

# FOIA MARKER

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

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

**Series/Staff Member:** Meredith Cabe

**Subseries:**

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**OA/ID Number:** 18221

**FolderID:**

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**Folder Title:**

School of Americas: [Clemency and Commutation of Sentence Background Information]

**Stack:**

**S**

**Row:**

**113**

**Section:**

**5**

**Shelf:**

**1**

**Position:**

**2**

# Withdrawal/Redaction Sheet

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE                                                                                                                          | DATE       | RESTRICTION |
|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------|------------|-------------|
| 001. letter              | Debra Hannula to William Jefferson Clinton; RE: Committee for Clemency/Pardon of the School of Americas Protesters [partial] (5 pages) | 11/30/1998 | b(6)        |
| 002. profile             | RE: Biographical Information on the School of Americas 26 [partial] (17 pages)                                                         | n.d.       | b(6)        |

### **COLLECTION:**

Clinton Presidential Records  
Counsel Office  
Meredith Cabe  
OA/Box Number: 18221

### **FOLDER TITLE:**

School of Americas: [Clemency and Commutations of Sentence Background Information]

2006-1704-F  
db3786

### **RESTRICTION CODES**

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

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

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

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

RR. Document will be reviewed upon request.

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

b(1) National security classified information [(b)(1) of the FOIA]  
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]  
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]  
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b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]  
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]  
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

# COMMITTEE FOR CLEMENCY/PARDON OF THE SOA PROTESTERS

1315 Madison Street #286  
Seattle, Washington 98104  
(206) 748-3137

cc: Ruff

## MEMBERS

**Debra K. Hannula**  
CHAIR, ATTORNEY AT LAW

**John R. Connolly, Jr.**  
CO-CHAIR, ATTORNEY AT LAW

**Cathryn A. Ruckle**  
CO-CHAIR, ATTORNEY AT LAW

**James G. Stewart**  
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**Martha J. Kongsgaard**  
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**Robert Cole**  
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SOCIAL ACTION MEMBER

**Margaret Chase**  
RETIRED

**Robert Patrick**  
HUMAN RIGHTS GROUP, PUBLISHER

**Kate Cronin**  
RETIRED SOCIAL AGENT

November 30, 1998

Mr. John Podesta  
The White House  
1600 Pennsylvania Ave. NW  
Washington, D.C. 20500

Re: Release of the 6 Protesters of the United States Army's School of the Americas (SOA), Fr. William Bichsel (70), Sr. Marge Eilerman (70), Dr. Richard Streb (73), Ed Kinane (54), Mary Trotochaud (47), Kathleen Rumpf (47)

Dear Mr. Podesta:

Please find enclosed a copy of a letter to President Clinton with exhibits and a box of signed petitions from over 5,500 citizens calling for the immediate release of the SOA 6 protesters.

I am sending this information to you since you were approached by a supporter, Fr. Charles Currie, regarding the SOA Protesters and you wrote him a reply dated May 20, 1998 (copy of that letter attached).

I am asking that you reconsider your position regarding these protesters based on the arguments presented in the letter to President Clinton dated November 30, 1998.

Dr. Richard Streb, a 73 year old WWII veteran entered federal prison September 21, 1998 and is now being considered for clemency by the Pardon Attorney, but as the Pardon Attorney states in his letter of September 16, 1998 and attached as Exhibit B to President Clinton's letter, "we can make no guarantee that final action can be taken before he completes his six-month term of imprisonment."

As you may recall, On November 16, 1997, 25 American citizens, along with over 2,000 other Americans held a silent funeral procession carrying makeshift coffins at Ft. Benning, Georgia, to commemorate the deaths of six Jesuits, their housekeeper and her 15-year-old daughter, killed by 19 School of Americas graduates, on that same date in 1989. Inside the coffins were petitions with 1 million signatures calling for the closure of the School of the Americas based the Georgia military facility. For this non-violent act, these 25 were convicted of criminal trespass and given the maximum prison sentence — six months in Federal prison and a \$3,000 fine — by the Honorable Robert Elliott (see attached bio republished with permission and attached as Exhibit A to President Clinton's letter)

CLINTON LIBRARY PHOTOCOPY

Mr. John Podesta  
November 30, 1998  
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In a separate protest two months earlier, on September 29, 1997, five protesters converted the School of the Americas' sign to reflect what much of the American public has found the SOA to be: a "School of Assassins," a "School of Shame." This "editing" of the sign took place at 10:00 a.m., with the press and the base alerted beforehand. Military police watched the entire action and made no attempts to stop the action the protesters. They were then arrested and charged with two felony criminal offenses of property destruction and attempted property destruction. On July 23 of this year, the five protesters were sentenced by Judge Elliott to prison terms ranging from 8 to 12 months and fines of \$1,000 to \$2,000 consecutive with their six month sentences.

I am asking that President Clinton take executive action to commute the sentences of those American citizens involved in the protest at the School of the Americas. These people, exercising their First Amendment rights, should not be imprisoned. There is a growing concern across the country that the SOA should not remain open and these protesters should not be incarcerated in Federal prison for expressing their dissent.

Article II, Section 2, of the U.S. Constitution states that the President

shall have the power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

There are Rules of Clemency attached as Exhibit C to President Clinton's letter, however, as stated in Section 1.10 of the Rules of Clemency, Advisory Nature of Regulations:

The regulations contained in this part are advisory only and for the internal guidance of Department of Justice personnel. They create no enforceable rights in persons applying for executive clemency, nor do they restrict the authority granted to the President under Article II, Section 2 of the Constitution. (Emphasis added)

Nothing in the Rules of Clemency restricts President Clinton's authority to do what he believes to be fair.

These are exceptional cases with exceptional people. There is no judicial relief available that will address their prison sentences in a timely manner. The protesters are outstanding citizens who contribute immensely to their communities. They are a priest, a nun, a WWII veteran and peace activists who work with the mentally ill, the homeless, prisoners and battered women. Several of the inmates are in their 70's.

A Federal prisoner costs the U.S. taxpayer at least \$30,000 a year. These protesters are not a danger to society. We do not need to be protected from them.

Mr. Podesta, I am sure your schedule is overwhelming and you have many pressing issues, but I ask you to assist us. These are hardworking, dedicated Americans. They should not be imprisoned for

Mr. John Podesta  
November 30, 1998  
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expressing their heartfelt beliefs about the School of the Americas. Their demonstrations are the type of free speech and conscientious objection upon which this nation was founded.

I respectfully ask you to take this information to President Clinton and urge him to commute their sentences and remit their fines and pardon them altogether. Release these good people to their families in time for the holidays.

Very truly yours,

A handwritten signature in black ink that reads "Debra K. Hannula". The signature is written in a cursive, flowing style.

Debra K. Hannula  
(206) 663-2772  
(206) 720-5250

cc: Fr. Charles Curry

## THE WHITE HOUSE

WASHINGTON

May 20, 1998

Charles L. Currie, S.J.  
Association of Jesuit Colleges and Universities  
One Dupont Circle, Suite 405  
Washington, DC 20036

Dear Mr. Currie:

Thank you very much for your recent letter concerning the 25 men and women who were convicted of trespass offenses after an event at the School of the Americas in Fort Benning, Georgia. You are right that this President cares very deeply about justice and human rights, and I appreciate your communicating your views on this issue with me and with him.

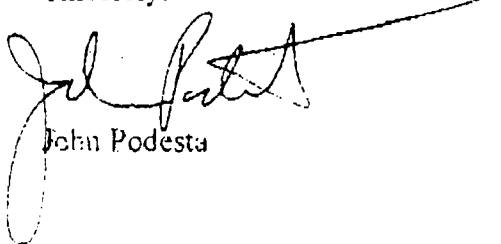
I am informed by the Department of Justice that no applications for these individuals are currently pending. According to longstanding regulations established by the Department of Justice, the Department does not consider applications for executive clemency from individuals who are still in the process of seeking remedies through the courts. It also does not consider applications of individuals who have not yet begun serving their sentences. My understanding is that all but two of the men and women you write about fall into one of these categories.

The remaining two, however, are eligible to apply for executive clemency, because they are in fact serving their sentences, and their cases are not currently under consideration by the courts. They have not yet submitted applications. In order to facilitate that process, the Office of the Pardon Attorney, an office within the Department of Justice, has sent them applications and instructions at the institutions where they are incarcerated. We have asked the Department of Justice to complete its review process as expeditiously as possible upon receipt of these individuals' applications.

In addition, we will keep your letter on file here at the White House so it will be available to the President if and when applications from any of those 25 men and women come before him.

Thank you again for communicating your views to me and to the President.

Sincerely,



John Podesta

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*Natalie Billinger*  
SOCIAL ACTION MEMBER

*Maralyn Chase*  
ORGANIZER

*Father Patrick*  
HUMAN RESOURCES MANAGER

*Kim Cronin*  
MENTAL HEALTH SOCIAL WORKER

November 30, 1998

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

RE: Petition for Clemency, Commutation of Sentence for Dr. Richard Streb (73), Fr. William Bichsel (70), Sr. Marge Eilerman (70), Ed Kinane (53), Kathleen Rumpf (47), Mary Trotochaud (47), and Remission of Fine of the 26 SOA Protesters

Dear President Clinton:

I am writing to respectfully request that you commute the sentences of Dr. Richard Streb, Fr. William Bichsel, Sr. Marge Eilerman, Ed Kinane, Kathleen Rumpf, and Mary Trotochaud to time served and remit the fines of these six outstanding Americans and twenty other U.S. Army's School of the Americas protesters, hereinafter referred to as the SOA.

Graduates of the SOA have been responsible for the murders of countless civilians and church workers in Latin America according to the UN Truth Commission. Every year on November 16, protestors of the SOA hold a peaceful vigil at Ft. Benning. Last year, on November 16, 1997, 25 American citizens, along with over 2,000 other Americans held a silent funeral procession carrying makeshift coffins at Ft. Benning, Georgia, to commemorate the deaths of six Jesuits, their housekeeper and her 15-year-old daughter, killed by 19 School of Americas graduates, on that same date in 1989. Inside the coffins were petitions with 1 million signatures calling for the closure of the School of the Americas based on the Georgia military facility. Six hundred crossed an imaginary "line" and were arrested. Twenty-five of those arrested had previously been banned. The 25 arrested were brought to court. Three pled nolo contendere November 19, 1997. The other 22 went to trial January 22, 1998. All were convicted and given the maximum jail sentence of six months in federal prison and a \$3,000 fine by the Honorable Robert Elliott (see bio republished with permission and attached as Exhibit A) and Magistrate Slaughter. Twenty have just been released from prison. Dr. Streb was incarcerated on September 21, 1998, and Fr. Bichsel, Sr. Marge Eilerman, Mary Trotochaud and Ed Kinane entered prison on September 28, 1998 and October 5, 1998. Ft. Benning is open to the public and routinely holds speeches and demonstrations in favor of the SOA. These demonstrations are not met with arrests, convictions and prison terms. The convictions of my clients violate their rights under the First Amendment.

# Withdrawal/Redaction Marker

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE                                                                                                                          | DATE       | RESTRICTION |
|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------|------------|-------------|
| 001. letter              | Debra Hannula to William Jefferson Clinton; RE: Committee for Clemency/Pardon of the School of Americas Protesters [partial] (5 pages) | 11/30/1998 | b(6)        |

### COLLECTION:

Clinton Presidential Records  
Counsel Office  
Meredith Cabe  
OA/Box Number: 18221

### FOLDER TITLE:

School of Americas: [Clemency and Commutations of Sentence Background Information]

2006-1704-F  
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### RESTRICTION CODES

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Since some of my clients are situated somewhat differently, I will address each one individually.

I. DR. RICHARD STREB, 73 years old, retired educator, decorated WW II veteran

Dr. Richard Streb was one of the twenty-five convicted of misdemeanor "Illegal Re-entry" onto a U.S. Military Reservation, from the funeral procession November 16, 1997.

Dr. Richard Streb entered Federal Prison September 21, 1998. He pled "no contest" on November 19, 1997 at his arraignment before Magistrate Slaughter and was sentenced to serve six months and pay a \$3,000 fine. (b)(6)

Magistrate Slaughter never advised Dr. Streb of his right to a pre-sentence investigation prior to being sentenced. Because of this error, Dr. Streb filed an appeal. He was scheduled to enter Federal Prison March 23, 1998, regardless of the appeal. Due to his wife's health concerns, his attorney, Peter Thompson, negotiated a "deal." Dr. Streb would withdraw his appeal, and in return he could begin his prison term in September of 1998. Dr. Streb abandoned his appeal also because his attorney informed him he would have to enter prison in March and the appellate court would not hear his case for another 1½ years, and by then he would have served his six month sentence anyway.

Dr. Streb is now 73 years old. He is the primary caretaker for his ill and elderly wife.

He was born (b)(6) and has eight siblings. He served three years in the United States Navy in World War II. As a result of his outstanding service, he received 13 Battle Stars, with ribbons, The Presidential Unit Citation from Harry S. Truman, the Philippine Liberation Star and Medal, and American and Pacific area ribbons.

