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Collection/Record Group: Clinton Presidential Records

Subgroup/Office of Origin: Counsel Office

Series/Staff Member: Meredith Cabe

Subseries:

OA/ID Number: 24949

FolderID:

Folder Title:

Howard Mechanic: Supporters of Commutation Request [Folder 1]

Stack:

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Row:

113

Section:

5

Shelf:

7

Position:

1

THE PRESIDENT'S HOUSE

11-6-00

Meredith

Pls look into
May have merit

BR

copied
Cabe (original)
Podesta
RM (copy)

HOWARD MECHANIC'S PARTIAL LIST OF SUPPORTERS

Henry Berger, Professor of History, St. Louis, MO.
Carl Boggs, Professor of Social Sciences, Los Angeles, CA.
Dan Bolef, Professor of Physics, St. Louis, MO.
Sherry Bohlen, Phoenix, AZ.
The Honorable Joan Bray, Missouri House of Representatives
The Honorable Lacy Clay, Missouri Senate
The Honorable William Clay, U.S. Representative from Missouri
Dr. William H. Danforth, Chancellor Emeritus, St. Louis, MO.
The Honorable Patrick Dougherty, Missouri House of Representatives
The Honorable Thomas F. Eagleton, Former U.S. Senator, Missouri
Wayne Fields, Professor of English/American Cultural Studies, St. Louis, MO.
The Honorable Barbara Wall Fraser, Missouri House of Representatives
Neil W. Goldstein, Film/TV Producer, Philadelphia, PA.
Steve Graham, Executive Director of Non-Profit Organization, Denver, CO
The Honorable Wayne Goode, Chairman of the Appropriations Committee, Missouri Senate
John Hickey, Missouri Progressive Vote Coalition, St. Louis, MO.
Buzz Hirsch, Film Producer, Hollywood, CA.
David Holtzman, Labor Attorney, St. Louis, MO.
Phillip Koch, Film Producer/Director, Chicago, IL
Danny Kohl, Professor of Biology, St. Louis, MO.
Gail Pellett, Producer/Director of Documentary Films, New York, NY.
Harold Ramis, Film Producer/Director/Actor, Los Angeles, CA.
Bill Ramsey, Director of Non-Profit Organization, St. Louis, MO.
Carter Revard, Professor of English, Emeritus, St. Louis, MO.
Bruce M. Roger, Yoga instructor, St. Louis, MO
Joel Sanoff, Television Director, Hollywood, CA.
Nina Gilden Seavey, Professor/Documentary Film Producer, Washington, DC.
Michael Semler, Professor of Public Administration, San Francisco, CA.
Ben Senturia, Non-Profit Organization, St. Louis, MO.
Bernard Shore, M.D., Professor, St. Louis, MO.
Louisa Stark, Founding President of Non-Profit Organization, Phoenix, AZ.
Sondra Stein, PhD., Washington, DC.
Rabbi Susan Talve, St. Louis, MO.
The City Council of University City, Missouri.
The Honorable Kayla Vaughan, Former Municipal Judge, St. Louis, MO.
Louise Veninga-Zaricor, The Good Earth Corporation, Santa Cruz, CA.
Washington University Interfaith Campus Ministers Association, St. Louis, MO.
Mark S. Wrighton, Chancellor of Washington University, St. Louis, MO.
Bobbie Wunsch, Health Care Consultant, San Anselmo, CA.
Ben Zaricor, Chairman, Good Earth Teas, Santa Cruz, CA.
George Zimmer, Clothing Retailer, Fremont, CA.

plus an additional 1200 online supporters from Howard Mechanic's online petition website and The St. Louis Support Group.

HOWARD MECHANIC'S STORY in PHOTOS

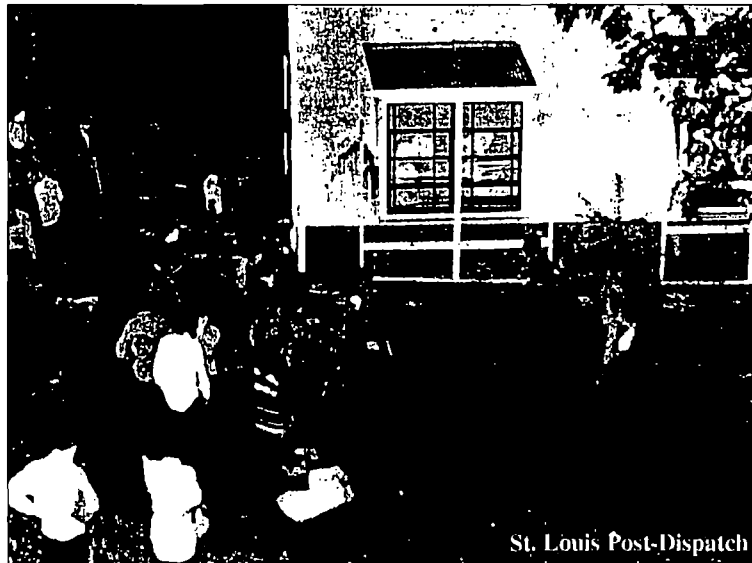


Mechanic in a
1968-69 Washington
Univ. yearbook



May 4, 1970: Ohio National
Guard troops fire on a crowd of
anti-war demonstrators at Kent
State University, killing four and
injuring eight.

ROTC building at
Washington Univ.
Spring 1970



St. Louis Post-Dispatch



Washington U. Hatchet 1969

Washington University Student Demonstration in St. Louis, 1969.



Mechanic leaves the St. Louis Court of
Appeals in June 15, 1970.



The "Tredway" family
around 1981.



"Tredway" with friend
in the late 90's.



Mesa, Az Tribune

Mechanic as Gary Tredway speaks in opposition to a pro-
posed tax break for a retail development last year before the
Scottsdale, Az., City Council, January 2000.

Army ROTC at W.U. To Move Off Camp

St. Louis Globe Democrat
July 18, 1970

Nixon Demands Colleges Get Tough With Protesters

St. Louis Globe Democrat
April 30, 1969

In Federal Prison
Today for
7 Months
and facing 5 Years

Democracy Is Called Washington U. Issue

By JACOB H. WOLF To be discussed this week
of the Post-Dispatch Staff with Eliot, said Miss Canale

St. Louis Dispatch April 19, 1970

Anti-war fugitive faces prison for cherry-bomb toss

Santa Cruz Sentinel
February 12, 2000

In County Jail
in 1970
for 4 1/2 Months

Anti-war fugitive gives up in Arizona

San Jose Mercury News
February 12, 2000

ST. LOUIS POST-DISPATCH

Man sought in anti-war riot at Washington U. after Kent State killings surrenders in Arizona

St. Louis Post-Dispatch February 11, 2000



**DID YOU KNOW
THAT A MAN IS IN JAIL TODAY
FOR THROWING A CHERRY BOMB
30 YEARS AGO?**

**The incident took place within 50 feet
of the site of the October 17th, 2000 Presidential Debate**



ROTC building at Washington University Spring 1970

Howard Mechanic (student at Washington University, 1970), was sentenced to 5 years in federal prison for throwing a cherry bomb during an anti-war demonstration, instigated by the student killings at Kent State on May 4th, 1970.



HOWARD MECHANIC'S STORY

"The Vietnam war was a terrible low point in our nation's history because it divided our country so profoundly and caused thousands of people, young and old, to question the legitimacy of our government. The war was an incredibly divisive issue that drove a wedge through the spirit of our nation. Long ago, our nation attempted to heal some wounds by granting general amnesty to those who had evaded the Vietnam war by fleeing to Canada. I view the Mechanic matter as a 30 year old leftover from the war and another wound that should also be healed."

The Honorable Thomas F. Eagleton, Former United States Senator, Missouri, June 6, 2000.



Howard Mechanic
in 2000

Howard Mechanic is in federal prison near Phoenix, Arizona on charges stemming from an incident at an anti-war demonstration in 1970. Although he has always maintained his innocence, Mechanic was sentenced to five years imprisonment for allegedly throwing a firecracker (a cherry bomb) towards fire and policemen attempting to extinguish a fire on the campus of Washington University in St. Louis. The fire was started by unknown persons in the ROTC building on campus the evening of May 4/5 following a peaceful demonstration protesting the killings at Kent State University on May 4, 1970. Howard was not involved in the fire; others were prosecuted and sentenced for that crime.

When he exhausted his appeals in 1972, Mechanic failed to appear for incarceration and moved to Phoenix, Arizona and lived a quiet yet active citizen's life using the name of Gary Tredway. On February 10, 2000 he turned himself in to federal authorities.

Seeking Presidential Clemency

Howard Mechanic is requesting Presidential Commutation of his sentence, pardon and restoration of his civil rights because:

- His sentence is unduly harsh - 5 years were "imposed during a turbulent time in U.S. history."
- His sentence was inequitable - a co-defendant was sentenced to only 3 months in prison.
- For 28 years he has contributed substantially to his community.

"There is a historical perspective here, and other presidents have issued pardons and commutations in Vietnam-era cases. We all need to close this chapter...Commutation is a presidential prerogative, and the federal tradition is to seek the opinion of the prosecutor's office that obtained the original conviction. Now that Mechanic pleaded guilty, we will respond, as we have agreed, and will take a neutral position."

Michael Reap, first assistant in the federal prosecutor's office in St. Louis

Quoted in the St. Louis Post Dispatch, September 7, 2000.

Background: Turbulent Times

On university campuses across the country the Spring of 1970 was a time of deep emotions and passionate reactions to the events of the Vietnam War. Demonstrations against the war were regular occurrences at most universities, including Washington University in St. Louis. As on other campuses, Washington University students and faculty protested the program and the presence of the Reserve Officer Training Corps (ROTC) on campus.

On the night of the Kent State shootings, protesters at Washington University (the local paper estimated there were 1500 - 2000) began marching toward the ROTC building. Unknown persons started a fire at some point and police and fire fighters from University City, Missouri responded to the scene.

Testimony at the federal trial indicated that rocks and other missiles were thrown at the building and toward the responding public safety officers. Only one officer required first aid. Although over 30 ROTC buildings were damaged during this spring period, only in St. Louis did federal authorities charge individuals with violating this law.

The Federal Charges

Howard Mechanic was charged with violating the Civil Obedience Act of 1968 (18 USC 231 (a) (3)), prohibiting interference with civil authorities protecting federal property. This prosecution was the first and appears to be the only instance of that provision's application.

At trial only one witness, Donald (Dick) Bird, was called by the prosecution to testify as to the actual "interference." Bird stated that it appeared to him that a cherry bomb was thrown from the vicinity of Howard Mechanic. He admitted that he hadn't actually seen Howard throw the cherry bomb. Mechanic denied having thrown a cherry bomb and four witnesses corroborated his testimony. Nevertheless, Howard Mechanic was convicted (United States v. Mechanic, 454F 2nd 849) and sentenced to 5 years imprisonment, the maximum sentence. While the Court of Appeals agreed that Bird was "a highly partisan witness who desired to see the defendants convicted," they affirmed the conviction. Mechanic did not file a habeas corpus request under 28 USC 2255. Howard Mechanic failed to appear for imposition of his 5 year sentence after his appeals were exhausted. He told subsequent interviewers that while he was incarcerated on state charges, his life was threatened by guards and thus was fearful of federal custody.

Howard's Current Status

Since February 10, 2000, Howard Mechanic has been incarcerated in the federal prison at Florence, Arizona serving the original sentence. On September 6, 2000 he pled guilty and was sentenced to additional charges of (a) "failure to appear" (4 months in prison plus a \$5,000 fine) and (b) "falsely obtaining a passport" (probation and another \$5,000 fine to be levied on November 21, 2000). These sentences will be served concurrently with the original sentence.

Howard Mechanic's Conviction Should be Commuted to Time Served

1. He has already served more than 11 months in prison.

In May 1970, Washington University obtained a restraining order prohibiting certain students and "John Does" from participating in disruptions of campus activities. Howard Mechanic was among a number of student activists listed on that order. Because he appeared on campus during the Kent State protests, Howard was found to have been in contempt of that order and sentenced to six months in county jail. He was released after 4 1/2 months for good behavior.

On June 13, 2000, the Chancellor of Washington University stated the University's official position in support of Howard's release: "Washington University's interests and the interests of justice more generally, were fully served by that prior sentence and we support commutation of his second sentence arising from the federal prosecution for the same events."

Similarly, the City Council of University City, Missouri (where the ROTC building and campus are located and from where emergency police and fire were dispatched) expressed their support of Howard's commutation petition: "we believe justice and reconciliation are best served by reduction of Howard Mechanic's unduly harsh five year sentence, imposed during a turbulent time in U.S. history, and immediate release on parole, based on his co-defendant's lesser sentence and on his twenty-eight year life as a productive citizen."

As of September 10, 2000, Howard Mechanic has served 4 1/2 months in county jail and 7 months in federal prison.

2. Howard Mechanic's Sentence was Unduly Harsh and Inequitable

The Spring of 1970 was a turbulent time in our country's history. While campus protests occurred throughout the country, especially following Kent State, only at Washington University were the newly enacted provisions of "The Civil Obedience Act of 1968" applied to protestors.

In 1970 there were no uniform federal sentencing guidelines. Accordingly, judges had considerable discretion in sentencing. Because one person testified to observing a firecracker coming from the vicinity of Howard Mechanic, he was given the maximum sentence, 5 years in prison.

Another student, Larry Kogan, was similarly charged by the U.S. Attorney, and convicted in another court. Recently, Kogan stated that he threw a cherry bomb and never saw Howard throw any firecracker. In contrast to Mechanic, Larry Kogan was sentenced by a different judge to 90 days of detention in the Springfield Medical Facility, 5 years of probation and a fine.

In 1981 Larry Kogan received a full and unconditional pardon from President Ronald Reagan.

As former United States Senator Thomas Eagleton observed, "judges in the Eastern District of Missouri were handing out much more severe sentences for identical offenses than were the federal judges in the East. In fact, the wide variation in federal sentences for Vietnam related offenses was one of the reasons which later caused Congress to pass the Federal Sentencing Guideline statute."

3. Howard Mechanic's Exemplary Service to his Community:

Over the past twenty years Howard Mechanic has actively contributed to his community's welfare by helping organizations devoted to helping the poor (Chair of Gentle Strength Food Cooperative, member Arizona Social Change Fund, Community Housing Partnership), protecting the environment (Mothers for Clean Water), and promoting campaign finance reforms (Arizonans for Clean Elections). Accordingly, over 1000 Arizonans have signed a petition calling for Howard's sentence to be commuted to time served.

Howard Mechanic is represented by:

Tom Hoidal, Attorney at Law 602-254-0202
Hoidal & Hannah, P.L.C.
Phoenix, Arizona

For additional information please contact:

Athia Hardt , Arizona	602-252-8200	75363.3201@compuserve.com
Michael Semler , California	510-814-8385	semler@usfca.edu
Bob Zeffert , Missouri	800-820-4079	robertz129@aol.com
Gail Pellett , New York	212-243-3437	gpellett@mindspring.com
Phil Koch , Chicago	773-463-4010	philkoch@ix.netcom.com

Web Site:

www.howardmechanic.org

From the Fields of Five Continents



Good Earth® Teas

831 Almar Avenue
Santa Cruz, CA 95060-5804
831.423.7913 ext. 224
831.429.5173 fax
bzaricor@goodearthteas.com
www.goodearthteas.com

Ben Zanicor
President/C.E.O.

TO
Meredith Cobe



HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

BOBBY L. RUSH
FIRST DISTRICT, ILLINOIS

October 26, 2000

The Honorable William Jefferson Clinton
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20502

RE: Commutation for Howard Mechanic

Dear President Clinton:

I am writing to you on behalf of Howard L. Mechanic, who has filed a Petition for Commutation of Sentence with the U.S. Pardon Attorney, U.S. Department of Justice. I urge you to support and approve Mr. Mechanic's petition that the Office of the Pardon Attorney will be submitting to you for action.

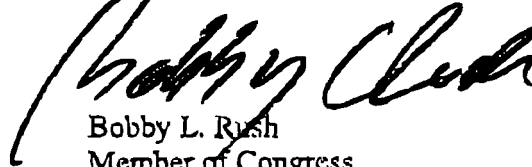
As the Petition states, Mr. Mechanic is currently in federal prison outside Phoenix Arizona where he is serving a five-year sentence for conviction on charges stemming from an anti-war demonstration that occurred on the Campus of Washington University in St. Louis, Missouri on the night of May 4, 1970. Although Mr. Mechanic has maintained his innocence, he was convicted and sentenced to five years in Federal Prison for throwing a cherry bomb (fire cracker) during a fire that broke out at the ROTC building on the Washington University Campus that night. The incident took place following a peaceful demonstration of students responding to the tragic killings earlier that day at Kent State in Ohio.

After losing several legal appeals, and fearing for his physical safety in federal prison, Mr. Mechanic made a difficult choice of leaving his family and friends to go "underground" in 1972, rather than serve the five-year sentence. Instead, he assumed a new identity and relocated to the Phoenix, Arizona, where he lead a quiet, yet active and productive life as Gary Treadway for the following 28 years. Mr. Mechanic earned a reputation as a socially responsible entrepreneur who generously donated both his time and money to support environmental justice, campaign finance reform, and other social issues. Mr. Mechanic was a co-founder of the Clean Elections Institute, and was active in the successful campaign in Arizona to pass one of the only statewide election finance reform laws.

His present incarceration is simply a reminder that the politics of the Vietnam War are still with us. I would strongly urge that you recommend that President Clinton approve Mr. Mcchanic's petition for commutation, so that he may return to his family and community, and resume his life as a productive citizen.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Bobby L. Rush", written in a cursive style.

Bobby L. Rush
Member of Congress

**SUPPORTERS OF
HOWARD MECHANIC
4310 NORTH MOZART STREET
CHICAGO, IL 60618-1528
U.S.A.
(773) 463-4010 TEL
(773) 463-4019 FAX
EMAIL: philkoch@ix.netcom.com**

✓cc: Meredith Cabe

December 18, 2000

Mr. John Podesta
White House Chief of Staff
The White House
West Wing, 2nd Floor
Washington, D. C. 20500

URGENT, TIME SENSITIVE

BY FAX: (202) 456-1121

RE: Howard Mechanic Petition for Presidential Pardon

Dear Mr. Podesta:

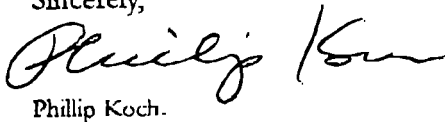
I am enclosing letters that support Mr. Mechanic's petition from William Danforth, Chairman Emeritus of Washington University, St. Louis, Mo. and from Thomas Eagleton, former Senator from Missouri (Democrat). Mr. Danforth is the brother of John Danforth, the former Senator from Missouri (Republican). Mr. Eagleton's letter refers to his letter of June 6 addressed to the Pardon Attorney's office.

