcing the pre-Civil War Fugitive Slave Laws.

The President is her last resort.

---

<sup>1</sup>See enclosed Report on Adjustment of Supervised Releasee, Karen M. Blakney (Dec. 19, 1997).

UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA  
PROBATION OFFICE

RICHARD A. HOUCK, JR.  
CHIEF UNITED STATES PROBATION OFFICER

**FILED**

DEC 22 1997

December 19, 1997 <sup>NANCY MAYER-WHITTINGTON, CLERK</sup>  
U.S. DISTRICT COURT

*December 22 1997  
Let this be  
filed and served  
on counsel and  
amended  
LJS*  
SUITE 2800  
E. BARRETT PRETTYMAN  
UNITED STATES COURTHOUSE  
WASHINGTON, DC 20001-2866  
TELEPHONE (202) 565-1300

**MEMORANDUM TO THE HONORABLE LOUIS F. OBERDORFER**  
**UNITED STATES DISTRICT JUDGE**

Re: **BLAKNEY, Karen M.**  
Docket No.: 92-0234-02  
**Report on Adjustment of Supervised**  
**Releasee**

On December 3, 1992, Ms. Karen M. Blakney was found guilty by jury to Counts 1, 5, and 9, of a 12 count Indictment, charging her with Conspiracy to Distribute 50 Grams or More of Cocaine Base (Count 1), 21 U.S.C. §§ 846 and 841(a)(1); Unlawful Distribution of 50 Grams or More of Cocaine, Aiding and Abetting (Count 5), 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(iii), and 18 U.S.C. § 2; and Unlawful Use of a Communication Facility (Count 9), 21 U.S.C. § 843(b). On January 25, 1994, Ms. Blakney was sentenced to a term of 30 months on each count to run concurrent, to be followed by six years of supervised release on Counts 1 and 5, and one year of supervised release on Count 9, to all run concurrently. Special conditions imposed by the Court included special assessment in the amount of \$50 on each count for a total of \$150; the offender will participate in an educational/vocational training at the direction of the probation officer; and the defendant shall participate in a program of drug aftercare, as directed by the probation officer. Supervised release commenced on July 10, 1995.

On February 13, 1996, the U.S. Court of Appeals for the District of Columbia remanded this case to the U.S. District Court for resentencing. On February 27, 1997, offender Blakney appeared before Your Honor for resentencing. Ms. Blakney was committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of the time that was already served on each count, to be followed by the balance of the original period of supervised release, which was imposed on January 25, 1994. The special conditions were modified to include that the offender will report to the probation office, in person or by telephone, as often as directed by the probation officer.

In reference to Ms. Blakney's overall adjustment to supervised release, it is noted that in regards to the special condition and the general conditions of supervision, her compliance have been exemplary.

# Withdrawal/Redaction Marker

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE                                                            | DATE       | RESTRICTION |
|--------------------------|--------------------------------------------------------------------------|------------|-------------|
| 003. letter              | Verdale Freeman to Louise F. Oberdorfer; RE: Personal [partial] (1 page) | 12/19/1997 | b(6)        |

### COLLECTION:

Clinton Presidential Records  
Counsel Office  
Meredith Cabe  
OA/Box Number: 21454

### FOLDER TITLE:

Clemency Correspondence

2006-1704-F  
db3500

### RESTRICTION CODES

#### Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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

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

RR. Document will be reviewed upon request.

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

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

[003]

(b)(6)

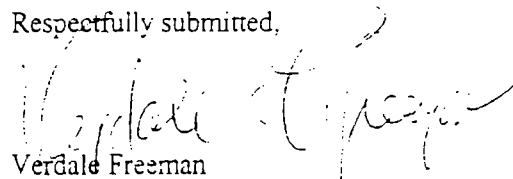
Since July 1995, Ms. Blakney has not shown any involvement with illicit drug use. She successfully completed The Next Step Outpatient Drug Treatment Program on August 3, 1996.

(b)(6)

all of which continue to reflect negative findings for illicit drug use. In addition, Ms. Blakney is involved in the Outreach Ministry Program with her church. Information received, revealed that this individual has been instrumental in working with the community youth, and others that are seeking salvation from drug addiction.

The above information clearly depicts Ms. Blakney's adjustment on supervised release, as well as her stability and contribution to the community.

Respectfully submitted,

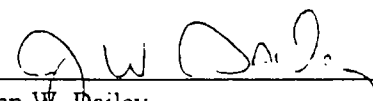
  
Verdale Freeman

Senior United States Probation Officer

Phone No. (202) 565-1334

scm

APPROVED BY:

  
John W. Dailey  
Supervising United States Probation Officer

THE WHITE HOUSE  
WASHINGTON

January 27, 2000

Mr. Edward M. Burke  
Chairman, Committee on Finance  
City of Chicago  
Room 302, City Hall  
Chicago, Illinois 60602

Dear Mr. Burke:

Thank you very much for your letter to President Clinton of December 21, 1999, regarding former Congressman Melvin Reynolds.

As you may be aware, Mr. Reynolds has submitted a petition for commutation of his sentence to the Department of Justice. That petition remains pending. I will forward a copy of your letter to the Office of the Pardon Attorney so that it will be included in the Department's review of Mr. Reynolds's application. We will also keep your correspondence in our office to ensure it is available to the President when the application reaches him.

Thank you again for contacting the President about this important issue. If I can be of further assistance, please feel free to contact me at (202) 456-5388.

Sincerely,

A handwritten signature in black ink, appearing to read "Meredith Cabe", written in a cursive style.

Meredith E. Cabe  
Associate Counsel to the President

**THE WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET**

**ID#** 408095  
**PAGE** 1

**DATE RECEIVED:** 01/13/2000

**NAME OF CORRESPONDENT:** MR. EDWARD M. BURKE

**SUBJECT:** WRITES IN SUPPORT OF MR. REYNOLDS AND HIS PETITION TO BE PERMITTED TO COMPLETE HIS FEDERAL SENTENCE IN A FACILITY THAT WOULD PERMIT HIM THE OPPORTUNITY TO WORK AND SUPPORT HIS FAMILY FINANCIALLY

|                             |              | ACTION         |                  | DISPOSITION  |        |                       |
|-----------------------------|--------------|----------------|------------------|--------------|--------|-----------------------|
| ROUTE TO:<br>OFFICE/AGENCY  | (STAFF NAME) | ACTION<br>CODE | DATE<br>YY/MM/DD | TYPE<br>RESP | C<br>D | COMPLETED<br>YY/MM/DD |
| COUNSEL TO THE<br>PRESIDENT | BETH NOLAN   | ORG            | 2000/01/13       |              | C      | 00/01/13              |

*CUAT41*

**ACTION COMMENTS:** *Meredith Cobe* *A* *00/01/21* *0001/11* *1/1*

**ACTION COMMENTS:** \_\_\_\_\_

\_\_\_\_\_ *1/1* \_\_\_\_\_ *1/1*

**ACTION COMMENTS:** \_\_\_\_\_

\_\_\_\_\_ *1/1* \_\_\_\_\_ *1/1*

**ACTION COMMENTS:** \_\_\_\_\_

**COMMENTS**

**ADDITIONAL CORRESPONDENTS:** 0

**MEDIA:** LETTER

**INDIVIDUAL CODES:**

**REPORT CODES:**

**USER CODES:**

**ACTION CODES:**

A - APPROPRIATE ACTION  
C - COMMENT/RECOMMENDATION  
D - DRAFT RESPONSE  
F - FURNISH FACT SHEET  
I - INFO COPY/NO ACT NECESSARY  
R - DIRECT REPLY W/ COPY  
S - FOR SIGNATURE

**DISPOSITION CODES:**

A - ANSWERED  
B - NON-SEPC-REFERRAL  
C - COMPLETED  
S - SUSPENDED

**OUTGOING CORRESPONDENCE:**

TYPE RESP = INITIALS OF SIGNER  
CODE = A  
COMPLETED = DATE OF OUTGOING

**REFER QUESTIONS AND ROUTING UPDATES TO RECORDS MANAGEMENT (ROOM 72, OEOB) EXT-62590**

**KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS MANAGEMENT.**



\*408095\*

## CITY OF CHICAGO

OFFICE OF THE CHAIRMAN  
COMMITTEE ON FINANCE  
ROOM 302 CITY HALL

ALDERMAN EDWARD M. BURKE  
CHAIRMAN

TELEPHONE  
744-3380

December 21, 1999

The Honorable William Jefferson Clinton  
President of the United States  
The White House  
1600 Pennsylvania Avenue  
Washington, D.C. 20500

Dear President Clinton,

Recently, I have been made aware that the Reverend Jesse Jackson presented you with a letter on behalf of former Congressman Mel Reynolds of Illinois. I write to you in support of Mr. Reynolds and his petition to be permitted to complete his federal sentence in a facility that would permit him the opportunity to work and support his family financially. The deplorable circumstances which his wife and children have had to endure during his incarceration are a sad corollary to Mr. Reynolds's personal current circumstances. If he were to be able to complete his sentence in a community facility, he could reverse the harsh conditions in which his family lingers.

Mr. Reynolds received an unusually tough federal sentence of 78 months. He has completed 32 months of that sentence. During that time, Mr. Reynolds has been a most reasonable individual. I concur with the recent *Chicago Tribune* editorial that noted Mr. Reynolds has been punished enough. At this Christmas Season, when we are so conscious of our families, I ask you consider Mr. Reynolds's family and use your high office to facilitate a move on Mr. Reynolds's behalf.

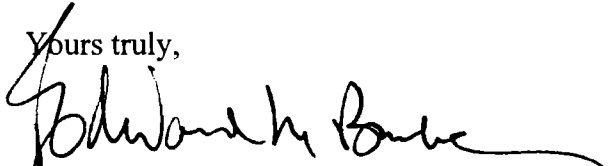
DEC 27 1999

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I hope that upon your own investigation you may be able to concur with this request.

I wish you and your family a blessed Christmas and a New Year filled with fresh promise.

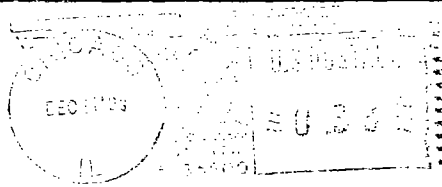
Yours truly,

A handwritten signature in cursive script, appearing to read "Edward M. Burke". The signature is written in dark ink and is positioned above the printed name. A long, thin, curved line extends from the end of the signature, sweeping downwards and to the right.

Edward M. Burke

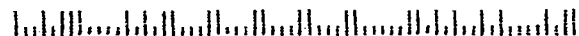
EMB/tog

ALDERMAN EDWARD M. BURKE  
CHAIRMAN  
COMMITTEE ON FINANCE  
ROOM 302 CITY HALL  
CHICAGO, ILLINOIS 60602



The Honorable William Jefferson Clinton  
President of the United States  
The White House  
1600 Pennsylvania Avenue  
Washington, D.C. 20500

20300-0003



THE WHITE HOUSE  
WASHINGTON

March 9, 2000

The Honorable George W. White  
Berger & Zavesky Company  
Rockefeller Building, Suite 1425  
614 Superior Avenue, NW  
Cleveland, OH 44113

Dear Judge White:

Thank you for your letter of December 6, 1999, regarding executive clemency for Martin J. Hughes.

As you may know, Mr. Hughes's application for clemency is currently pending. I will forward a copy of your correspondence to the Department of Justice so it can be included in their file on Mr. Hughes's application. We will also keep your correspondence in our office to ensure it is available to the President when the matter reaches him.

Thank you again for contacting the President regarding this important matter. If you have any questions, please feel free to contact me at (202) 456-5388.

Sincerely,

A handwritten signature in black ink, appearing to read 'Meredith E. Cabe', with a long horizontal flourish extending to the right.