After World War II he obtained his high school diploma and entered Syracuse University. He received his masters and doctorate in history and education from Columbia University. His dissertation won the Social Studies National Council Award for Outstanding Dissertation of the Year.

Dr. Streb married his high school sweetheart, Rosemary Laurer, in 1958. They have one daughter, who owns a horse farm, and is a tour leader in Lexington, Virginia. Dr. Streb and his wife are retired teachers. Dr. Streb taught high school on Long Island for 25 years. (b)(6) He retired from high school teaching (b)(6) he returned to teach Latin American Studies, U.S. History and the Constitution at the Teacher's College of Columbia University for nine years. He also taught a special course, "New York City As A Learning Laboratory." Because of his knowledge, expertise and credentials, Dr. Streb toured important international quests for the U.S. State Department through New York.

Dr. Streb has been active with civil rights issues since World War II. He has been an advocate

to the homeless. He has assisted in Nicaragua. As a teacher he took students to Nicaragua. As a person concerned with human rights and welfare he built schools, playgrounds and restored churches in Nicaragua. To help alleviate the suffering caused by the war in Nicaragua, Dr. Streb started numerous other projects which included: providing medical supplies, providing sewing machines and fabric, extending electric lines to two communities, installing the first electric pump for a 200' well, providing money for medical needs, and assisting the peasants with harvesting corn to help with their income. Dr. Streb did similar projects in Mexico from 1962-64 in response to President Kennedy's program for Latin American Development.

Dr. Streb and his wife moved to Virginia in 1989 to be closer to their daughter.

He has published numerous books and publications, including First Senate of the U.S., 1993, Grolier Publishing, and Forgotten Patriot — John Sloss Hobart, 1990, published by N.Y. State Bicentennial Commission. His current book, Life and Death Aboard the USS Essex, is scheduled for publication March 1999 and details his experiences aboard his famous war ship.

Dr. Streb has no other criminal convictions.

Since entering Federal Prison Sept. 28, 1998, Dr. Streb is enduring life as an inmate. He came into prison with (b)(6) medication prescribed by his physician, along with other much needed medication. All of his medication was taken from him and he had to fight within the prison to get it back. He refused to allow substitutions not prescribed by his doctor and was finally allowed to take (b)(6). His legal mail is given to him opened and examined, though I write "Attorney/Client Privilege/Open Only in the Presence of the Inmate Legal Mail Attorney of Record" on all of the envelopes. He works 7 ½ hours a day in the kitchen. He is up at 4 a.m. and on his feet and working until 12:15 p.m. Mopping was part of his chores but the arthritis in his thumb made this an excruciating task and his arthritis medication was also taken from him. He was just assigned to a different kitchen detail that does not include mopping and the hours are not quite as lengthy.

Dr. Streb fought hard to keep himself fit and healthy (b)(6). He is a vegetarian, he has several doctors who monitor him carefully, he gets his rest. What will his health be like after he is released in March 1999?

The Pardon Attorney has determined that Dr. Streb is eligible for clemency according to the clemency/pardon rules. It is my understanding that a typical request for clemency/pardon is first examined by the Acting Pardon Attorney, then the Assistant Attorney General, next the White House Council and finally reviewed by you, the President. I am asking that you give the request for commutation/remission of fine your consideration now, rather than waiting for it to move through the channels that often take years for a decision. As the Pardon Attorney points out in his September 16, 1998 letter, attached as Exhibit B, "...we can make no guarantee that final action can be taken before he completes his six-month term of imprisonment."

I am asking that you commute Dr. Streb's sentence to time served and remit his fine. He has already endured six weeks in federal prison. The rules for executive clemency are "advisory only." They in no way restrict your power as the President to grant immediate relief from a sentence under Article 2 Section 2 of the United States Constitution (see Section 1.10 of the Rules Governing Petitions for Executive Clemency, attached as Exhibit C).

Dr. Streb is an outstanding citizen, a decorated war veteran, a highly acclaimed teacher and devoted husband and father. He is 73 years old and has no prior criminal history.

## II. APPEAL VS. CLEMENCY: WHY YOU CAN CONSIDER THE OTHER SOA PROTESTERS

Mr. Adams, the Acting Pardon Attorney, has refused to consider requests for clemency/pardon for individuals with appeals pending in the courts. Mr. Adams relies on the Rules Governing Petitions for Executive Clemency, attached as Exhibit C. Specifically, he refers to Section 1.3.

### Section 1.3, Eligibility for Filing

#### Petition for Commutation of Sentence states:

No petition for commutation of sentence, including remission of fine, should be filed if other forms of judicial or administrative relief are available, except upon a showing of exceptional circumstances. (Emphasis added)

I respectfully disagree with the Pardon Attorney. An appeal is an effort to have a decision changed because the decision is legally incorrect. A petition for pardon does not itself raise the question of the legality of the judicial decision. It is concerned with the appropriateness of changing the petitioner's present circumstances in light of all factors. Those factors include the welfare of society.

An appeal is a request made by the defendant after conviction. A pardon does not have to be accepted by the defendant or requested by the defendant. Biddle v. Perovich, 274 U.S. 480 (1927).

"The President has power to pardon, reprieve, or commute. Commutation is an exercise of power, and not of grace; it is effective without delivery to, acceptance by, or consent of the prisoner." Id at 481.

Also, the sentences were not stayed. The five who appealed their convictions, Fr. Bichsel, Sr. Marge, Mary, Ed and Kathleen, are in prison serving their sentences. They will have served their sentences long before the appellate court rules. Appealing their sentences without having them stayed will make for favorable law possibly at a later date, but will do nothing to rectify the

harshness of their sentences.

As stated above, Section 1.3 allows for commutation of sentence even if other judicial relief may be available, if there is a showing of "exceptional circumstances". Practically speaking, there is no judicial relief available that will address the prison sentences timely.

I have attached an affidavit dated May 7, 1998 by attorney Robert Holstein, a letter from Congressman George Brown dated May 13, 1998 and a letter from you to Congressman Brown dated December 6, 1996 as Exhibits D, E and F.

According to both Attorney Holstein and Congressman Brown, and supported by the December 6, 1996 letter from you, you yourself have considered clemency petitions while active appeals were pending.

Section 1.10 of the Rules of Clemency, Advisory Nature of Regulations:

The regulations contained in this part are advisory only and for the internal guidance of Department of Justice personnel. They create no enforceable rights in persons applying for executive clemency, nor do they restrict the authority granted to the President under Article II, Section 2 of the Constitution.

As stated above, the clemency rules are "advisory only." They in no way limit your pardoning power to do what is fair. Having Sr. Marge, Fr. Bichsel, Ed, Mary and Kathleen serve their prison terms, ranging from 12 months to 18 months serves no one, protects no one and sets a dangerous precedent for acts of political speech that are non-violent.

III. FR. BICHSEL, SR. EILERMAN, ED KINANE, KATHLEEN RUMPF AND MARY TROTOCHAUD (SOA 5) WERE CONVICTED OF PROPERTY DESTRUCTION FROM PARTICIPATING IN THE RE-EDITING OF THE FT. BENNING SIGN ON SEPTEMBER 22, 1997.

In a separate protest two months earlier, on September 29, 1997, Fr. Bichsel, Sr. Marge, Eilerman, Ed Kinane, Mary Trotochaud and Kathleen Rumpf converted the School of the Americas' sign to reflect what much of the American public has found the SOA to be: a "School of Assassins," a "School of Shame." This "editing" of the sign took place at 10:00 a.m., with the press and the base alerted beforehand. Military police watched the entire action and made no attempts to stop the action of the protesters. They were then arrested and charged with two felony criminal offenses of property destruction and attempted property destruction. On July 23 of this year, the five protesters were sentenced by Judge Elliott to prison terms ranging from 8 to 12 months and fines of \$1,000 to \$2,000 consecutive with their six month sentences. Kathleen Rumpf did not participate in the trespass charge. She received 12 months for writing on the sign and prying off several letters.

These five appealed the sentences to the 11th Circuit, but their sentences were not stayed

pending appeal. All of them are now in prison. The 11th Circuit will more than likely not review their cases until after they have served their sentences. As stated above, appealing a sentence, without staying a sentence, may some day result in a favorable appellate decision, but provides no remedy for the wrongly sentenced, after their prison terms have already been served. A Presidential Pardon is the only timely remedy available for these citizens.

Fr. Bichsel, Sr. Eilerman, Ed Kinane and Mary Trotochaud appeared before Judge Elliott July 23, 1998 after having been previously sentenced to six months for the trespass charge. Their defense attorney, Peter Thompson, argued that the Federal Sentencing Guidelines called for running these sentences concurrently with the property destruction charges.

Mr. Thompson asked that the five be permitted to perform community service hours rather than prison terms. Judge Elliott refused and ordered the harsh sentences consecutive with the earlier maximum prison terms for the trespass charge.

In addition to the severe prison terms for these non-violent offenders, Mary, Kathleen, Ed, Sr. Marge and Fr. Bichsel were given 2 years supervised probation.

I am asking that you commute their sentences, remit their fines and pardon these individuals completely. They do not deserve felony convictions on their records. Society is not served by these convictions. These are people who work with the homeless, the mentally ill, the disenfranchised, the poor, and those in jails and prisons through jail ministry outreach programs. They cannot do that work with severe prison sentences, felony records, and strict probation. They cannot do that work if supervised probation requires them to have no contact with convicted felons.

These are not violent offenders. On the contrary, they have lived exemplary lives. Sr. Marge and Mary Trotochaud had no criminal record prior to these 2 "actions". Fr. Bichsel's, Ed Kinane's, and Kathleen Rumpf's only criminal records are for similar charges arising out of non-violent protests. Fr. Bichsel and Ed had no prior felony convictions, just trespass convictions. Kathleen had a property destruction felony conviction from 1983 for a plowshare's action.

I have included brief biographical information outlined below for these five caring, concerned citizens. Please ask yourself when you review their histories if these are people that must be removed from society and later placed on active probation. Is America a better place for the sentences imposed by Judge Elliott? Are tax payers better served by paying for their incarceration and later their supervised probation? A federal prisoner costs at a minimum \$30,000 a year to the U.S. taxpayers.

#### IV. BIOGRAPHICAL INFORMATION OF FR. WILLIAM BICHSEL, SR. MARGE EILERMAN, ED KINANE, KATHLEEN RUMPF AND MARY TROTOCHAUD

I have included the biographical information of these five American citizens:

A. FR. WILLIAM BICHEL: 70 year old Catholic priest, currently serving 18 months

Fr. William Bichsel entered Federal Prison September 28, 1998, to serve his 6 month prison sentence for the trespass charge and an additional 1 year sentence, for dipping his hand in red paint and placing his hand print on the Ft. Benning sign.

Fr. Bichsel is a Catholic priest, born and raised in Tacoma, Washington. His father was a railroad engineer, his mother a homemaker. He has six brothers and one sister. Five of his brothers served with distinction in the United States Army and Navy in World War II.

Fr. Bichsel returned to the Tacoma area after his seminary training and taught at Bellarmine Preparatory in Tacoma and Seattle Preparatory. Both of these schools are known for their academic excellence. He also coached football, basketball and baseball. In addition to these schools, Fr. Bichsel was the Dean of Students at Gonzaga University in Spokane, Washington for three years.

Fr. Bichsel was an associate pastor at St. Leo's parish in Tacoma for seven years. Along with his pastoral duties, Fr. Bichsel worked with people with mental illnesses and of low income. Fr. Bichsel was chaplain at Western State Mental Hospital for eight years.

Fr. Bichsel now works and lives at Guadalupe House, a Tacoma Catholic Worker House. It began as an outreach house for the mentally ill, who were discharged from Western State Mental Hospital. Currently it assists homeless people. This house is modeled after the writer, journalist and philanthropist, Dorothy Day. Ms. Day was a voice for the poor and homeless during the depression. She started the Catholic Worker in 1933, which began as a soup kitchen in the Bowery. Ms. Day's spiritual philosophy included living out works of mercy. Each Catholic Worker House shares her commitment to the gospel and teachings of Jesus. Each house focuses on different social concerns. Some house only women and children in need, some for the mentally ill, some assist those with AIDS. There are 150 Catholic Worker Houses, both here and abroad.

Along with providing people with a place to live, Guadalupe House also provides employment. Guadalupe House runs a successful organic garden program. It is located in one of the poorest neighborhoods in the city, the Hilltop Neighborhood, known for its high crime and violence. The presence of Guadalupe House has brought pride, hope and peace to this impoverished neighborhood. Fr. Bichsel approached landowners in his neighborhood and convinced them to allow his group to use their lots, which had been garbage dumps, and turn them into organic gardens. These gardens are not only a source of food, but a place of employment for homeless persons.

In 1992, Fr. Bichsel received the Hunthausen Humanitarian Award. This Archdiocesan Award is given to those committed to humanitarian efforts. This award

recognized Fr. Bichsel's work with the mentally ill and homeless.