Letters that support Mr. Mechanic's petition have been previously sent from:

U.S. Senator Dick Durbin, (IL)
U.S. Senator Barbara Boxer (CA)
U.S. Representative Bob Filner (CA)
U.S. Representative Ed Pastor (AZ)
U.S. Representative Bobby Rush (IL)
U.S. Representative William Clay (MO)
Mr. Bobby Muller, President, Vietnam Veterans of America Foundation (DC)

Mr. Podesta, I am asking you to seriously consider this case and look favorably upon it.

Sincerely,



Phillip Koch.

Letters Enclosed:

Mr. William Danforth
Mr. Thomas Eagleton



William H. Danforth
Chancellor Emeritus
Vice Chairman, Board of Trustees

December 5, 2000

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

Re: Howard Lawrence Mechanic

Dear Mr. President:

I am writing to request a pardon for Howard Lawrence Mechanic who is serving a sentence for violation of the Civil Obedience Act of 1968 for allegedly throwing a cherry bomb during a demonstration at Washington University in St. Louis in 1970.

I feel knowledgeable about the case since I served as Chancellor of Washington University from 1971 to 1995. Any complaint that the University had against Mr. Mechanic was fully resolved before the courts of St. Louis County before the federal charge was brought. More important, that era of American history is over. It is time to forgive and move on.

I know of course that Mechanic failed to report to serve his 5-year sentence in 1970 and until recently was a fugitive. Despite that fact, three factors argue strongly for a pardon. First, Mechanic was 22-years old when he fled at a time when many other young people caught up in anti-war fervor fled to Canada or elsewhere to escape the draft. For many it seemed the moral thing to do. Second, Mechanic has since lived a responsible and productive life since. Third, his co-defendant, Lawrence Kogan, was not given a prison sentence in 1970 but rather placed on probation. Furthermore, Kogan was pardoned in 1981 by President Reagan.

I believe that a pardon would be very well received and contribute to your efforts to put behind us the divisiveness surrounding the Vietnam War.

With best regards,

Yours sincerely,

A handwritten signature in dark ink, appearing to read "W. H. Danforth".

William H. Danforth

Washington University West Campus
Campus Box 1044
7425 Forsyth Boulevard, Suite 262
St. Louis, Missouri 63105-2161
(314) 935-9850
FAX: (314) 935-4585
E-mail: whd@wumid.wustl.edu

THOMPSON COBURN

Thompson Coburn LLP
Attorneys at Law

One Firststar Plaza
St. Louis, Missouri 63101-1693
314-552-6000
FAX 314-552-7000
www.thompsoncoburn.com

December 7, 2000

Thomas F. Eagleton
314-552-6030
FAX 314-552-7030
EMAIL teagleton@
thompsoncoburn.com

Susan M. Kuzma, Esq.
Deputy Pardon Attorney
United States Department of Justice
Office of the Pardon Attorney
500 First Street NW, Suite 400
Washington, D.C. 20530

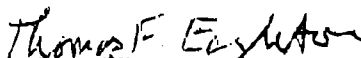
Re: Howard Lawrence Mechanic

Dear Ms. Kuzma:

On June 6, 2000, I wrote the attached letter to you. I understand that Howard Mechanic is seeking a pardon rather than a commutation.

I respectfully support Howard Mechanic's request for a pardon for the same reasons as expressed in my June 6, 2000 letter.

Regards,


Thomas F. Eagleton

TPE/kh
Enclosure

THE ARIZONA REPUBLIC

Editorial

The opinion of The Arizona Republic

11/27/00

LET HIM RESUME PRODUCTIVE LIFE

It's time to free Howard Mechanic

Whether he threw a cherry bomb or not three decades ago, there can be no doubt that Howard Mechanic was wrong.

He was wrong when he violated a court order and participated in an anti-war protest at Washington University in St. Louis the night after four students were killed by the National Guard at Kent State.

He was wrong when he ran away from a lawfully imposed five-year prison sentence for throwing a cherry bomb that night.

He was wrong when he built a new life as Gary Tredway through lies and deceptions and fakery.

But he should be released from prison in January.

Viewed from a distance of 30 years and calmer times, it's easy to see that the punishment meted out to Mechanic was overly harsh.

It was a time when this country was ripped apart by a war viewed by many as immoral.

Mechanic was convicted, based on the now questionable testimony of one witness, of throwing a cherry bomb at authorities who were battling a blaze set at the campus ROTC complex. This, despite several other witnesses who said he was not the one with the firecracker.

Mechanic was the first person in the nation convicted under the Civil Obedience Act of 1968, a federal law aimed at quelling anti-Vietnam War fervor, and he was to be the example. A judge slapped him with the maximum punishment: five years in prison.

After exhausting his appeals, Mechanic fled in 1972, coming to Arizona where he lived as Tredway. His masquerade crumbled early this year



Howard Mechanic

when he ran for the Scottsdale City Council.

He began serving his sentence on Feb. 10 and is now serving a concurrent

four-month term for fleeing. He got probation for obtaining a passport under a fake name.

His supporters have petitioned President Clinton for a reduction of Mechanic's sentence. We believe it's a request that should be viewed with compassion and granted.

Five years is a long time for throwing a cherry bomb that injured no one. It's a long time when you consider that a co-defendant, charged with the same crime before a different judge, served 90 days in jail and was placed on three years' probation. That man, Larry Kogan, was pardoned by President Reagan nearly 20 years ago.

We do not, however, support a pardon for Mechanic. That would send the wrong signal that what Mechanic did was OK. It wasn't.

But the concept of justice demands another look. Demands, in fact, a reduced sentence.

Clinton should cut it short.

The earliest Mechanic could be released is January. This, when combined with 4.5 months he served when the initial charge was brought, would mean Mechanic would have spent nearly 16 months behind bars for his offenses.

The rest of us have moved on from those awful days, when the country was at war with itself. It's time to let Mechanic do the same.

United States Senate

HART SENATE OFFICE BUILDING
SUITE 112
WASHINGTON, DC 20510-0505
(202) 224-3553
senator@boxer.senate.gov
<http://boxer.senate.gov>

COMMITTEES:
BUDGET
ENVIRONMENT
AND PUBLIC WORKS
FOREIGN RELATIONS



434572

November 20, 2000

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

Dear Mr. President:

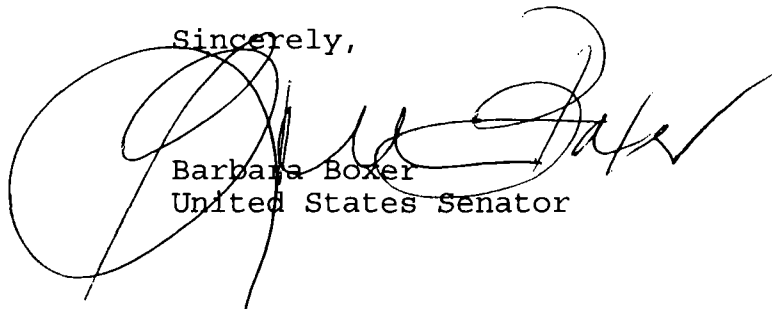
I have been contacted by a number of my California constituents who have strong feelings about the matter of Howard Mechanic.

As you know, Mr. Mechanic was sentenced to five years in prison some 28 years ago for throwing a cherry bomb at an anti-war demonstration on the Washington University campus. He fled before serving his sentence, but was recently arrested and is currently serving the sentence.

The Chancellor of Washington University, the City Council of University City, numerous individuals as well as media such as the St. Louis Post Dispatch and The Arizona Republic have expressed sympathy and support for his cause. The New York Times Magazine ran a major story about him in April, which I have enclosed along with letters and other information.

This matter provides you with another opportunity to continue to heal the wounds of the Vietnam era. I hope you will consider taking appropriate action.

Sincerely,



Barbara Boxer
United States Senator

Enclosure(s)

HOWARD MECHANIC'S STORY

"The Vietnam war was a terrible low point in our nation's history because it divided our country so profoundly and caused thousands of people, young and old, to question the legitimacy of our government. The war was an incredibly divisive issue that drove a wedge through the spirit of our nation. Long ago, our nation attempted to heal some wounds by granting general amnesty to those who had evaded the Vietnam war by fleeing to Canada. I view the Mechanic matter as a 30 year old leftover from the war and another wound that should also be healed."

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Howard Mechanic's Conviction Should be Commuted to Time Served

1. He has already served more than 11 months in prison.

In May 1970, Washington University obtained a restraining order prohibiting certain students and "John Does" from participating in disruptions of campus activities. Howard Mechanic was among a number of student activists listed on that order. Because he appeared on campus during the Kent State protests, Howard was found to have been in contempt of that order and sentenced to six months in county jail. He was released after 4 1/2 months for good behavior.

On June 13, 2000, the Chancellor of Washington University stated the University's official position in support of Howard's release: "Washington University's interests and the interests of justice more generally, were fully served by that prior sentence and we support commutation of his second sentence arising from the federal prosecution for the same events."

Similarly, the City Council of University City, Missouri (where the ROTC building and campus are located and from where emergency police and fire were dispatched) expressed their support of Howard's commutation petition: "we believe justice and reconciliation are best served by reduction of Howard Mechanic's unduly harsh five year sentence, imposed during a turbulent time in U.S. history, and immediate release on parole, based on his co-defendant's lesser sentence and on his twenty-eight year life as a productive citizen."

As of September 10, 2000, Howard Mechanic has served 4 1/2 months in county jail and 7 months in federal prison.

2. Howard Mechanic's Sentence was Unduly Harsh and Inequitable

The Spring of 1970 was a turbulent time in our country's history. While campus protests occurred throughout the country, especially following Kent State, only at Washington University were the newly enacted provisions of "The Civil Obedience Act of 1968" applied to protestors.

In 1970 there were no uniform federal sentencing guidelines. Accordingly, judges had considerable discretion in sentencing. Because one person testified to observing a firecracker coming from the vicinity of Howard Mechanic, he was given the maximum sentence, 5 years in prison.

Another student, Larry Kogan, was similarly charged by the U.S. Attorney, and convicted in another court. Recently, Kogan stated that he threw a cherry bomb and never saw Howard throw any firecracker. In contrast to Mechanic, Larry Kogan was sentenced by a different judge to 90 days of detention in the Springfield Medical Facility, 5 years of probation and a fine.

In 1981 Larry Kogan received a full and unconditional pardon from President Ronald Reagan.

As former United States Senator Thomas Eagleton observed, "judges in the Eastern District of Missouri were handing out much more severe sentences for identical offenses than were the federal judges in the East. In fact, the wide variation in federal sentences for Vietnam related offenses was one of the reasons which later caused Congress to pass the Federal Sentencing Guideline statute."

3. Howard Mechanic's Exemplary Service to his Community:

Over the past twenty years Howard Mechanic has actively contributed to his community's welfare by helping organizations devoted to helping the poor (Chair of Gentle Strength Food Cooperative, member Arizona Social Change Fund, Community Housing Partnership), protecting the environment (Mothers for Clean Water), and promoting campaign finance reforms (Arizonans for Clean Elections). Accordingly, over 1000 Arizonans have signed a petition calling for Howard's sentence to be commuted to time served.

Howard Mechanic is represented by:

Tom Hoidal, Attorney at Law 602-254-0202
Hoidal & Hannah, P.L.C.
Phoenix, Arizona

For additional information please contact:

Athia Hardt , Arizona	602-252-8200	75363.3201@compuserve.com
Michael Semler , California	510-814-8385	semler@usfca.edu
Bob Zeffert , Missouri	800-820-4079	robertz129@aol.com
Gail Pellett , New York	212-243-3437	gpellett@mindspring.com
Phil Koch , Chicago	773-463-4010	philkoch@ix.netcom.com

Web Site:

www.howardmechanic.org

HOWARD MECHANIC'S PARTIAL LIST OF SUPPORTERS

Henry Berger, Professor of History, St. Louis, MO.
Carl Boggs, Professor of Social Sciences, Los Angeles, CA.
Dan Bolef, Professor of Physics, St. Louis, MO.
Sherry Bohlen, Phoenix, AZ.
The Honorable Joan Bray, Missouri House of Representatives
The Honorable Lacy Clay, Missouri Senate
The Honorable William Clay, U.S. Representative from Missouri
Dr. William H. Danforth, Chancellor Emeritus, St. Louis, MO.
The Honorable Patrick Dougherty, Missouri House of Representatives
The Honorable Thomas F. Eagleton, Former U.S. Senator, Missouri
Wayne Fields, Professor of English/American Cultural Studies, St. Louis, MO.
The Honorable Barbara Wall Fraser, Missouri House of Representatives
Neil W. Goldstein, Film/TV Producer, Philadelphia, PA.
Steve Graham, Executive Director of Non-Profit Organization, Denver, CO
The Honorable Wayne Goode, Chairman of the Appropriations Committee, Missouri Senate
John Hickey, Missouri Progressive Vote Coalition, St. Louis, MO.
Buzz Hirsch, Film Producer, Hollywood, CA.
David Holtzman, Labor Attorney, St. Louis, MO.
Phillip Koch, Film Producer/Director, Chicago, IL
Danny Kohl, Professor of Biology, St. Louis, MO.
Gail Pellett, Producer/Director of Documentary Films, New York, NY.
Harold Ramis, Film Producer/Director/Actor, Los Angeles, CA.
Bill Ramsey, Director of Non-Profit Organization, St. Louis, MO.
Carter Revard, Professor of English, Emeritus, St. Louis, MO.
Joel Sanoff, Television Director, Hollywood, CA.
Nina Gilden Seavey, Professor/Documentary Film Producer, Washington, DC.
Michael Semler, Professor of Public Administration, San Francisco, CA.
Ben Senturia, Non-Profit Organization, St. Louis, MO.
Bernard Shore, M.D., Professor, St. Louis, MO.
Louisa Stark, Founding President of Non-Profit Organization, Phoenix, AZ.
Sondra Stein, PhD., Washington, DC.
Rabbi Susan Talve, St. Louis, MO.
The City Council of University City, Missouri.
The Honorable Kayla Vaughan, Former Municipal Judge, St. Louis, MO.
Louise Veninga-Zaricor, The Good Earth Corporation, Santa Cruz, CA.
Washington University Interfaith Campus Ministers Association, St. Louis, MO.
Mark S. Wrighton, Chancellor of Washington University, St. Louis, MO.
Bobbie Wunsch, Health Care Consultant, San Anselmo, CA.
Ben Zaricor, Chairman, Good Earth Teas, Santa Cruz, CA.
George Zimmer, Clothing Retailer, Fremont, CA.
plus an additional 1200 online supporters from Howard Mechanic's online petition website and The St. Louis Support Group.

THE WHITE HOUSE
WASHINGTON
ORM OPTICAL DISK NETWORK

ID# 434572

☐ Hardcopy pages are in poor condition (too light or too dark).

☐ Remainder of case not scanned.

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☐ Report not scanned.

☒ Enclosure(s) not scanned.

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Comments:

HOWARD MECHANIC'S STORY in PHOTOS



Mechanic in a 1968-69 Washington Univ. yearbook

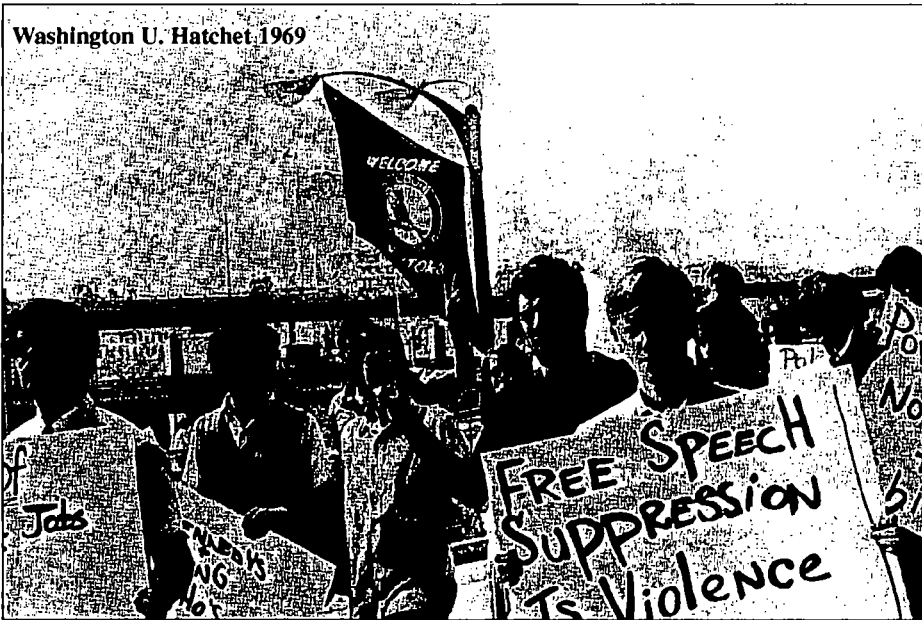


May 4, 1970: Ohio National Guard troops fire on a crowd of anti-war demonstrators at Kent State University, killing four and injuring eight.

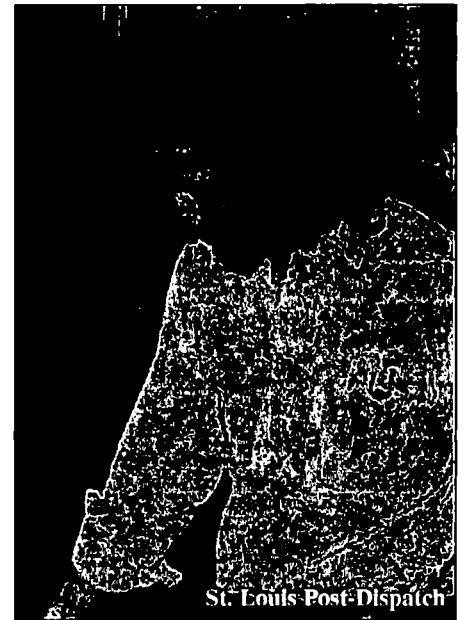
ROTC building at Washington Univ. Spring 1970



St. Louis Post-Dispatch



Washington University Student Demonstration in St. Louis, 1969.