Meredith E. Cabe  
Associate Counsel to the President

cc: Roger C. Adams  
Pardon Attorney

# WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence  
Received (YY/MM/DD)

213100



\*410486\*

Name of Correspondent: \_\_\_\_\_

☐ MI Mail Report

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

Subject: pardon of Martin Hughes

## ROUTE TO:

## ACTION

## DISPOSITION

| Office/Agency (Staff Name) | Action Code      | Tracking Date YY/MM/DD | Type of Response | Code | Completion Date YY/MM/DD |
|----------------------------|------------------|------------------------|------------------|------|--------------------------|
| CUNOLA                     | ORIGINATOR       | 211100                 |                  | C    | 213100                   |
| CUAT40 ✓                   | Referral Note: A | 000210                 |                  |      | 11                       |
|                            | Referral Note:   |                        |                  |      | 11                       |
|                            | Referral Note:   |                        |                  |      | 11                       |
|                            | Referral Note:   |                        |                  |      | 11                       |
|                            | Referral Note:   |                        |                  |      | 11                       |

## ACTION CODES:

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

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

## DISPOSITION CODES:

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

## FOR OUTGOING CORRESPONDENCE:

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

Comments: \_\_\_\_\_

Keep this worksheet attached to the original incoming letter.

Send all routing updates to Central Reference (Room 75, OEOB).

Always return completed correspondence record to Central Files.

Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

# RECORDS MANAGEMENT ONLY

## CLASSIFICATION SECTION

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

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

## PRESIDENTIAL REPLY

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

### SIGNATURE CODES:

#### CPn - Presidential Correspondence

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

#### CLn - First Lady's Correspondence

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

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

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

### MEDIA CODES:

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

February 1, 2000

Mr. George W. White  
Berger & Zavesky Company  
1425 Rockefeller Building  
614 Superior Avenue, N.W.  
Cleveland, Ohio 44113

Dear George:

Thank you for your letter regarding the pardon of Martin Hughes. I have forwarded your letter to my Counsel, Beth Nolan, for her review and advice. As I'm sure you know, I take all pardon requests seriously, and I value your recommendation.

Sincerely, **BILL CLINTON**

BC/TFS/DA/DC/pw-ckb (Corres. #7073365)  
(12.white.gw)

cc: White House Counsel w/copy of inc  
cc: J. Wertman, 97-OEOB



# Berger & Zavesky Co., L.P.A.

Attorneys at Law

Rockefeller Building, Suite 1425  
614 Superior Avenue, N.W.  
Cleveland, Ohio 44113

(216) 830-9000  
Fax: (216) 830-4200  
Ohio Toll Free 1 (877) 515-5677  
Email: BERGZAV@OH.VERIO.COM

Send to Burkhardt for reply

December 6, 1999

Yes ☒  
No ☐

I. Joseph Berger  
Robert J. Zavesky\*  
Jeffrey D. Lojewski  
Anthony R. Petruzzi  
Marc D. Stone

\*Also Admitted in Illinois

George W. White  
Of Counsel

The Honorable Bill Clinton  
The President of the United States  
The White House  
Washington, DC 20500-2000

Re: Martin J. Hughes

'99 DEC 14 AM 9:44

Dear President Clinton:

I'm writing this letter as a retired Federal Judge from the Northern District of Ohio.

You, as President, are called upon every day to make important decisions. I only hope that something I, or someone else, may say to you will cause you to grant Marty a pardon.

Marty has done much for individuals, including myself, who have run for public office. In fact, Marty is a person who seems to get great joy in helping people. Although his health is failing, I'm sure he will continue to help others as long as the good Lord will permit.

As Christmas gets a little closer, I thought I would add my small voice to the many others in asking that you grant him a pardon.

Sincerely,

George W. White  
GWW:kv

12/23

Tracy - Due 12/28  
Use lang from Carter  
slr attached.  
Clear w/ counsel.

THE WHITE HOUSE  
WASHINGTON

May 23, 2000

Ronald M. Shapiro  
Larry S. Gibson  
Charles C. Baum  
Shapiro & Olander  
Twentieth Floor  
36 South Charles Street  
Baltimore, MD 21201-3147

Dear Gentlemen:

Thank you very much for your letter to the President of May 16, 2000, regarding executive clemency for Willie Mays Aikens, and for sending a copy of his application materials.

I have contacted the Office of the Pardon Attorney at the Department of Justice and confirmed that they recently received Mr. Aikens's application for commutation. As you may know, the Department of Justice will conduct a thorough review of Mr. Aikens's application before forwarding it, along with their recommendation as to whether clemency should be granted, to the President.

We will keep your correspondence in our office to ensure that it is available to the President if and when Mr. Aikens's application comes before him.

Thank you again for contacting the President about this important matter. If you have any questions, please do not hesitate to contact me at (202) 456-5388.

Sincerely,

A handwritten signature in black ink, appearing to read 'Meredith E. Cabe', written in a cursive style.

Meredith E. Cabe  
Associate Counsel to the President

THE WHITE HOUSE  
WASHINGTON

April 28, 2000

Angela M. Schulz  
5166 Fernleaf Ave.  
Memphis, TN 38134

Dear Ms. Schulz:

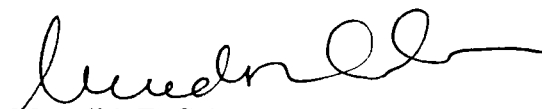
Thank you for your letter of April 17, 2000, regarding executive clemency for Father Fred Sauer.

I have been informed by the Office of the Pardon Attorney at the Department of Justice that the application for clemency for Father Sauer remains pending. As you may be aware, the Department of Justice conducts a thorough review of all applications for clemency before forwarding them, along with the Department's recommendation as to whether clemency should be granted, to the President.

I will forward a copy of your correspondence to the Office of the Pardon Attorney to ensure it is included in their review of Father Sauer's application. We will also keep your correspondence in our office so it will be available to the President when the matter comes before him.

Thank you again for contacting the White House about this important matter. If you have any questions, please do not hesitate to contact me at (202) 456-5388.

Sincerely,

A handwritten signature in black ink, appearing to read 'Meredith E. Cabe', with a long horizontal flourish extending to the right.

Meredith E. Cabe  
Associate Counsel to the President

cc: Roger C. Adams  
Pardon Attorney

# Withdrawal/Redaction Marker

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE                                                     | DATE       | RESTRICTION |
|--------------------------|-------------------------------------------------------------------|------------|-------------|
| 004. letter              | Angela Schulz to the White House; RE: Personal [partial] (1 page) | 04/17/2000 | b(6)        |

### COLLECTION:

Clinton Presidential Records  
Counsel Office  
Meredith Cabe  
OA/Box Number: 21454

### FOLDER TITLE:

Clemency Correspondence

2006-1704-F  
db3500

### RESTRICTION CODES

#### Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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

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

RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Meredith

17 April 2000

White House Counsel  
White House Office  
1600 Pennsylvania Ave.  
Washington, DC 20500

Dear Counselor,

The request for a Commutation of Sentence for Fr. Fred Sauer has finally arrived in the White House. It has taken many months for this paperwork to reach you. I am asking that it be acted on without delay.

AS you study Fr. Sauer's documents, it will become plain to you that Fr. Sauer is not a criminal, but a good man caught in the web of mental illness. A lifetime of self-sacrifice and charitable works should not be ignored, nor should a man's self-esteem be destroyed by the multitudinous humiliations of prison life, because of a single act of despair. Fr. Sauer does not deserve punishment of this magnitude. A perusal of the many postcards, petitions and letters from citizens around the country and from all walks of life, which accompany this request, will testify to the widespread belief that Fr. Sauer was not treated fairly, and that an end to this unjust incarceration is the only rightful solution to this travesty of justice.

Counselor, this is the 21st Century. It is time to stop the criminalization of good citizens (b)(6). It is time to stop this outlandish and draconian treatment of a man who did nothing worse than succumb to a serious array (b)(6). It is time to stop this travesty of justice and right the wrong that was inflicted on Fr. Sauer 21 months ago by a judge who bowed to the political winds of the time. Right the wrong. Free Fr. Sauer now without further delay before the numerous acts of dehumanization and humiliation inflicted on him in prison irreversibly damage this good and fragile man.

[004]

Bring Fr. Sauer's request for Commutation of Sentence to the attention of President Clinton so that he can act in the name of justice and free Fr. Sauer from this unjust situation.

Thank you for your attention to this reprehensible abuse of power.

5166 Fernleaf Ave.  
Memphis, Tn. 38134

Sincerely,



Angela M. Schulz, MD, FAAP

Angela M. Schulz, MD, FAAP  
**Pediatric Associates P.C.**  
*Pediatrics & Adolescent Medicine*  
*Growing... Caring... Sharing*



White House Counsel  
White House Office  
1600 Pennsylvania Ave.  
Washington, DC 20500

3876 New Covington Pike • Memphis, TN 38128

20500-0003



THE WHITE HOUSE  
WASHINGTON

July 26, 2000

The Honorable Charles B. Rangel  
U.S. House of Representatives  
Washington, DC 20515-3215

Dear Representative Rangel:

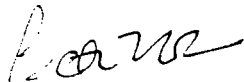
Thank you for your letter to the President of June 20, 2000, regarding executive clemency for Mario Biaggi.

Mr. Biaggi's application for executive clemency is currently pending at the Department of Justice. I will forward a copy of your correspondence to the Department so that it can be included in their review of his application.

Please be assured that we will also keep your correspondence in our office so that the President is aware of your views when Mr. Biaggi's application comes before him.

Thank you again for contacting the President about this important matter. If you have any questions, please feel free to contact me or Meredith Cabe of my staff at (202) 456-5388.

Sincerely,



Beth Nolan  
Counsel to the President

cc: John Podesta  
Roger C. Adams

**Congress of the United States**  
**House of Representatives**  
 Washington, DC 20515-3215

June 20, 2000

MC

file

need  
reply

WASHINGTON, DC 20515-3215  
 Telephone: (202) 225-4365

DISTRICT OFFICES

MC VIVIANE JONES  
 DISTRICT ADMINISTRATOR

163 WEST 125TH STREET  
 NEW YORK, NY 10027  
 Telephone: (212) 663-3900

Telephone: (212) 663-3900  
 Telephone: (212) 663-3900

Honorable William J. Clinton  
 The White House  
 Washington, D.C. 20500

CC: Beth Nolan

Dear Mr. President:

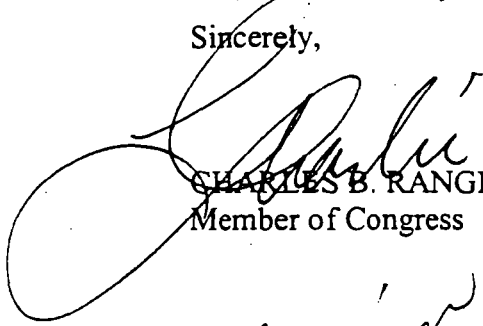
I want to make you aware of my strong support for the Petition for Pardon After Completion of Sentence of Mario Biaggi.

I know Mario. Biaggi well. I was proud to serve with him for 18 years in the United States House of Representatives. I know him to be a man who has dedicated his life to public service. He did so before his conviction and continues to do so since his release. He served bravely as a New York City policeman before becoming a Congressman. In Congress he was known for his efforts to secure peace in Northern Ireland and dedication to the people of the Bronx, who he represented.

I believe that the petition submitted on behalf of Mr. Biaggi indicates the widespread, gratitude for his efforts, respect for him and belief that he should be pardoned.

Today, at 82 years, he is failing health and seeks to recover some measure of dignity after having paid dearly with incarceration and the loss of his reputation. I hope that you will share this view and will look favorably on his petition.