B. SR. MARGE EILERMAN, 70 year old Catholic nun currently serving 16 months

Sr. Marge Eilerman entered Federal Prison September 28, 1998. She is to serve her 6 month sentence for the trespass charge and an additional 10 month sentence for her participation in the property destruction charge.

Sr. Marge was born [REDACTED] (b)(6) [REDACTED]. She has nine brothers and sisters. Her father served in World War I and two of her brothers served in World War II.

She attended colleges at Miami University, Oxford and Mary Manse College in Toledo, Ohio.

Sr. Marge entered the Franciscan community in Tiffin, Ohio in 1957. From 1960-1970, she taught elementary students in small rural schools in Northwestern Ohio. From 1970-1974, Sr. Marge worked as a missionary in Chiapas, Mexico with the rural poor. She returned to the United States and worked as a pastoral associate for 20 years in Eastern Kentucky.

Sr. Marge has been involved in a number of civic activities. She served four years on the local mental health board, Kentucky River Community Care. She is currently on the Board of Directors for a small factory, Appalachian Environmental Products, Inc. This factory was formed as an attempt to create employment in an impoverished community. She has served on the Board for the past three years.

She also belongs to a ministerial association, a group of ministers in her region, who work together to provide community services, religion and outreach services to the poor, including emergency food and housing and the payment of overdue utility bills.

In 1995, Sr. Marge received the Lexington Diocesan Mission Award, given to outstanding missionary workers. In 1996, Sr. Marge received Outstanding Board Member Award of the Kentucky River Community Care.

C. ED KINANE, 54 year old former teacher, volunteer for jail ministries and programs for the developmentally disabled currently serving 16 months

Ed Kinane entered Federal Prison October 5, 1998. He is to serve his 6 month sentence for the trespass charge and an additional 10 month sentence for his participation in the property destruction charge.

Ed is 53 years old [REDACTED] (b)(6) [REDACTED]. He has three siblings. One is a public defender attorney in Orlando, Florida, another is a college teacher at Auburn

Community College, and a third is a "JAG" with the U.S. Army.

Ed received his education from Fordham College and Syracuse University where he graduated magna cum laude. He has a masters in anthropology from the New School for Social Research in New York City.

His partner of 13 years is Ann Tiffany, a retired psychiatric nurse.

Ed has been an active community volunteer. He also taught anthropology for two years at Bellevue Community College in Bellevue, Washington. He has been a volunteer with jail ministries, counseling local inmates in Syracuse.

Ed worked for the Syracuse Peace Council for 20 years. He also taught 8th grade one year in Kwanza, Kenya in 1980, and worked for a time on Wall Street.

From 1985-1987 he worked at a local Syracuse agency called Transitional Living Services, Inc. He worked with the developmentally disabled helping them to become independent. From 1988-1997, he has worked with Peace Brigades International. Ed began working with the SOA Watch in 1994 and is currently active with that group full time.

For his efforts for peace, he has received honors from the ACLU.

D. KATHLEEN RUMPF, 47 year old jail ministries volunteer currently serving 12 months

On July 23, 1998, Kathleen Rumpf began her 12 month prison sentence for her participation in the property destruction charge.

Kathleen was born (b)(6). She has 5 brothers and sisters. One brother is an intelligence officer in the U.S. Army. Her stepfather of 26 years is a former World War II POW. Her father also served in the U.S. Army in World War II. Three of her siblings currently reside in Louisiana. Kathleen also has a twin, who is a banker in Petersburg, Florida.

Kathleen graduated from Lakewood High School in Syracuse. She was trained as a nurse's aide and a surgical technician and worked as both.

Since 1971, Kathleen has been with the Catholic Worker. She spent 10 years in the Bowery helping the homeless, the mentally ill, children and the elderly.

Her desire to assist others came from an experience during an exceptionally cold winter. Out for a walk, Kathleen observed a snow plow uncover a homeless person. This event changed her life. She moved into the Catholic Worker House run by Dorothy Day.

Ms. Day was a major influence to Kathleen, who taught her to live by example. "The impact of the homeless on my life caused me and compelled me to live my life in a different way."

Kathleen is also involved in jail ministry in Syracuse and has been for the past 11 years.

Kathleen is 47 years old. (b)(6)

(b)(6)

(b)(6)

Despite Kathleen's health disabilities, she is a tireless worker for the poor and disenfranchised.

E. MARY TROTOCHAUD, 47 year old potter, peace activist, currently serving 14 months

Mary Trotochaud entered Federal Prison September 28, 1998. She is to serve her 6 month sentence for the trespass charge and an additional 10 month sentence for her participation in the property destruction charge.

Mary was born (b)(6). She has 10 brothers and sisters. Her mother was a homemaker and her father a business executive. Her father served with the U.S. Marines in World War II. Her oldest brother served in Vietnam.

Mary attended college for one year and discovered her calling as a potter. She had four years of training in pottery and has been a potter all her life. She also does catering.

Mary is 47 years old and has lived in Atlanta, Georgia for the past 38 years. She has 25 nieces and nephews. All of her siblings live near or around Atlanta, with the exception of one sister in Pittsburgh. Several sisters are nurses in Atlanta, one of those is the head nurse at Children's Hospital in Atlanta. Her sister in Pittsburgh is a mother and nurse. Another sister is a primary school teacher. Two brothers own small businesses in Atlanta. Another brother is an electrical engineer. One sister is a mother and homemaker and another sister is a chef.

Several nieces and nephews attend colleges in Atlanta and Athens, Georgia.

Mary is a talented event organizer. She has used these skills to assist not only her family, but events with the SOA Watch.

Mary is close to and actively involved with her family. Her first priority is to her family.

V. REMIT THE FINES OF 20 OF THE SOA 25 WHO HAVE ALREADY SERVED THEIR 6 MONTH PRISON SENTENCES

I have included biographical information of the SOA 20 (Fr. Roy Bourgeois, MM, Rev. Dr. Nicholas Cardell, Mary Earley, Sr. Mary Kay Flanigan, OSF, Anne Herman, Paddy Inman, Christopher Jones, Rev. Ken Kennon, Dwight Lawton, Rita Lucey, Bill McNulty, Sr. Megan Rice, Carol Richardson, Dan Sage, Ph.D., Doris Sage, Randy Serraglio, Sr. Rita Steinhagen, CSJ, Ann Tiffany, Judith Williams, Ruthy Woodring) who have completed their prison terms and still owe their fines, as Exhibit G.

As the biographical information shows, these people are outstanding citizens who contribute immensely to their communities. They are priests, clergymen, nuns and grandmothers, who work with the mentally ill, the homeless, victims of torture and battered women. Some are school teachers. Some are students. Some are veterans. Most are in their 60's and 70's.

The prison sentences were a hardship on the 20 and their families. The punishment was excessive. Paying the additional fine is an undue hardship when most have taken vows of poverty.

I was present at the sentencing of the SOA 5 on July 24, 1998. I watched an entire day of sentencings before Judge Elliott. Dozens of people were sentenced. The defendants appearing before Judge Elliott were being sentenced for felony convictions, their crimes ranged from robbery to drug dealing to embezzlement, to name a few. None of those sentenced were given a fine. All were found to have "no ability to pay" by Judge Elliott, including a man who had embezzled several hundred thousand dollars from a business. The SOA 5, Sr. Marge, Fr. Bichsel, Mary, Ed and Kathleen, convicted of property damage, received fines ranging from \$1,000 to \$2,000, though this group has either taken vows of poverty or live close to the poverty line. As stated previously, the SOA 25 received a \$3,000 fine in addition to their six month prison sentence.

There was no doubt in my mind that the SOA 25 and the SOA 5 had been singled out for excessive, severe punishment because of the content of their speech and their political beliefs.

VI. THE CONVICTIONS OF THE SOA 25 AND THE SOA 5 VIOLATE THE FIRST AMENDMENT.

A. Dr. Streb's action was protected speech: The November 1997 funeral procession.

Dr. Streb's conviction and the convictions of the other 24 protesters, including Sr. Marge, Mary, Ed and Fr. Bichsel, stem from a peaceful demonstration at Ft. Benning, Georgia, against the School of the Americas, which has taken place every November 16 since 1990, to commemorate the deaths of the six Jesuits, their housekeeper and her

daughter killed November 16, 1989. The UN Truth Commission found that 19 out of the 26 cited as responsible for their murders were graduates of the School of the Americas. That demonstration of November 16, 1997 consisted of a silent funeral procession with protestors carrying make-shift coffins. Inside the coffins were 1,000,000 signatures calling for the closure of the School of the Americas.

My clients were convicted of "Illegal Re-Entry onto a U.S. Military Reservation." All 25 had participated in other similar protests at Ft. Benning. All had received ban and bar letters prohibiting them from returning on November 16, 1997.

The ban and bar letters were issued as a result of arrests made, after these protesters demonstrated against U.S. tax dollars spent for the School of the Americas.

Ft. Benning is open to the public, city transit enters freely. The demonstrations took place in areas open to the public.

Over the years, public functions attended by civilian and media invitees, have taken place at Ft. Benning, where political speeches in favor of the School of the Americas, are featured. None of these gatherings have resulted in arrests or charges being filed against those assembling, or those speaking on behalf of the School of the Americas.

The convictions of my clients contradict the rights of all U.S. citizens to hold dissenting viewpoints. Viewpoint-based discrimination violates the First Amendment. Lambs Chapel v. Center Moriches Union Free School District, 508 U.S. 385, 124 L.Ed. 352, 113 S. Ct. 2141, 2147-48 (1993). This idea is more eloquently expressed by Supreme Court Justice Oliver Wendall Holmes in his dissenting and now famous opinion in Abrams v. U.S., 250 U.S. 616, 631, 40 S. Ct. 17 (1919).

Persecution for the expression of opinions seems to me perfectly logical. If you have no doubt of your premises or your power and want a certain result with all your heart you naturally express your wishes in law and sweep away all opposition. To allow opposition by speech seems to indicate that you think the speech impotent. . . . But when men have realized that time has upset many fighting faiths, they have come to believe . . . that the ultimate good desired is better reached by free trade in ideas, — that the best test of truth is the power of the thought to get itself accepted in the competition of the market; and that truth is the only ground upon which their wishes safely can be carried out. That, at any rate, is the theory of our Constitution. It is an experiment, as all life is an experiment. Every year, if not every day, we have to wager our salvation upon some prophecy based upon imperfect knowledge. While that experiment is part of our system I think that we should be eternally vigilant against attempts to check the expression of opinions that we loathe and believe to be fraught with death, unless they so imminently threaten immediate interference with the lawful and

pressing purposes of the law that an immediate check is required to save the country. . . . Only the emergency that makes it immediately dangerous to leave the correction of evil counsels to time warrants making any exception of the sweeping command; "Congress shall make no law abridging the freedom of speech."

- B. Stenciling and painting, removing several letters, and placing the hand print in red paint of the Ft. Benning sign was done with the intention of conveying a message, not to damage the sign.

The SOA 5 intended to convey a message to the public of what the SOA has been found by many to be: A School of Assassins, A School of Shame.

They arrived in front of the sign located on a public street across from a hotel and some small apartments. The base and media were notified ahead of time. The police arrived at the same time as the protesters but made no attempts to intervene at all until the protesters had written the message and Fr. Bichsel placed his hand in red paint and placed it on the sign.

At the trial March 5, 1998, one of the military policemen that arrested Fr. Bichsel admitted that he told him upon arrest, "This is the best action yet! You guys are going to close this school!"

None of the protesters resisted arrest. They were all noted as "cooperative," according to the arrest reports.

They were arrested and released pending their trial. They were out on their own recognizance pending trial, obviously because Judge Elliott and Magistrate Slaughter did not feel they were a threat to society and would return to court on their promise to return.

If the intent was to damage the sign, they could have destroyed the sign at 3 a.m. with sledge hammers, rather than alert the base, pray before and after the 30 minute editing job and carefully remove only a few letters and stencil on the sign as the police watched.

I find it unbelievable that military police would sit back and watch a "crime" occur before them and make no efforts to stop it. For the prosecutor then to charge two felony counts after the police watched the crime progress from no crime, to a misdemeanor, then to a supposed felony, is outrageous.

- C. The same protest action of this year on November 22, 1998 was not met with arrests, names taken, ban and bar letters issued and charges filed.

On November 22, 1998, SOA protesters again met in Columbus, Georgia and held

a funeral procession/vigil to commemorate the deaths of the six Jesuits, their housekeeper and her fifteen year old daughter killed 9 years ago by former SOA graduates and to protest against the continued use of U.S. tax dollars to support the SOA. 7,000-8,000 protesters were present, over 2,370 crossed the line, but as it states in the news articles attached as Exhibit L, "...unlike at past demonstrations, people who defied orders and walked onto Ft. Benning property were not charged with trespassing. Instead, they were loaded onto buses, driven to a park about a mile away and released."