St. Louis Post-Dispatch

Mechanic leaves the St. Louis Court of Appeals in June 15, 1970.



The "Tredway" family around 1981.



"Tredway" with friend in the late 90's.



Mesa, Az Tribune

Mechanic as Gary Tredway speaks in opposition to a proposed tax break for a retail development last year before the Scottsdale, Az., City Council, January 2000.

Army ROTC at W.U. To Move Off Camp

St. Louis Globe Democrat
July 18, 1970

Nixon Demands Colleges Get Tough With Protesters

St. Louis Globe Democrat
April 30, 1969

In Federal Prison
Today for
7 Months
and facing 5 Years

Democracy Is Called Washington U. Issue

By JACOB H. WOLF To be discussed this week
of the Post-Dispatch Staff with Eliot, said Miss Carole

St. Louis Dispatch April 19, 1970

Anti-war fugitive faces prison for cherry-bomb toss

Santa Cruz Sentinel
February 12, 2000

In County Jail
in 1970
for 4 1/2 Months

Anti-war fugitive gives up in Arizona

San Jose Mercury News
February 12, 2000

ST. LOUIS POST-DISPATCH

Man sought in anti-war riot at Washington U.
after Kent State killings surrenders in Arizona

St. Louis Post-Dispatch February 11, 2000





RECEIVED
JUN 19 2000
BY:.....

Mark S. Wrighton
Chancellor

June 13, 2000

Mr. Roger C. Adams, Esq.
United States Department of Justice
Office of the Pardon Attorney
500 First Street, NW, Suite 400
Washington, DC 10530

Re: Howard Lawrence Mechanic, Req. No. 44998-008

Dear Mr. Adams:

Attorneys for Howard Mechanic, who is now serving a five-year prison term in Arizona, have asked Washington University to support his request for commutation of his sentence and release on parole for a federal crime committed during a demonstration on our campus in May 1970. The crime consisted of throwing a powerful firecracker in the vicinity of police and fire authorities who had been summoned to the scene of the disturbance.

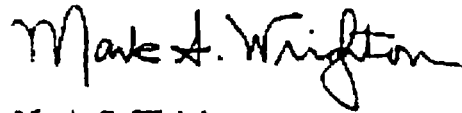
Very shortly after the demonstration, Mr. Mechanic was also charged and ultimately convicted in St. Louis County Circuit Court for civil and criminal contempt of a temporary restraining order. The temporary restraining order had been obtained by Washington University several months earlier to prohibit his participation in any demonstrations obstructing the University's normal operations. He was sentenced to a six-month term of imprisonment as a result of that conduct, essentially the same conduct giving rise to the federal indictment. We believe Washington University's interests, and the interests of justice more generally, were fully served by that prior punishment and we support commutation of his second sentence arising from the federal prosecution for the same events.

Washington University
Campus Box 1192
One Brookings Drive
St. Louis, Missouri 63130-4899
(314) 935-5100
FAX: (314) 935-4744

Mr. Roger C. Adams, Esq.
June 13, 2000
Page 2

We believe that commutation of his sentence to the time he has already served and his release on parole will help put these difficult years in America's history behind us and aid us in reaching a reconciliation with a time of national unrest that happened three decades ago.

Very truly yours,

A handwritten signature in black ink that reads "Mark S. Wrighton". The signature is written in a cursive style with a large, stylized "M" and "W".

Mark S. Wrighton

MSW:ej

cc: Ms. Audrey Fleissig
/Mr. Thomas M. Hoidal, Esq.

One Firststar Plaza
St. Louis, Missouri 63101-1693
314-552-6000
FAX 314-552-7000
www.thompsoncoburn.com

June 6, 2000

Thomas F. Eagleton
314-552-6030
FAX 314-552-7030

Susan M. Kuzma, Esq.
Deputy Pardon Attorney
United States Department of Justice
Office of the Pardon Attorney
500 First Street NW, Suite 400
Washington, D.C. 20530

Re: *Howard Lawrence Mechanic*

Dear Ms. Kuzma:

First, if I may, let me give you some background as to my motivation in writing this letter to you.

I served in the United States Senate from 1968 to 1987. I ran for the Senate as an "anti-Vietnam war" Democrat. When elected, I was active in the multi-year debate over our military presence in Vietnam. During those years of turmoil and protest, I spoke at various college and university campuses, including Washington University. Then Chancellor Thomas Eliot called me and invited me to speak at a big outdoor rally. He said, "I think your presence might give the protesting students a chance to let out some steam in a constructive manner."¹

As part of the overall Senate debate on the Vietnam war, those of us who opposed it would raise, from time to time, the widely disparate sentences being handed out by federal judges in different parts of the country for Vietnam related offenses. As I recall it, judges in the Eastern District of Missouri were handing out much more severe sentences for identical offenses than were the federal judges in the East. In fact, the wide variation in federal sentences for Vietnam related offenses was one of the reasons which later caused Congress to pass the Federal Sentencing Guideline statute.

With the foregoing as background, let me address the Howard Mechanic matter in particular.

¹ By the way, I just retired as a Professor at Washington University. I taught there --- including a seminar on the Vietnam war --- after leaving the Senate in 1987.

I do not know nor have I ever met Howard Mechanic. It is my understanding that he has submitted an application for a commutation of his five year prison sentence imposed in the United States District Court for the Eastern District of Missouri in 1970. Mechanic was convicted of a violation of the Civil Obedience Act of 1968 for allegedly throwing a large firecracker during a demonstration at the ROTC building on the campus of Washington University. He was apparently the first person prosecuted and convicted under this statute.

While the demonstration at Washington University resulted in a fire at one of the ROTC buildings, it is my understanding that Mechanic was never charged with any type of arson, or with harming anyone, or with any damage to property.

I am aware that Mechanic failed to report to serve the sentence imposed in 1970 and was a fugitive for nearly 30 years. While I certainly do not condone a citizen failing to abide by a court order to report to serve a sentence, I think we need to keep in mind that the times were different then and Mechanic was a 22-year old college student. I am aware that Mechanic's co-defendant, Lawrence Kogan, was pardoned by President Reagan in 1981. Mr. Kogan, convicted for a similar offense, was given a probation sentence at the time of his conviction in 1970, as opposed to the maximum five years imprisonment which Mechanic received. The disparity in their treatment alone, I believe, would call for the exercise of clemency by the President.

It is my understanding that Mechanic has lived a law-abiding and productive life in Arizona and has contributed to the community through participating in ballot initiatives and other public service activities. Indeed, it appears that his political activities may have lead to his disclosure as a federal fugitive and his voluntary surrender.

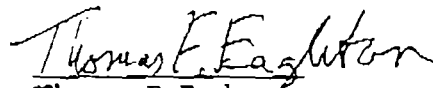
I have also been told that Mechanic has been charged with certain new violations in Federal Court in Phoenix relating to the concealment of his identity. The United States District Court for the District of Arizona will ultimately hear those matters and they should not interfere with the decision of the President on commutation of the St. Louis conviction.

The Vietnam war was a terrible low point in our nation's history because it divided our country so profoundly and caused thousands of people, young and old, to question the legitimacy of our government. The war was an incredibly divisive issue that drove a wedge through the spirit of our nation. Long ago, our nation attempted to heal some wounds by granting general amnesty to those who had evaded the Vietnam war by fleeing to Canada. I view the Mechanic matter as a 30 year old leftover from the war and another wound that should also be healed.

June 6, 2000
Page 3

Therefore, I would like to strongly recommend that Howard Mechanic's application receive favorable consideration from the Department of Justice and that the President commute his sentence to time served.

Respectfully submitted,


Thomas F. Eagleton

TFE/kh

Carter Revard
Professor of English Emeritus, Washington University
6638 Pershing Ave.
St. Louis, MO 63130
(314) 727-9358

Mr. Roger C. Adams, Esq.
Office of the Pardon Attorney
U.S. Department of Justice
500 First St. NW
Washington, D.C. 20530
(202) 616-6070

July 28, 2000

Re: Howard Mechanic Petition for Commutation of Sentence Request No. 44998-008

Dear Mr. Adams:

In 1972, my wife and I had put up our small house at 920 Bermuda Avenue as guarantee for the bail of Howard Mechanic during his appeal of conviction for throwing a cherry bomb toward the firemen attempting to put out the ROTC-building fire on the Washington University campus. When he did not show up to begin serving the five years to which he was sentenced, the bail money of ten thousand dollars was forfeited, and we had to raise money to pay it. We were lucky to have many friends who helped us, but it did cost us.

I write, therefore, as an "aggrieved party" in the case, and my reason for writing is to express my firm support for commutation of his sentence. My grounds for supporting it are as follows. First, I believed in 1970-72, and still believe today, that Howard Mechanic was convicted on, at best, shaky evidence for what, at worst, was a small misdeed. Second, after conviction, he was given a sentence (five years in prison) far more severe than others convicted for the same alleged acts, and far more than such acts deserved: we are not speaking of manslaughter, arson, or mayhem here, but of throwing a firecracker that hit no one. Third, he has led an exemplary life since 1972, and from all accounts I have seen has been a model citizen of his community.

His act, moreover, took place in a historical context that needs to be considered: the national turmoil over the Vietnamese war. Many people, Howard included it seems, had come to view this as the unconstitutional waging of a misjudged and badly conducted war, and considered it their moral duty to protest as strongly and loudly as possible against the continuance of it. The protest which broke out on the night in question was a response to the shooting of students at Kent State by troops of the National Guard, and to the defense of that shooting by those who, as was believed by the protesting students at Kent State and by those at Washington University, were prolonging the Vietnamese war for their own political purposes (primarily, re-election of Richard Nixon to the presidency). The protest seemed to those engaging in it an act of patriotism comparable to those by the American colonists in 1775-6. However naive and foolish this may have been, the protests were sincere and were engaged in by students who believed they were acting in the way Americans ought to act to oppose the repressive actions of a government using its secret police to keep them from protesting or punish them for doing it.

That war is long over, and it is time to end the punishment of American citizens for the irritating but relatively unharmed protest-actions during that part of American history. Former Senator Danforth, describing his conclusions about actions that led to the fiery death of children, women, and men in the Branch Davidian compound at Waco, emphasized that one of the prime lessons he drew from the investigation was how much harm

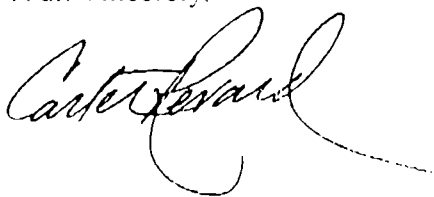
could be caused by small misjudgments compounded by coverup of the blunders. Yet he did not advocate severe punishment of those guilty of such misjudgment or coverup, but--under pointed questioning by Senator Specter (whom I have recently seen on C-Span)--spoke for using prosecutorial discretion NOT to try and punish these governmental "culprits" for misjudgments and subsequent concoction of misleading stories about what happened or did not happen. If a "minor FBI lawyer" (as Senator Danforth described the person in question) can benefit from prosecutorial discretion in a case involving so many deaths, so much national trauma, and causing such cynicism about the governmental actions involved, why cannot such discretion be allowed to an "unimportant undergraduate" involved in foolish but not deadly behavior during the burning of a building by other people? Senator Specter could certainly have argued that the consequences of governmental coverup of the Waco actions led directly to the murderous bombing in Oklahoma City a year later, but neither he, nor Independent Counsel Danforth, chose to press the argument explicitly, as they might reasonably have done.

Speaking as an "aggrieved party," I not only support commutation of Howard Mechanic's sentence, I would like to see prosecutorial discretion used to drop any further charges against him, in view of his exemplary life since 1972. I think he should have stayed and served the sentence Judge Meredith gave him, but only because it would have put Howard on the high moral ground, as Martin Luther King and Nelson Mandela showed. Even so, he has behaved, in all respects except his misjudged ways of protesting, and his panicking and running away, as a good American citizen should act. His actions have cost me some money and considerable worry, but the actions of our presidents and their administrations from 1954 to 1972 cost me and all citizens of this country, and of other countries, far more in money and in misery than can ever be made up. Moreover, if John McCain could go to Vietnam and try to reconcile with the people there, surely prosecutors can do something comparable with American citizens here.

This was an idealistic young man, a student who thought he was doing something good and useful, though it may have been stupid and in minor ways harmful to others, and was certainly in a major way harmful to himself, as it turned out. His alleged throwing of a firecracker did no physical harm to anyone, and all parties agree that he did not destroy the ROTC building. He came as a spectator, he probably jeered and booed, but basically the most he was convicted of doing was throwing a firecracker which hurt no one.

He is now a mature man who (by all the accounts I have seen) has lived, while "underground" for more than twenty years, in just the way a university trustee or chancellor would like his or her son to behave. I see no good, and real harm, in using prosecutorial discretion against, rather than for, Howard Mechanic. (That harm, I believe, will include a further souring of public perception of the U.S. government--comparable to the souring that resulted not merely from its actions before and during the tragedy in Waco, but from its later fearful or vindictive refusal to be open and truthful about those actions.) And contrariwise, I see real good, and no harm, in using that discretion for him, because he has earned leniency by the life he has lived. He has shown by the quality of his life the sincerity of his protest, however misguided, which got him into this very bad situation--from which I hope he may yet be given the grace to pull himself and live a productive life as the good citizen he really is.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Carter Revard". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Carter Revard
Professor of English Emeritus
Washington University, St. Louis



JOSEPH L. ADAMS
MAYOR

OFFICE OF THE MAYOR
CITY OF UNIVERSITY CITY
6801 DELMAR BLVD.
UNIVERSITY CITY, MO 63130
(314) 862-8767, ext. 206
FAX: (314) 863-9146

June 23, 2000

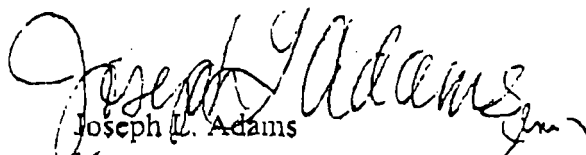
Mr. Roger C. Adams
Office of the Pardon Attorney
U. S. Department of Justice
500 First St. NW
Washington, D.D. 20530

Dear Mr. Adams,

Please find enclosed a copy of a resolution passed by the City Council of University City on June 19, 2000. We support a commutation of Howard Mechanic's sentence.

If you have any further questions, please do not hesitate to contact me.

Sincerely,


Joseph L. Adams
Mayor

cc: Mark Wrighton, Chancellor - Washington University
✓ Bruce M. Roger, HMCSG-STL

enclosure
JLA:lkf



6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 863-9146

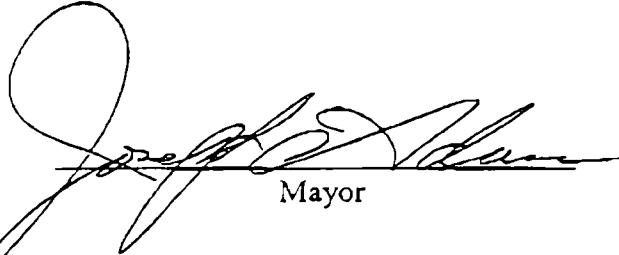
RESOLUTION

WHEREAS, Howard Mechanic was convicted of throwing a cherry bomb firecracker, which hit no one and caused no damage, at the site of the burning ROTC building at Washington University during an anti-Vietnam war protest on May 4, 1970; and

WHEREAS, we believe justice and reconciliation are best served by reduction of Howard Mechanic's unduly harsh five year sentence, imposed during a turbulent time in U.S. history, and immediate release on parole, based on his co-defendant's lesser sentence and on his twenty eight year life as a productive citizen.

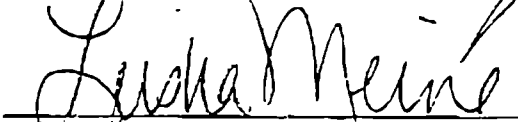
NOW, THEREFORE, BE IT RESOLVED that the City Council of University City, Missouri, supports Howard Mechanic's petition for the commutation of sentence.

ADOPTED this 19th day of June, 2000.



Mayor

ATTEST:



City Clerk

O C E A N P I C T U R E S

10201 West Pico Boulevard Building 12 Los Angeles CA 90035 tel: 310 369 0093

June 1, 2000

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

Dear Mister President,

I am a film director and screenwriter and long-time supporter of your administration. Now I am writing to seek your help in correcting a serious miscarriage of justice. As an alumnus of Washington University in Saint Louis and a member of the Board of Trustees, I am adding my voice to those urging clemency for Howard Mechanic, now serving a five-year sentence in Federal prison for an offense that occurred more than 30 years ago during a student protest on the Washington U. campus immediately following the shootings at Kent State.

In the midst of an angry student demonstration, the ROTC building was set on fire and it is alleged that Howard Mechanic threw a "cherry bomb" at fireman battling the blaze. Howard served six months on state charges for his alleged involvement and was then sentenced to five years in Federal prison for the same offense, the first application of the "Rap Brown rider" to the 1968 Federal Civil Disorders Act. Rather than serve more jail time for an act he still maintains he did not commit, Howard fled and started a new life. Over the ensuing 28 years, Howard distinguished himself in business in Arizona, started a family, championed numerous environmental issues and social causes, and became so respected in the liberal community that he finally agreed to run for a city council seat in Phoenix. When he confided his real past to a local journalist doing pre-election coverage, he was exposed and now sits in federal prison facing a five year sentence and hoping that you will see the injustice in his situation and grant clemency. (As a point of reference, another defendant, Larry Kogan was charged with exactly the same offense and received a sentence of ninety days, three years probation and a \$3000 fine.)

Beyond his guilt or innocence (and there is good reason to believe Howard Mechanic was falsely accused) the larger issue here is whether, after all these years and all we have suffered as a nation because of the war in Vietnam, do we still need to exact this cruel retribution on a man who has in every respect proven himself over the last thirty years to be a responsible, compassionate, productive and law-abiding citizen?

The political events of the 1960's polarized this country and most of its colleges and universities in dramatic and unprecedented ways and students everywhere responded with perhaps intemperate but sincere passion. Given the perspective of informed hindsight, I think it is time to at long last put those divisive times behind us and, in the spirit of reconciliation and forgiveness, grant Howard Mechanic a commutation of his sentence.

Sincerely,

A handwritten signature in cursive script that reads "Harold Ramis". The signature is fluid and extends to the right with a long, sweeping tail.