Sincerely,

  
 CHARLES B. RANGEL  
 Member of Congress

CBR:jrs

Cc: John Podesta

*He's a good man  
 and not in  
 good health.*

CHARLES B. RANGEL

15th CONGRESSMAN  
NEW YORK

DIRECTOR

COMMITTEE

WAYS AND MEANS

RANKING MEMBER

SUBCOMMITTEE ON TRADE

JOINT COMMITTEE ON TAXATION

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-3215

MC

2054 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-3215  
TELEPHONE: (202) 225-4365

DISTRICT OFFICES

MS. JUVANE LONES  
DISTRICT ADMINISTRATOR

163 WEST 125TH STREET  
NEW YORK, NY 10027

TELEPHONE: (212) 663-3900

TELEPHONE: (212) 663-3900

June 20, 2000

Honorable William J. Clinton  
The White House  
Washington, D.C. 20500

CC: Beth Nolan

Dear Mr. President:

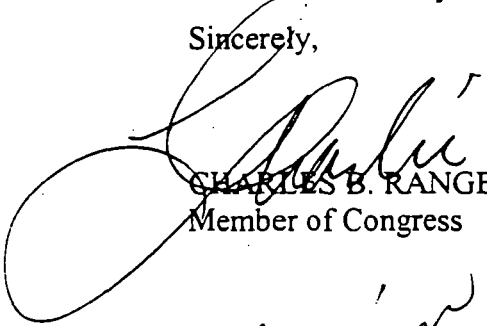
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Sincerely,

  
CHARLES B. RANGEL  
Member of Congress

CBR:jrs

Cc: John Podesta

*He's a man in good health and not in good health*

THE WHITE HOUSE  
WASHINGTON

November 4, 1999

Elizabeth L. Fabens  
405 Westview Avenue  
Philadelphia, PA 19119

Dear Ms. Fabens:

Thank you very much for your letter to President Clinton of October 23, 1999, regarding Linda Evans.

I have forwarded a copy of your correspondence to the U.S. Parole Commission, so it can be considered in any future decisions the Commission may make regarding Ms. Evans's parole status.

I have also been informed by the Office of the Pardon Attorney at the Department of Justice that Ms. Fabens has submitted a petition for executive clemency, which is currently pending at that Department. As you may be aware, the Department of Justice conducts a thorough review of all applications for clemency before forwarding them, along with the Department's recommendation as to whether clemency should be granted, to the President. I will forward the information you sent to the Pardon Attorney as well to ensure it is included in their review of Ms. Evans's petition. We will also keep your correspondence in our office so that it will be available to the President when the matter comes before him.

Thank you again for contacting the President about this important matter.

Sincerely,



Meredith E. Cabe  
Associate Counsel to the President

cc: Karen Tramontano  
Counselor to the Chief of Staff

Michael Gaines  
Chair, U.S. Parole Commission

Roger Adams  
Pardon Attorney

THE WHITE HOUSE  
WASHINGTON

November 4, 1999

Elizabeth L. Fabens  
405 Westview Avenue  
Philadelphia, PA 19119

Dear Ms. Fabens:

Thank you very much for your letter to President Clinton of October 23, 1999, regarding Linda Evans.

I have forwarded a copy of your correspondence to the U.S. Parole Commission, so it can be considered in any future decisions the Commission may make regarding Ms. Evans's parole status.

I have also been informed by the Office of the Pardon Attorney at the Department of Justice that Ms. Fabens has submitted a petition for executive clemency, which is currently pending at that Department. As you may be aware, the Department of Justice conducts a thorough review of all applications for clemency before forwarding them, along with the Department's recommendation as to whether clemency should be granted, to the President. I will forward the information you sent to the Pardon Attorney as well to ensure it is included in their review of Ms. Evans's petition. We will also keep your correspondence in our office so that it will be available to the President when the matter comes before him.

Thank you again for contacting the President about this important matter.

Sincerely,



Meredith E. Cabe  
Associate Counsel to the President

cc: Karen Tramontano  
Counselor to the Chief of Staff

Michael Gaines  
Chair, U.S. Parole Commission

Roger Adams  
Pardon Attorney

October 23, 1999

Dear President Clinton,

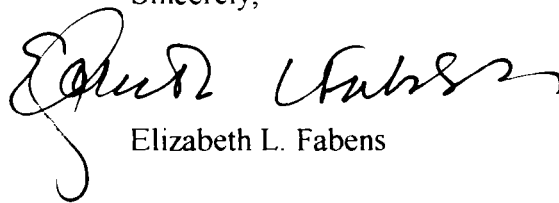
Although I have written letters to you before, I have never actually sent them. Today I am writing you on behalf of my cousin, Linda Evans, whose case for parole I hope you will consider. She is currently housed at the Federal Corrections Institution in Dublin, California, having served fourteen years for political activity in the 1980's. I have enclosed her most recent petition for parole, which was denied in July of this year. This outlines the specific details of her case.

My uncle recently remarried after several years as a widower and so Linda's mother joined our family. Although I have never met Linda personally, I have read her letters and heard about her from her mother. The enclosed letters of support for her parole confirm all that I have heard about her as a thoughtful, responsible, and creative person. Even Linda's sentencing judge, Judge Feldman, wrote a letter three years ago in support of her immediate release on parole. Linda's mother is herself an amazing person and has added much to our family. She is not young and it is on her behalf that I write you this letter.

I won't repeat the details of her case as the specifics are outlined well in the enclosed petition for parole. She has already been in prison far in excess of the minimum requirements for her convictions and sentences. As you will see, her conduct during these fourteen years has been exemplary, marred only by a single incident in 1997 for which she has already served her punishment. The enclosed letters of support for her parole reveal her to be a hard-working and creative person who is not only not a danger to society, but has much to contribute to it. It seems unfair to me that others with similar political histories have been released on parole and Linda remains incarcerated, especially when she has already served more than the maximum time.

I write this letter to you on behalf of Linda's mother as well as Linda herself. I ask only that you review her case and give her the same consideration that other incarcerated political activists have been given. Thank you so much for your time.

Sincerely,

A handwritten signature in black ink, appearing to read 'Elizabeth L. Fabens', with a large, stylized initial 'E'.

Elizabeth L. Fabens

DORON WEINBERG  
(State Bar No. 046131)  
Law Offices of  
WEINBERG & WILDER  
523 Octavia Street  
San Francisco, California 94102  
Telephone (415) 431-3472

ORIGINAL  
FILED

OCT 7 - 1997

RICHARD W. WIERING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Attorney for Plaintiff  
LINDA EVANS

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

LINDA EVANS,

Plaintiff,

vs.

CONSTANCE REESE, Warden,

Defendant.

No. C-97-3547 FMS

DECLARATION OF LINDA EVANS

LINDA EVANS declares under penalty of perjury that the following is true and correct:

I am an inmate at the Federal Corrections Institution in Dublin, California and the Plaintiff  
in the above-captioned case.

On or around September 10, 1997, I submitted a urine sample to be tested for the  
presence of drugs. On September 22, I was informed that the sample tested positive for  
marijuana use.

I understand that at a hearing held before Judge Patel on October 1, the government

WEINBERG & WILDER  
523 Octavia Street  
San Francisco, California 94112  
Telephone (415) 431-3477

1 indicated that this test result reflects that my urine had a content of at least 100 nanograms of a  
2 marijuana metabolite per mL of urine at the time it was tested. I am further informed such a test  
3 result indicates either chronic marijuana use or substantial marijuana use within the three to seven  
4 days prior to the test.

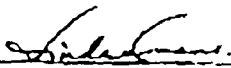
5  
6 I do not use marijuana or any other illegal drugs. Under no circumstances could my urine  
7 have contained any marijuana or marijuana derivatives on the date of this test. If a sample of my  
8 urine taken in September reflected the presence of marijuana, this had to be the result either of an  
9 error in testing or the misidentification of another inmate's urine sample as my own.

10 I have never previously tested positive for marijuana or any other illegal drugs. I have  
11 never suffered any disciplinary action on the basis of drug use. I do take prescription medication,  
12 Midrin, for migraine headaches.

13  
14 Since the result of this test was obtained, I have been housed in administrative  
15 segregation. I have never received any paperwork to reflect the specific results of the test on my  
16 urine.

17 I declare that the foregoing is true to the best of my knowledge. As to those statements  
18 based upon information and belief, I believe them to be true.

19 Executed this 7<sup>th</sup> day of October, 1997, in the city of Dublin, County of Alameda, State  
20 and Northern District of California.

21  
22   
23 LINDA EVANS  
24  
25  
26

DECLARATION OF RANDALL C. BASELT

I, RANDALL C. BASELT, hereby declare:

I am the director of Chemical Toxicology Institute (CTI), 1167 Chess Drive, Foster City, California. I am a recognized expert in toxicology. I have testified in various courts as an expert in more than 2000 cases in 25 states, as well as some 80 to 90 times in federal courts.

Pursuant to the request of Doron Weinberg, Esq., an attorney for Linda Evans, I examined a sample of the urine of Linda Evans in order to ascertain whether that sample contained evidence of marijuana.

I received the sample (marked T00283041) via Federal Express on October 27, 1997 from Toxicology Laboratories of Dallas, Texas. I understand that that sample had originally been taken from Linda Evans on September 10, 1997.

On October 28 and 29, 1997, CTI tested the sample and ascertained that:

- (a) it tested positive by radioimmunoassay for cannabinoids;
- (b) the cannabinoid content was 16 nanograms of THC metabolite per milliliter.

As an expert in forensic toxicology, it is my professional opinion that this test result cannot be used to determine the route of entry of the compound into the body, or whether the urine donor was ever aware of her exposure to marijuana; i.e., it is not possible to demonstrate active, knowing use of marijuana by Linda Evans from these test results. The level of 16 ng/mL is consistent

with inadvertent, unintentional exposure to marijuana smoke, or  
with unknowing oral ingestion of marijuana.

Furthermore, I vouch for the accuracy of CTI's testing at 16  
ng/ml.

The Declaration is made under penalty of perjury pursuant to  
the laws of the state of California, and is executed on the 12th  
day of December, 1997.

*Rachel C. Burt*

# Withdrawal/Redaction Marker

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE                                                                | DATE | RESTRICTION |
|--------------------------|------------------------------------------------------------------------------|------|-------------|
| 005. report              | In the Matter of the Parole of Linda Evans; RE: Personal [partial] (2 pages) | n.d. | b(6)        |

### COLLECTION:

Clinton Presidential Records  
Counsel Office  
Meredith Cabe  
OA/Box Number: 21454

### FOLDER TITLE:

Clemency Correspondence

2006-1704-F  
db3500

### RESTRICTION CODES

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RR. Document will be reviewed upon request.

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\_\_\_\_\_x  
In The Matter Of The Parole Application of

LINDA EVANS,

Federal Register #19973-054

Currently Confined At The Federal Correctional  
Institution, Dublin, California.

\_\_\_\_\_x  
**PRE-HEARING MEMORANDUM OF LINDA EVANS**

**I. INTRODUCTION.**

When Linda Evans appears before a Hearing Examiner of the United States Parole Commission for the second time, in July 1999, she will have been in prison for 170 months (more than 14 years) of an aggregated 40 year sentence. The Parole Commission has itself calculated her Offense Severity Category as Category 7, and Ms. Evans' Salient Factor Score (SFS) is 10, yielding a Guideline range of 52 to 82 months. Yet Ms. Evans will have served more than three times the minimum 52 month sentence of this range, and over twice the maximum 82 months.

Ms. Evans is 52 years old,

(b)(6)

[005]

(b)(6) since her last parole hearing. She continues to improve her computer skills and has completed classes in Excel and Word software. (See Certificates attached as Exhibit "A" hereto.) After earning her BA in 1996, she has been accepted into a Master's Degree program at California State University - Dominguez Hills, where she is enrolled in her second year of study. (See Letters attached as Exhibit "B" hereto.) Her 14-year record of clear conduct has been marred only by a single incident reported in September 1997.

Ms. Evans has also continued her impressive commitment to volunteer service at FCI-Dublin by assisting with recreation programs, educational programs, and AIDS counseling on an individual basis. She has extensive community support for her release,<sup>1</sup> with a home, financial support and several job offers awaiting her. She has accepted responsibility for the crime she committed and has provided assurances to the Parole Commission that she will never engage in any form of illegal activity again. She clearly poses no threat to the community.

---

<sup>1</sup> This memorandum is submitted as a supplement and update to the Prehearing Memorandum submitted in August 1996. The hundred plus letters of support from elected officials, community leaders, family, friends and -- most importantly -- her sentencing judge, are referred to but not resubmitted here. The Hearing Examiner is respectfully directed to these letters for an indication of the breadth of support for Ms. Evans' immediate release on parole.

Ms. Evans has been incarcerated far in excess of her Parole Commission Guideline range, has an approved plan for her reintegration into the community, and is deserving of immediate release.