As Maryknoll priest Roy Bourgeois so succinctly put it recently, "the harsh prison sentences last year were meant to kill the movement and silence the outcry against this 'School of Assassins,' but we have come back stronger than ever..."

Last year 2,000 to 2,500 Americans were present, 601 crossed the line and were arrested, and 25 were prosecuted for violating the ban and bar letter. This year 7,000 to 8,000 Americans were present, over 2,370 crossed the line, 75 were previously barred from returning and could have been prosecuted for violating the ban and bar letter.

Last year's protest resulted in arrests, ban and bar letters restricting people from returning from Ft. Benning, convictions and lengthy prison terms. This year's protest for the same act, a carbon copy of last year's demonstration, resulted in a 10 minute bus ride. If this was such a heinous crime that deserved a 6 month federal sentence, surely the government would want to be consistent and fair in applying their laws. The decision not to prosecute has resulted in inconsistent enforcement of the same criminal law.

This is just more evidence that supports the position for clemency: these 6 Americans are political protesters. The decision not to prosecute was done in response to the fact that the harsh prison sentences only brought out more supporters, more media attention, and more awareness about the SOA, just like last year's sentences were done solely to break the SOA movement and silence their dissent.

Dr. Richard Streb, Mary Trotochaud, Ed Kinane, Fr. William Bichsel and Sr. Marge Eilerman are now serving 6 months in federal prison for the 1997 trespass convictions.

In addition, Fr. Bichsel, Sr. Marge, Mary, Ed, and Kathleen Rumpf are serving sentences of 8 to 12 months for writing on the Ft. Benning sign.

Like the trespass sentences, these lengthy prison terms for the property damage convictions are equally ridiculous.

#### VIII. THE U.S. ARMY SCHOOL OF THE AMERICAS

There is a growing concern across the country that the SOA should not remain open and these

protesters should not be incarcerated in Federal prison for expressing their dissent.

Congressmen Esteban Torres and Joseph Kennedy, have made closure of the SOA a priority. HB 611, introduced by Congressman Kennedy, has 144 co-sponsors and calls for the closure of the SOA. Senator Durbin of Illinois has a similar bill in the Senate with 15 co-sponsors to date. Last month, September 1998, the Torres Amendment to the House Foreign Operation Appropriations Bill, which would have cut funding dramatically for the SOA, was narrowly defeated by only eleven votes in the House. There is strong and growing sentiment in Congress to close the SOA.

The School of the Americas was established in Panama in 1946. Due to the number of human rights violations, the people of Panama dubbed it "School of Assassins" and it was relocated to Ft. Benning, Georgia in 1984.

I have attached as Exhibit H assembly resolution No. 175 from the State of New Jersey, November 6, 1997, outlining its reasons calling for the immediate closure of the SOA. The resolution outlines some of the many atrocities proven by the United Nations Truth Commission, committed by SOA graduates, including the murder of the six Jesuit priests, the massacre of El Mozote, and the murder of Efraim Banaca, husband of U.S. lawyer Jennifer Harbury. Recent reports from Columbia, by the Canadian Trade Union Delegation cite murders and disappearances of labor organizers by SOA graduates. "A Life Threatening Activity," Trade Unionism Under Attack in Colombia, a report by the Canadian Trade Union Delegation to Colombia, Feb. 1998.

## IX. THE SEVERITY OF THE SENTENCES

### A. The 6 month prison sentence and \$3,000 fine was grossly excessive for an action of political dissent by the SOA 25

Dr. Streb's 6 month sentence for the criminal trespass charge is an outrage. With no criminal record, Dr. Streb would have been eligible for pretrial diversion for this non-violent misdemeanor had he been charged with this crime in Seattle, Washington. He would have received a dismissal in 3 months with the option of \$75 fine or 15 hours of community service. In my 15 years of practice in the area of criminal law, I know of no judge that would have sent Dr. Streb to jail for a day, let alone 6 months.

I have attached affidavits from attorneys Madsen, Keefe, McKay, and Steward, along with petitions signed by numerous attorneys to date (see Exhibits I and J). These attorneys address the issue of the sentences given by Judge Elliott and Magistrate Slaughter. All attorneys agree that the SOA 25 were punished harshly for their political beliefs alone. All 25 were given the same sentence, regardless of prior convictions, ability to pay the fine, or who they are as citizens. The majority of the 25 have no criminal record. The few that do have similar convictions for similar charges from either protests at the School of the Americas or other non-violent demonstrations. As the affidavits

show, typical sentences for similar crimes would result in community service hours and deferred sentences, not six months in prison and a \$3,000 fine. Imposing the maximum prison penalty is usually reserved for those individuals who are violent offenders, who create a real danger and must be removed from society. Imposing a \$3,000 fine on these protesters, most of whom have taken vows of poverty, was grossly excessive.

In all my experience and the experience of the attorneys whose affidavits and petitions are attached, we have never seen these kinds of sentences meted out for non-violent protests. The demonstrations took place in areas open to the public, not restricted areas.

A typical sentence for someone like Dr. Streb, an outstanding citizen, a person with no prior criminal history, a person on a fixed income, receiving Social Security and a teacher's pension, and the primary caretaker for his ill, elderly wife, would be \$75 court costs or 15 hours of community service.

- B. Sentences of 8 months, 10 months and 12 months for stenciling, removing letters and placing a red hand print on a sign while the police watched and made no efforts to stop is egregious

A judge must look at the severity of the crime, a person's criminal history, a person's health and age and their contributions to society before imposing a sentence. A judge must feel society will be protected or better off if individuals are incarcerated rather than punished in a less severe way.

Attorneys Browne, Scarce, and Luer, in affidavits attached as Exhibit K, discuss the sentences of the SOA 5. All three of these attorneys with combined experience of over 45 years in the area of criminal law, agree that the sentences of the SOA 5 are extreme. All three agree that most judges would have required 80 to 240 hours of community service, court costs of approximately \$500 and reasonable restitution, not lengthy prison terms.

- C. Running sentences consecutive rather than concurrent

Judge Elliott repeated the same phrase to each of the SOA 5 at their July 24, 1998 sentencing: "I could run the sentences concurrent, partially concurrent or consecutive" with the 6 month sentence.

Judge Elliott then imposed the property damage sentences consecutive with the criminal trespass sentences, though the defense attorneys were requesting a downward departure from the standard range, community service and restitution in lieu of prison sentences - or if the court did impose prison time for the property damage, run it concurrent with the criminal trespass convictions.

X. JUDGE ELLIOTT

Attached as Exhibit A and republished with permission is a brief biography on Judge Elliott by The American Lawyer from July/August 1983. In a list outlining the various judges, Judge Elliott was described as the worst, "an old line segregationist who flaunts his deep rooted prejudices against blacks, unions and criminal defendants, Elliott is less a judge than a despot . . . Elliott has been heavily reversed . . . his reversal rate in civil rights cases . . . was 90% . . ." Judge Elliott jailed Dr. Martin Luther King. In 1974, Judge Elliott overturned Lt. William Calley's murder conviction for the My Lai massacre declaring, "War is war" and released him from prison on a writ of habeas corpus.

XI. EXECUTIVE CLEMENCY AND PARDON

Using the words clemency and pardon interchangeably, I have outlined briefly the history and purpose of pardons.

"Pardon is part of the Constitution scheme," wrote Justice Holmes in Biddle v. Perovich, 274 U.S. 480, 486 (1927). "When granted, it is the determination of the ultimate authorities that the public welfare will be better served by inflicting less than what the judgment fixed."

Quoting from the book Pardons, Justice, Mercy and the Public Interest, Kathleen Dean Moore, NY, Oxford, Oxford University Press (1989), pages 4-11:

An act of clemency . . . is an official act by an executive that removes all or some of the actual or possible punitive consequences of a criminal conviction. It ensures that the person on whom it is bestowed will not suffer all the punishment the law usually inflicts for the crime committed. . . One option, the *pardon*, can take several forms. It can be a full pardon: fully pardoned offenders simply walk away from jail as if they had never been tried and sentenced. It can be partial, relieving the offender of some but not all of the legal consequences of conviction. It can be absolute, freeing the criminal without any conditions whatever. Or it can be conditional, dependent on the performance or nonperformance of acts specified by the executive. It can be individual. . . or general, pardoning a class of people. . . Usually a pardon follows trial, conviction, and sentencing. But one may be pardoned before he or she has been formally accused of a crime as President Ford taught the nation. . . A *commutation* substitutes a lesser for a more severe sentence. Thus, punishment takes place. . . Presidents occasionally commute a sentence to the time already served. . . All of these are acts of clemency - official use of the executive power to reduce the severity of a punishment at the discretion of the executive. . . Pardons are justifiable when a convicted person is liable to punishment, but not morally deserving of punishment . . . granting a pardon is a duty of justice that follows from the principle that punishment should not exceed what is deserved. Moreover, it should not

automatically be assumed that a pardon implies guilt; in fact, a pardon is more likely to imply a degree of innocence. . . In the United States, the President holds the power to pardon federal offenses. Pardoning is a practice common to all cultures and all periods of history. With the exception of China's, all the constitutions in the world provide for a pardoning power. Pardons take place in 48 of the 50 United States, literally by the hundreds each year. U.S. Presidents have granted an average of 104 acts of clemency per year over the past ten years. . . .

Article 2 Section 2 of the United States Constitution states the President "shall have Power to grant Reprieves and Pardons for offenses against the United States, except in cases of impeachment."

## XII. CONCLUSION

I have enclosed a box of signed petitions calling for the closure of the SOA and the release of the prisoners and the remission of their fines. Each day I receive these signed petitions from all over the country, with over 5300 signatures to date. We taxpayers have paid for the six months imprisonment of 20 of the 25 SOA protesters that have now served their prison sentence. Kathleen, Mary, Sr. Marge, Fr. Bichsel, Ed and Dr. Streb are currently in Federal Prison. Kathleen entered the day she was sentenced, July 24, 1998, and the rest followed her September 21, September 28 and October 5, 1998.

Their punishment is enough. Commute their sentences to time served. Remit their fines. Pardon them. Relieve them of the need for community supervision. Remit the fines of the 20 who have served their 6 month sentence. These are hardworking, dedicated Americans. They should not be imprisoned for expressing their heartfelt beliefs about the School of the Americas. Their demonstrations are the type of free speech and conscientious objection upon which this nation was founded.

Respectfully submitted,



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**A**

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of moving people into action, says Rogow, a professor of law at University of California. "He played on the good faith of officials and what he assumed was his own desire to do right." He likens Hoover to Frank B. Rowland, now on the Fifth Circuit Court of Appeals, who is famous for his decisions as a district court judge in the sixties and seventies. "There was a lot of public resistance to his actions in the Broward County case—people's attitude was, it's posed to be a hotel," says Rogow. "And plenty of other judges have tried to shirk it, or avoid responsibility for it by saying something can't help it, the Constitution won't let me do it. But Hoover never did. His approach was, this is what must be done and we're going to be better people for having done it." For his part, Hoover just says that he thinks the public attitude toward jails is changing, and he is slowly coming out of the Dark Ages.

Judge points to a criminal case in *U.S. v. Kopitsky*, as one of the demanding he has tried. A complex crime case, it involved water-union officials and employers were 22 defendants at the outset, and went to trial who had allegedly plotted for more than ten years in a broad pattern of corruption aimed at controlling business activity at major ports in the southeastern United States. Both defense lawyers and prosecutors in that trial offer high praise for Hoover's performance. "He never loses his temper, never ruffles, and he has the patience of Job," says one of the



William Hoover

cutors. After nearly seven months of trial, Hoover encountered a novel problem—four days after jury deliberations began—a juror became psychotic and had to be discharged. Over the strenuous objections of defense counsel, Hoover substituted an alternate juror thus violating one of the federal rules of civil procedure. He accompanied the order with a careful opinion explaining why the bending of the rules was necessary. The defense moved for a mistrial, unsuccessfully, and the central issue in the *Kopitsky* appeal became whether Hoover had erred in substituting the juror. The Eleventh Circuit Court

of Appeals held that he had not, and the *Kopitsky* convictions were affirmed in November 1982.

Some lawyers do complain that Hoover can be slow to rule in civil cases, particularly on pre-trial motions. Hoover offers this criticism himself, commenting that he thinks he is less efficient than some of his colleagues. But his supporters point out that Florida Southern District judges are laboring under a crushing load of criminal cases, with civil cases almost crowded off the docket. Hoover, they say, is slow because he gives each case the kind of individualized attention that many judges with more of a case-count mentality no longer do.

Peter Nimkoff, a U.S. magistrate for the Southern District of Florida, has had the opportunity to view Hoover from the vantage point of a defense lawyer, a prosecutor (he was chief of the civil division in the U.S. attorney's office in the Southern District), and his present role. Nimkoff says that he has seen the same model of fairness and courtesy in Hoover from each of those perspectives, adding that the judge "makes anyone who believes in the possible majesty of the law want to be a part of his court."