Harold Ramis

WHAT PEOPLE ARE SAYING

"Thirty years later, justice should be tempered with mercy. At Mechanic's trial, the evidence against him was weak. The events the night of the fire were chaotic. Co-defendant Larry Kogan served 90 days before being placed on probation. Another student, Joel Achtenberg, was acquitted after a new trial. Mechanic didn't injure anyone that night, and in the intervening years, he's been a model citizen who seemed to sentence himself to a lifetime of community service. A fugitive can't be allowed to walk away free. But surely a deal can be worked out where Mechanic serves a lighter sentence, possibly on the same order as his co-defendant. Then, perhaps, Mechanic will be free of the burden of his past and his debt to society."

St. Louis Post-Dispatch, Editorial, February 2000

"It's tempting to look at all the mistakes and crimes committed by Mechanic and to rush to judgment. We shouldn't do that, however, without first considering the context in which all of these actions occurred. And considering that context, we conclude that Mechanic should not be made to serve five years in federal prison for his initial crime nor face anything stiffer than fines for all illegal acts stemming from the first . . . These were undoubtedly turbulent times and authorities clearly wanted to send a message with this law and Mechanic's conviction and sentence. Now, however, we can have that all-important context and can reason that this sentence was far too harsh . . . Perhaps passions were too heated 30 years ago to ensure a proportional sentence. That was then, however. This is now."

The Arizona Republic, Editorial, February 2000

"Mechanic should go free and the feds should stop wasting their time on this non-case. It is not justice to go after Howard Mechanic – it's stupidity."

Jana Bommersbach, Commentator, Channel 3 TV, Phoenix, Arizona, September, 2000

"There is much to suggest that convicting Howard Mechanic of this law had less to do with justice than with sending a message to the campus hellions of the time . . . If there was any theme to the tumultuous '60s and '70s, it was this: overreaction. The Civil Obedience Act of 1968 was just one tangible manifestation of this. In 2000, however, we need not succumb to the same passions."

O. Ricardo Pimentel, columnist, The Arizona Republic, February, 2000

"He should pay a fine and serve probation and get on with his life."

Joe Evans, Vice Chancellor in charge of campus security at Washington University from 1969 to 1990

Quoted in St. Louis Post-Dispatch, February 2000

"I think Howard's already punished himself enough."

Bob Metcalf, fireman who was on the scene in 1970

9/7/00

Ex-fugitive pleads guilty of charges related to his flight from law in 1972

Prosecutors now will not fight Howard Mechanic's request to leave jail early

BY TIM O'NEIL
Of the Post-Dispatch

Howard L. Mechanic, who went underground 28 years ago rather than serve prison time for throwing a cherry bomb during an anti-war riot at Washington University, pleaded guilty to related charges Wednesday in Phoenix.

A spokeswoman for Mechanic, 52, said the plea agreement worked out with prosecutors will allow him to concentrate upon seeking a presidential commutation of his original five-year term. He began serving it in February upon the unraveling of his longtime alias as Gary Tredway of Scottsdale, Ariz., owner of a mail-order health food business and social activist.

The deal includes agreement by the U.S. attorney's office in St. Louis to take no position on Mechanic's request to President Bill Clinton. Michael Reap, first assistant in the federal prosecutor's office here, said the goal was to "maintain the integrity of the justice system."

"We felt it was appropriate that Mr. Mechanic acknowledge some contrition for the events since his original conviction," Reap said.

In October 1970, a U.S. District

Court jury here convicted him of interfering with authorities during a civil disorder — specifically, of throwing a cherry bomb at firefighters during the riot on May 5, 1970, when the Air Force ROTC building at Washington University was burned. Mechanic said he never threw anything.

At the time, Mechanic was a senior from suburban Cleveland who was active in protests against the Vietnam War. In May 1972, he jumped bail rather than begin serving time.

On Wednesday in Phoenix, Mechanic pleaded guilty of failing to appear for the sentence and of falsely obtaining a passport in 1997, both felonies. U.S. District Judge Roger Strand imposed an agreed-upon sentence of four months in prison, plus a \$5,000 fine, on the failure to appear, and set Sept. 21 for sentencing on the second plea. Prosecutors dropped a third charge of falsely obtaining a Social Security card.

The new four months would be concurrent, or served with the current prison term. The deal proposes probation and another \$5,000 fine on the passport offense.

About 30 supporters of Mechanic attended the hour-long hearing. Athia Hardt, his spokeswoman in

Phoenix, said Mechanic began the hearing by expressing regret for lying to people in Scottsdale and cutting himself off from friends and relatives during his years on the lam.

Hardt said he apologized specifically to Carter Revard, professor emeritus of English at Washington University, who put his house up as part of Mechanic's appeal bond in 1971.

While Mechanic awaits word from Clinton, he will remain an inmate at a medium-security federal prison in Florence, Ariz.

Commutation is a presidential prerogative, and the federal tradition is to seek the opinion of the prosecutor's office that obtained the original conviction. Now that Mechanic pleaded guilty, said Reap. "We will respond, as we have agreed, and will take a neutral position."

Reap added: "There is a historical perspective here, and other presidents have issued pardons and commutations in Vietnam-era cases. We all need to close this chapter."

Mechanic fled to the Southwest in 1972 and obtained identification using his alias in 1976. He maintained his secret until January, when he dropped his campaign for a seat on the Scottsdale City Council after having to concede to a local newspaper that he had lied about his birthplace, family and education. He surrendered to federal marshals on Feb. 10.

E-mail: tonell@postnet.com
Phone: 314-340-8132



Mechanic
Seeking presidential commutation

To: Dave
From: your computer
Subject: you
Cc:
Bcc:
x-Attachments:

good morning, dave —

>

up rather late last night with me, weren't you? nastygirls.com. hmmm. relaxing? perhaps it's none of my business (ha ha ha). ... speaking of business, dave, i noticed you cashed out of Intel yesterday. it wouldn't be because of all that credit card debt you and the wife have run up lately, would it? ... anyway, have a good day at the office, dave. i look forward to more of those e-mails about — how did you put it? — that “boss i'd like to strangle with a coat hanger.” ...

>

WHY INTERNET PRIVACY MATTERS

BY JEFFREY ROSEN

Can He Really Know How To Be a Fugitive Anymore?

Convicted in 1970 for antiwar activity, Howard Mechanic spent 30 years in hiding as one Gary Tredway. Then Tredway ran for the City Council in Scottsdale, Ariz. Not a smart move. By Lisa Belkin

FOR NEARLY THREE DECADES, HIS WANTED POSTER DESCRIBED him as "armed and dangerous." But the clean-shaven man in the federal penitentiary here in Florence, Ariz., looks more like an aging Boy Scout. He wears the mud-brown polyester-cotton shirt and pants that are standard-issue prison garb. There is a pair of black reading glasses in his only pocket, and his blue canvas sneakers are the slip-on kind — no laces allowed. After all those years in Birkenstocks, the closed-toe shoes feel odd on his feet. More disorienting still is his bare wrist. If he'd been wearing a watch when he turned himself in, he would have been allowed to keep it. But there are strict rules about what may be sent into a penitentiary.

Time looms large in prison. The trick, the man says, is not to



focus on it, and he is better at that than he was during his first, brief lockup a lifetime ago. But the threads of his world are tangled up in time. Five years: the federal sentence he is serving. Thirty years: the distance between this serene spring morning and the chaotic night of the crime. Twenty-eight years: the gap between the life he fled, in the fall of 1972, and the one that is now unraveling.

Today marks three decades since Richard Nixon expanded the Vietnam War to include Cambodia, and May 4 is the anniversary of the death of four students at Kent State University, shot by National Guardsmen during protests over that war. In the weeks after Kent State, demonstrators burned at least 32 R.O.T.C. buildings, including one at Washington University in St. Louis. Howard Mechanic, a 22-year-old senior, was in the crowd watching those flames, his face all but hidden by a bird's nest of hair and a scruffy beard.

Someone lobbed a cherry bomb toward the clustered firefighters that night. No one was hurt when the firecracker exploded. No damage was done. Howard Mechanic was charged with that crime (he denied it then and still denies it now) and was the first person in the country to be found guilty under a harsh 1968 law designed to quell campus protests. The sentence was five years, and when all his appeals were exhausted he skipped bail and disappeared.

In February he was caught. He was living where he has been for 28 years, in plain sight, in and around the tony and conservative town of Scottsdale, Ariz. He probably would be there still had he not done something audacious or naïve, depending on your point of view. Using his assumed name, Gary Tredway, Howard Mechanic ran for elective office. In a move ripe for Freudian analysis ("Was I secretly hoping to get caught?" he asks. "I don't believe that I was"), he became a candidate for the Scottsdale City Council. And when a local reporter came asking questions for a standard candidate profile, he told her his secrets — and then asked her not to tell them to anyone else.

Why on earth did he run for office? He took the risk, he says, because his past seemed a world away. So far away that he'd forgotten how to spell his given name (when he surrendered, and signed Howard Lawrence Mechanic for the first time since 1972, he could not remember whether his middle name had a "w" or a "u"). So far away that, despite frequent visits by the Federal Bureau of Investigation to his twin brother in California (where agents snapped photos of one brother so they would know what the other looked like), he didn't really believe that anyone would still care.

But we do. When the Chicago Seven defendant Abbie Hoffman surrendered after six years posing as an environmentalist named Barry Freed; when the Black Panther accomplice Katherine Ann Power turned up as a restaurateur named Alice Metzinger; when the Symbionese Liberation Army member Kathleen Soliah was found living as a doctor's wife (and sometime actress) named Sara Jane Olsen; when the former Weatherman Bernardine Dohrn emerged as if from nowhere after a decade underground — each of those times we were startled by their ability to yank us back into the past. The 60's spill into the Zeroes, and each fugitive who resurfaces from that most turbulent of times forces us to probe the wounds and find that they still have not healed.

They cause us to ask other questions too. What does it take to abandon one life and cloak yourself in another? Can you live without a past, with no connection to a former self, or does the real "you" — in Mechanic's case a pacifist-entrepreneurial-vegetarian environmentalist — always win out?

If anyone could have faded away and blended in, it should have been Howard Mechanic. Those who knew him in college describe him as quiet and bookish, the type who might easily get lost in a crowd. "I wouldn't describe him as a leader," says Phillip Koch, now a filmmaker in Chicago, who roomed with Mechanic in their senior year at Washington University. "There were others on campus who were . . . better at that."

In other words, he wasn't a radical or a militant. Not S.D.S. or S.L.A. or Weatherman. He was just a kid shaped by a moment and drawn to a cause.

Lisa Belkin is a contributing writer for the magazine. She also writes the Life's Work column for The New York Times.



The "Tredway" family around 1981.

'This is the easy part,' Overton said. 'We're just going to make sure you are who you say you are.' That was when Tredway began to sweat.



"Tredway" with his girlfriend in the late 90's.

So while it is tempting to lump him with Abbie Hoffman or Kathleen Soliah, his story is more disquieting than theirs. True, he said things back then like, "The law, courts and pigs protect the propertied interests" (part of his statement just after his conviction) and "All you have to do is read a little Marx and you'll figure out how it's all going to turn out" (a memorable comment to a classmate). And, true, his hair was as godawful as 60's hair could get. But strip the blandishments of the era away and what's left is an earnest, smart, somewhat awkward nerd who got the book thrown at him. A nerd who was caught because, after 28 years of lying, he turned out to be a surprisingly lousy liar.

Which is why, later this week, while others march with candles to commemorate Kent State, Howard Mechanic will be in jail — a man still caught in a time warp, and wondering about the time.

"CALL ME HOWARD," HE SAYS, TAKING A MOLDED PLASTIC SEAT IN THE stark white visitor's room at the start of our two-and-a-half-hour visit. "It's my legal name," he adds, "but I'm still getting used to it." He was

first given his name 52 years ago, on Feb. 21, 1918. His father, Ralph, owned an appliance-repair business; his mother, Rose, was a homemaker. His twin brother, Harvey, says he and Howard were "nice Jewish boys," living in the comfortable Cleveland suburb of Shaker Heights. "We were both National Merit Scholarship finalists," Harvey recalls with pride more than three decades after the fact.

In 1966, Howard Mechanic enrolled at Washington University, where one focus of student wrath was the R.O.T.C. training program. In March 1970, the university got a court injunction against any future demonstrations, and Mechanic was one of several students specifically named in that injunction. The court order didn't stop him on the night of May 4, 1970, however. It seemed as if nothing could stop the rage that night. Around the country, thousands of National Guardsmen were deployed on hundreds of campuses as 250 colleges went on strike. At the University of Chicago, students dug trenches to protect themselves against the troops. At Wabash College in Crawfordsville, Ind., one protester set himself on fire. Three students were stabbed in the bedlam at the University of New Mexico at Albuquerque.

And at Washington University, as many as 3,000 protesters gathered to watch the R.O.T.C. building go up in flames, chanting "Burn, baby, burn" and "Kent State, Kent State." The blaze, later ruled to be arson, went unchecked after firetrucks were turned back by rock-throwing demonstrators. Mechanic was in the crowd, along with his girlfriend. According to his federal trial testimony, their evening began at about 10 o'clock at a rally in the university quadrangle, where a series of speakers denounced the invasion of Cambodia. At midnight, "a large portion of that crowd went to the R.O.T.C. building," he testified, "and I went with that crowd." He did not cause any property damage that night, he said. Nor did he throw anything. He specifically denied that he had thrown a cherry bomb. "I can't remember when the last time was that I had a cherry bomb," he said. "I have seen them."

Mechanic's first conviction was on state charges for contempt of court — attending the rally in violation of the injunction. The four and a third months he spent in the county jail on that charge (shortened from six months when he was given time off for good behavior) were the foundation for his later decision to flee. The guards, he says, "were ex-military" and did not take well to a kid charged with protesting the war. "I had one guard who would say if he gets a chance he's going to take me out and shoot me."

The contempt trial was followed by a federal trial, and there Mechanic made history. In 1968 Congress had approved the Civil Obedience Act which prohibits a person from interfering with "any fireman or law enforcement officer" who is doing his job "during the commission of a civil disorder." A civil disorder is defined as disruption or damage caused by a group of three or more people.

Mechanic was the first person ever tried under the act, and a reading of the trial transcript shows the government's case to be anything but airtight. Nineteen prosecution witnesses were called. Only one of them actually testified against Mechanic. Most were firefighters, police officers and news photographers who established that there had been more than three people in the crowd. The one man who claimed to have seen Mechanic with a cherry bomb was a law student named Donald R. Bird. He died in 1983.

Bird's testimony was far from convincing. First he said he saw the cherry bomb in Mechanic's hand. Then he said he saw it only after it left "the person of Howard Mechanic." At one point Bird acknowledged that the cherry bomb "could have come, perhaps, from someone standing about five or six feet behind."

Mechanic was sentenced to five years in federal prison for an act that, in a less volatile era, might have resulted in a slap on the wrist. For a year and a half, Mechanic appealed. The federal Court of Appeals agreed that Bird was "a highly partisan witness who desired to see the defendants convicted," but the conviction was allowed to stand. In 1972, the Supreme Court declined to hear the case and Mechanic was ordered to surrender.

He fled instead, later mailing his parents a note that said he would be in touch. He also left one of his professors in a lurch — an English professor who had put up his home as collateral for Mechanic's \$10,000 bail.

"I just didn't think I should serve five years," Mechanic says. "People think, 'Well, this is what you have to do and you don't have a choice.' I did have a choice. So I took the choice."



WHEN HE WAS 12 YEARS OLD, HOWARD MECHANIC BEGAN collecting stamps — commemorative envelopes canceled at Cape Canaveral at the time of one or another space flight. He also collected autographs of all the astronauts. He had one postcard signed by Yuri Gagarin, the first man in space, and another signed by all seven of the original Mercury astronauts.

While his case was being appealed, he sold the stamps. By the time his final appeal was rejected, he had raised \$4,000. With the cash in his pocket, he boarded a bus, expecting to settle in Albuquerque. But when he got there, the weather was too cold, so he got back on the bus and stayed on until Phoenix.

He liked that the city was not a radical place. "I was trying to stay away from radical politics," he says, and in the land of Barry Goldwater (and later, John McCain) there were fewer temptations. He settled, at first, in the college town of Tempe, where a 24-year-old could easily blend in. Getting used to his new name (he refuses to say where he got his identity or divulge any details that might incriminate others) took about six months. Getting rid of the nightmares — being hunted, being caught — took more than 10 years.

The most difficult part, he says, was having to "minimize my abilities." He could show no proof of having graduated from college; nor was there any way to act on his acceptance to Boston University law school, which he believes revoked its acceptance after his conviction. Yet he found it hard to be anything but well educated and outspoken. His first job was as a shelf-stocker in a health-food store, and he apparently didn't do well at keeping his mouth shut. "My boss thought I was trying to take his job," he says. Eventually he went into business on his own, as a local distributor for several national health-food products. He also invented a gadget that allows people to fill empty pill capsules with home remedies.

He had become a strict vegetarian in college and was drawn to an organic-food-buying club in Tempe. During the 70's it grew into the Gentle Strength Co-op, and Tredway became a member of the board. In 1977, he met a college student named Ingrid Gold at the co-op, where she was working parttime as a cashier. While they were dating, they protested the building of the Palo Verde nuclear plant together, Gold remembers, but unlike some other protesters, they were careful not to trespass and risk arrest.

Gold and Tredway were married in 1980, and their son, Ari, was born in 1981. By 1985 they were divorced, because, Gold says, he was a better person than she was willing to be. "You know about his life," she says, referring to her ex-husband's lack of interest in things material, "and you've seen me." We are at a bistro outside Scottsdale when she says this, and she's dressed in a chic pantsuit and tasteful but glittery jewelry, her copper hair stylishly cut. "Let's just say one of us wanted to move on."

Which doesn't mean that Tredway was standing still. He had a knack for business. He invested in a line of homeopathic products, then put the profits in an auto-resalvage business — buying wrecked cars at insurance auctions and fixing them up (with new identities, if you will) for resale.

After a falling out with the partner who did the actual work, he bought the Abode, a modest 12-unit apartment-hotel for Arizona snowbirds, where he installed solar hot-water heaters. In many ways he was a tightwad, buying most of the furnishings for his hotel, including towels, at swap meets. But he prided himself on never turning out a tenant who fell behind — remembering the professor who stood to lose his home when Howard Mechanic disappeared.