**II. THE PROPER APPLICATION OF THE GUIDELINES  
MANDATES THAT LINDA EVANS SHOULD BE  
RELEASED IMMEDIATELY ON PAROLE.**

Linda Evans is serving an aggregate 40 year sentence based on convictions in three separate but related prosecutions:

Following her arrest on May 11, 1985, Ms. Evans was charged in the Southern District of New York in Indictment No. S85-CR-450-VLB. She was convicted of two counts: felon in possession of a weapon in violation of 18 U.S.C. App. § 1202(a)(1) for which she received a sentence of two years on November 21, 1985, and harboring a fugitive in violation of 18 U.S.C. § 1071 for which she was sentenced to a consecutive term of three years on July 10, 1986. The events underlying these convictions occurred on May 10 and 11, 1985.

Ms. Evans was then prosecuted in the Eastern District of Louisiana on Indictment No. 85-00337-001, in which she was charged with 11 counts of violating 18 U.S.C. § 922(a)(1), and § 922(a)(6) and § 924(a). All of these charges were based on the purchase of four weapons and a small amount of ammunition on February 10 and 11, 1983. The essence of the charges was that

Ms. Evans had provided false information in the purchase of these weapons, which were not in themselves illegal, and that she had purchased the weapons knowing that she was ineligible to do so by virtue of the fact that she had suffered a previous felony conviction for battery in 1971 in connection with an anti-war demonstration in which more than 300 students were arrested.

On May 20, 1987, Judge Martin Feldman of the United States District Court for the Eastern District of Louisiana sentenced Ms. Evans to eight consecutive five year terms, for a total of 40 years. This sentence was reduced to 30 years following an appellate ruling requiring the ammunition charges to be consolidated with the weapons purchases, and was ordered to run consecutive to any other term that Ms. Evans was serving.

Ms. Evans was then prosecuted on an indictment pending in the United States District Court for the District of Columbia, No. 88-0145, which was also based on events that had occurred prior to May 1985. She pled guilty to two counts, conspiracy to destroy property in violation of 18 U.S.C. § 371 and property destruction by explosives in violation of 18 U.S.C. § 844(f). The indictment alleged that Ms. Evans was part of a group of people who conspired to bomb public buildings for political reasons and who did, on November 7, 1983, cause a bomb to be exploded in the United States Capitol Building in Washington,

D.C. This bombing resulted in significant property damage but no injury or loss of life, undoubtedly because several warnings were issued. It was neither alleged nor proven that Ms. Evans was directly involved in the manufacture or placement of the bomb, but only that she was a member of the conspiracy.<sup>2</sup> Ms. Evans chose to accept a plea bargain through which she pled guilty to the Capitol bombing as part of a comprehensive plea agreement as the result of which charges against several co-defendants were dismissed, including those against Dr. Alan Berkman, who was suffering from a recurrence of life-threatening cancer at that time.<sup>3</sup> On November 28, 1990, Ms. Evans was sentenced to a total term of five years on both counts, which terms were ordered to run consecutively to the other terms that she was serving.

The U.S. Parole Commission has calculated the Offense Severity for Ms. Evans' offenses collectively to be a Category 7. This was based on an

---

<sup>2</sup> In fact, Ms. Evans did not play a direct role in the bombing of the U.S. Capitol, and had no notice from other members of the group of this intended activity prior to the actual event. The evidence developed in the various prosecutions of Ms. Evans established that her principal role in the group's activities was as a printer.

<sup>3</sup> Ms. Evans' primary motivation in pleading to the Capitol bombing charge was to assure Dr. Berkman's prompt release from prison. While was Ms. Evans' role in the actual Capitol bombing was non-existent, she accepts full responsibility for her participation in the conspiracy that had as its goal the bombing of public buildings to publicize and protest U.S. Government actions.

enhancement of her most serious offense (arson by explosives) by two levels: first to a Category 6 because buildings frequented by people were involved (though without injury or intent of injury), and then to a Category 7 because multiple incidents were involved in the underlying conspiracy to which she pled guilty. Ms. Evans' Salient Factor Score is 10, indicating that she is an excellent parole risk with an insignificant criminal history. The calculations thus result in the Guideline range of 52 to 82 months.

Ms. Evans' retention in prison far beyond her maximum Guideline range is apparently based on her involvement in the bombing conspiracy, which is admittedly her most serious offense. Yet, Ms. Evans received only a five-year sentence for her course of conduct in this conspiracy, and this sentence can result in incarceration for no more than 40 months.

So too, for her convictions in New York which also resulted in a five year sentence, Ms. Evans could not be required to serve more than 40 months, resulting in an aggregate maximum term for the New York and Washington convictions of 80 months.

Clearly, therefore, 90 of the 170 months which Ms. Evans has thus far served are attributable solely to the unprecedented 30 year sentence that she received for making false statements in connection with the purchase of four

firearms that were never used in the commission of any crime. This 90-month sentence for the purchase of otherwise legal firearms is grossly disproportionate to the sentences imposed on other defendants for similar offenses, and even for substantially more serious offenses of the same classification. For example, the Sentencing Data provided in the Presentence Report submitted to the Court which sentenced to Ms. Evans to 30 years revealed that in the most recent years prior to her sentencing for which statistics were available, there were 217 defendants sentenced nationwide for the same principal offenses as those of which Ms. Evans was convicted, and one other defendant sentenced in the same district -- the Eastern District of Louisiana. Of the 217 national defendants 106, almost half, received either probation, a fine or a "split" sentence. Significantly the only defendant sentenced in the Eastern District of Louisiana received probation without incarceration. And even for the 111 defendants who were imprisoned, the average sentence was only 41 months, in contrast to the 360 month sentence which Ms. Evans received, and the more than 90 months which she has already served for these offenses alone.<sup>4</sup>

The arbitrariness and disproportionality of Ms. Evans' sentence for the

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<sup>4</sup> It should be noted that these offenses are rated by the United States Parole Commission as Category One offenses.

firearms offenses are such that even the Judge who sentenced her in 1987 has now written to the Parole Commission recommending Ms. Evans' immediate release on parole. In a letter written to the Commission on May 13, 1996, Judge Feldman wrote "to fully support" Ms. Evans' request for parole. Judge Feldman wrote:

I realize that I sentenced Ms. Evans to 30 years for her crimes. I write in support of her parole application because I am impressed with her institutional record and with her plans for the future. I applaud her desire to work with AIDS victims. I'm also satisfied that she seems to have disregarded the earlier philosophy she held regarding violence and revolution. Ms. Evans is no doubt still committed to social change, but I believe that her goals now seem to be changed through peaceful rather than violent means. When I sentenced her, I was concerned that she was a person committed to violence at any price. I believe now that no longer to be the case and I write in support of her parole application.

<sup>LE</sup>  
**III. THE PRINCIPAL OF CO-DEFENDANT PARITY  
INDICATES MS. EVANS SHOULD BE RELEASED.**

Ms. Evans' sentence is not only grossly disproportionate to the sentences imposed on other defendants nationally for similar crimes. It is also grossly disproportionate to the sentences imposed on her own co-defendants in the bombing conspiracy. The majority of these co-defendants have been released and successfully reintegrated into their communities. Based on the Parole Commission's Policy of Co-Defendant Parity, Ms. Evans should be released.

One of Ms. Evans' co-defendants in the bombing conspiracy was Dr. Alan

Berkman, who had been convicted of conspiracy and possession of firearms and explosives in Philadelphia, armed robbery in Connecticut, and being an accessory after the fact by providing medical care to a fugitive after she was injured in a 1981 attempted armed robbery of a Brinks armored truck. He was charged as a co-conspirator with Ms. Evans in the Washington, D.C. indictment, but charges were dropped against him as the result of a plea negotiation undertaken largely to speed his release, since he was then being treated for Hodgkins disease, a form of lymphatic cancer. The United States Parole Commission calculated his Salient Factor Score as 9, and his Category as 6, but added 12 months to his Guideline range for a bail-jumping charge. The resultant Guideline range was 52 to 80 months.

Dr. Berkman was released on parole in 1992 after serving a total of 86 months. Since then he has recovered from his cancer and pursued a distinguished career as a physician specializing in HIV prevention and care. He is currently the Medical Director of a 100-bed residence for AIDS-infected men, women and children in Bronx, New York. He has been awarded a postdoctoral fellowship in HIV prevention by the National Institute for Mental Health and is on the staff of the HIV Center for Behavioral Studies at Columbia University. With the permission of his parole and probation officers, he has traveled internationally to

conferences in South Africa and Amsterdam since his release. Dr. Berkman has recently suffered a recurrence of lymphatic cancer and is currently undergoing surgery and chemotherapy treatments.

A second co-defendant, Timothy Blunk, was released on parole in March 1997. Like Ms. Evans, he had been indicted in Washington, D.C., in the conspiracy indictment involving multiple bombings of government buildings. Prior to the D.C. indictment, Mr. Blunk had received a 58-year sentence for conspiracy and possession of firearms and explosives. As the result of legal technicalities involving double jeopardy considerations, and the above-mentioned plea agreement, charges were dropped against Mr. Blunk in Washington, D.C., as they had been for Dr. Berkman. Mr. Blunk's Salient Factor Score had been calculated as a 7 and his Offense Category as a 6 with a 30-month enhancement due to an attempted escape from Leavenworth Federal Prison. His resultant Guideline range was 94 to 108 months. Mr. Blunk was released on parole in March 1997 after serving a total of 148 months. In the two years since his release, Mr. Blunk has been married, is employed and successfully integrated into the life of the community, and is complying with all conditions of his parole.

Laura Whitehorn, another co-defendant in the Washington, D.C. conspiracy indictment, will be released in August 1999 at her mandatory release date, after

serving a total of 171 months. She never applied for parole. With Ms. Evans, Ms. Whitehorn had pled guilty to the D.C. conspiracy indictment and one count of bombing the U.S. Capitol, incorporated with Maryland charges of possession of a fully automatic rifle and another firearm, assaulting a U.S. Marshal and harboring a fugitive. She was sentenced to serve 20 years in prison for the same charges for which Ms. Evans had been sentenced to five years. After her release, Ms. Whitehorn will be employed as a magazine journalist, and intends to abide by all of the conditions of her parole.<sup>5</sup>

No objective view of the matter could conclude that Ms. Evans was more culpable than these co-defendants who have been or will shortly be released, particularly since her function in the group was primarily as a printer, to produce false identifications. She had no prior knowledge of any of the bombings, nor did she manufacture or transport any explosive devices. Ms. Evans received only a five-year sentence for the conspiracy -- the lowest sentence of any of the three people sentenced for those acts -- correctly reflecting the minor role she played in the group. As noted previously, but for the extremely long and disproportionate

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<sup>5</sup> Two other co-defendants in the Washington D.C. indictment remain in custody because of their participation in acts unrelated to Ms. Evans or the charges against her.

sentence she received in Louisiana for making false statements in connection with the firearms purchase, Ms. Evans would have been released long ago.

**IV. THE REASONS GIVEN FOR EXCEEDING THE APPLICABLE GUIDELINE RANGE ARE INSUFFICIENT TO JUSTIFY MS. EVANS CONTINUED INCARCERATION.**

The Parole Commission's Notice of Action on Appeal explained the decision to exceed the applicable Guideline range by citing the fact that a total of seven detonations at various government buildings was carried out by the group with which Ms. Evans was associated. Yet, Ms. Evans' Offense Category had already been enhanced on precisely this basis, with no information whatever specifically linking her to even one of the bombings.

Another element of the Commission's justification for exceeding the Guideline range was that "one of the sites of the detonations was the U.S. Capitol," and that this detonation "especially had the grave potential for encouraging others to violence to oppose government policy." Yet Ms. Evans' co-defendants, involved in precisely the same course of conduct, had not been similarly treated by the Parole Commission and are currently leading responsible law-abiding lives in their communities. There is no reason why Ms. Evans should be held more responsible for the abstract possibility identified by the Parole Commission than were her co-defendants.