—by Connie Bruck

## WORST

J. ROBERT ELLIOTT, 73

Appointed by Kennedy in 1962. Judges like J. Robert Elliott of Georgia's Middle District are, fortunately, a vanishing breed. An old-line segregationist who flaunts his deep-rooted prejudices against blacks, unions, and criminal defendants, Elliott is less a judge than a despot. He is often compared by lawyers to Mississippi's legendary Harold Cox ("Still Racist After All These Years," *AL*, July 1979), now on senior status in the Fifth Circuit.

Over the last 21 years, Elliott—a Kennedy appointee who went on the bench in 1962—has been heavily reversed (first by the Fifth Circuit and now by the Eleventh). According to Victor Navasky's *Kennedy Justice*, Elliott's reversal rate in civil rights cases during the years that Robert Kennedy was Attorney General (1961-1964) was 90 percent, exceeding even that of Harold Cox.

C.B. King, a black attorney from Albany, Georgia, first appeared before the judge in 1962. Elliott had issued an injunction against King's clients, Dr. Martin Luther King (no relation) and other integrationists, to keep them from demonstrating in Albany. Elliott's ground for the injunction was that the demonstrators would violate the civil rights of local non-integrationist whites. In the 20 years since, says King, "there have been better than fifty civil rights cases in which I've been involved, either as principal counsel or of counsel, and I can't recall a single instance where the relief sought was granted by Judge Elliott. It was always a matter of having to go to the appellate court. And with the exception of four or five of those cases, the circuit court either reversed or remanded."

There was ample indication before Elliott was appointed that he might make the federal bench into a political podium. A Democratic national committeeman from 1946 to 1956, Elliott led the walk-out of the Georgia delegation at the 1948 Democratic National Convention in protest of the party's stance in support of civil rights. He was a floor leader for Georgia's segregationist governor, Herman Talmadge, who later became a U.S.

senator and was instrumental in getting Elliott appointed to the bench. At a state Democratic convention in 1950, in blasting the press for what he said were their efforts to blacken Talmadge, Elliott declared that if the "mighty moguls of misrepresentation" continued in that effort, the state would punish them with legislation authorizing suit for "libel against society." In 1952, when Elliott was arguing that the county-unit system of conducting elections, which guaranteed white rural domination of Georgia politics, should be written into the state con-



J. Robert Elliott

stitution, he was widely quoted as saying, "I don't want these punks, radicals, and bloc-voters to outvote those who are trying to preserve our segregationist laws and other traditions."

Elliott's hatred for the press seems to be as pronounced as his segregationist beliefs. In 1974 Lt. William Calley came before him with a habeas corpus petition after being convicted by court-martial of premeditated murder and assault with intent to commit murder. In his opinion setting aside the conviction, Elliott devoted nearly 50 pages to reviewing what he deemed to be the inflammatory news coverage of Calley and his role in the My Lai massacre, and summed up this section by saying that "if there has ever been a case in which a conviction should be set aside because of prejudicial publicity, this is it."

In the rambling and grandiloquent conclusion to his Calley opinion, Elliott declared that "war is war." He illustrated the point by comparing Calley's murder of civilians at My Lai to Joshua's destruction of Jericho as described in the Old Testament, which Elliott quoted at length; to Ivan the Terrible's drowning of the Jews; to Winston Churchill and President Eisenhower's joint bombing of German cities; and, in fullest exposition, to Union General William Tecumseh Sherman's acts of violence against Confederate civilians in his march through Georgia during the Civil War. Elliott closed with this paean to Calley's martyrdom: "He was pummeled and pilloried by the press. He was taunted and tainted by television. He was reproached and ridiculed by radio. He was criticized and condemned by commentators . . ."

Elliott ruled Calley's conviction invalid and ordered him freed in September 1974. One year later, the Fifth Circuit found Elliott in error on all grounds and ordered Calley back to prison.

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U.S. Department of Justice

Pardon Attorney

---

500 First Street, N.W.  
Suite 400  
Washington, D.C. 20530

SEP 16 1998

Debra K. Hannula, Esquire  
Committee for Clemency/Pardon of the SOA Protesters  
1315 Madison Street #286  
Seattle, Washington 98104

Dear Ms. Hannula:

This is in response to your letter of September 11, 1998, received by facsimile in this office, inquiring about Dr. Richard Streb's eligibility to apply for commutation of sentence. You have indicated that Dr. Streb elected not to file an appeal following his plea of nolo contendere and is scheduled to report to federal prison on September 21, 1998, to begin service of his sentence for unlawful reentry on the grounds of Fort Benning, Georgia.

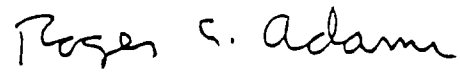
As I indicated in my prior correspondence with you regarding Dr. Streb's codefendants, an individual is eligible to apply for commutation of sentence if he has begun serving his sentence and is not concurrently challenging his conviction or sentence through appeal or other court proceeding. Since Dr. Streb did not appeal his sentence, he will be eligible to apply for this form of executive clemency once he reports to prison and begins service of his term of incarceration, so long as he is not otherwise seeking to collaterally attack his conviction or sentence in court. He may obtain a commutation application form from his case worker at the federal correctional facility to which he is assigned. If Dr. Streb chooses to apply for commutation, his request will be carefully considered and you will be notified promptly when a decision is reached, although we can make no guarantee that final action can be taken before he completes his six-month term of imprisonment. He should also be aware that commutation is an extraordinary remedy that is very rarely granted.

Regarding your reference to clemency requests you made on behalf of other individuals convicted with Dr. Streb, as you are aware, Anne Herman was the only eligible individual who elected to file an application for commutation of sentence and remission of fine. Although

- 2 -

Ms. Herman's petition for commutation has been rendered moot by her release from prison upon completion of her sentence, her application for remission of fine remains under consideration. You will be notified promptly as soon as final action has been taken regarding that request.

Sincerely,

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

Roger C. Adams  
Pardon Attorney

---

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# RULES GOVERNING PETITIONS FOR EXECUTIVE CLEMENCY

## United States Department of Justice

WASHINGTON, D.C.

### PART 1 - EXECUTIVE CLEMENCY

#### Sec.

- 1.1 Submission of petition; form to be used; contents of petition.
- 1.2 Eligibility for filing petition for pardon.
- 1.3 Eligibility for filing petition for commutation of sentence.
- 1.4 Offenses against the laws of possessions or territories of the United States.
- 1.5 Disclosure of files.
- 1.6 Consideration of petitions; recommendations to the President.
- 1.7 Notification of grant of clemency.
- 1.8 Notification of denial of clemency.
- 1.9 Delegation of authority.
- 1.10 Advisory nature of regulations.

Authority: U.S. Const., Art. II, sec. 2; authority of the President as Chief Executive; and 28 U.S.C. §§ 509, 510.

#### § 1.1 Submission of petition; form to be used; contents of petition.

A person seeking executive clemency by pardon, reprieve, commutation of sentence, or remission of fine shall execute a formal petition. The petition shall be addressed to the President of the United States and shall be submitted to the Pardon Attorney, Department of Justice, Washington, D.C. 20530, except for petitions relating to military offenses. Petitions and other required forms may be obtained from the Pardon Attorney. Petition forms for commutation of sentence also may be obtained from the wardens of federal penal institutions. A petitioner applying for executive clemency with respect to military offenses should submit his or her petition directly to the Secretary of the military department that had original jurisdiction over the court-martial trial and conviction of the petitioner. In such a case, a form furnished by the Pardon Attorney may be used but should be modified to meet the needs of the particular case. Each petition for executive clemency should include the information required in the form prescribed by the Attorney General.

#### § 1.2 Eligibility for filing petition for pardon.

No petition for pardon should be filed until the expiration of a waiting period of at least five years after the date of the release of the petitioner from confinement or, in case no prison sentence was imposed, until the expiration of a period of at least five years after the date of the conviction of the petitioner. Generally, no petition should be submitted by a person who is on probation, parole, or supervised release.

#### § 1.3 Eligibility for filing petition for commutation of sentence.

No petition for commutation of sentence, including remission of fine, should be filed if other forms of judicial or administrative relief are available, except upon a showing of exceptional circumstances.

#### § 1.4 Offenses against the laws of possessions or territories of the United States.

Petitions for executive clemency shall relate only to violations of laws of the United States. Petitions relating to violations of laws of the possessions of the United States or territories subject to the jurisdiction of the United States should be submitted to the appropriate official or agency of the possession or territory concerned.

#### § 1.5 Disclosure of files.

Petitions, reports, memoranda, and communications submitted or furnished in connection with the consideration of a petition for executive clemency generally shall be available only to the officials concerned with the consideration of the petition. However, they may be made available for inspection, in whole or in part, when in the judgment of the Attorney General their disclosure is required by law or the ends of justice.

#### § 1.6 Consideration of petitions; recommendations to the President.

(a) Upon receipt of a petition for executive clemency, the Attorney General shall cause such investigation to be made of the matter as he/she may deem necessary and appropriate, using the services of, or obtaining reports from, appropriate officials and agencies of the Government, including the Federal Bureau of Investigation.

(b) The Attorney General shall review each petition and all pertinent information developed by the investigation and shall determine whether the request for clemency is of sufficient merit to warrant favorable action by the President. The Attorney General shall report in writing his or her recommendation to the President, stating whether in his or her judgment the President should grant or deny the petition.

#### § 1.7 Notification of grant of clemency.

When a petition for pardon is granted, the petitioner or his or her attorney shall be notified of such action and the warrant of pardon shall be mailed to the petitioner. When commutation of sentence is granted, the petitioner shall be notified of such action and the warrant of commutation shall be sent to the petitioner through the officer in charge of his or her place of confinement, or directly to the petitioner if he/she is on parole, probation, or supervised release.

#### § 1.8 Notification of denial of clemency.

(a) Whenever the President notifies the Attorney General that he has denied a request for clemency, the Attorney General shall so advise the petitioner and close the case.

(b) Except in cases in which a sentence of death has been imposed, whenever the Attorney General recommends that the President deny a request for clemency and the President does not disapprove or take other action with respect to that adverse recommendation within 30 days after the date of its submission to him, it shall be presumed that the President concurs in that adverse recommendation of the Attorney General, and the Attorney General shall so advise the petitioner and close the case.

#### § 1.9 Delegation of authority.

The Attorney General may delegate to any officer of the Department of Justice any of his or her duties or responsibilities under §§ 1.1 through 1.8.

#### § 1.10 Advisory nature of regulations.

The regulations contained in this part are advisory only and for the internal guidance of Department of Justice personnel. They create no enforceable rights in persons applying for executive clemency, nor do they restrict the authority granted to the President under Article II, Section 2 of the Constitution.

Dated: August 23, 1993.  
Janet Reno,  
Attorney General.

Dated: October 12, 1993.  
Approved:  
William J. Clinton,  
President.

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**D**

Divider Title: \_\_\_\_\_

---

1 Robert M. Holstein, Jr. (State Bar No. 050773)  
2 HOLSTEIN, TAYLOR & UNITT  
3 A LAW CORPORATION  
4 4300 Latham Street  
5 Riverside, CA 92501  
6 (909) 682-7030  
7  
8  
9  
10

11 IN RE:

AFFIDAVIT OF ROBERT M.  
HOLSTEIN, JR.

12 THE MATTER OF TWENTY-FIVE  
13 CITIZENS IMPRISONED FOR SIX  
14 MONTHS ARISING FROM CIVIL  
15 RIGHTS PROTEST ACTIVITIES  
16 CONNECTED WITH THE SCHOOL OF  
THE AMERICAS LOCATED ON THE  
MILITARY RESERVATION KNOWN AS  
FORT BENNING, COLUMBUS,  
GEORGIA

17  
18 TO THE HONORABLE WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE  
19 UNITED STATES:

20 I, Robert M. Holstein, Jr., declare:

21 1. That I am a lawyer in good standing with the State Bar  
22 of California and am licensed to practice before the Federal  
23 Court for the Southern District of California. I have practiced  
24 continuously for twenty-five years.

25 2. I have been a loyal member of the Democratic Party. I  
26 have hosted the last four National Elections out of my office  
27 building for Riverside County as well as an equal number of State  
28 races.

1           3. I was arrested for trespassing on the grounds of the  
2 Fort Benning Military Reservation while protesting the existence  
3 of the School of Americas. I was tried and convicted by Judge  
4 Robert Elliot and sentenced to a two month Federal Prison term,  
5 served at Federal Prison Camp, Lompoc, California, from May 1,  
6 1996 to July 31, 1996.

7           4. While in Federal Prison, my Congressman, the Honorable  
8 George E. Brown of San Bernardino, California, asked you  
9 personally to commute my sentence and the sentence of four others  
10 arising from the above described incident. (See attached letter  
11 of response.)

12           5. At the time of the request I had appealed my conviction  
13 and sentence to the 11th Circuit Court of Federal Appeals on  
14 January 22, 1996. That matter has been briefed and argued but is  
15 pending a decision as of the date of this affidavit.

16           6. At no time was the issue of my appeal raising during the  
17 consideration of my request for commutation by Congressman Brown.