More than five years ago, Tredway placed a personal ad in a local alternative weekly, looking for a "left-thinking, nonsmoking, vegetarian social activist." Janet Grossman answered that ad, and they have considered themselves "life partners" ever since. Grossman, who is partial to Guatemalan blouses and embroidered hair bands, works for the Community Housing Partnership, a nonprofit group that rents apartments to low-income tenants. She loved everything about Tredway from the start, she remembers,

save for one thing. "His name," she says. "I called a friend after we first met and said, 'I really don't like the name Gary.'"

During his years with Grossman, Tredway became bolder. Or, put another way, he inched closer to revealing his true self. He regularly wrote letters to the local newspapers protesting things like the use of public tax money to finance arenas for private sports franchises. He worked to help pass the state's Clean Elections Act, a ballot initiative that eliminates corporate donations to political campaigns. (The measure has since been declared unconstitutional and is being appealed.) While spearheading the public campaign to support the act, he allowed himself to pose for a newspaper photograph. He was also interviewed on local cable TV. Each step brought the spotlight closer, and when no one recognized him, it was easier to take the next, larger step.

"I was getting a higher and higher profile," he says. "I felt it was a risk but I was trying to make some positive changes for the city." Eventually, fellow activists began urging him to run for City Council, and he found himself agreeing. "It was like you're on a train," he explains. "The train is going in a certain direction and you can actively get off the train, but people want you to stay on."

Politics, Grossman believes, is what Howard Mechanic would have done had his life worked out differently. "He's really a very political person," she says, eyes filling with tears. "I've accused him sometimes of caring more about politics than he does about me. Scottsdale City Council is very small potatoes for what I think he could have done had his life 30 years ago not led him to where he is."

BACK IN 1970, BEN ZARICOR WAS PRESIDENT OF THE STUDENT union at Washington University. He didn't know Howard Mechanic well, but he followed the cherry bomb trial, and he knew that his classmate had fled. In 1973 or '74, Ben Zaricor was attending a National Nutritional Foods Association convention in San Diego. "I turned a corner and there he was, standing there in sandals," says Zaricor, who now owns Good Earth Teas and Restaurant Services, based in Santa Cruz, Calif. "I recognized him immediately," he says, even though the man was now named Gary Tredway.

Over the years, Mechanic says, just 12 people came to know his secret. The only condition of our interview was that he would not name them, for fear that they might be charged with aiding a fugitive. Mechanic did not tell me about Zaricor; I tracked him down myself and found him eager to describe how he decided to protect a friend. "I went over and introduced myself," he says of the health-food convention. "Howard never asked me, 'Are you going to turn me in?' He knew I wouldn't just by the way I acted."

For many years after that, the men were in close touch. They spent summers together in California when Mechanic wanted to escape the heat of Arizona. Periodically, Zaricor brought his son to Phoenix to see the Oakland A's at baseball spring training.

For Zaricor, who was himself once suspended from campus for participating in a nonviolent demonstration, the friendship with Mechanic was his chance to right a wrong. "I felt like we'd both been through a war together at Washington University," he says. "Students were followed, our phones were tapped, we were thrown in jail. Howard was still a prisoner of that war."

For Mechanic — who often had to avoid Flare Krishnas, because his twin had joined the sect and the Krishnas might mistake him for Harvey — the friendship with Zaricor was a rare chance to be with someone who knew the whole of him. But it also reminded him that discovery could lie around any corner. This secret was not the kind you'd tell a buddy over a beer. The simplest question could lead to a thicker of answers, so he avoided even simple questions. What looked like aloofness was just a man biting his tongue.

Those who have known him for years (or thought they knew him) now find themselves thinking of conversations they never had. Sherry Bohlen, for instance, worked with Tredway on the liberal newsletter *The Current* and doesn't once remember "having a discussion with him outside of the project at hand." Bohlen and her husband adopted a Vietnamese orphan in 1975, their own private attempt to right what they saw as a

national wrong. When most people learn about her son, she says, sparks a conversation. Tredway never said a word.

David Winkler, a Phoenix insurance claims supervisor — and, by coincidence, a 1972 graduate of Washington University — wrote about human rights for *The Current*. Tredway was his editor. Winkler never recognized his fellow alum, but Tredway, he now knows, recognized him. "Right before he turned himself in, he called and asked me if I had ever figured out," Winkler says.

The few times Tredway told his secret was when he had no other choice. "I was forced by circumstances," he says. "Things are discovered, certain things lead to certain other areas, and you try to explain it so it doesn't cause a problem."

In other words, he would tell when he was about to be found out. His former wife, Ingrid Gold, will not discuss what she knew when, but she was apparently still in the dark when their son was born in 1981. "I said, 'You have one last name, I have another; which one should we give the baby?'" she says. It was intended as a feminist provocation, but instead Tredway quickly agreed that the boy should take his mother's name. "I didn't understand then," she says, "that his name meant nothing good to him."

Janet Grossman also declines to talk about when she learned the truth, but she agrees that she knew by February of this year, when Tredway's secret unraveled. Penny Overton, a fresh-faced but dogged investigative reporter for *The Tribune*, in Scottsdale, was assigned to write a standard candidate profile, and she was not happy it. She'd been called off the really hot story at the time — the discovery of a headless torso in a Scottsdale trash bin — to write a pap about a "very bland man."

Tredway seemed edgy, Overton remembers. "Don't worry," she told him. "This is the easy part. We're just going to make sure you are who you say you are." That was when Tredway began to sweat, soaking his shirt within minutes.

Still thinking the problem was first-time-candidate nerves, Overton began with her friendliest questions. "Tell me about your family," she asked. "Where did you grow up?"

Tredway said he was an orphan, adding that he didn't want to talk about it. "Tell me three stories, then, about your life, about how you got where you are," she says she asked. "C'mon, everyone has three stories."

Tredway had only one, Overton says, about a business trip to China in the early 70's.

Overton left that afternoon "exhausted from having to beg and plead for things that most politicians are trying to palm off on you all the time." Tredway paged her several times during the next few days, checking on the status of her investigation and sounding increasingly agitated. When they next met, Grossman was also present, and Overton guessed that Tredway was "sc white bread" that he was worried that a profile would include the fact that the couple were living together.

"No, I don't think that's why we asked you to come," Grossman said.

"I'm not who you think I am," Tredway said. "I'm not Gary Tredway."

He was a fugitive, he explained, outlining his crime but not telling her his real name or the name of his school. When he decided to run for City Council, Overton says he told her, he and "a small group of friends" had faked a résumé, choosing as his alma mater Franconia College, in New Hampshire, because it closed in 1978. (He now says he wrote the résumé alone.) But once he realized Overton was planning to check, he told her, he panicked.

For the next few hours, sitting by the pool at the Abode, Tredway begged Overton not to tell. At one point, he dug out his tax forms to show that he had been earning about \$100,000 a year, paying his full share of taxes and giving 25 percent of his income to charity. "Now you understand why you can't write about me," he said, crying quietly. "You'll send me to jail. You can either be a good reporter or a good person."

He told her all this, he now says, because he thought she would protect his secret. After all, no one else he told had turned him in. "I thought I could get her off the story," he says. "It almost worked."

Overton briefed one editor, then spent the weekend hiking in the Ajo Mountains, near Mexico, and agonizing over what to do next. She finally decided that because Tredway was running for office, she was obligated to



Mechanic after his initial arrest in 1970.

When he turned himself in, and signed Howard Lawrence Mechanic for the first time since 1972, he could not remember how to spell his middle name.



Mechanic as Tredway in a 2000 campaign photo.

report what she knew. Tredway spent that same weekend on the computer. He reasoned that if he dropped out of the race he would not be a public figure and the paper might leave him be. But he needed a compelling reason for withdrawing, and he surfed medical sites looking for a disease that would serve as his excuse.

On Monday morning, when Overton returned to the office, she found a statement from Tredway to his supporters, announcing he had leukemia and would not run. What followed was a circus. The City Council was planning a moment of silence for Tredway. The paper's political reporter was planning a column about how the man was "too pure for politics."

Tredway's final lie, rather than giving Overton second thoughts, made

her more certain. "He's not dying, he's lying," she announced to anyone who would listen, then wrote her story.

CARTER KEVARD IS THE PROFESSOR OF LITERATURE, NOW RETIRED, WHO put his house up as collateral for Howard Mechanic's bond. When the young man skipped town, Kevard received a letter saying his home would be taken unless he could repay the \$10,000. A fund was set up by Kevard's colleagues — Mechanic's father sent a check for \$2,000 — and the professor did not lose his home.

All these years later, Kevard is still furious — but not at Mechanic. "You tell Howard that I support him completely," he told me. "They gave him five years for a cherry bomb while they were handing out Medals of Honor for dropping napalm on civilians. I think the people who should be in jail are the people who prosecuted him."

Others are less forgiving. Bob Metcalf was a 27-year-old University City fireman on the night of the R.O.T.C. fire, and he arrived on campus to find "a riot." The pumpers "could have gotten that fire out when we first got there," says Metcalf, who is now the chief of the same fire department, "but they wouldn't let us do our job." To dismiss Mechanic's crime as "just a cherry bomb," he says, is to dismiss the people who were its intended targets. "He could have killed me," he says.

Opinion is divided in Scottsdale too, where Gary Tredway received more than 1,300 votes for City Council, even while Howard Mechanic sat in prison. His supporters argue that the charitable life he led over the past 28 years should mitigate his punishment. The state's chapter of Common Cause has created a Web site where people can log examples of Mechanic's good deeds. "He seems to have joyfully sentenced himself to a life of community service," writes Dennis Burke, the executive director of Arizona Common Cause. "It will be up to a judge to determine if that has been enough."

Mechanic's critics, on the other hand, are far more troubled by his more recent activities than by his original crime. A civic group known as We Love Scottsdale points out that running for office under an assumed name is election fraud, and that the "small group of friends" who may have helped him fabricate a résumé are guilty of the same offense.

"Our city should aggressively prosecute Gary Tredway for false filings, fraudulently collecting contributions, illegally filing false papers with the city and numerous other criminal offenses," says a statement issued by the group. "But Scottsdale must also actively pursue the others in his group who . . . conspired to rob our citizens of their voting rights."

Mechanic may well face charges of campaign violations, state officials have said. Already he has been charged with using a false Social Security number to obtain an Arizona driver's license, which carries a penalty of up to 5 years, and making a false statement in the application for a passport, which carries a penalty of up to 10 years.

As for his original five-year prison term, he is in a most unusual legal bind. Other Vietnam-era fugitives fled before they were tried. Later sentences were handed down in a more forgiving time. Katherine Ann Power served six years for helping to rob a bank and kill a police officer. Bernardine Dohrn pleaded guilty to aggravated battery and jumping bail, was fined \$1,500 and was placed on three years' probation. Silas Bissell hid for 17 years, then served 1½ years at a federal halfway house for conspiring to bomb an R.O.T.C. building at a different campus. David Fine, who planted a home-made bomb at the University of Wisconsin in 1970, killing a physicist, spent only three years in prison after being caught in 1976. Only Howard Mechanic faces a sentence meted out in another era. He has run out of appeals. His case has already been heard by every court short of the Supreme Court, meaning his best hope — and it is a long shot — is a presidential pardon.

Does he wish he served the time in the first place, I asked him, and have been done with all this?

No, he says, because he would not have emerged as the person he is today. Five years, he says, fiddling with the bare spot on his wrist, is much longer to a 22-year-old than it is to a 52-year-old. He is stronger now, more able to weather this storm.

"I'm not going to try to 'what if' my life," he says, "but I think I made the right decision at the time." ■

THE WHITE HOUSE

WASHINGTON

December 11, 2000

MEMORANDUM FOR BETH NOLAN
COUNSEL TO THE PRESIDENT

FROM: KAY CASSTEVENS
LEGISLATIVE AFFAIRS

SUBJECT: PRESIDENTIAL CORRESPONDENCE

Attached please find a copy of a letter sent to the President from Sen. Barbara Boxer (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

December 11, 2000

Dear Senator Boxer:

Thank you for your letter to the President recommending a commutation of sentence for Mr. Howard Mechanic.

I have shared your concerns with the President and his other advisors, 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,

A handwritten signature in cursive script, reading "Kay Casstevens".

Kay Casstevens
Deputy Assistant to the President
and Deputy Director for Legislative
Affairs

The Honorable Barbara Boxer
United States Senate
Washington, D.C. 20510

**THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

ID# 434572
PAGE 1

DATE RECEIVED: 11/30/2000

NAME OF CORRESPONDENT: THE HONORABLE BARBARA BOXER

SUBJECT: ENCLOSURES INFORMATION ABOUT HOWARD MECHANIC AND REQUEST THE PRESIDENT TO
CONSIDER TAKING APPROPRIATE ACTION

ROUTE TO: OFFICE/AGENCY		(STAFF NAME)	ACTION CODE	DATE YY/MM/DD	TYPE RESP	C D	COMPLETED YY/MM/DD
LEGISLATIVE AFFAIRS		CHARLES "CHUCK" BRAIN	ORG	2000/11/30	KC	A	02/12/11

ACTION COMMENTS

✓ *1/1* *00/12/22* *C* *00/12/26*

ACTION COMMENTS:

CUAT 41 Meredith Cabe *A* *00/12/28* *1/1*

ACTION COMMENTS:

ACTION COMMENTS:

COMMENTS

ADDITIONAL CORRESPONDENTS: 0

MEDIA: LETTER

INDIVIDUAL CODES:

REPORT CODES:

USER CODES:

**PHOTOCOPY
PRESERVATION**

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, OEOP) EXT-62590

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

THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

ID# 434589
PAGE 1

DATE RECEIVED: 12/05/2000

NAME OF CORRESPONDENT: THE HONORABLE ED PASTOR

SUBJECT: WRITES IN SUPPORT OF HOWARD MECHANIC AND HIS PETITION FOR CLEMENCY

		ACTION		DISPOSITION		
ROUTE TO: OFFICE/AGENCY	(STAFF NAME)	ACTION CODE	DATE YY/MM/DD	TYPE RESP	C D	COMPLETED YY/MM/DD
LEGISLATIVE AFFAIRS	CHARLES "CHUCK" BRAIN	ORG	2000/12/05	RC		A 00/12/11
ACTION COMMENTS						
✓ Counsel Beth Nolan C A 00/12/22 C 00/12/26						
ACTION COMMENTS:						
CUAT 41 Meredith Cabe A 00/12/28						
ACTION COMMENTS:						
ACTION COMMENTS:						

COMMENTS

ADDITIONAL CORRESPONDENTS: 0

MEDIA: LETTER

INDIVIDUAL CODES:

REPORT CODES:

USER CODES:

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ED PASTOR
20 DISTRICT, ARIZONA



- ☐ 411 N. CENTRAL AVE., SUITE 150
PHOENIX, AZ 85004
(602) 256-0551
- ☐ 2432 E. BROADWAY
TUCSON, AZ 85719-6008
(520) 624-9986
- ☐ 281 W. 24TH STREET, SUITE 118
YUMA, AZ 85364-8546
(520) 726-2234

PLEASE REPLY TO
☐ 2465 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-0302
(202) 225-4065

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEE ON
ENERGY AND WATER

SUBCOMMITTEE ON
TRANSPORTATION

SUBCOMMITTEE ON
LEGISLATIVE

COMMITTEE ON STANDARDS
OF OFFICIAL CONDUCT

CHIEF DEPUTY DEMOCRATIC WHIP

Congress of the United States
House of Representatives

November 27, 2000



434589

The Honorable William J. Clinton
President of the United States
The White House
Washington, DC 20500

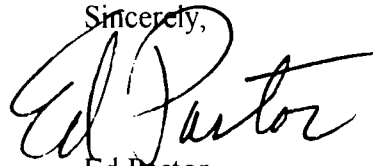
Dear Mr. President:

This letter is in support of Howard Mechanic and his petition for clemency.

I, like many others, feel that he has served a sufficient amount of time incarcerated for the various offenses of which he's been convicted. But for his quest to continue as a good citizen activist for nearly thirty years in his newfound environment his identity may never have been revealed.

This is not to condone his flight from incarceration, but rather to highlight the fact that his nature was being of one who believed in and still believes in what is right for his community and his country. Nothing more and nothing less.

I urge you to deliberate fully and fairly in his petition and to find that the loss of freedom exacted thus far is enough.

Sincerely,

Ed Pastor
Member of Congress

cc: Susan M. Kuzma, Esquire
Deputy Pardon Attorney, USDOJ

EP/rp

THE WHITE HOUSE

WASHINGTON

December 11, 2000

Dear Representative Pastor:

Thank you for your letter to the President recommending executive clemency for Howard Mechanic.

I have shared your concerns with the President and his other advisors, 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,

A handwritten signature in cursive script, reading "Kay Casstevens".

Kay Casstevens
Deputy Assistant to the President
and Deputy Director for Legislative
Affairs

The Honorable Ed Pastor
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

December 11, 2000

MEMORANDUM FOR BETH NOLAN
COUNSEL TO THE PRESIDENT

FROM: KAY CASSTEVENSON
LEGISLATIVE AFFAIRS

SUBJECT: PRESIDENTIAL CORRESPONDENCE

Attached please find a copy of a letter sent to the President from Rep. Ed Pastor (D-AZ).

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

THOMPSON COBURN

Thompson Coburn LLP
Attorneys at Law

One Firststar Plaza
St. Louis, Missouri 63101-1698
314-552-6000
FAX 314-552-7000
www.thompsoncoburn.com

December 7, 2000

Thomas F. Eagleton
314-552-6030
FAX 314-552-7030
EMAIL teagleton@
thompsoncoburn.com

Susan M. Kuzma, Esq.
Deputy Pardon Attorney
United States Department of Justice
Office of the Pardon Attorney
500 First Street NW, Suite 400
Washington, D.C. 20530

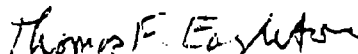
Re: Howard Lawrence Mechanic

Dear Ms. Kuzma:

On June 6, 2000, I wrote the attached letter to you. I understand that Howard Mechanic is seeking a pardon rather than a commutation.

I respectfully support Howard Mechanic's request for a pardon for the same reasons as expressed in my June 6, 2000 letter.