Ms. Evans' co-defendants have provided an example of community service within legal parameters. Rather than "encouraging disrespect for the law," (another reason given for exceeding the Guidelines in her case), Ms. Evans' release would provide one more example of a person who can make a meaningful contribution to her community after having completed her punishment for crimes committed in a different political era. There is no doubt that Ms. Evans will be reintegrated successfully into society, and that she will never return to the course of action which resulted in her arrest 14 years ago.

Additionally, some consideration should be given to the clear injustice inherent in the Parole Commission's decision to exceed the applicable Guidelines so extremely in Ms. Evans' case. Because of the confidentiality of U.S.P.C. records, comparative data is not available, but we believe that it is unprecedented for the Parole Commission to exceed its own Guidelines so extremely as it has in this case. The "Guidelines For Decision-Making" were mandated and approved by Congress, the initial stage in an effort to end discrimination and standardize sentencing and release decisions. This process culminated in adoption of the U.S. Sentencing Guidelines and language in the 1984 Omnibus Crime Control Act that would have abolished the Parole Commission and required the Commission to release prisoners within their applicable Guideline range or at their first parole

eligibility.<sup>6</sup> Congress' clear intentions were that the Parole Guidelines should serve as a standard to insure fairness and equality in applying release criteria. Certainly consistent with that intent and with fundamental fairness, the extent to which the Guidelines may be exceeded must be limited in some rational way.

In Ms. Evans' case:

1. Her first parole eligibility date was at 120 months, which already exceeded applicable Guidelines.
2. Her current presumptive release date exceeds the Guidelines by 300 percent, only possible because of the grossly disproportionate sentence for relatively minor crimes, imposed by a sentencing judge who urged Ms. Evans' immediate release three years ago.
3. Even under the current U.S. Sentencing Guidelines which are far more stringent than those adopted in 1987, her sentence for all relevant behavior including the D.C. conspiracy and bombing of the Capitol, would have been a 10-year total sentence, of which approximately 8 ½ would have actually been served. Ms. Evans has already served more than 14 years.
4. Ms. Evans received a 60 month sentence for the activities which are

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<sup>6</sup> This language was later repealed by a rider on another bill, and the Parole Commission is currently being expanded rather than abolished.

now being used to justify exceeding her Guidelines by more than 120 months. In effect, the Parole Commission has inappropriately resentenced Ms. Evans for actions already adjudicated by a federal judge to merit no more than a 60-month sentence.

**V. MS. EVANS HAS CONTINUED SUPERIOR PROGRAM ACHIEVEMENTS. THE CIRCUMSTANCES SURROUNDING HER 1997 INCIDENT REPORT INDICATE THAT IT PROVIDES NO REASON TO DELAY HER RELEASE.**

Since her 1996 hearing, Ms. Evans has continued her AIDS and health-related counseling on an individual basis. (PLACE, the AIDS counseling/education group founded by Ms. Evans and others in 1991, was disbanded by the new administration at FCI Dublin, based on its interpretation of BOP policy against inmate organizations.) Ms. Evans completed additional computer courses, updating her marketable skills by becoming proficient in Excel and Word software (she is a consistently reliable volunteer tutorer during computer and other educational classes, and she often assists Recreation Staff with special inmate programs and tournaments). Most significantly, Ms. Evans has been studying for a post-graduate Master's Degree in Humanities, under the auspices of the External Degree Program of California State University - Dominguez Hills. She is in her second year of the program, with a 4.0 grade point

average. Her relations with prison staff remain excellent, as evidenced by letters of recommendation in her file.

Her 14-year record of exemplary conduct has been marred by only one unfortunate incident: in September 1997, Ms. Evans received a Code 109 Incident Report for "use of marijuana." Throughout her 14 years of incarceration, both before and since the 1997 incident, Ms. Evans has always tested negative for drug use. When she was informed that she had tested positive for drug use in September 1997, Ms. Evans was shocked and mystified because she had never used marijuana. Believing that the sample had been accidentally switched or tampered with, or that the test result was incorrect, Ms. Evans repeatedly requested a new urinalysis. When the institution refused to re-test her, Ms. Evans requested that the federal courts order the institution to conduct a re-test and allow an independent laboratory to test her urine. As part of these proceedings, Ms. Evans submitted an affidavit stating under oath that she had never used marijuana. (Exhibit "C," attached hereto.)

After more than a month of litigation, a new test and a re-test of the original sample were both allowed. The new test was negative for all drug use. Results from the independent laboratories re-test of the original sample showed a very low level of THC present, consistent with levels associated with second-hand smoke.

(A “positive” test result for marijuana requires a minimum of 15 nanograms per milliliter of THC; Ms. Evans’ sample tested positive with only 16 nanograms per milliliter.) An affidavit from the independent laboratory’s expert (Exhibit “D” attached hereto) was submitted at Ms. Evans’ DHO hearing, attesting to the fact that this amount of marijuana could have been ingested indirectly. Despite clear evidence and Ms. Evans’ own testimony that the positive test results must have been caused by second-hand smoke, she was found culpable. She was punished harshly: 30 days segregation (she actually served 80 days as the result of her efforts to prove her innocence in court); the loss of her preferred 2-person housing and change of housing unit; the loss of 41 days earned good time; and the loss of a total of 14 months visiting privileges. Perhaps significantly, although recommending parole rescission was an available sanction, a recommendation to rescind Ms. Evans’ parole date was specifically excluded from the sanctions imposed.

Other than this single Incident Report, Ms. Evans’ conduct has remained exemplary. This incident was clearly an aberration in her 14-year record of exemplary behavior.

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**VI. MS. EVANS' RELEASE PLAN IS COMPREHENSIVE  
AND PROMISES SUCCESSFUL REINTEGRATION  
INTO THE COMMUNITY.**

Many and diverse members of the Bay Area community await Ms. Evans' release with eagerness and enthusiasm, as indicated by over 100 letters from elected officials, community leaders, family and friends in the area. Ms. Evans plans to be employed as an office manager at Thunder Electric, a San Francisco electrical contracting firm. She has also received several other offers of employment. She will reside in the San Francisco home of Jane Segal and her family. Whenever Ms. Evans is released, she will continue her post-graduate education to finish the Master's Degree that she began in 1998. She has conscientiously acquired extensive computer skills while in prison, and will continue her efforts to upgrade her computer education. Ms. Evans is financially secure, with money in the bank to help her with release and settling in expenses. Her 76-year old mother and her brother, nieces and nephews -- as well as the rest of her family -- are anxious for her to be reintegrated into their family life.

Ms. Evans is deserving of immediate release, as indicated by her Guideline range and her readiness for release on parole. She will be welcomed back into the community, where she plans to work full-time, continue her post-graduate education and strengthen her ties with her family and friends.

It is clear that the time has come for Ms. Evans' release from prison.



California State University  
**Dominguez Hills**

Carson, CA 90747

February 9, 1999

John Simpson, Commissioner  
United States Parole Commission  
5550 Friendship Blvd., Suite 420  
Chevy Chase, Maryland 20815-7268

Dear Mr. Simpson:

I strongly support Linda Evans' upcoming parole request. Linda is incarcerated at the Federal Correctional Institution in Dublin, California. Linda is currently enrolled in our Humanities External Degree Master's Program.

Linda is an exemplary student, exhibiting excellent writing and analytical skills. She is insightful and has a love of knowledge. Our program requires self discipline and motivation, even more so for incarcerated students. Linda has been undaunted by the challenges and diligently pursues her studies. Linda sets herself high goals and conscientiously and systematically achieves them.

Linda is serving a 30 year sentence for making false statements to buy legal firearms. This is markedly disproportionate for such a charge. She has served well over the national average sentence which is 37 months. Linda's educational and volunteer activities clearly indicate that she should be paroled.

Upon her return to the community, Linda will easily be able to obtain employment in many areas, one of which is the teaching profession. She has much to offer students. Linda will be successful at whatever career she chooses and will serve as a positive role model to those around her. Linda is still committed to striving for social justice and social equity, but she has chosen the path of education.

I am very impressed with Linda's academic achievements and abilities and her humanitarian values and concern for others. I strongly support her parole application.

Sincerely,

Myrna Cherkoss Donahoe, Ph.D.  
Coordinator, Women's Studies  
California State University, Dominguez Hills  
1000 Victoria Street,  
Carson, California 90747



February 15, 1999

John R. Simpson  
United States Parole Commission  
5550 Friendship Boulevard, Suite 420  
Chevy Chase, Maryland 20815

Re: Linda Sue Evans  
Inmate No. 199973-054  
FCI Dublin

Dear Sir,

I am writing to you to express my full support for Linda Evans' request for parole.

I have known Linda Evans for about three years now. She first wrote to me to ask for some bibliographical advice, after reading an article I had published, which related to the topic of her B. A. dissertation. I was immediately struck by the seriousness with which she treated her work and her letter began a correspondence that has lasted to this day. During this time, while following the progress of her studies, I have had the opportunity to become acquainted with her life situation and, above all, with her many gifts and remarkable personality. It is on the basis of this knowledge and experience that I can confidently address you today and ask you to grant her parole.

I am deeply convinced that Linda Evans deserves to regain her freedom, for she has much to contribute to our society and will certainly not engage in any destructive behavior upon her release. As her conduct during eleven years in prison has demonstrated, she is a very mature and generous person, dedicated to learning and helping other people. Her commitment to study and research, the programs she has set up in prison, such as her AIDS education workshops, the fact that, regardless of her long incarceration, she never despaired and, instead, always tried to be useful to other



people, all of this speaks of a person who has developed a great inner strength.

I must add that Linda Evans has also a great sense of beauty, that expresses itself in her writing and, most evidently, in her art work. She has mastered the art of quilt-making which requires an appreciation of patterns and colors and, equally important, a great patience, persistence and attention to detail--the very skills and attitudes of which only people who care about others and their work are capable of.

Finally, I must stress to you the quality of her academic achievements and projects. Already, in the process of pursuing a B. A., she has engaged in an extensive research program, resulting in a competent and well-written dissertation on Structural Adjustment and the workings of the "global economy." In the pursuit of a graduate degree, she is now embarking into a series of regional studies. By the completion of her new degree, she should have gained a good understanding of world economies and international policies and have the credentials for applying for a teaching position.

It is for these reasons that I urge you to grant her parole and give the outside world a chance to appreciate her gifts and work. I strongly believe that, far from being a risk to society, she would make an important contribution to it.

Sincerely yours,

A handwritten signature in cursive script that reads "Silvia Federici".

Silvia Federici

Associate Professor of Philosophy and International Studies



## *The Weekend College*

741 Valencia Street • San Francisco, CA 94110 ☎ (415) 437-3420 FAX (415) 861-0461

2.23.99

To: The US Parole Commission

Re: Petition for Parole-Linda Evans

Dear Parole Commissioners

I served as the faculty advisor for Linda Evans during the period she was engaged in her undergraduate studies in 1995-96 through the Weekend College adult completion program of New College of California. As my previous letter to the Commission indicated, Linda completed a most impressive undergraduate thesis and in every other way was an excellent undergraduate student. I have maintained some contact with Linda since she completed her baccalaureate program. Recently I have been able to meet with her and review the work she is engaged in while pursuing her Masters through California State University at Dominguez Hills. Most of our discussions have revolved around international economics.

I can affirm that Linda continues to be an exceptional student. Among other projects, she is engaged in sophisticated work related to recent economic developments in Mexico. Her command of international finance complexities has been substantially enhanced. Her writing has become academically most impressive. In general she is proving to be an outstanding academician. She also has gained a deepened understanding of history and has significantly modified the positions she held when a very young adult. Linda Evans has become mature individual and an exceptional student who can achieve at the level of excellence relying almost solely on her own effort, working in isolation. She is a model adult student.