18           7. I would ask you to consider the request for commutation  
19 on behalf of the SOA Watch Twenty-Five and direct your  
20 commutation officer to desist from raising the purely advisory  
21 threshold regulation dealing with appeals and proceed with  
22 consideration of the commutation, on the merits.

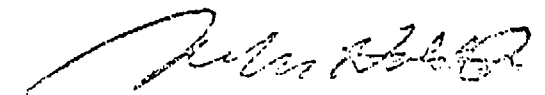
23           8. In my estimation, the outrageous disparity between the  
24 length of their incarceration and the prevailing sentencing  
25 standards for comparable offenses nationally, coupled with the  
26 ages of many of the imprisoned, speaks volumes about what would  
27 constitute your proper course of action. The fact that my own  
28 appeal is still pending eliminates any concern that the avenue

1 chosen by the imprisoned, through appeal, might have any chance  
2 of giving speedy redress and thus result in your wasted  
3 consideration of their interests.

4 9. Finally, the fact that so many of the graduates of the  
5 School of the Americas, admitted by our government to have been  
6 involved in historic atrocities and have served no time for their  
7 crimes against humanity coupled with these good men and women  
8 serving six months for stepping across an imaginary line, would  
9 seem to cry out for some leniency.

10 I declare under penalty of perjury under the laws of the  
11 State of California that the foregoing is true and correct to the  
12 best of my knowledge, except those matters that are based upon  
13 information and belief, and as to those matters, I believe them  
14 to be true.

15 Executed on this 7th day of May, 1998, at Riverside,  
16 California.

17   
18 ROBERT M. HOLSTEIN, JR.

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GEORGE E. BROWN, JR.

42ND DISTRICT OF  
CALIFORNIA

RANKING DEMOCRATIC MEMBER,  
COMMITTEE ON SCIENCE  
MEMBER,  
COMMITTEE ON AGRICULTURE  
DEAN,  
CALIFORNIA DEMOCRATIC  
CONGRESSIONAL DELEGATION

Congress of the United States  
House of Representatives  
Washington, DC 20515-0542

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(909) 825-2472

May 13, 1998

Roger C. Adams  
Acting Pardon Attorney  
500 First Street, N.W., Suite 400  
Washington, D.C. 20530

Re: Commutation of Sentences for the 25  
School of the Americas Protesters

Dear Mr. Adams:

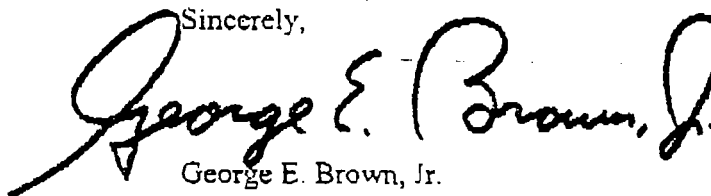
I am writing at the request of my constituent and personal friend, Robert M. Holstein, Jr., to add my voice to the aforementioned petition for commutation on behalf of the School of the Americas protesters.

I was present at Bob Holstein's earlier trial in Columbus, GA before Federal District Court Judge Robert Elliot. After his conviction for misdemeanor trespass at Fort Benning, Columbus, GA, I continued to monitor his status while he served his 60-day sentence at the Federal Penitentiary at Lompoc, CA. At that time, I appealed directly to President Clinton for commutation of his sentence. At that time, no one from the President's office raised any questions about the propriety of my request.

Now I find I must again join the fray regarding the sentencing of protesters at the School of the Americas. The most recent protesters have received sentences that far outstrip punishments for similar offenses throughout the country. In addition, the issue of regulations regarding a simultaneous appeal while requesting commutation has been raised in these cases. These "offenders" deserve better consideration than they are receiving. Some of them are in their 60's and 70's, and many are nuns, priests, and ministers. They deserve consideration of their commutation request without the smoke screen of further regulations.

I urge that the President give their most deserving request every consideration at this time.

Sincerely,

  
George E. Brown, Jr.  
Member of Congress

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**F**

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THE WHITE HOUSE

WASHINGTON

December 6, 1996

Dear George:

Thank you for writing to express your views regarding the U.S. Army School of the Americas.

When the Defense Department discovered the existence of improper materials in the School's training manuals in 1991, it conducted an investigation and condemned their use. After completing its investigation in 1992, the Defense Department reported its results to the appropriate Congressional committees and to the President's Intelligence Oversight Board. For our part, my Administration firmly repudiates the offending materials and is determined to take steps to prevent such an incident from occurring again.

Over the last several years, the Defense Department and the Army have initiated and overseen a number of important changes at the School of the Americas, including human rights instruction not found at any other military school. Secretary Perry has also directed the Defense Department's Inspector General to conduct an evaluation of the 1991-92 investigation. This inquiry is looking at the implementation of the corrective actions ordered in 1992 and is reviewing present policies and procedures for approval of training and training materials given to foreign military personnel.

You also request a commutation of sentence for three persons convicted of unlawful activities during protests directed at the School of the Americas. Two of those individuals have completed their sentences and have been released and the third, who received a longer sentence because of prior offenses, will complete his sentence next month.

Sincerely,



The Honorable George E. Brown, Jr.  
House of Representatives  
Washington, D.C. 20515-0542

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Biographical information on the SOA 26:

Fr. Bill Bichsel, S.J.  
Fr. Roy Bourgeois, MM  
Rev. Dr. Nicholas Cardell  
Mary Earley  
Sr. Marge Eilerman, OSF  
Sr. Mary Kay Flanigan, OSF  
Anne Herman  
Paddy Inman  
Christopher Jones  
Rev. Ken Kennon  
Ed Kinane  
Dwight Lawton  
Rita Lucey  
Bill McNulty  
Sr. Megan Rice  
Carol Richardson  
Kathleen Rumpf  
Dan Sage, Ph.D.  
Doris Sage  
Randy Serraglio  
Sr. Rita Steinhagen, CSJ  
Richard Streb, Ph.D.  
Ann Tiffany  
Mary Trotochaud  
Judith Williams  
Ruthy Woodring

**Fr. William Bichsel**

Fr. William Bichsel entered Federal Prison September 28, 1998, to serve his 6 month prison sentence for the trespass charge and an additional 1 year sentence, for dipping his hand in red paint and placing his hand print on the Ft. Benning sign.

Fr. Bichsel is a Catholic priest, born and raised in Tacoma, Washington. His father was a railroad engineer, his mother a homemaker. He has six brothers and one sister. Five of his brothers served with distinction in the United States Army and Navy in World War II.

Fr. Bichsel returned to the Tacoma area after his seminary training and taught at Bellarmine Preparatory in Tacoma and Seattle Preparatory. Both of these schools are known for their academic excellence. He also coached football, basketball and baseball. In addition to these schools, Fr. Bichsel was the Dean of Students at Gonzaga University at Spokane, Washington for three years.

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Information]

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b(3) Release would violate a Federal statute [(b)(3) of the FOIA]  
b(4) Release would disclose trade secrets or confidential or financial  
information [(b)(4) of the FOIA]  
b(6) Release would constitute a clearly unwarranted invasion of  
personal privacy [(b)(6) of the FOIA]  
b(7) Release would disclose information compiled for law enforcement  
purposes [(b)(7) of the FOIA]  
b(8) Release would disclose information concerning the regulation of  
financial institutions [(b)(8) of the FOIA]  
b(9) Release would disclose geological or geophysical information  
concerning wells [(b)(9) of the FOIA]

Fr. Bichsel was an associate pastor at St. Leo's parish in Tacoma for seven years. Along with his pastoral duties, Fr. Bichsel worked with people with mental illnesses and low income people. Fr. Bichsel was chaplain at Western State Mental Hospital for eight years.

Fr. Bichsel now works and lives at Guadalupe House, a Tacoma Catholic Worker House. It began as an outreach house for the mentally ill, who were discharged from Western State Mental Hospital. Currently it assists homeless people. This house is modeled after the writer, journalist and philanthropist, Dorothy Day. Ms. Day was a voice for the poor and homeless during the depression. She started the Catholic Worker in 1933, which began as a soup kitchen in the Bowery. Ms. Day's spiritual philosophy included living out works of mercy. Each Catholic Worker House shares her commitment to the gospel and teachings of Jesus. Each house focuses on different social concerns. Some house only women and children in need, some for the mentally ill, some assist those with AIDS. There are 150 Catholic Worker Houses, both here and abroad.

Currently, Guadalupe House works with the homeless. Along with providing people with a place to live, it also provides employment. Guadalupe House runs a successful organic garden program. Fr. Bichsel approached landowners in his neighborhood and convinced them to allow his group to use their lots, which had been garbage dumps, and turn them into organic gardens. These gardens are not only a source of food, but a place of employment for homeless persons.

In 1992, Fr. Bichsel received the Hunthausen Humanitarian Award. This Archdiocesan Award is given to those committed to humanitarian efforts. This award recognized Fr. Bichsel's work with the mentally ill and homeless.

#### **Fr. Roy Bourgeois, MM**

On March 23, 1998, Fr. Bourgeois entered Federal Prison and was released September 18, 1998 after serving his 6 month sentence. He still owes most of the \$3,000 fine.

He was born [REDACTED] (b)(6) [REDACTED] He has two siblings.

[002]

Fr. Roy is 59 years old and a Maryknoll Catholic Priest. He received a degree in theology from the University of Southwestern, in Louisiana. He served four years as a Naval officer. He volunteered for shore duty in the Vietnam War and is a recipient of the Purple Heart. He served one year in Vietnam. After Vietnam Fr. Roy entered the Maryknoll Seminary and was ordained a Catholic Priest in 1972. He served the poor of Bolivia for five years. After Bolivia, Fr. Roy returned and worked for the Maryknolls, in cities throughout the United States, teaching in schools and preaching in churches.

In the late 1970's, he became very involved in El Salvador during the time Bishop Romero was Archbishop of El Salvador. Fr. Roy spent time in El Salvador witnessing the plight of the poor firsthand. From these experiences Fr. Roy became an advocate for the poor and voiceless in Latin America. For the past 18 years, Fr. Roy has been an educator in colleges and churches around the country on Latin American studies.

In 1990 he became the founder of the SOA Watch in Columbus, Georgia.

He is the 1996 recipient of the Franciscan Federation of U.S. Peace Maker of the Year Award. He is the 1997 recipient of the Pax Christi, Pope Paul VI Teacher of Peace Award.

Fr. Roy is the heart and soul of the SOA Watch and a tireless advocate of human rights.

### **Rev. Dr. Nicholas Cardell**

On March 23, 1998, Rev. Dr. Nicholas Cardell entered Federal Prison and was released September 18, 1998 after serving his 6 month sentence. He still owes most of the \$3,000 fine.

Rev. Cardell grew up in Manhattan. He received a B.A. from Columbia College and a B.D. from Meadville-Lombard Theological School at the University of Chicago. In 1987 he received his Doctor of Divinity from this school.

Rev. Cardell has been a church minister for over forty years. Currently he is the Unitarian Universalist Minister with the May Memorial Unitarian Universalist Society in Syracuse.

Rev. Cardell served in the U.S. Army during World War II. He was stationed overseas with his Parachute Infantry 101, Airborne Division. He was captured in the Battle of the Bulge in Belgium on January 3, 1945. He was a POW for three months before he managed to escape. His unit received recognition for their efforts with the Belgium Forreger Award, two Presidential citations and the Good Conduct Medal.

Rev. Cardell has been married since 1974. He has two children, a son and a daughter. His son is an associate professor at Washington State University. His daughter is a social worker, now living and working in New York City. She currently counsels recovering addicts.

Rev. Cardell has been actively involved in the community throughout the years. He has served on the Board of Peace Action of Central New York. He was chairman of the Board of Planned Parenthood of Syracuse, New York.

Rev. Cardell has been active in assisting the community through his congregation. His church hosts 12 step meetings, the Syracuse Community Choir and assists other churches with meals for the needy. His congregation is well connected with the community and enjoys a wonderful reputation for service.

### Mary Earley

On March 23, 1998, Mary Earley entered Federal Prison and was released September 18, 1998 after serving her 6 month sentence. She still owes most of the \$3,000 fine.

Mary Earley is 67 years old, a former Roman Catholic nun from North Palm Beach, Florida.

Mary was born [REDACTED] (b)(6) [REDACTED]. As a young woman, Mary met social rights worker Dorothy Day. "Her philosophy and the Catholic Worker Community in New York have probably been the biggest adult influence on my life. There I saw the beatitudes being lived and it strongly influenced my life and my passion for pacifism."

At 17, Mary became a nun with the Presentation Sisters in Newburgh, New York. She left the convent in the 1960's and became a special education teacher for the New York school system, caring for children in the city's hospitals.

Later she became active in Pax Christi, an international Roman Catholic peace movement.

Mary moved to Florida in 1994. She is an active community volunteer. In addition to her SOA activities, she serves regularly at the soup kitchen at St. George's Church in Riviera Beach.