Regards,


Thomas F. Eagleton

TFE/kh
Enclosure

**≧ SUPPORTERS OF
HOWARD MECHANIC ≦
4310 NORTH MOZART STREET
CHICAGO, IL 60618-1528
U.S.A.
(773) 463-4010 TEL
(773) 463-4019 FAX
E M A I L : p h i l k o c h @ i x . n e t c o m . c o m**

October 31, 2000

Ms. Meredith Cabe
Room 128
Old Executive Office Building
The White House
1600 Pennsylvania Avenue NW
Washington, D. C. 20500

RE: Howard Mechanic Petition for Clemency

Dear Ms. Cabe:

I am writing to plead the case of Howard Mechanic, "the last prisoner of the Vietnam War." Howard is an innocent man unjustly incarcerated in a federal prison in Arizona because of a politically charged case that occurred over thirty years ago at Washington University in St. Louis, Mo. Howard was charged with throwing a cherry bomb firecracker during an anti-war demonstration and was sentenced to five years in prison. The firecracker hit no one and caused no damage. The only prosecution witness was a police informant who has since died. A co-defendant, Larry Kogan, admitted in a NBC Dateline segment (aired Tuesday, September 5, 2000) that in fact he, Larry, did it and that Howard did not do it! Mr. Kogan was sentenced to ninety days for the same offense by a different judge and was pardoned by President Reagan in 1981! Howard has always maintained his innocence. Howard's trial judge was a Nixon appointee who convicted Howard under a super-strict, draconian Federal anti-demonstration law (the "H. Rap Brown act") designed to muzzle protesters. This is a clear case of miscarriage of justice. Howard has been a model citizen for twenty-eight years in Arizona, volunteering numerous hours and donating personal funds for social justice, clean air, and water. If Howard's petition is successful, he will have served over a year in jail on this and related charges. Howard deserves full clemency (commutation and pardon) granted by the President. I urge you to visit www.howardmechanic.org to learn more about this outstanding individual. Many of us believe that it is time to put the divisive events of the Vietnam War behind us and in the spirit of reconciliation and forgiveness, grant Howard Mechanic's petition for clemency.

President Clinton travels to Vietnam on Nov. 17. **We think Howard's petition should be answered during that visit, as a demonstration of the United States' commitment to forgiveness and reconciliation with all combatants of the Vietnam era.** We are asking that President Clinton free "the last prisoner of the Vietnam War" at that time.

Howard's supporters include the former U.S. Senator Tom Eagleton of Missouri; Chancellor of Washington University, Mark S. Wrighton; Chancellor Emeritus William Danforth; The Honorable Patrick Dougherty, Missouri House of Representatives; Bill Ramsey, Human Rights Action Service; Writer/Director Harold Ramis and many others.

We understand that federal prosecutors in Missouri and Arizona have been on record as not opposed to a pardon for Howard. ("We all need to close this chapter. We...will take a neutral position."—Michael Reap, First Assistant

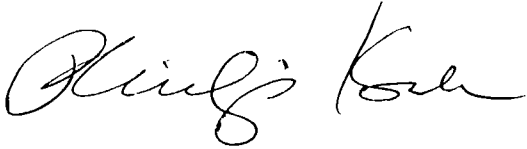
October 31, 2000

in the St. Louis Federal Prosecutor's Office.) We also understand that the U.S. Pardon Attorney at the U.S. Department of Justice in Washington is familiar with Howard's case and is considering Howard's petition. We are asking for fifteen minutes of time with the President to present Howard Mechanic's case.

Former Senator Tom Eagleton of Missouri: ***"I strongly recommend that ...the President commute his sentence to time served."***

Ms. Cabe, I am asking you to seriously consider this case and recommend clemency.

Gratefully,

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

Phillip Koch

Supporters of Howard Mechanic

Cc: Ms. Beth Nolan, White House Counsel
Encls.

**≧ SUPPORTERS OF
HOWARD MECHANIC ≦
4310 NORTH MOZART STREET
CHICAGO, IL 60618-1528
U.S.A.
(773) 463-4010 TEL
(773) 463-4019 FAX
E M A I L : p h i l k o c h @ i x . n e t c o m . c o m**

October 31, 2000

Ms. Beth Nolan
White House Counsel
The White House
West Wing, 2nd Floor
1600 Pennsylvania Avenue NW
Washington, D. C. 20500

RE: Howard Mechanic Petition for Clemency

Dear Ms. Nolan:

I am writing to plead the case of Howard Mechanic, "the last prisoner of the Vietnam War." Howard is an innocent man unjustly incarcerated in a federal prison in Arizona because of a politically charged case that occurred over thirty years ago at Washington University in St. Louis, Mo. Howard was charged with throwing a cherry bomb firecracker during an anti-war demonstration and was sentenced to five years in prison. The firecracker hit no one and caused no damage. The only prosecution witness was a police informant who has since died. A co-defendant, Larry Kogan, admitted in a NBC Dateline segment (aired Tuesday, September 5, 2000) that in fact he, Larry, did it and that Howard did not do it! Mr. Kogan was sentenced to ninety days for the same offense by a different judge and was pardoned by President Reagan in 1981! Howard has always maintained his innocence. Howard's trial judge was a Nixon appointee who convicted Howard under a super-strict, draconian Federal anti-demonstration law (the "H. Rap Brown act") designed to muzzle protesters. This is a clear case of miscarriage of justice. Howard has been a model citizen for twenty-eight years in Arizona, volunteering numerous hours and donating personal funds for social justice, clean air, and water. If Howard's petition is successful, he will have served over a year in jail on this and related charges. Howard deserves full clemency (commutation and pardon) granted by the President. I urge you to visit www.howardmechanic.org to learn more about this outstanding individual. Many of us believe that it is time to put the divisive events of the Vietnam War behind us and in the spirit of reconciliation and forgiveness, grant Howard Mechanic's petition for clemency.

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October 31, 2000

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Former Senator Tom Eagleton of Missouri: ***"I strongly recommend that ...the President commute his sentence to time served."***

Ms. Nolan, I am asking you to seriously consider this case and recommend clemency.

Gratefully,

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

Phillip Koch

Supporters of Howard Mechanic

Encls.



RECEIVED
JUN 19 2000
SY:.....

Mark S. Wrighton
Chancellor

June 13, 2000

Mr. Roger C. Adams, Esq.
United States Department of Justice
Office of the Pardon Attorney
500 First Street, NW, Suite 400
Washington, DC 10530

Re: Howard Lawrence Mechanic, Req. No. 44998-008

Dear Mr. Adams:

Attorneys for Howard Mechanic, who is now serving a five-year prison term in Arizona, have asked Washington University to support his request for commutation of his sentence and release on parole for a federal crime committed during a demonstration on our campus in May 1970. The crime consisted of throwing a powerful firecracker in the vicinity of police and fire authorities who had been summoned to the scene of the disturbance.

Very shortly after the demonstration, Mr. Mechanic was also charged and ultimately convicted in St. Louis County Circuit Court for civil and criminal contempt of a temporary restraining order. The temporary restraining order had been obtained by Washington University several months earlier to prohibit his participation in any demonstrations obstructing the University's normal operations. He was sentenced to a six-month term of imprisonment as a result of that conduct, essentially the same conduct giving rise to the federal indictment. We believe Washington University's interests, and the interests of justice more generally, were fully served by that prior punishment and we support commutation of his second sentence arising from the federal prosecution for the same events.

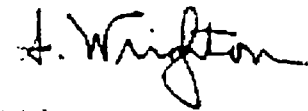
Washington University
Campus Box 1192
One Brookings Drive
St. Louis, Missouri 63130 4899
(314) 935-5100
FAX: (314) 935-4744

Attest: Roger C. Adams, Esq.
June 13, 2000
Page 2

We believe that commutation of his
and his release on parole will help
behind us and aid us in reaching
that happened three decades ago.

the time he has already
last years in America's
with a time of national

ours.



Wrighton

3)

3. Audrey Fleissig
4. Thomas M. Hoidal, Esq.

One Firststar Plaza
St. Louis, Missouri 63101-1693
314-552-6000
FAX 314-552-7000
www.thompsoncoburn.com

June 6, 2000

Thomas F. Eagleton
314-552-6030
FAX 314-552-7030

Susan M. Kuzma, Esq.
Deputy Pardon Attorney
United States Department of Justice
Office of the Pardon Attorney
500 First Street NW, Suite 400
Washington, D.C. 20530

Re: *Howard Lawrence Mechanic*

Dear Ms. Kuzma:

First, if I may, let me give you some background as to my motivation in writing this letter to you.

I served in the United States Senate from 1968 to 1987. I ran for the Senate as an "anti-Vietnam war" Democrat. When elected, I was active in the multi-year debate over our military presence in Vietnam. During those years of turmoil and protest, I spoke at various college and university campuses, including Washington University. Then Chancellor Thomas Eliot called me and invited me to speak at a big outdoor rally. He said, "I think your presence might give the protesting students a chance to let out some steam in a constructive manner."¹

As part of the overall Senate debate on the Vietnam war, those of us who opposed it would raise, from time to time, the widely disparate sentences being handed out by federal judges in different parts of the country for Vietnam related offenses. As I recall it, judges in the Eastern District of Missouri were handing out much more severe sentences for identical offenses than were the federal judges in the East. In fact, the wide variation in federal sentences for Vietnam related offenses was one of the reasons which later caused Congress to pass the Federal Sentencing Guideline statute.

With the foregoing as background, let me address the Howard Mechanic matter in particular.

¹ By the way, I just retired as a Professor at Washington University. I taught there --- including a seminar on the Vietnam war --- after leaving the Senate in 1987.

I do not know nor have I ever met Howard Mechanic. It is my understanding that he has submitted an application for a commutation of his five year prison sentence imposed in the United States District Court for the Eastern District of Missouri in 1970. Mechanic was convicted of a violation of the Civil Obedience Act of 1968 for allegedly throwing a large firecracker during a demonstration at the ROTC building on the campus of Washington University. He was apparently the first person prosecuted and convicted under this statute.

While the demonstration at Washington University resulted in a fire at one of the ROTC buildings, it is my understanding that Mechanic was never charged with any type of arson, or with harming anyone, or with any damage to property.

I am aware that Mechanic failed to report to serve the sentence imposed in 1970 and was a fugitive for nearly 30 years. While I certainly do not condone a citizen failing to abide by a court order to report to serve a sentence, I think we need to keep in mind that the times were different then and Mechanic was a 22-year old college student. I am aware that Mechanic's co-defendant, Lawrence Kogan, was pardoned by President Reagan in 1981. Mr. Kogan, convicted for a similar offense, was given a probation sentence at the time of his conviction in 1970, as opposed to the maximum five years imprisonment which Mechanic received. The disparity in their treatment alone, I believe, would call for the exercise of clemency by the President.

It is my understanding that Mechanic has lived a law-abiding and productive life in Arizona and has contributed to the community through participating in ballot initiatives and other public service activities. Indeed, it appears that his political activities may have lead to his disclosure as a federal fugitive and his voluntary surrender.

I have also been told that Mechanic has been charged with certain new violations in Federal Court in Phoenix relating to the concealment of his identity. The United States District Court for the District of Arizona will ultimately hear those matters and they should not interfere with the decision of the President on commutation of the St. Louis conviction.

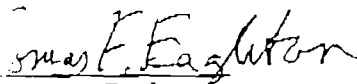
The Vietnam war was a terrible low point in our nation's history because it divided our country so profoundly and caused thousands of people, young and old, to question the legitimacy of our government. The war was an incredibly divisive issue that drove a wedge through the spirit of our nation. Long ago, our nation attempted to heal some wounds by granting general amnesty to those who had evaded the Vietnam war by fleeing to Canada. I view the Mechanic matter as a 30 year old leftover from the war and another wound that should also be healed.

June 6, 2001
Page 3

~~The~~
receive ~~favor~~
his sentence

recommend that Howard Mechanic's application
Department of Justice and that the President commute

Respectfully submitted,


Thomas F. Eagleton

TFE/kh

Carter Revard
Professor of English Emeritus, Washington University
6638 Pershing Ave.
St. Louis, MO 63130
(314) 727-9358

Mr. Roger C. Adams, Esq.
Office of the Pardon Attorney
U.S. Department of Justice
500 First St. NW
Washington, D.C. 20530
(202) 616-6070

July 28, 2000

Re: Howard Mechanic Petition for Commutation of Sentence Request No. 44998-008

Dear Mr. Adams:

In 1972, my wife and I had put up our small house at 920 Bermuda Avenue as guarantee for the bail of Howard Mechanic during his appeal of conviction for throwing a cherry bomb toward the firemen attempting to put out the ROTC-building fire on the Washington University campus. When he did not show up to begin serving the five years to which he was sentenced, the bail money of ten thousand dollars was forfeited, and we had to raise money to pay it. We were lucky to have many friends who helped us, but it did cost us.

I write, therefore, as an "aggrieved party" in the case, and my reason for writing is to express my firm support for commutation of his sentence. My grounds for supporting it are as follows. First, I believed in 1970-72, and still believe today, that Howard Mechanic was convicted on, at best, shaky evidence for what, at worst, was a small misdeed. Second, after conviction, he was given a sentence (five years in prison) far more severe than others convicted for the same alleged acts, and far more than such acts deserved: we are not speaking of manslaughter, arson, or mayhem here, but of throwing a firecracker that hit no one. Third, he has led an exemplary life since 1972, and from all accounts I have seen has been a model citizen of his community.

His act, moreover, took place in a historical context that needs to be considered: the national turmoil over the Vietnamese war. Many people, Howard included it seems, had come to view this as the unconstitutional waging of a misjudged and badly conducted war, and considered it their moral duty to protest as strongly and loudly as possible against the continuance of it. The protest which broke out on the night in question was a response to the shooting of students at Kent State by troops of the National Guard, and to the defense of that shooting by those who, as was believed by the protesting students at Kent State and by those at Washington University, were prolonging the Vietnamese war for their own political purposes (primarily, re-election of Richard Nixon to the presidency). The protest seemed to those engaging in it an act of patriotism comparable to those by the American colonists in 1775-6. However naive and foolish this may have been, the protests were sincere and were engaged in by students who believed they were acting in the way Americans ought to act to oppose the repressive actions of a government using its secret police to keep them from protesting or punish them for doing it.

That war is long over, and it is time to end the punishment of American citizens for the irritating but relatively unharmed protest-actions during that part of American history. Former Senator Danforth, describing his conclusions about actions that led to the fiery death of children, women, and men in the Branch Davidian compound at Waco, emphasized that one of the prime lessons he drew from the investigation was how much harm

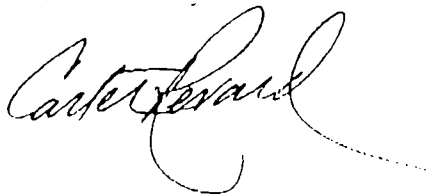
could be caused by small misjudgments compounded by coverup of the blunders. Yet he did not advocate severe punishment of those guilty of such misjudgment or coverup, but--under pointed questioning by Senator Specter (whom I have recently seen on C-Span)--spoke for using prosecutorial discretion NOT to try and punish these governmental "culprits" for misjudgments and subsequent concoction of misleading stories about what happened or did not happen. If a "minor FBI lawyer" (as Senator Danforth described the person in question) can benefit from prosecutorial discretion in a case involving so many deaths, so much national trauma, and causing such cynicism about the governmental actions involved, why cannot such discretion be allowed to an "unimportant undergraduate" involved in foolish but not deadly behavior during the burning of a building by other people? Senator Specter could certainly have argued that the consequences of governmental coverup of the Waco actions led directly to the murderous bombing in Oklahoma City a year later, but neither he, nor Independent Counsel Danforth, chose to press the argument explicitly, as they might reasonably have done.

Speaking as an "aggrieved party," I not only support commutation of Howard Mechanic's sentence, I would like to see prosecutorial discretion used to drop any further charges against him, in view of his exemplary life since 1972. I think he should have stayed and served the sentence Judge Meredith gave him, but only because it would have put Howard on the high moral ground, as Martin Luther King and Nelson Mandela showed. Even so, he has behaved, in all respects except his misjudged ways of protesting, and his panicking and running away, as a good American citizen should act. His actions have cost me some money and considerable worry, but the actions of our presidents and their administrations from 1954 to 1972 cost me and all citizens of this country, and of other countries, far more in money and in misery than can ever be made up. Moreover, if John McCain could go to Vietnam and try to reconcile with the people there, surely prosecutors can do something comparable with American citizens here.

This was an idealistic young man, a student who thought he was doing something good and useful, though it may have been stupid and in minor ways harmful to others, and was certainly in a major way harmful to himself, as it turned out. His alleged throwing of a firecracker did no physical harm to anyone, and all parties agree that he did not destroy the ROTC building. He came as a spectator, he probably jeered and booed, but basically the most he was convicted of doing was throwing a firecracker which hurt no one.

He is now a mature man who (by all the accounts I have seen) has lived, while "underground" for more than twenty years, in just the way a university trustee or chancellor would like his or her son to behave. I see no good, and real harm, in using prosecutorial discretion against, rather than for, Howard Mechanic. (That harm, I believe, will include a further souring of public perception of the U.S government--comparable to the souring that resulted not merely from its actions before and during the tragedy in Waco, but from its later fearful or vindictive refusal to be open and truthful about those actions.) And contrariwise, I see real good, and no harm, in using that discretion for him, because he has earned leniency by the life he has lived. He has shown by the quality of his life the sincerity of his protest, however misguided, which got him into this very bad situation--from which I hope he may yet be given the grace to pull himself and live a productive life as the good citizen he really is.

Yours sincerely,

A handwritten signature in black ink, reading "Carter Revard". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Carter Revard
Professor of English Emeritus
Washington University, St. Louis



JOSEPH L. ADAMS
MAYOR

OFFICE OF THE MAYOR
CITY OF UNIVERSITY CITY
6801 DELMAR BLVD.
UNIVERSITY CITY, MO 63130
(314) 862-8767, ext. 206
FAX: (314) 863-9146

June 23, 2000

Mr. Roger C. Adams
Office of the Pardon Attorney
U. S. Department of Justice
500 First St. NW
Washington, D.D. 20530

Dear Mr. Adams,

Please find enclosed a copy of a resolution passed by the City Council of University City on June 19, 2000. We support a commutation of Howard Mechanic's sentence.

If you have any further questions, please do not hesitate to contact me.