In the distant past Ms. Evans was involved in activities that were illegal. I know that she became most focused on countering the activities of such organizations as the Klu Klux Klan and other extreme right organizations. In some real sense it was due to those efforts that she became involved in illegal activities. Today those who are influenced by the extreme right engage in horrific activities directed against people of color. Hate crimes are now a focus of public attention. The leaders of the far right provide role models for the

Re: Linda Evans

less educated leading to atrocities as in the recent case of a black man being dragged behind a truck until he was decapitated. The driver is alleged to be a Klan advocate, an advocate for Aryan supremacy

I view Linda Evans as a kind of a role model of a different variety. I was most unpleasantly surprised that her parole was denied three years ago and anticipated Linda would become bitter, defeated, resentful. She did not. Linda continues to be an affirming, positive and creative presence. I deeply appreciate her concern for my well being and the concern and compassion she extends to those with whom she comes in contact. She maintains a sense of balance and humor and gentleness. She extends herself across racial divides and other such social barriers. She refuses to become hateful and destructive and mean-spirited. Linda has continued to achieve and engage in productive efforts. She inspires me to continue to engage in studying the intricacies of my discipline, economics.

I am positive Linda Evans is prepared to re-enter civil society. She will not give cause for concern on the part of the civil authorities. She will continue to pursue her academic objectives. She will become gainfully employed and otherwise be a model citizen. She has been incarcerated a long time. I strongly recommend Linda Evans now be granted Parole.

Sincerely

A handwritten signature in cursive script, appearing to read "Tom Parsons".

Tom Parsons  
Core Faculty

# Certificate of Completion

This certifies that

*Linda Evans*

**Has Successfully Completed**

**Microsoft Word 97**

*For Windows 95*

Awarded by the  
EDUCATION DEPARTMENT  
VOCATIONAL TRAINING PROGRAM  
*Dublin, California*

*Cory Williams*  
Cory Williams, VET Business Instructor

*May 4, 1999*

EXHIBIT A

# Certificate of Completion

This certifies that

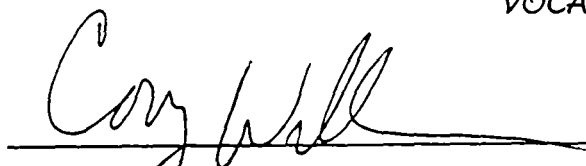
*Linda Evans*

**Has Successfully Completed**

**Lotus 1-2-3 Release 5/Microsoft Excel 97**

*For Windows 95*

**Awarded by the  
EDUCATION DEPARTMENT  
VOCATIONAL TRAINING PROGRAM  
Dublin, California**

  
*Cory Williams, VT Business Instructor*

*May 4, 1999*

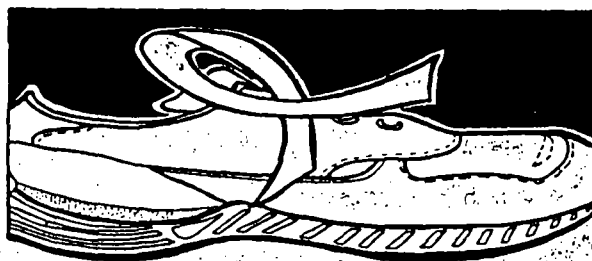
# IN APPRECIATION

Linda Evans

Pleasanton AIDS Counseling and Education (P.L.A.C.E.)  
thanks you for your participation in the

1997 AIDS Walkathon

Each mile you walked benefits many who are affected by HIV.



*Paul Miske*

Paul Miske, P.L.A.C.E. Sponsor

*Karen Hughes*

Karen Hughes, P.L.A.C.E. Sponsor

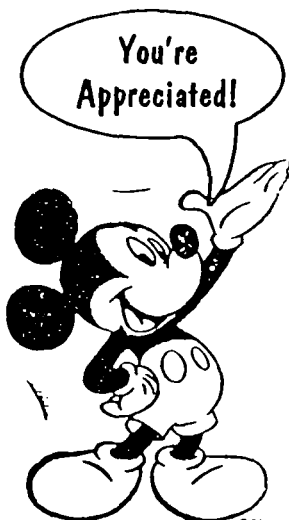
# Certificate of Appreciation

This is to certify that

**Linda Evans**

has been of the greatest help to VT Business as a  
**Volunteer**

**Teaching Assistant**



*Sally Swarts*  
Sally Swarts, Vocational Training Instructor

# CERTIFICATE OF COMPLETION

*This certifies that*

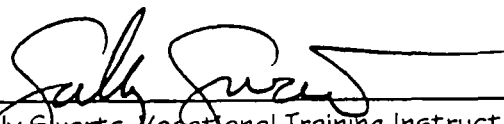
***Linda Evans***

*Has Successfully Completed*

**Intermediate Spreadsheet**

*awarded by the*  
**EDUCATION DEPARTMENT  
VOCATIONAL TRAINING PROGRAM  
Dublin, California**



  
Sally Swarts, Vocational Training Instructor

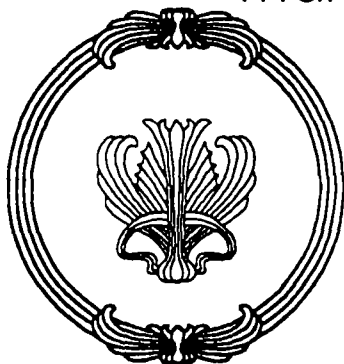
June 20, 1997

Date

*In Appreciation*  
Presented to

Linda Evans

Thank you for your time, effort, ideas and support in  
making 1997 Black History Month a success.



*Rev. George Jackson*  
Rev. George Jackson

# CERTIFICATE OF COMPLETION

This certifies that

*Linda Evans*

*Has Successfully Completed*

Introduction to Spreadsheets

awarded by the  
**EDUCATION DEPARTMENT**  
**VOCATIONAL TRAINING PROGRAM**  
Dublin, California



  
Sally Swarts, Vocational Training Instructor

December 27, 1996  
Date

# THANK YOU

Linda Evans

*for participating in the*  
**1996 FIGHT AIDS WALK-A-THON**  
*benefitting Sunburst Projects and the Ambassador Hotel*

  
Jan Jacobson

  
Myra Williams

Staff Sponsors of PLACE, Pleasanton AIDS Counseling and Education

# Certificate of Achievement

*This certifies that*

***Linda Evans***

***Has Successfully Completed The***

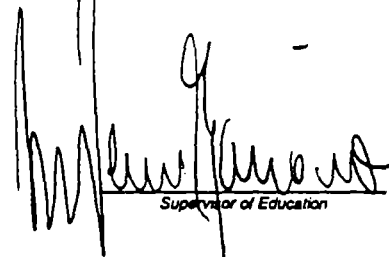
**WORD PROCESSING  
PROGRAM**

*awarded by the*  
**EDUCATION DEPARTMENT  
VOCATIONAL TRAINING PROGRAM  
Dublin, California**

*this 8<sup>th</sup> day of December, 1995*

  
Sally Swarts, Vocational Training Instructor



  
Supervisor of Education

President Clinton  
H

THE WHITE HOUSE  
WASHINGTON

October 27, 1999

James R. Nichols, Jr.  
El Dorado Building, Suite L  
1900 State Street  
Santa Barbara, California 93101

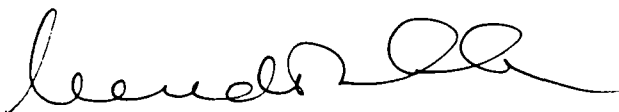
Dear Mr. Nichols:

Thank you for your letter of September 21, 1999, regarding the petition for executive clemency for Huseyin Yildirim.

I have been informed by the Office of the Pardon Attorney at the Department of Justice that Huseyin Yildirim's petition remains pending. I will forward your correspondence to the Pardon Attorney to ensure it is included in their review, and will keep it on file in our office so it is available to the President when the matter reaches him.

Thank you again for contacting the White House. If you have any questions, please feel free to contact me at (202) 456-5388.

Sincerely,

A handwritten signature in black ink, appearing to read 'Meredith E. Cabe', with a stylized flourish at the end.

Meredith E. Cabe  
Associate Counsel to the President

cc: Roger C. Adams

JAMES R. NICHOLS, JR.  
ATTORNEY AT LAW  
EL DORADO BUILDING, SUITE L  
1900 STATE STREET  
SANTA BARBARA, CALIFORNIA 93101  
TELEPHONE (805) 569-3931  
FACSIMILE (805) 682-6772

VIA FEDERAL EXPRESS

September 21, 1999

Merideth E. Cade  
Associate Council to the President  
The White House  
Washington D.C.

Re: Petition For Commutation Of Sentence Of Huseyin Yildirim

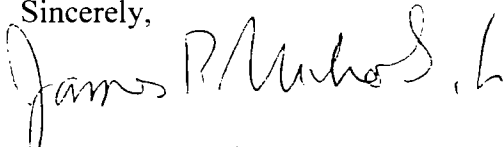
Dear Ms. Cade:

As you probably do not recall, you wrote to me on February 16, 1999, concerning the above referenced matter. In any event, I respectfully request that the enclosed letter to the President be forwarded to him as soon as possible. I do not know if or when the Pardon Attorney intends to make a recommendation to the Deputy Attorney General in this matter, but I do suspect that the points made in the enclosed letter to the President may soon become moot or irrelevant in the ever-changing "political landscape" of Washington D.C.

Thank you for your assistance in this matter.

If you have any questions or comments regarding the foregoing, please do not hesitate to contact me.

Sincerely,



James R. Nichols, Jr.

JRN:kg/doc.2128

JAMES R. NICHOLS, JR.  
ATTORNEY AT LAW  
EL DORADO BUILDING, SUITE L  
1900 STATE STREET  
SANTA BARBARA, CALIFORNIA 93101  
TELEPHONE (805) 569-3931  
FACSIMILE (805) 682-6772

September 21, 1999

President William J. Clinton  
The White House  
Washington D.C.

Re: Petition For Commutation Of Sentence Of Huseyin Yildirim

Dear Mr. President:

I know you are a very busy man with far weightier matters to deal with than my client's pending petition for clemency, which I submitted to your Pardon Attorney approximately three years ago and, as far as I know, still has not been submitted to you with a recommendation from the Deputy Attorney General. Nonetheless, I respectfully urge you to take the time to consider the following additional points:

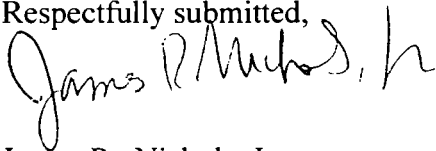
1. Certain government officials, journalists and others have publicly attacked your recent decision to pardon the Puerto Rican prisoners as being purely politically motivated, even though it is clear to most people that their sentences were excessive and therefore unjust. I would respectfully submit that the best way to demonstrate to everyone that you were in fact motivated solely or primarily by your belief that those sentences were unjust is to grant similar relief to my pro bono client, Huseyin Yildirim, for the reasons set forth in my numerous submissions on his behalf to the Pardon Attorney and in my prior letters to you. Huseyin is a 72-year-old citizen of Turkey and a former official agent of the East German foreign intelligence service (HVA) who also received an unduly harsh sentence (life without parole), at least in comparison to: (a) all other captured foreign intelligence agents, who were either released through traditional Cold War spy swaps or were never prosecuted at all for similar or more egregious espionage activities, and; (b) the U.S. military personnel who betrayed their own nation and uniforms in selling military secrets to the HVA but were nevertheless given a lesser sentence or never prosecuted for their crimes. In any case, with exception of Huseyin's sentencing judge (D. Avant Edenfield of the U.S. District Court in Savannah, Georgia), every U.S. law enforcement and intelligence official that I have spoken with about Huseyin's case agrees that his sentence was excessive and should be reduced.
2. Because of the clear injustice of Huseyin's current sentence, his advanced age, the fact that he has already served ten years in U. S. prisons and the fact that his conduct did not result in harm to any person or lasting significant harm to our national security, I find it difficult to believe that there would be any serious negative political

reaction to a commutation of Huseyin's sentence. In fact, as indicated above, such an act of clemency would show your critics that you are a courageous and merciful leader motivated by nothing more than a legitimate concern for justice and humanitarianism.

3. If it is your intention to pardon Jonathan Pollard, as some press reports have suggested, what better way to balance that act of clemency than to exercise your pardon power on behalf of Huseyin? While I realize that there are far more important and complex political considerations at stake in the Pollard case, the fact remains that the Turkish government supports clemency for Huseyin and its voice ought to be considered as well.