### Sr. Marge Eilerman, OSF

Sr. Marge Eilerman is entered Federal Prison September 28, 1998. She is to serve her 6 month sentence for the trespass charge and an additional 10 month sentence for her participation in re-editing the sign at Ft. Benning.

Sr. Marge was born [REDACTED] (b)(6) [REDACTED]. She has nine brothers and sisters. Her father served in World War I and two of her brothers served in World War II.

She attended colleges at Miami University, Oxford and Mary Manse College in Toledo, Ohio.

Sr. Marge entered the Franciscan community in Tiffin, Ohio in 1957. From 1960-1970, she taught elementary students in small rural schools in Northwestern Ohio. From 1970-1974, Sr. Marge worked as a missionary in Chiapas, Mexico with the rural poor. She returned to the United States and worked as a pastoral associate for 20 years in Eastern Kentucky.

Sr. Marge has been involved in a number of civic activities. She served four years on the local mental health board, Kentucky River Community Care. She is currently on the Board of Directors for a small factory, Appalachian Environmental Products, Inc. This factory was formed as an attempt to create employment in an impoverished community. She has served on the Board for the past three years.

She also belongs to a ministerial association, a group of ministers in her region, who work

together to provide community services, religion and outreach services to the poor, including emergency food, housing and paying overdue utility bills.

In 1995, Sr. Marge received the Lexington Diocesan Mission Award, given to outstanding missionary workers. In 1996, Sr. Marge received Outstanding Board Member Award of the Kentucky River Community Care.

### **Sr. Mary Kay Flanigan**

On March 23, 1998, Sr. Mary Kay Flanigan entered Federal Prison and was released approximately September 18, 1998. She still owes most of the \$3,000 fine.

She is 65 years old.

She was born [REDACTED] (b)(6) [REDACTED]. She has an older sister and a younger brother, now deceased. She has 10 nieces and nephews and 17 grandnieces and nephews.

She received her MSW from Loyola University in Chicago in 1959. She is also certified as a spiritual companion. Sr. Flanigan's life has been dedicated to bettering children's lives as a teacher and a social worker.

Sr. Flanigan worked as a psychiatric social worker in the field of child neglect and abuse in Chicago from 1959-1977. During this period of time, she worked with families struggling with issues of child abuse and neglect, with the hopes of family reconciliation. She did this work at Mercy Hospital, the Institute for Juvenile Research and the Juvenile Protective Association, all located in Chicago. At that time she was also a field work instructor for graduate students.

Sr. Flanigan entered the Novetia in Rochester, Minnesota in 1977 to become a Franciscan nun.

She returned to Chicago's inner-city neighborhoods in 1979 and worked as a staff worker and coordinator with Chicago's Uptown Ministry until 1991. This is an Ecumenical Community Center dedicated to a variety of programs, including a pre-school, an after school child care program and counseling for those in need.

Sr. Flanigan was a board member for REST, a shelter for homeless adults.

Currently Sr. Flanigan works with the Eighth Day Center for Justice in Chicago. This organization is funded by 28 different religious congregations and works primarily in the areas of economics rights, women's rights and environmental issues. Sr. Flanigan also serves as a counselor to indigent people several days a week at the Chicago Uptown Ministry.

In August of 1997, Sr. Flanigan was in Chiapas, Mexico with the Christian Peacemaker's team, and was deeply touched by the stories of refugees and others in the Northern War zone.

### Anne Herman

On January 30, 1998, Anne Herman entered Federal Prison and was released July 27, 1998 after serving her 6 month sentence. She still owes most of the \$3,000 fine.

Anne Herman is 64 years old and a mother of six.

She received her master's degree from the State University of New York, Binghamton, New York. She taught school for many years, along with raising her family.

She became involved in a number of human rights activities including welfare rights, Native American rights, and domestic violence issues.

She has held a variety of jobs including working as a paralegal and doing social work, including helping families through the Family and Children Society. She has also worked for the Volunteers of America.

Her children are grown and some are married. She has three grandchildren and is looking forward to the birth of her fourth grandchild expected in June.

Since October 1997, she has lived at the Zachaeus House, a Catholic Worker House in Binghamton, New York. This Catholic Worker House has been primarily a shelter for women, children and families in crises for the past 20 years.

Currently Anne is a member of the Christian Peace Maker Teams, which serves as a witness to international areas in conflict.

### Christopher Jones

On March 23, 1998, Christopher Jones entered Federal Prison and was released approximately September 18, 1998 after serving his 6 month sentence. He still owes most of the \$3,000 fine.

Christopher Jones is 23 years old and was born (b)(6)

Christopher is the son of Dr. Stephen R. Jones, Chief of Medicine at Good Samaritan and Emanuel hospitals, and a long time member of Physicians for Social Responsibility. Chris has a bachelor's degree in Latin America Studies.

Christopher became interested in the movement to close the School of the Americas when he did an internship in Western Belize, working with refugees from Guatemala and El Salvador. The personal stories about the violence done by SOA graduates compelled him to work for the closure of the school. After he graduated he spent three months working with the Kaquiokel Mayan Indians who also had horrific stories of violence perpetrated by SOA trained soldiers.

Christopher has been accepted into a PhD program at Tulane University where he will be studying anthropology. He is scheduled to begin school next September.

### Paddy Inman

On March 23, 1998, Paddy Inman entered Federal Prison and was released approximately September 18, 1998 after serving his 6 month sentence. He still owes most of the \$3,000 fine.

Paddy Inman was born [REDACTED] (b)(6) along with six other siblings. His father was a career serviceman, serving in both the Army Air Corps and the Air Force. He is 52 years old.

Paddy graduated from Gonzaga University and has been a high school teacher for the past 28 years. During these years, Paddy completed two masters degrees in education while teaching Advanced Placement English, At-Risk programs for disadvantaged students, Life Skills for Adolescents as well as coaching the cross-country team and raising his children. He is currently teaching in the Mead School District and is scheduled to start next fall at Mt. Spokane High School. Paddy currently teaches English.

Paddy has three children. His son Matthew attends the University of North Carolina in Chapel Hill and is working towards his doctorate in Physics. His daughter, Denie, is currently doing her student teaching through Gonzaga University and daughter, Casey, is an honors student and high school senior.

Paddy is an active volunteer in his community. He is the past Chairman of the Spokane Neighborhood Centers Committee, which runs the Spokane Neighborhood Centers, providing outreach, food stamps, and other assistance to low income and disenfranchised people. Currently he is a member of the Peace and Justice Action League in Spokane. He was also the chairman of the Board of the Spokane Catholic Family Services, which helps run adoption agencies, counseling services and neighborhood outreach programs. Paddy is an avid runner and bicycle tourer.

### Rev. Ken Kennon

On March 23, 1998, Rev. Ken Kennon entered Federal Prison and was released September 18, 1998 after serving his 6 month sentence. He still owes most of the \$3,000 fine.

He is 63 years old.

He was born (b)(6) and has one sister and one brother. His brother served in the U.S. Army in the 1950's. At that same time, Rev. Kennon served with the FBI for three years as a security clerk.

He received his B.A. and master of divinity from Texas Christian University, and is an ordained clergyman. He has been a minister for 30 years.

Rev. Kennon has been married for 45 years to Mary Ellen Kennon and they have five children, one deceased and 15 grandchildren.

At this time, Rev. Kennon serves part time at Community Christian Church in Arizona City, Arizona.

He and his wife, Mary Ellen, both own and operate adult care homes for the elderly in Tucson, Arizona. This interest arose when Rev. Kennon's mother-in-law was ailing and he and his wife cared for her. They learned the needs of the elderly and what resources were available. They entered the care for the elderly because both Rev. Kennon and his wife were concerned that elderly care was below appropriate living standards.

His wife, Mary Ellen serves as President of the Council on Adult Care Homes in Tucson. Mary Ellen and Rev. Kennon have two large elderly care residences that boast an excellent reputation. They have had these businesses for 12 years.

Over the years, Rev. Kennon's civic works have included: Tucson SOA Watch, Tucson Pastors for Peace, Tucson Ecumenical Council, Task Force for Central America, Tucson Ecumenical Council Legal Assistance (TECLA), Community Food Bank, Arizona Friends of the Farm Workers, Tucson Ecumenical Council, Michigan Farm Worker Ministry, National Farm Worker Ministry, Public Housing Commission, City of Dowagiac, MI, Cass County Non-Profit Housing Corporation, MI, Tri-County Migrant Ministry, Azie Public Library, City of Azie, Azie, TX, Tarrant County Council on Alcoholism, and Alanon Family Groups.

### Ed Kinane

Ed Kinane entered Federal Prison October 5, 1998. He is to serve his 6 month sentence for the trespass charge and an additional 10 month sentence for his participation in re-editing the sign at Ft. Benning.

Ed is 53 years old (b)(6). He has three siblings. One is a public defender attorney in Orlando, Florida, another is a college teacher at Auburn Community College, and a third is a "JAG" with the U.S. Army.

Ed received his education from Fordham College and Syracuse University where he graduated magna cum laude. He has a masters in anthropology from the New School for Social Research in New York City.

His partner of 13 years is Ann Tiffany, a retired psychiatric nurse.

Ed has been an active community volunteer. He also taught anthropology for two years at Bellevue Community College in Bellevue, Washington. He has been a volunteer with jail ministries, counseling local inmates in Syracuse.

Ed worked for the Syracuse Peace Council for 20 years. He also taught 8th grade one year in Kwanza, Kenya in 1980, and worked for a time on Wall Street.

From 1985-1987 he worked at a local Syracuse agency called Transitional Living Services, Inc. He worked with the developmentally disabled helping them to become independent. From 1988-1997, he has worked with Peace Brigades International. Ed began working with the SOA Watch in 1994 and is currently active with that group full time.

For his efforts for peace, he has received honors from the ACLU.

### Dwight Lawton

On March 23, 1998, Dwight Lawton entered Federal Prison and was released September 18, 1998 after serving the 6 month sentence. He still owes most of the \$3,000 fine.

Mr. Lawton was born (b)(6). He served in the U.S. Navy from 1953-1956. His brother, now deceased, served in the U.S. Air Force from 1956-1967.

Mr. Lawton received his B.A. from Franklin-Marshall College in Pennsylvania.

Mr. Lawton has three children, one daughter is a homemaker and mother of his only grandchild. The other daughter is in graduate school at the University of Michigan Medical School. Mr. Lawton's son is a businessman in St. Petersburg, Florida.

Mr. Lawton is now retired, but was formerly a corporate business officer in commercial truck leasing and sales. He worked throughout the midwest, New York and Minneapolis.

Mr. Lawton is currently involved in many community service activities. He is on the board for the National Farm Worker Ministry, which advocates for improving conditions for farm workers. He is also involved with the ACLU.

### **Rita Lucey**

On March 23, 1998, Rita Lucey entered Federal Prison and was released September 18, 1998 after serving her 6 month sentence. She still owes most of the \$3,000 fine.

Rita has been married for the last 46 years to Dan Lucey, a career military man with the U.S. Air Force. She has four children, her youngest is adopted, and was a former foster child of hers. In addition to parenting her own children, Rita spent four years as a foster parent to children in need. Her oldest son, Daniel, is a physician in internal medicine in Silver Springs, Maryland. Another son, David, own a welding business in St. Cloud, Florida. Her daughter, Elizabeth, is a R.N. and works with terminally ill patients in Orlando, Florida. The youngest son, Timothy, is a pastry chef on the Choctaw reservation in Philadelphia, Mississippi.

Rita held a management position with AT&T for 13 years and was active with Boy and Girl Scouts and team sports when her children were young. After retiring, she has been an active volunteer.

From 1994-1997, she volunteered at a Battered Women's Shelter. In addition, she has been a hospice volunteer for the past 8 years.

Rita is currently the President of the United Nations Association of Greater Orlando, which educates and advocates for the United Nations in the United States.

Mrs. Lucey is also an active member of the following: Pax Christi, an international social network for peace, Common Cause, and The Board of Radio for Peace International.

She received her masters in 1997 from Loyal University in Pastoral Ministry.

She is a grandmother of six, ages 4 through 14.

### **Bill McNulty**

On March 23, 1998, Bill McNulty entered Federal Prison and and was released September 18, 1998 after serving the 6 month sentence. He still owes most of the \$3,000 fine.

He was born (b)(6) and is an only child. His uncles and cousins served in World War I and World War II. Two of Bill's sons served in the Armed Forces also. One son was in the Navy in World War II and another son served in the Air Force and is also a physician.

Bill attended Fordham University and received a teacher's certificate. He taught math and history to junior high students for 14 years in the Sachen Central Schools in Suffolk County, Long Island. Bill left teaching in 1972 to do carpentry and construction business full time.

Bill has been married for 41 years and has six children. Bill's wife was a teacher for 17 years in the South Country School District and taught special education in the elementary grades.

Bill is an active volunteer. He, together with others, set up a soup kitchen at St. James Catholic Church in 1991. It serves 300 people weekly. He also helped establish the Food Pantry, an emergency food provider for people in need. The Food Pantry was relocated three times, until Bill renovated a broken down building and established its permanent home. It serves 1,600 to 2,000 a month.