Sincerely,


Joseph L. Adams
Mayor

cc: Mark Wrighton, Chancellor - Washington University
✓ Bruce M. Roger, HMCSG-STL

enclosure
JLA:ikm



6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 863-9146

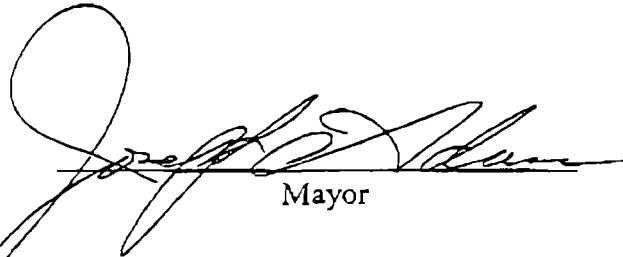
RESOLUTION

WHEREAS, Howard Mechanic was convicted of throwing a cherry bomb firecracker, which hit no one and caused no damage, at the site of the burning ROTC building at Washington University during an anti-Vietnam war protest on May 4, 1970; and

WHEREAS, we believe justice and reconciliation are best served by reduction of Howard Mechanic's unduly harsh five year sentence, imposed during a turbulent time in U.S. history, and immediate release on parole, based on his co-defendant's lesser sentence and on his twenty eight year life as a productive citizen.

NOW, THEREFORE, BE IT RESOLVED that the City Council of University City, Missouri, supports Howard Mechanic's petition for the commutation of sentence.

ADOPTED this 19th day of June, 2000.



Mayor

ATTEST:



City Clerk

O C E A N P I C T U R E S

10201 West Pico Boulevard Building 12 Los Angeles CA 90035 tel: 310 369 0093

June 1, 2000

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

Dear Mister President,

I am a film director and screenwriter and long-time supporter of your administration. Now I am writing to seek your help in correcting a serious miscarriage of justice. As an alumnus of Washington University in Saint Louis and a member of the Board of Trustees, I am adding my voice to those urging clemency for Howard Mechanic, now serving a five-year sentence in Federal prison for an offense that occurred more than 30 years ago during a student protest on the Washington U. campus immediately following the shootings at Kent State.

In the midst of an angry student demonstration, the ROTC building was set on fire and it is alleged that Howard Mechanic threw a "cherry bomb" at fireman battling the blaze. Howard served six months on state charges for his alleged involvement and was then sentenced to five years in Federal prison for the same offense, the first application of the "Rap Brown rider" to the 1968 Federal Civil Disorders Act. Rather than serve more jail time for an act he still maintains he did not commit, Howard fled and started a new life. Over the ensuing 28 years, Howard distinguished himself in business in Arizona, started a family, championed numerous environmental issues and social causes, and became so respected in the liberal community that he finally agreed to run for a city council seat in Phoenix. When he confided his real past to a local journalist doing pre-election coverage, he was exposed and now sits in federal prison facing a five year sentence and hoping that you will see the injustice in his situation and grant clemency. (As a point of reference, another defendant, Larry Kogan was charged with exactly the same offense and received a sentence of ninety days, three years probation and a \$3000 fine.)

Beyond his guilt or innocence (and there is good reason to believe Howard Mechanic was falsely accused) the larger issue here is whether, after all these years and all we have suffered as a nation because of the war in Vietnam, do we still need to exact this cruel retribution on a man who has in every respect proven himself over the last thirty years to be a responsible, compassionate, productive and law-abiding citizen?

The political events of the 1960's polarized this country and most of its colleges and universities in dramatic and unprecedented ways and students everywhere responded with perhaps intemperate but sincere passion. Given the perspective of informed hindsight, I think it is time to at long last put those divisive times behind us and, in the spirit of reconciliation and forgiveness, grant Howard Mechanic a commutation of his sentence.

Sincerely,

A handwritten signature in black ink that reads "Harold Ramis". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Harold Ramis

WHAT PEOPLE ARE SAYING

“Thirty years later, justice should be tempered with mercy. At Mechanic's trial, the evidence against him was weak. The events the night of the fire were chaotic. Co-defendant Larry Kogan served 90 days before being placed on probation. Another student, Joel Achtenberg, was acquitted after a new trial. Mechanic didn't injure anyone that night, and in the intervening years, he's been a model citizen who seemed to sentence himself to a lifetime of community service. A fugitive can't be allowed to walk away free. But surely a deal can be worked out where Mechanic serves a lighter sentence, possibly on the same order as his co-defendant. Then, perhaps, Mechanic will be free of the burden of his past and his debt to society.”

St. Louis Post-Dispatch, Editorial, February 2000

“It's tempting to look at all the mistakes and crimes committed by Mechanic and to rush to judgment. We shouldn't do that, however, without first considering the context in which all of these actions occurred. And considering that context, we conclude that Mechanic should not be made to serve five years in federal prison for his initial crime nor face anything stiffer than fines for all illegal acts stemming from the first . . . These were undoubtedly turbulent times and authorities clearly wanted to send a message with this law and Mechanic's conviction and sentence. Now, however, we can have that all-important context and can reason that this sentence was far too harsh . . . Perhaps passions were too heated 30 years ago to ensure a proportional sentence. That was then, however. This is now.”

The Arizona Republic, Editorial, February 2000

“Mechanic should go free and the feds should stop wasting their time on this non-case. It is not justice to go after Howard Mechanic – it's stupidity.”

Jana Bommersbach, Commentator, Channel 3 TV, Phoenix, Arizona, September, 2000

“There is much to suggest that convicting Howard Mechanic of this law had less to do with justice than with sending a message to the campus hellions of the time . . . If there was any theme to the tumultuous '60s and '70s, it was this: overreaction. The Civil Obedience Act of 1968 was just one tangible manifestation of this. In 2000, however, we need not succumb to the same passions.”

O. Ricardo Pimentel, columnist, The Arizona Republic, February, 2000

“He should pay a fine and serve probation and get on with his life.”

Joe Evans, Vice Chancellor in charge of campus security at Washington University from 1969 to 1990

Quoted in St. Louis Post-Dispatch, February 2000

“I think Howard's already punished himself enough.”

Bob Metcalf, fireman who was on the scene in 1970



BOBBY L. RUSH
FIRST DISTRICT, ILLINOIS

HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

October 26, 2000

The Honorable William Jefferson Clinton
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20502

RE: Commutation for Howard Mechanic

Dear President Clinton:

I am writing to you on behalf of Howard L. Mechanic, who has filed a Petition for Commutation of Sentence with the U.S. Pardon Attorney, U.S. Department of Justice. I urge you to support and approve Mr. Mechanic's petition that the Office of the Pardon Attorney will be submitting to you for action.

As the Petition states, Mr. Mechanic is currently in federal prison outside Phoenix Arizona where he is serving a five-year sentence for conviction on charges stemming from an anti-war demonstration that occurred on the Campus of Washington University in St. Louis, Missouri on the night of May 4, 1970. Although Mr. Mechanic has maintained his innocence, he was convicted and sentenced to five years in Federal Prison for throwing a cherry bomb (fire cracker) during a fire that broke out at the ROTC building on the Washington University Campus that night. The incident took place following a peaceful demonstration of students responding to the tragic killings earlier that day at Kent State in Ohio.

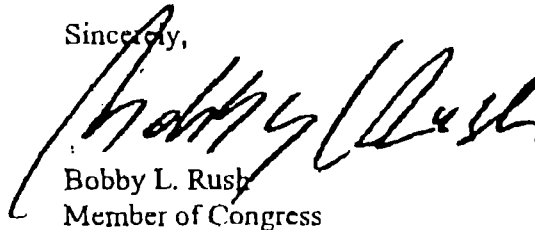
After losing several legal appeals, and fearing for his physical safety in federal prison, Mr. Mechanic made a difficult choice of leaving his family and friends to go "underground" in 1972, rather than serve the five-year sentence. Instead, he assumed a new identity and relocated to the Phoenix, Arizona, where he lead a quiet, yet active and productive life as Gary Treadway for the following 28 years. Mr. Mechanic earned a reputation as a socially responsible entrepreneur who generously donated both his time and money to support environmental justice, campaign finance reform, and other social issues. Mr. Mechanic was a co-founder of the Clean Elections Institute, and was active in the successful campaign in Arizona to pass one of the only statewide election finance reform laws.

Mr. Mechanic may be among the last of the U.S. political casualties of the Vietnam War. His case is significant. Mr. Mechanic served six months on state charges for his alleged involvement in the May 4 incident at Washington University, and was then sentenced to five years in federal prison for the same offense. Thus, he became the first person ever convicted under the "Rap Brown Rider" of the 1968 Federal Civil Disorders Act. Yet, a review of the facts in Mr. Mechanic's case shows that his co-defendant, Mr. Larry Kogan, now a social worker in St. Louis Missouri, who was charged with the same offense, received a 90-day sentence, three year probation, and a \$3,000 fine. Ultimately, President Ronald Reagan pardoned Mr. Kogan in 1981.

You and I both remember the political events and climate of the late 1960's and early 1970's. In some ways, that era, which included the civil rights movement, and the anti-war movement, played a role in our decisions to pursue public service. Those years polarized much of our country, especially the students on America's colleges and universities.

As you close out your presidency, I ask you to once again show your leadership and commitment to reconciliation and forgiveness. Mr. President, the case of Howard Mechanic offers another chance to put these divisive times behind us. I urge you to approve Howard Mechanic's Petition for Commutation of Sentence. Your action will allow him to return to his family and community, so that he may continue to champion the social agenda that you and I have worked together on during these last eight years; which has been to promote equity and equality for all Americans. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Bobby L. Rush". The signature is fluid and cursive, with a large, sweeping initial "B".

Bobby L. Rush
Member of Congress

9/7/00

Ex-fugitive pleads guilty of charges related to his flight from law in 1972

Prosecutors now will not fight Howard Mechanic's request to leave jail early

BY TIM O'NEIL
Of the Post-Dispatch

Howard L. Mechanic, who went underground 28 years ago rather than serve prison time for throwing a cherry bomb during an anti-war riot at Washington University, pleaded guilty to related charges Wednesday in Phoenix.

A spokeswoman for Mechanic, 52, said the plea agreement worked out with prosecutors will allow him to concentrate upon seeking a presidential commutation of his original five-year term. He began serving it in February upon the unraveling of his longtime alias as Gary Tredway of Scottsdale, Ariz., owner of a mail-order health food business and social activist.

The deal includes agreement by the U.S. attorney's office in St. Louis to take no position on Mechanic's request to President Bill Clinton. Michael Reap, first assistant in the federal prosecutor's office here, said the goal was to "maintain the integrity of the justice system."

"We felt it was appropriate that Mr. Mechanic acknowledge some contrition for the events since his original conviction," Reap said.

In October 1970, a U.S. District

Court jury here convicted him of interfering with authorities during a civil disorder — specifically, of throwing a cherry bomb at firefighters during the riot on May 5, 1970, when the Air Force ROTC building at Washington University was burned. Mechanic said he never threw anything.

At the time, Mechanic was a senior from suburban Cleveland who was active in protests against the Vietnam War. In May 1972, he jumped bail rather than begin serving time.

On Wednesday in Phoenix, Mechanic pleaded guilty of failing to appear for the sentence and of falsely obtaining a passport in 1997, both felonies. U.S. District Judge Roger Strand imposed an agreed-upon sentence of four months in prison, plus a \$5,000 fine, on the failure to appear, and set Sept. 21 for sentencing on the second plea. Prosecutors dropped a third charge of falsely obtaining a Social Security card.

The new four months would be concurrent, or served with the current prison term. The deal proposes probation and another \$5,000 fine on the passport offense.

About 30 supporters of Mechanic attended the hour-long hearing. Athia Hardt, his spokeswoman in



Mechanic
Seeking presidential
commutation

Phoenix, said Mechanic began the hearing by expressing regret for lying to people in Scottsdale and cutting himself off from friends and relatives during his years on the lam.

Hardt said he apologized specifically to Carter Revard, professor emeritus of English at Washington University, who put his house up as part of Mechanic's appeal bond in 1971.

While Mechanic awaits word from Clinton, he will remain an inmate at a medium-security federal prison in Florence, Ariz.

Commutation is a presidential prerogative, and the federal tradition is to seek the opinion of the prosecutor's office that obtained the original conviction. Now that Mechanic pleaded guilty, said Reap, "We will respond, as we have agreed, and will take a neutral position."

Reap added: "There is a historical perspective here, and other presidents have issued pardons and commutations in Vietnam-era cases. We all need to close this chapter."

Mechanic fled to the Southwest in 1972 and obtained identification using his alias in 1976. He maintained his secret until January, when he dropped his campaign for a seat on the Scottsdale City Council after having to concede to a local newspaper that he had lied about his birthplace, family and education. He surrendered to federal marshals on Feb. 10.

E-mail: tonell@postnet.com
Phone: 314-340-8132

to: dave
from: your computer
subject: you
cc:
etc:
x-attachments:

good morning, dave —

>
up rather late last night with me, weren't you?
nastygirls.com. hmmm. relaxing? perhaps it's none of my
business (ha ha ha). ... speaking of business, dave, i
noticed you cashed out of intel yesterday. it wouldn't be
because of all that credit card debt you and the wife
have run up lately, would it? ... anyway, have a good
day at the office, dave. i look forward to more of those
e-mails about — how did you put it? — that “boss i'd
like to strangle with a coat hanger.” ...

WHY INTERNET PRIVACY MATTERS

BY JEFFREY ROSEN

Doesn't Anybody Know How To Be a Fugitive Anymore?

Convicted in 1970 for antiwar activity, Howard Mechanic spent 30 years in hiding as one Gary Tredway. Then Tredway ran for the City Council in Scottsdale, Ariz. Not a smart move. By Lisa Belkin

FOR NEARLY THREE DECADES, HIS WANTED POSTER DESCRIBED him as "armed and dangerous." But the clean-shaven man in the federal penitentiary here in Florence, Ariz., looks more like an aging Boy Scout. He wears the mud-brown polyester-cotton shirt and pants that are standard-issue prison garb. There is a pair of black reading glasses in his only pocket, and his blue canvas sneakers are the slip-on kind — no laces allowed. After all those years in Birkenstocks, the closed-toe shoes feel odd on his feet. More disorienting still is his bare wrist. If he'd been wearing a watch when he turned himself in, he would have been allowed to keep it. But there are strict rules about what may be sent into a penitentiary.

Time looms large in prison. The trick, the man says, is not to



focus on it, and he is better at that than he was during his first, brief lockup a lifetime ago. But the threads of his world are tangled up in time. Five years: the federal sentence he is serving. Thirty years: the distance between this serene spring morning and the chaotic night of the crime. Twenty-eight years: the gap between the life he fled, in the fall of 1972, and the one that is now unraveling.

Today marks three decades since Richard Nixon expanded the Vietnam War to include Cambodia, and May 4 is the anniversary of the death of four students at Kent State University, shot by National Guardsmen during protests over that war. In the weeks after Kent State, demonstrators burned at least 32 R.O.T.C. buildings, including one at Washington University in St. Louis. Howard Mechanic, a 22-year-old senior, was in the crowd watching those flames, his face all but hidden by a bird's nest of hair and a scruffy beard.

Someone lobbed a cherry bomb toward the clustered firefighters that night. No one was hurt when the firecracker exploded. No damage was done. Howard Mechanic was charged with that crime (he denied it then and still denies it now) and was the first person in the country to be found guilty under a harsh 1968 law designed to quell campus protests. The sentence was five years, and when all his appeals were exhausted he skipped bail and disappeared.

In February he was caught. He was living where he has been for 28 years, in plain sight, in and around the tony and conservative town of Scottsdale, Ariz. He probably would be there still had he not done something audacious or naïve, depending on your point of view. Using his assumed name, Gary Tredway, Howard Mechanic ran for elective office. In a move ripe for Freudian analysis ("Was I secretly hoping to get caught?" he asks. "I don't believe that I was"), he became a candidate for the Scottsdale City Council. And when a local reporter came asking questions for a standard candidate profile, he told her his secrets — and then asked her not to tell them to anyone else.

Why on earth did he run for office? He took the risk, he says, because his past seemed a world away. So far away that he'd forgotten how to spell his given name (when he surrendered, and signed Howard Lawrence Mechanic for the first time since 1972, he could not remember whether his middle name had a "w" or a "u"). So far away that, despite frequent visits by the Federal Bureau of Investigation to his twin brother in California (where agents snapped photos of one brother so they would know what the other looked like), he didn't really believe that anyone would still care.

But we do. When the Chicago Seven defendant Abbie Hoffman surrendered after six years posing as an environmentalist named Barry Freed; when the Black Panther accomplice Katherine Ann Power turned up as a restaurateur named Alice Metzinger; when the Symbionese Liberation Army member Kathleen Soliah was found living as a doctor's wife (and sometime actress) named Sara Jane Olsen; when the former Weatherman Bernardine Dohrn emerged as if from nowhere after a decade underground — each of those times we were startled by their ability to yank us back into the past. The 60's spill into the Zeroes, and each fugitive who resurfaces from that most turbulent of times forces us to probe the wounds and find that they still have not healed.

They cause us to ask other questions too. What does it take to abandon one life and cloak yourself in another? Can you live without a past; with no connection to a former self, or does the real "you" — in Mechanic's case a pacifist-entrepreneurial-vegetarian environmentalist — always win out?

If anyone could have faded away and blended in, it should have been Howard Mechanic. Those who knew him in college describe him as quiet and bookish, the type who might easily get lost in a crowd. "I wouldn't describe him as a leader," says Phillip Koch, now a filmmaker in Chicago, who roomed with Mechanic in their senior year at Washington University. "There were others on campus who were . . . better at that."

In other words, he wasn't a radical or a militant. Not S.D.S. or S.L.A. or Weatherman. He was just a kid shaped by a moment and drawn to a cause.

Lisa Belkin is a contributing writer for the magazine. She also writes the Life's Work column for The New York Times



The "Tredway" family around 1981.

'This is the easy part,' Overton said. 'We're just going to make sure you are who you say you are.' That was when Tredway began to sweat.



"Tredway" with his girlfriend in the late 90's.

So while it is tempting to lump him with Abbie Hoffman or Kathleen Soliah, his story is more disquieting than theirs. True, he said things back then like, "The law, courts and pigs protect the propertied interests" (part of his statement just after his conviction) and "All you have to do is read a little Marx and you'll figure out how it's all going to turn out" (a memorable comment to a classmate). And, true, his hair was as godawful as 60's hair could get. But strip the blandishments of the era away and what's left is a earnest, smart, somewhat awkward nerd who got the book thrown at him. A nerd who was caught because, after 28 years of lying, he turned out to be a surprisingly lousy liar.

Which is why, later this week, while others march with candles to commemorate Kent State, Howard Mechanic will be in jail — a man still caught in a time warp, and wondering about the time.