Thank you for considering the foregoing and any of the other arguments I have previously offered on behalf of Huseyin. I hereby renew my offer to come to Washington D.C. to discuss this case with you or your delegated representative if that might be helpful. (I will be visiting my daughter Cassie at Princeton early next month and would be happy to come down to Washington D.C. if requested.) Meanwhile, if you or your representative have any questions or comments regarding the foregoing, please do not hesitate to contact me.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "James R. Nichols, Jr.", with a stylized flourish at the end.

James R. Nichols, Jr.

JRN:kg/doc.2129

# Urgent

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Company: \_\_\_\_\_  
Address: **1900 State Street Suite L**  
City: **Santa Barbara** State: **CA** Zip: **93101**

2 Your Internal Billing Reference Information: \_\_\_\_\_

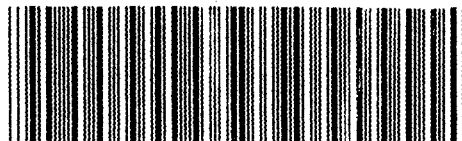
3 To: **Merideth E. Cade** Phone: \_\_\_\_\_  
Company: **Associate Council to the President**  
Address: **The White House**  
City: **Washington D.C.** State: \_\_\_\_\_ Zip: **20001**

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☐ FedEx eLabel

☐ FedEx eInvoice

☐ FedEx eManifest

☐ FedEx eSignature

☐ FedEx eTracking

☐ FedEx eDelivery

☐ FedEx eReturn

☐ FedEx eShipper

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☐ FedEx eInvoice

☐ FedEx eManifest

☐ FedEx eSignature

☐ FedEx eTracking

☐ FedEx eDelivery

☐ FedEx eReturn

☐ FedEx eShipper

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file

JAMES R. NICHOLS, JR.  
ATTORNEY AT LAW  
EL DORADO BUILDING, SUITE L  
1900 STATE STREET  
SANTA BARBARA, CALIFORNIA 93101  
TELEPHONE (805) 569-3931  
FACSIMILE (805) 682-6772

October 28, 1999

Roger Adams  
Acting Pardon Attorney  
U.S. Department of Justice  
950 Pennsylvania Avenue  
Washington, D.C. 20530

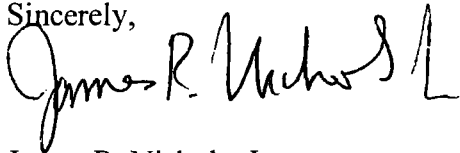
Re: Petition for Commutation of Sentence of Huseyin Yildirim

Dear Mr. Adams:

Please add to the file in the above referenced matter the enclosed copy of my recent letter Col. Stuart Herrington (Retired), who was head of the Army's Foreign Counterintelligence Activity unit in West Germany when my client's espionage activities took place there between 1982 and 1987 and who assisted the FBI in its investigation and capture of my client in 1988. Since I assume that Col. Herrington's views in opposition to any clemency have been solicited by your office or have been volunteered by him, I respectfully request that my enclosed letter to Col. Herrington regarding his recently published book about my client's/James Hall's case (and the Clyde Conrad spy case) also be considered by your office and the President before the final determination is made on my client's petition.

Thank you.

Sincerely,



James R. Nichols, Jr.

Cc: Attorney General Janet Reno  
Meredith Cade Esq.  
Huseyin Yildirim

# Withdrawal/Redaction Marker

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE                                              | DATE       | RESTRICTION |
|--------------------------|------------------------------------------------------------|------------|-------------|
| 006. letter              | James Nichols to Stuart Herrington; RE: Personal (4 pages) | 10/14/1999 | b(6)        |

### COLLECTION:

Clinton Presidential Records  
Counsel Office  
Meredith Cabe  
OA/Box Number: 21454

### FOLDER TITLE:

Clemency Correspondence

2006-1704-F  
db3500

### RESTRICTION CODES

#### Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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

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

RR. Document will be reviewed upon request.

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

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

JAMES R. NICHOLS, JR.  
ATTORNEY AT LAW  
EL DORADO BUILDING, SUITE L  
1900 STATE STREET  
SANTA BARBARA, CALIFORNIA 93101



Merideth Cade  
Associate Counsel to the President  
The White House  
Washington, D.C. 20001

20500/0003



THE WHITE HOUSE

WASHINGTON

November 3, 1999

The Honorable Jay Bradford  
The Arkansas Senate  
State Capitol  
Little Rock, Arkansas 72201

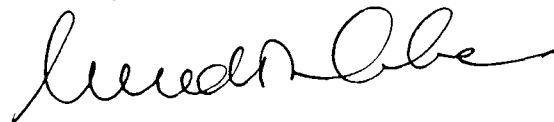
Dear Senator Bradford:

Thank you for your letter of September 21, 1999, to Nancy Hernreich regarding executive clemency for Russell Wayne Lee.

I have been informed by the Office of the Pardon Attorney at the Department of Justice that Mr. Lee has not chosen to reapply for a pardon, and there is therefore no application currently pending on his behalf. I will, however, forward a copy of your correspondence to the Pardon Attorney, so that, should Mr. Lee decide to reapply, the information you provided can be included in their review of that application. We will also keep your correspondence in our office to ensure it is available to the President should the matter come before him again.

Thank you again for contacting the President about this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Meredith E. Cabe', written in a cursive style.

Meredith E. Cabe  
Associate Counsel to the President

cc: Roger Adams  
Pardon Attorney

Nancy Hernreich  
Director of Oval Office Operations

# Withdrawal/Redaction Marker

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE                                               | DATE       | RESTRICTION |
|--------------------------|-------------------------------------------------------------|------------|-------------|
| 007. letter              | Jay Bradford to Nancy Hernreich; RE: SSN [partial] (1 page) | 09/21/1999 | b(6)        |

### COLLECTION:

Clinton Presidential Records  
Counsel Office  
Meredith Cabe  
OA/Box Number: 21454

### FOLDER TITLE:

Clemency Correspondence

2006-1704-F  
db3500

### RESTRICTION CODES

#### Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

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

RR. Document will be reviewed upon request.

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

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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

JAY BRADFORD

SENATOR  
9TH DISTRICT  
1-800-467-0415  
OFFICE 870-541-0020  
PRESIDENT PRO TEMPORE

P.O. BOX 8367  
PINE BLUFF, ARKANSAS 71611-8367



*Conrad*  
*Safe*  
*2P1-WW*  
*Meredith*  
CHAIRMAN  
PUBLIC HEALTH, WELFARE & LABOR  
MEMBER  
JOINT ENERGY  
STATE AGENCIES & GOVERNMENTAL AFFAIRS  
EFFICIENCY COMMITTEE  
JOINT LEGISLATIVE FACILITIES

September 21, 1999

THE SENATE  
STATE OF ARKANSAS

Ms. Nancy Hernreich  
Assistant to the President  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear Nancy:

Enclosed is a file of letters from Arkansans supporting the pardon application of Russell Wayne Lee (b)(6) I do not know whether the President has ever seen this, however, Wayne has been turned down previously by your administration. [007]

A lot of people who the President respects such as Fire Chief Ray Jacks, David C. Jacks, M.D., and The Honorable Olly Neal are writing letters of recommendation for Mr. Lee.

Wayne has been totally rehabilitated and there has not been one instance since his conviction fourteen years ago of mail fraud for overbilling the City of Little Rock in the amount of \$10,000.

Nancy, I think he should be pardoned. I believe that if the President would look at this file, he would agree that Wayne Lee has paid his debt to society a hundredfold.

Sincerely,

*Jay*  
Jay Bradford

JTB/sp



**U. S. Department of Justice**

**Pardon Attorney**

---

*Washington, D.C. 20530*

JAN 12 1999

Mr. Russell Wayne Lee  
6900 Incas Drive  
North Little Rock, AR 72116

Dear Mr. Lee:

Your pardon application has been carefully considered in this Department and the White House, and the decision has been reached that favorable action is not warranted. Your application has therefore been denied. There is no appeal from this decision.

As a matter of well-established policy, we do not disclose the reasons for the decision in a pardon matter. In addition, deliberative communications pertaining to agency and presidential decision-making are confidential and not available under existing Freedom of Information/Privacy Acts case law.

Sincerely,

A handwritten signature in cursive script that reads "Roger C. Adams".

Roger C. Adams  
Pardon Attorney

# OLLYNEAL

*Olly Neal - 1890-1978*  
*Moss Neal - Circa 1860 -*  
*Jim Neal - Circa 1830 -*

*Willie B. Jones Neal - 1912-1968*  
*Mary Macklin - 1895-1958*  
*David Macklin - 1856 - 1944*

15 April 1999

Honorable William Jefferson Clinton  
President  
The White House  
Washington, D.C.

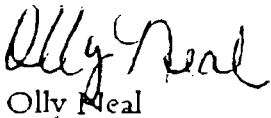
Mr. President:

I am writing this letter to recommend that you favorably consider the pardon application of Russell Wayne Lee. Mr. Lee was convicted of a federal offense involving over billing the City of Little Rock in 1985.

I have known Wayne since our days together at law school, and have had an opportunity to observe him both before and after the incident. While I am certain that all of us were truly disappointed in Wayne's conduct, I am equally certain that he has dearly paid for this mistake.

Wayne's pardon application has apparently been pending since the latter part of the previous President's administration. I am writing you in my personal capacity as a friend asking that you please closely examine this pardon application and give it serious consideration.

Respectfully,

  
Olly Neal

ON/pal

**JAY BRADFORD**

SENATOR  
9TH DISTRICT  
1-800-467-0415  
OFFICE 870-541-0700  
PRESIDENT PRO TEMORE

P.O. BOX 8367  
PINE BLUFF, ARKANSAS 71611-8367



CHAIRMAN  
PUBLIC HEALTH, WELFARE & LABOR  
MEMBER  
JOINT ENERGY  
STATE AGENCIES & GOVERNMENTAL AFFAIRS  
EFFICIENCY COMMITTEE  
JOINT LEGISLATIVE ENTITIES

**THE SENATE  
STATE OF ARKANSAS**

April 14, 1999

The Honorable Bill Clinton  
President of the United States  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

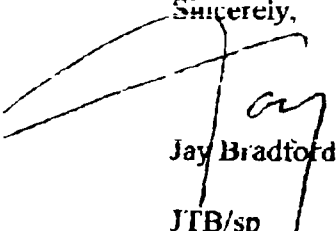
Dear Mr. President:

I have known Wayne Lee for many years. I have worked with him on several projects, each resulted for the common good.

It has been 16 years since Wayne was convicted and lost his license to practice law. He has been a contributing member of society ever since. There is not one blemish on his record. Wayne has given hours of public service voluntarily.

He deserves a Presidential Pardon. I hope that you will grant him one.

Sincerely,

  
Jay Bradford

JTB/sp

April 14, 1999

President Bill Clinton  
White House  
1600 Pennsylvania Ave.  
Washington, DC 20500

Dear President Clinton:

It is with the deepest respect that I make this request. I ask you to please reconsider the pardon application of Russell Wayne Lee. I have known Wayne well over twenty years both personally and professionally.

He attended college with my two doctor sons and has practically been a member of our family over the past twenty years. I have had a very good opportunity to observe him for quite a long time.

Like many others, I was disappointed when he got in trouble in 1985 and lost his law license as a result of a federal conviction. Wayne has acknowledged his mistake openly and publicly and had led an exemplary family life. Wayne has a beautiful family, wife and three children. He teaches Sunday school and works very diligently with our youth in all kinds of sports and scouting.

Wayne has always been one of the Clinton fans here in Arkansas. He speaks with pride about attending the Democratic National Convention at Madison Square Garden in 1992 and being in the VIP Lounge with the celebrities. He is equally proud of having attended your inauguration with J. T. Compton. In fact, he was on CNN with your brother at the first Arkansas Ball after your first inauguration.

Mr. President, Wayne, like Jane and myself, has two pictures he displays proudly in his home. One with you at the Arkansas barbecue on the South Lawn several years ago and another of you, him and his wife in the Oval Office in November 1997, when they traveled to Washington with Sandy and Buddy King. Like myself and family this is an iron clad Clinton family.

Wayne applied for a Presidential pardon during the last few months of the Bush Administration. His pardon was pending for a very long time and this January he was notified that it had been denied. President Clinton, this is a very good friend of both me and my family (My wife Jane, our two doctor sons Dr. David Jacks and Dr. Dennis Jacks) and we plead with you to please consider this pardon. Wayne has been without his law license for the past 15 years. He has paid dearly for his one mistake. Mr. President I have served on many boards while you were Governor of our great State and am very honored and privileged to have been your friend for a very long time.

I have never written to ask for anything and I would consider it a personal favor if you would consider this pardon.

Sincerely Yours,



Ray Jacks

P.S. Thanks for the kind note at my Fire Department retirement party last month. It meant a lot to my family and me.

# Withdrawal/Redaction Marker

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE                                                     | DATE       | RESTRICTION |
|--------------------------|-------------------------------------------------------------------|------------|-------------|
| 008. letter              | David Jacks to President Bill Clinton; RE: SSN [partial] (1 page) | 04/14/1999 | b(6)        |

### COLLECTION:

Clinton Presidential Records  
Counsel Office  
Meredith Cabe  
OA/Box Number: 21454

### FOLDER TITLE:

Clemency Correspondence

2006-1704-F  
db3500

### RESTRICTION CODES

#### Presidential Records Act - [44 U.S.C. 2204(a)]

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RR. Document will be reviewed upon request.

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

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## South Arkansas Urology

ADULT AND PEDIATRIC UROLOGY  
4303 MULBERRY

PINE BLUFF, ARKANSAS 71603  
(870) 535-4221 • FAX (870) 535-4228



David C. Jacks, M.D., FACS\*  
David A. Lupo, M.D., FACS\*  
Dennis W. Jacks, M.D., FACS\*

April 14, 1999

Diplomate, American Board of Urology  
\*Fellow American College of Surgeons

President Bill Clinton  
White House  
1600 Pennsylvania Ave  
Washington, DC 20500

Re: Pardon Application of Russell Wayne Lee

(b)(6)

[008]

Dear President Clinton:

It was with great dismay that I recently learned that the pardon of Wayne Lee had been denied. Wayne has been a very close personal friend of mine for the past 25 years and the purpose of this letter is to ask that you reconsider this pardon. As you may recall, Wayne was practicing attorney from 1977-1985. He represented most of the police and fire associations in the state and was a well-respected attorney with Milas Hale's firm. (In fact, I think he escorted you to the Cooper Bowl police football game early in his career). In 1986, he was convicted of mail fraud involving the overbilling of the City of Little Rock in the amount of approximately \$10,000. His case was very similar to the recent difficulties encountered by Webb Hubbell, only to a far lesser degree. As a result of this conviction, Wayne lost his license to practice law and spent 6 months at a FPC in Texarkana.

Wayne clearly made a mistake and has paid dearly for that mistake. Since his conviction 14 years ago, he has admitted his wrongdoing and unlike many, has taken great strides to maintain a productive Christian life. He has been a great supporter of yours throughout this time attending the Democratic National Convention in New York and both inaugurations. (In fact he and Roger sat together at the Arkansas Ball after your first inauguration). He has visited the White House twice. He proudly displays pictures of you and he on the South Lawn during your Arkansas Barbecue a few years ago.

In fact, his most prized possession is a picture of you, he and his wife, which was taken in the Oval Office in 1997 after he, his wife and Sandy King and her husband attended the taping of your weekly radio show. He wrote a scathing letter to his longtime friend, Asa Hutchison about the impeachment hearings. (I have enclosed a copy of Asa's three-page response for our review).

As the Chief of Staff at Jefferson Regional Hospital and a longtime member of the State Medical Board, I am often faced with having to sit in judgment on professionals who have made mistakes in their lives. As you might imagine from the length of this letter, I feel very strongly about his matter. Wayne has done everything humanly possible to insure that he has learned from his mistake and has led a most exemplary life since that time. The Arkansas Real Estate Commission has fully investigated his past and chosen to grant him the right to seek a real estate license. However, without this pardon, he will never be able to do that which he loves-to practice law again. I can unequivocally state that if ever there as a person who deserved a pardon, it is Wayne. This pardon has been pending since the final years of the Bush Administration. As you know, I have always been a vigorous supporter of you, both in your endeavors as a Governor and as President. This is the only time I have ever asked for your consideration on any issue. I would respectfully ask that you personally take a look at this pardon application and reconsider whether the ends of justice would be well served in granting it.

May God bless you and your decision in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "David".

David C. Jacks, M.D. FACS

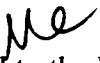
DCJ: hlm



THE WHITE HOUSE  
WASHINGTON

July 16, 1999

MEMORANDUM TO: ERIC H. HOLDER JR.  
DEPUTY ATTORNEY GENERAL

FROM: Meredith E. Cabe   
Associate Counsel to the President

SUBJECT: Attached Correspondence

I am forwarding the attached correspondence from Rep. Charles B. Rangel with the request that the Department of Justice respond to it.

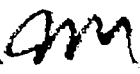
If you should have any questions or if I can be of any assistance, please contact me at (202) 456-5388.

THE WHITE HOUSE

WASHINGTON

June 9, 1999

MEMORANDUM FOR CHARLES RUFF  
COUNSEL TO THE PRESIDENT

FROM: JANET MURGUIA   
LEGISLATIVE AFFAIRS

SUBJECT: PRESIDENTIAL CORRESPONDENCE

Attached please find a copy of a letter sent to the President from Rep. Charles B. Rangel (D-NY).

I do not believe this letter requires a Presidential response at this time. Please review the attached letter and respond directly to the Member(s) of Congress. Please forward a copy of the response to the Office of Records Management, Room 74 Old Executive Office Building.

Thank you very much for your assistance in this matter. If you have any questions, please feel free to call Eli Joseph, Office of Legislative Affairs, at 456-7500.

Enclosure

THE WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET

INCOMING

DATE RECEIVED: JUNE 01, 1999

NAME OF CORRESPONDENT: THE HONORABLE CHARLES RANGEL

SUBJECT: WRITES TO ASK THE PRESIDENT TO INITIATE A  
REVIEW BY THE ATTORNEY GENERAL OF ALL CASES  
IN WHICH NONVIOLENT DRUG OFFENDERS RECEIVED  
MANDATORY MINIMUM SENTENCES

## ACTION

## DISPOSITION

|                            |      |          |      |   |           |
|----------------------------|------|----------|------|---|-----------|
| ROUTE TO:                  | ACT  | DATE     | TYPE | C | COMPLETED |
| OFFICE/AGENCY (STAFF NAME) | CODE | YY/MM/DD | RESP | D | YY/MM/DD  |

LARRY STEIN

ORG 99/06/01

JM A9916109

REFERRAL NOTE:

REFERRAL NOTE:

REFERRAL NOTE:

REFERRAL NOTE:

REFERRAL NOTE:

COMMENTS:

ADDITIONAL CORRESPONDENTS: MEDIA:L INDIVIDUAL CODES: 1230

MAIL

USER CODES: (A)D NY

(B)

(C)

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*****
*ACTION CODES:          *DISPOSITION          *OUTGOING          *
*                      *                      *CORRESPONDENCE:   *
*A-APPROPRIATE ACTION  *A-ANSWERED          *TYPE RESP=INITIALS *
*C-COMMENT/RECOM       *B-NON-SPEC-REFERRAL  *          OF SIGNER *
*D-DRAFT RESPONSE      *C-COMPLETED        *          CODE = A   *
*F-FURNISH FACT SHEET  *S-SUSPENDED        *COMPLETED = DATE OF *
*I-INFO COPY/NO ACT NEC*                      *          OUTGOING  *
*R-DIRECT REPLY W/COPY *                      *                      *
*S-FOR-SIGNATURE       *                      *                      *
*X-INTERIM REPLY       *                      *                      *
*****

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REFER QUESTIONS AND ROUTING UPDATES TO CENTRAL REFERENCE  
(ROOM 75, OEOB) EXT-2590  
KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING  
LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS  
MANAGEMENT.

1230  
CHARLES B. RANGEL

15TH CONGRESSIONAL DISTRICT  
NEW YORK

DEPUTY WHIP

COMMITTEE:

WAYS AND MEANS

RANKING MEMBER

SUBCOMMITTEE ON TRADE

JOINT COMMITTEE ON TAXATION

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-3215**

306340  
☐ 2354 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-3215  
TELEPHONE: (202) 225-4365

DISTRICT OFFICES

MS. VIVIAN E. JONES  
DISTRICT ADMINISTRATOR

☐ 163 WEST 125TH STREET  
NEW YORK, NY 10027  
TELEPHONE (212) 663-3900

☐ 2110 FIRST AVENUE  
NEW YORK, NY 10029  
TELEPHONE: (212) 348-9630

PLEASE RESPOND TO  
OFFICE CHECKED

May 19, 1999

Honorable William J. Clinton  
President of the United States  
1600 Pennsylvania Avenue  
Washington, DC 20500

Dear President Clinton:

After considerable deliberation, I am writing to ask you to initiate a review by the Attorney General of all cases in which nonviolent drug offenders received mandatory minimum sentences. Based on this review, the Attorney General would make appropriate recommendations for release. The parole of certain nonviolent drug offenders could result in an estimated annual savings of \$ 25 billion which would be better utilized for alternative programs, including supervised drug treatment and job training.

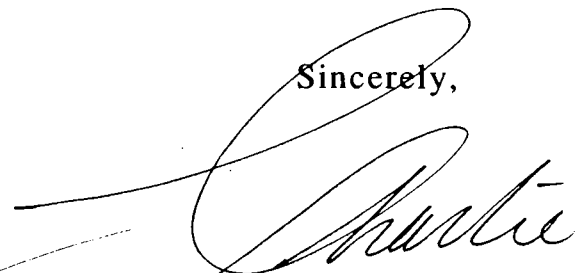
The lengthy incarceration of nonviolent offenders *is not* something we should be proud of as Americans. I concede that the 1.2 million nonviolent inmate population includes individuals who are justly incarcerated for serious offenses--such as high-level drug trafficking, burglary and arson. However, they are not the subset of nonviolent offenders for whom I am advocating release. My concern is focused on the thousands of small-time addicts and low-level drug dealers who are serving intolerably long mandatory minimum sentences. These people deserve treatment, education and jobs, not incarceration.

I strongly believe that our criminal justice system is in dire need of repair. As a result of mandatory minimum sentences and conspiracy provisions, many Americans have lost respect for the law. These laws have spawned a pervasive pattern of injustice where low-level drug offenders receive harsher sentences than high-level drug kingpins.

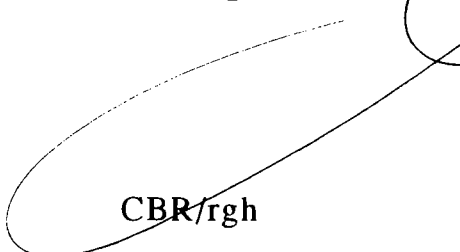
While I remain a strong opponent of drug legalization, I am truly disheartened by the unjust application of our laws. For this reason, I am seeking your leadership in restoring a sense of fairness to our criminal justice system. You have the authority to release the legions of nonviolent drug offenders who are currently serving time, while Congress has the authority to reform draconian drug laws. If we continue to turn a blind eye to the mishandling of mandatory minimum and conspiracy laws, we will make a mockery out of our democratic form of government.

I look forward to hearing from you soon.

Sincerely,



CHARLES B. RANGEL  
Member of Congress



CBR/rg

THE WHITE HOUSE

WASHINGTON

June 9, 1999

Dear Representative Rangel:

Thank you for your letter to the President concerning the sentencing of nonviolent drug offenders.

The President has been advised of your concerns, and you will receive a response in the near future. In the meantime, if I can be of assistance to you, please do not hesitate to contact my office.

Best wishes.

Sincerely,

A handwritten signature in black ink, reading "Janet Murguia". The signature is written in a cursive, flowing style with a large initial "J".

Janet Murguia  
Deputy Assistant to the President  
and Deputy Director for Legislative  
Affairs

The Honorable Charles B. Rangel  
House of Representatives  
Washington, D.C. 20515