"CALL ME HOWARD," HE SAYS, TAKING A MOLDED PLASTIC SEAT IN THE stark white visitor's room at the start of our two-and-a-half-hour visit. "It's my legal name," he adds, "but I'm still getting used to it." He was

first given his name 52 years ago, on Feb. 21, 1918. His father, Ralph, owned an appliance-repair business; his mother, Rose, was a homemaker. His twin brother, Harvey, says he and Howard were "nice Jewish boys." Living in the comfortable Cleveland suburb of Shaker Heights, "We were both National Merit Scholarship finalists," Harvey recalls with pride more than three decades after the fact.

In 1966, Howard Mechanic enrolled at Washington University, where one focus of student wrath was the R.O.T.C. training program. In March 1970, the university got a court injunction against any future demonstrations, and Mechanic was one of several students specifically named in that injunction. The court order didn't stop him on the night of May 4, 1970, however. It seemed as if nothing could stop the rage that night. Around the country, thousands of National Guardsmen were deployed on hundreds of campuses as 250 colleges went on strike. At the University of Chicago, students dug trenches to protect themselves against the troops. At Wabash College in Crawfordsville, Ind., one protester set himself on fire. Three students were stabbed in the bedlam at the University of New Mexico at Albuquerque.

And at Washington University, as many as 3,000 protesters gathered to watch the R.O.T.C. building go up in flames, chanting "Burn, baby, burn" and "Kent State, Kent State." The blaze, later ruled to be arson, went unchecked after firetrucks were turned back by rock-throwing demonstrators. Mechanic was in the crowd, along with his girlfriend. According to his federal trial testimony, their evening began at about 10 o'clock at a rally in the university quadrangle, where a series of speakers denounced the invasion of Cambodia. At midnight, "a large portion of that crowd went to the R.O.T.C. building," he testified, "and I went with that crowd." He did not cause any property damage that night, he said. Nor did he throw anything. He specifically denied that he had thrown a cherry bomb. "I can't remember when the last time was that I had a cherry bomb," he said. "I have seen them."

Mechanic's first conviction was on state charges for contempt of court — attending the rally in violation of the injunction. The four and a third months he spent in the county jail on that charge (shortened from six months when he was given time off for good behavior) were the foundation for his later decision to flee. The guards, he says, "were ex-military" and did not take well to a kid charged with protesting the war. "I had one guard who would say if he gets a chance he's going to take me out and shoot me."

The contempt trial was followed by a federal trial, and there Mechanic made history. In 1968 Congress had approved the Civil Obedience Act which prohibits a person from interfering with "any fireman or law enforcement officer" who is doing his job "during the commission of a civil disorder." A civil disorder is defined as disruption or damage caused by a group of three or more people.

Mechanic was the first person ever tried under the act, and a reading of the trial transcript shows the government's case to be anything but airtight. Nineteen prosecution witnesses were called. Only one of them actually testified against Mechanic. Most were firefighters, police officers and news photographers who established that there had been more than three people in the crowd. The one man who claimed to have seen Mechanic with a cherry bomb was a law student named Donald R. Bird. He died in 1983.

Bird's testimony was far from convincing. First he said he saw the cherry bomb in Mechanic's hand. Then he said he saw it only after it left "the person of Howard Mechanic." At one point Bird acknowledged that the cherry bomb "could have come, perhaps, from someone standing about five or six feet behind."

Mechanic was sentenced to five years in federal prison for an act that, in a less volatile era, might have resulted in a slap on the wrist. For a year and a half, Mechanic appealed. The federal Court of Appeals agreed that Bird was "a highly partisan witness who desired to see the defendants convicted," but the conviction was allowed to stand. In 1972, the Supreme Court declined to hear the case and Mechanic was ordered to surrender.

He fled instead, later mailing his parents a note that said he would be in touch. He also left one of his professors in a lurch — an English professor who had put up his home as collateral for Mechanic's \$10,000 bail.

"I just didn't think I should serve five years," Mechanic says. "People think, 'Well, this is what you have to do and you don't have a choice.' I did have a choice. So I took the choice."



WHEN HE WAS 12 YEARS OLD, HOWARD MECHANIC BEGAN collecting stamps — commemorative envelopes canceled at Cape Canaveral at the time of one or another space flight. He also collected autographs of all the astronauts.

He had one postcard signed by Yuri Gagarin, the first man in space, and another signed by all seven of the original Mercury astronauts.

While his case was being appealed, he sold the stamps. By the time his final appeal was rejected, he had raised \$4,000. With the cash in his pocket, he boarded a bus, expecting to settle in Albuquerque. But when he got there, the weather was too cold, so he got back on the bus and stayed on until Phoenix.

He liked that the city was not a radical place. "I was trying to stay away from radical politics," he says, and in the land of Barry Goldwater (and later, John McCain) there were fewer temptations. He settled, at first, in the college town of Tempe, where a 24-year-old could easily blend in. Getting used to his new name (he refuses to say where he got his identity or divulge any details that might incriminate others) took about six months. Getting rid of the nightmares — being hunted, being caught — took more than 10 years.

The most difficult part, he says, was having to "minimize my abilities." He could show no proof of having graduated from college; nor was there any way to act on his acceptance to Boston University law school, which he believes revoked its acceptance after his conviction. Yet he found it hard to be anything but well educated and outspoken. His first job was as a shelf-stocker in a health-food store, and he apparently didn't do well at keeping his mouth shut. "My boss thought I was trying to take his job," he says. Eventually he went into business on his own, as a local distributor for several national health-food products. He also invented a gadget that allows people to fill empty pill capsules with home remedies.

He had become a strict vegetarian in college and was drawn to an organic-food-buying club in Tempe. During the 70's it grew into the Gentle Strength Co-op, and Tredway became a member of the board. In 1977, he met a college student named Ingrid Gold at the co-op, where she was working parttime as a cashier. While they were dating, they protested the building of the Palo Verde nuclear plant together, Gold remembers, but unlike some other protesters, they were careful not to trespass and risk arrest.

Gold and Tredway were married in 1980, and their son, Ari, was born in 1981. By 1985 they were divorced, because, Gold says, he was a better person than she was willing to be. "You know about his life," she says, referring to her ex-husband's lack of interest in things material, "and you've seen me." We are at a bistro outside Scottsdale when she says this, and she's dressed in a chic pantsuit and tasteful but glittery jewelry, her copper hair stylishly cut. "Let's just say one of us wanted to move on."

Which doesn't mean that Tredway was standing still. He had a knack for business. He invested in a line of homeopathic products, then put the profits in an auto-resalvage business — buying wrecked cars at insurance auctions and fixing them up (with new identities, if you will) for resale.

After a falling out with the partner who did the actual work, he bought the Abode, a modest 12-unit apartment-hotel for Arizona snowbirds, where he installed solar hot-water heaters. In many ways he was a tightwad, buying most of the furnishings for his hotel, including towels, at swap meets. But he prided himself on never turning out a tenant who fell behind — remembering the professor who stood to lose his home when Howard Mechanic disappeared.

More than five years ago, Tredway placed a personal ad in a local alternative weekly, looking for a "left-thinking, nonsmoking, vegetarian social activist." Janet Grossman answered that ad, and they have considered themselves "life partners" ever since. Grossman, who is partial to Guatemalan blouses and embroidered hair bands, works for the Community Housing Partnership, a nonprofit group that rents apartments to low-income tenants. She loved everything about Tredway from the start, she remembers,

save for one thing. "His name," she says. "I called a friend after we first met and said, 'I really don't like the name Gary.'"

During his years with Grossman, Tredway became bolder. Or, put another way, he inched closer to revealing his true self. He regularly wrote letters to the local newspapers protesting things like the use of public tax money to finance arenas for private sports franchises. He worked to help pass the state's Clean Elections Act, a ballot initiative that eliminates corporate donations to political campaigns. (The measure has since been declared unconstitutional and is being appealed.) While spearheading the public campaign to support the act, he allowed himself to pose for a newspaper photograph. He was also interviewed on local cable TV. Each step brought the spotlight closer, and when no one recognized him, it was easier to take the next, larger step.

"I was getting a higher and higher profile," he says. "I felt it was a risk but I was trying to make some positive changes for the city." Eventually, fellow activists began urging him to run for City Council, and he found himself agreeing. "It was like you're on a train," he explains. "The train is going in a certain direction and you can actively get off the train, but people want you to stay on."

Politics, Grossman believes, is what Howard Mechanic would have done had his life worked out differently. "He's really a very political person," she says, eyes filling with tears. "I've accused him sometimes of caring more about politics than he does about me. Scottsdale City Council is very small potatoes for what I think he could have done had his life 30 years ago not led him to where he is."

BACK IN 1970, BEN ZARICOR WAS PRESIDENT OF THE STUDENT union at Washington University. He didn't know Howard Mechanic well, but he followed the cherry bomb trial, and he knew that his classmate had fled. In 1973 or '74, Ben Zaricor was attending a National Nutritional Foods Association convention in San Diego. "I turned a corner and there he was, standing there in sandals," says Zaricor, who now owns Good Earth Teas and Restaurant Services, based in Santa Cruz, Calif. "I recognized him immediately," he says, even though the man was now named Gary Tredway.

Over the years, Mechanic says, just 12 people came to know his secret. The only condition of our interview was that he would not name them, for fear that they might be charged with aiding a fugitive. Mechanic did not tell me about Zaricor; I tracked him down myself and found him eager to describe how he decided to protect a friend. "I went over and introduced myself," he says of the health-food convention. "Howard never asked me, 'Are you going to turn me in?' He knew I wouldn't just by the way I acted."

For many years after that, the men were in close touch. They spent summers together in California when Mechanic wanted to escape the heat of Arizona. Periodically, Zaricor brought his son to Phoenix to see the Oakland A's at baseball spring training.

For Zaricor, who was himself once suspended from campus for participating in a nonviolent demonstration, the friendship with Mechanic was his chance to right a wrong. "I felt like we'd both been through a war together at Washington University," he says. "Students were followed, our phones were tapped, we were thrown in jail. Howard was still a prisoner of that war."

For Mechanic — who often had to avoid Hare Krishnas, because his twin had joined the sect and the Krishnas might mistake him for Harvey — the friendship with Zaricor was a rare chance to be with someone who knew the whole of him. But it also reminded him that discovery could lie around any corner. This secret was not the kind you'd tell a buddy over a beer. The simplest question could lead to a thicket of answers, so he avoided even simple questions. What looked like aloofness was just a man biting his tongue.

Those who have known him for years (or thought they knew him) now find themselves thinking of conversations they never had. Sherry Bohlen, for instance, worked with Tredway on the liberal newsletter *The Current* and doesn't once remember "having a discussion with him outside of the project at hand." Bohlen and her husband adopted a Vietnamese orphan in 1975, their own private attempt to right what they saw as a

national wrong. When most people learn about her son, she says, sparks a conversation. Tredway never said a word.

David Winkler, a Phoenix insurance claims supervisor — and, by coincidence, a 1972 graduate of Washington University — wrote about human rights for *The Current*. Tredway was his editor. Winkler never recognized his fellow alum, but Tredway, he now knows, recognized him. "Right before he turned himself in, he called and asked me if I had ever figured it out," Winkler says.

The few times Tredway told his secret was when he had no other choice. "I was forced by circumstances," he says. "Things are discovered, certain things lead to certain other areas, and you try to explain it so it doesn't cause a problem."

In other words, he would tell when he was about to be found out. His former wife, Ingrid Gold, will not discuss what she knew when, but she was apparently still in the dark when their son was born in 1981. "I said, 'You have one last name, I have another; which one should we give the baby?'" she says. It was intended as a feminist provocation, but instead Tredway quickly agreed that the boy should take his mother's name. "I didn't understand then," she says, "that his name meant nothing good to him."

Janet Grossman also declines to talk about when she learned the truth, but she agrees that she knew by February of this year, when Tredway's secret unraveled. Penny Overton, a fresh-faced but dogged investigative reporter for *The Tribune*, in Scottsdale, was assigned to write a standard candidate profile, and she was not happy it. She'd been called off the really hot story at the time — the discovery of a headless torso in a Scottsdale trash bin — to write up about a "very bland man."

Tredway seemed edgy, Overton remembers. "Don't worry," she told him. "This is the easy part. We're just going to make sure you are who you say you are." That was when Tredway began to sweat, soaking his shirt within minutes.

Still thinking the problem was first-time-candidate nerves, Overton began with her friendliest questions. "Tell me about your family," she asked. "Where did you grow up?"

Tredway said he was an orphan, adding that he didn't want to talk about it. "Tell me three stories, then, about your life, about how you got where you are," she says she asked. "C'mon, everyone has three stories."

Tredway had only one, Overton says, about a business trip to China in the early 70's.

Overton left that afternoon "exhausted from having to beg and plead for things that most politicians are trying to palm off on you all the time." Tredway paged her several times during the next few days, checking on the status of her investigation and sounding increasingly agitated. When they next met, Grossman was also present, and Overton guessed that Tredway was "sc white bread" that he was worried that a profile would include the fact that the couple were living together.

"No, I don't think that's why we asked you to come," Grossman said.

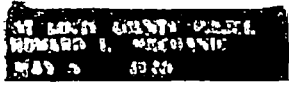
"I'm not who you think I am," Tredway said. "I'm not Gary Tredway."

He was a fugitive, he explained, outlining his crime but not telling her his real name or the name of his school. When he decided to run for City Council, Overton says he told her, he and "a small group of friends" had faked a résumé, choosing as his alma mater Franconia College, in New Hampshire, because it closed in 1978. (He now says he wrote the résumé alone.) But once he realized Overton was planning to check, he told her, he panicked.

For the next few hours, sitting by the pool at the Abode, Tredway begged Overton not to tell. At one point, he dug out his tax forms to show that he had been earning about \$100,000 a year, paying his full share of taxes and giving 25 percent of his income to charity. "Now you understand why you can't write about me," he said, crying quietly. "You'll send me to jail. You can either be a good reporter or a good person."

He told her all this, he now says, because he thought she would protect his secret. After all, no one else he told had turned him in. "I thought I could get her off the story," he says. "It almost worked."

Overton briefed one editor, then spent the weekend hiking in the Ajo Mountains, near Mexico, and agonizing over what to do next. She finally decided that because Tredway was running for office she was obligated to



Mechanic after his initial arrest in 1970.

When he turned himself in, and signed Howard Lawrence Mechanic for the first time since 1972, he could not remember how to spell his middle name.



Mechanic as Tredway in a 2000 campaign photo.

report what she knew. Tredway spent that same weekend on the computer. He reasoned that if he dropped out of the race he would not be a public figure and the paper might leave him be. But he needed a compelling reason for withdrawing, and he surfed medical sites looking for a disease that would serve as his excuse.

On Monday morning, when Overton returned to the office, she found a statement from Tredway to his supporters, announcing he had leukemia and would not run. What followed was a circus. The City Council was planning a moment of silence for Tredway. The paper's political reporter was planning a column about how the man was "too pure for politics."

Tredway's final lie, rather than giving Overton second thoughts, made

her more certain. "He's not dying, he's lying," she announced to anyone who would listen, then wrote her story.

CARTER REVARD IS THE PROFESSOR OF LITERATURE, NOW RETIRED, WHO put his house up as collateral for Howard Mechanic's bond. When the young man skipped town, Revard received a letter saying his home would be taken unless he could repay the \$10,000. A fund was set up by Revard's colleagues — Mechanic's father sent a check for \$2,000 — and the professor did not lose his home.

All these years later, Revard is still furious — but not at Mechanic. "You tell Howard that I support him completely," he told me. "They gave him five years for a cherry bomb while they were handing out Medals of Honor for dropping napalm on civilians. I think the people who should be in jail are the people who prosecuted him."

Others are less forgiving. Bob Metcalf was a 27-year-old University City fireman on the night of the R.O.T.C. fire, and he arrived on campus to find "a riot." The pumpers "could have gotten that fire out when we first got there," says Metcalf, who is now the chief of the same fire department, "but they wouldn't let us do our job." To dismiss Mechanic's crime as "just a cherry bomb," he says, is to dismiss the people who were its intended targets. "He could have killed me," he says.

Opinion is divided in Scottsdale too, where Gary Tredway received more than 1,300 votes for City Council, even while Howard Mechanic sat in prison. His supporters argue that the charitable life he led over the past 28 years should mitigate his punishment. The state's chapter of Common Cause has created a Web site where people can log examples of Mechanic's good deeds. "He seems to have joyfully sentenced himself to a life of community service," writes Dennis Burke, the executive director of Arizona Common Cause. "It will be up to a judge to determine if that has been enough."

Mechanic's critics, on the other hand, are far more troubled by his more recent activities than by his original crime. A civic group known as We Love Scottsdale points out that running for office under an assumed name is election fraud, and that the "small group of friends" who may have helped him fabricate a résumé are guilty of the same offense.

"Our city should aggressively prosecute Gary Tredway for false filings, fraudulently collecting contributions, illegally filing false papers with the city and numerous other criminal offenses," says a statement issued by the group. "But Scottsdale must also actively pursue the others in his group who ... conspired to rob our citizens of their voting rights."

Mechanic may well face charges of campaign violations, state officials have said. Already he has been charged with using a false Social Security number to obtain an Arizona driver's license, which carries a penalty of up to 5 years, and making a false statement in the application for a passport, which carries a penalty of up to 10 years.

As for his original five-year prison term, he is in a most unusual legal bind. Other Vietnam-era fugitives fled before they were tried. Later sentences were handed down in a more forgiving time. Katherine Ann Power served six years for helping to rob a bank and kill a police officer. Bernardine Dohrn pleaded guilty to aggravated battery and jumping bail, was fined \$1,500 and was placed on three years' probation. Silas Bissell hid for 17 years, then served 1½ years at a federal halfway house for conspiring to bomb an R.O.T.C. building at a different campus. David Fine, who planted a home-made bomb at the University of Wisconsin in 1970, killing a physicist, spent only three years in prison after being caught in 1976. Only Howard Mechanic faces a sentence meted out in another era. He has run out of appeals. His case has already been heard by every court short of the Supreme Court, meaning his best hope — and it is a long shot — is a presidential pardon.

Does he wish he served the time in the first place, I asked him, and have been done with all this?

No, he says, because he would not have emerged as the person he is today. Five years, he says, fiddling with the bare spot on his wrist, is much longer to a 22-year-old than it is to a 52-year-old. He is stronger now, more able to weather this storm.

"I'm not going to try to 'what if' my life," he says, "but I think I made the right decision at the time." ■