**Sr. Megan Rice, SHCJ**

On March 23, 1998, Sr. Megan Rice entered Federal Prison and was released September 18, 1998 after serving the 6 month sentence. She still owes most of the \$3,000 fine.

Sr. Rice was born and raised (b)(6) with her two sisters. Her mother was a history teacher at Hunter College in Manhattan. She also taught one of the first courses in Black History Studies. Her father was an obstetrician and worked at Bellevue Hospital. She attended Villanova and Boston Colleges and received a masters in biology. She became a nun in 1950 with the Sisters of the Holy Child Order. She went to Nigeria in 1962 and remained there almost entirely until 1996. She taught secondary students science, math and religious education and also leadership training for community leaders.

She returned to New York from 1986-1991 to care for her elderly mother and has since moved back to New York permanently to care for her mother, now 94 years old.

In addition to caring for her mother, Sr. Rice works part time at an inner-city parish, St. Lucy's Parish, in Syracuse. She assists with pastoral work and the RCIA, initiation of adult Christians. With her parish she works with numerous dysfunctional families providing intervention and counseling to families in need.

### **Carol Richardson**

On January 21, 1998, Carol Richardson entered Federal Prison and was released July 19, 1998 after serving the 6 month sentence. She along with two others, Dr. Richard Streb and Anne Herman, were arrested November 16, 1997 and pled nolo contendere at their November 19, 1997 arraignment.

Carol was born, (b)(6). She has one brother. Her father was a machinist and her mother was a homemaker. Her brother served in the United States military.

Carol received her master of divinity degree from Methodist Theological Seminary in Ohio.

Carol has two children. Her daughter received her B.A. from Emory University in Atlanta, Georgia, and her master's degree from Slippery Rock University in Pennsylvania. Her son served in the United States Coast Guard for 4 years and is currently a computer consultant.

Carol worked as a United Methodist minister in Ohio from 1980-1983, serving two small rural churches. She also was the minister for a church in Maryland.

She moved with her family to the Washington, D.C. area in 1983. From 1983-1987, Carol worked for Bread for the World, a hunger advocacy organization.

She also has worked for a variety of Peace and Justice Agencies in D.C., including Witness for Peace, as a delegation and program coordinator. Carol is currently the co-director of the SOA watch in Washington, D.C.

### **Kathleen Rumpf**

On July 23, 1998, Kathleen Rumpf began her 12 month prison sentence for her participation in re-editing the Ft. Benning sign.

Kathleen was born (b)(6). She has 5 brothers and sisters. One brother is an intelligence officer in the U.S. Army. Her stepfather of 26 years is a former World War II POW. Her father also served in the U.S. Army in World War II. Three of her siblings currently reside in Louisiana. Kathleen also has a twin, who is a banker in Petersburg, Florida.

Kathleen graduated from Lakewood High School in Syracuse. She was trained as a nurse's aide and a surgical technical and worked as both.

Since 1971, Kathleen has been with the Catholic Worker. She spent 10 years on the Bowery helping the homeless, the mentally ill, children and the elderly.

Her desire to assist others came from an experience during an exceptionally cold winter. Out for a walk, Kathleen observed a snow plow uncover a homeless person. This event changed her life. She moved into the Catholic Worker House run by Dorothy Day. Ms. Day was a major influence to Kathleen, who taught her to live by example. "The impact of the homeless on my life caused me and compelled me to live my life in a different way."

Kathleen is also involved in jail ministry in Syracuse and has been for the past 11 years.

Kathleen is 47 years old. (b)(6)

(b)(6)

(b)(6)

Despite Kathleen's health disabilities, she is a tireless worker for the poor and disenfranchised.

### Dan Sage, Ph.D.

On March 23, 1998, Dr. Dan Sage and his wife Doris Sage entered Federal Prison and were released September 18, 1998 after serving the 6 month sentence. He still owes most of the \$3,000 fine. Dan is 70 years old. He has been married for 51 years since 1947 and has two sons and three grandchildren. He was born (b)(6) and resided there until 1965 when he moved to Syracuse with his family. Dan came from a family of five children. His brother and he served in the U.S. military. Dan was in the Navy in World War II and his brother served in the Army. He has three sisters.

Dr. Sage attended college at the University of Oregon and received his doctorate in education.

Dan Sage was a professor of special education and administration from 1965-1992 at Syracuse University. Currently he is professor emeritus and advises students at Syracuse. Dr. Sage received the Distinguished Service Award from the Council of Administrators of Special Education in 1990.

He has been a member of Phi Delta Kappa Educational Honorary Society for 48 years.

He has authored four textbooks in the field of special education administration.

Dr. Sage has been an active volunteer in his community.

He is a member of the May Memorial Unitarian Universalist Society and is currently on the Board of Trustees. He participates in the Social Responsibility Committee with his church. Dr. Sage is active with local civil rights and labor rights groups.

His church feeds the hungry through a local kitchen whose shared responsibility includes

numerous other local churches.

### Doris Sage

As stated above, Doris Sage entered Federal Prison March 23, 1998 and was released September 18, 1998 after serving the 6 month sentence. She still owes most of the \$3,000 fine.

She is 68 years old. Doris comes from a family of four children and was born and raised in (b)(6). One brother served in the U.S. Navy during the Korean War.

In addition to being a wife and mother, Doris received a degree from Syracuse University in 1968 and her masters in 1975. She taught in the Syracuse City school system for many years in special education, including eight years at Martin Luther King Elementary. Mrs. Sage is now retired and is a storyteller. She tells folk tales, fairy tales and has also written stories.

Doris is also an active volunteer both with her church and locally. She volunteers with jail ministers at the local city jail.

Doris has traveled to El Salvador and Guatemala. There she became interested in delegations for Witness for Peace and the SOA Watch.

### Randy Serraglio

On March 23, 1998, Randy Serraglio entered Federal Prison and was released September 18, 1998 after serving the 6 month sentence. He still owes most of the \$3,000 fine.

Randy grew up in Cleveland, Ohio and has four brothers. His father served two tours in Vietnam for the U.S. Air Force. He was born (b)(6).

Randy is 34 years old. He graduated magna cum laude from the University of Arizona. He received a B.A. in Latin American Services, and did a term with AmeriCorps, President Clinton's National Service Program. With AmeriCorps he did various service projects on the Hopi, Navajo and Apache reservations. This work included a sustainable agriculture project, which focused on efforts to reduce water usage, increase profitability and address rural poverty.

Randy has been an active member of the community. From 1994-1995, he was the assistant director of the Arizona League of Conservation Voters. He currently is a volunteer with Border Links and the Tucson Blue Society.

### Sr. Rita Steinhagen, CSJ

On March 23, 1998, Sr. Rita Steinhagen entered Federal Prison and and was released

September 18, 1998 after serving the 6 month sentence. He still owes most of the \$3,000 fine.

Sr. Rita was born (b)(6) along with two siblings, a younger brother and an older sister. Her father served in the U.S. Army and was stationed in France during World War I. Her brother also served in the U.S. Army during the Korean War.

Sr. Rita graduated in biology and chemistry from St. Catherine's College in St. Paul, Minnesota. Sr. Rita entered the Sisters of St. Joseph Carondelet of St. Paul Providence in 1951. She worked as a medical technologist in various hospitals from 1956-1969 in North Dakota.

In 1969, Sr. Rita returned to Minneapolis, Minnesota and started a "free store," that provided the needy with various donated goods. From there she developed an interest in the "runaway youth," who frequented her store. Through much effort she opened the Bridge for Run-Away Youth, a group home for run-aways. This shelter provided a home and counseling to these troubled youngsters. This home has now expanded to three homes and they continue to provide professional counseling and assistance.

Sr. Rita and another nun also started St. Joseph's House in 1976, a Catholic Worker House in Minneapolis, for homeless women and children. It has expanded and grown into a community and continues to provide a home and counseling for people in need.

Sr. Rita is now 70 years old. She currently works with clients at the Center for Victim's of Torture, a center initiated originally by a committee formed under Governor Rudy Pertich. 400,000 victims of torture currently live in the U.S., 12-14,000 live in Minnesota. Her center provides counseling, specific to these issues, for 150 or so clients a year. Sr. Rita assists clients with housing and apartment furnishings.

### **Richard Streb, Ph.D.**

Dr. Richard Streb entered Federal Prison September 21, 1998. He pled "no contest" on November 19, 1997 at his arraignment before Magistrate Slaughter and was sentenced to serve six months and pay a \$3,000 fine. (b)(6)

Magistrate Slaughter never advised Dr. Streb of his right to a pre-sentence investigation prior to being sentenced. Because of this error, Dr. Streb filed an appeal. He was scheduled to enter Federal Prison March 23, 1998, regardless of the appeal. Due to his wife's health concerns, his attorney, Peter Thompson, negotiated a "deal." Dr. Streb would withdraw his appeal, and in return he could begin his prison term in September of 1998. Dr. Streb abandoned his appeal also because his attorney informed him he would have to enter prison in March and the appellate court would not hear his case for probably another 1½ years. He would have served his six month sentence anyway.

Dr. Streb is now 73 years old. He was born (b)(6) and has eight siblings.

He served three years in the United States Navy in World War II. As a result of his outstanding service, he received 13 Battle Stars, with ribbons, The Presidential Unit Citation from Harry S. Truman, the Philippine Liberation Star and Medal, and American and Pacific area ribbons.

After World War II he acquired his high school diploma and entered Syracuse University. He received his masters and doctorate in history and education from Columbia University. His dissertation won the Social Studies National Council Award for Outstanding Dissertation of the Year.

Dr. Streb married his high school sweetheart, Rosemary Laurer, in 1958. They have one daughter, who owns a horse farm, and is a tour leader in Lexington, Virginia. Dr. Streb and his wife are retired teachers. Dr. Streb taught high school on Long Island for 25 years, until 1978 (b)(6). (b)(6) He retired from high school teaching (b)(6). (b)(6) he returned to teach Latin American Studies, U.S. History and the Constitution at the Teacher's College of Columbia University for nine years. He also taught a special course, "New York City As A Learning Laboratory." Because of his knowledge, expertise and credentials, Dr. Streb toured important international quests for the U.S. State Department through New York.

Dr. Streb has been active with civil rights issues since World War II. He has been an advocate to the homeless. He has assisted in Nicaragua. As a teacher he took students to Nicaragua. As a person concerned with human rights and welfare he built schools, playgrounds and restored churches in Nicaragua. To help alleviate the suffering caused by the war in Nicaragua, Dr. Streb started numerous other projects which included: providing medical supplies, providing sewing machines and fabric, extending electric lines to two communities, installing the first electric pump for a 200' well, providing money for medical needs, and assisting the peasants with harvesting corn to help with their income. Dr. Streb did similar projects in Mexico from 1962-64 in response to President Kennedy's program for Latin American Development.

Dr. Streb and his wife moved to Virginia in 1989 to be closer to their daughter.

He has published numerous books and publications, including First Senate of the U.S., 1993, Grolier Publishing, and Forgotten Patriot — John Sloss Hobart, 1990, published by N.Y. State Bicentennial Commission. His current book, Life and Death Aboard the USS Essex, is scheduled for publication March 1999 and details his experiences aboard his famous war ship.

Dr. Streb has no other criminal convictions.

### Ann Tiffany

On March 23, 1998, Ann Tiffany entered Federal Prison and was released September 18, 1998 after serving the 6 month sentence. She still owes most of the \$3,000 fine.

Ann Tiffany, was born (b)(6). She has three siblings. Ann received her B.A. from Mt. Holyoke College in Massachusetts, her R.N. from Hartford Community Hospital and

her M.A. in Counseling Psychology from Chapman College, Syracuse, New York.

Ann has worked as a public health nurse, a college health nurse, a community mental health nurse and as a clinical supervisor at Hutchings Psychiatric Center in Syracuse.

She is and has been an active volunteer. Some of her volunteer work include: The Living Room, a center for people with Aids, Witness for Peace, Peace Brigades International, Syracuse Peace Counsel, Caribbean Latin American Coalition and the SOA Watch.

Ann has four children and 12 grandchildren.

### **Mary Trotochaud**

Mary Trotochaud entered Federal Prison September 28, 1998. She is to serve her 6 month sentence for the trespass charge and an additional 10 month sentence for her participation in re-editing the sign at Ft. Benning.

Mary was born [REDACTED] (b)(6) [REDACTED]. She has 10 brothers and sisters. Her mother was a homemaker and her father a business executive. Her father served with the U.S. Marines in World War II. Her oldest brother served in Vietnam.

Mary attended college for one year and discovered her calling as a potter. She had four years of training in pottery and has been a potter all her life. She also does catering.

Mary is 47 years old and has lived in Atlanta, Georgia for the past 38 years. She has 25 nieces and nephews. All of her siblings live near or around Atlanta, with the exception of one sister in Pittsburgh. Several sisters are nurses in Atlanta, one of those is the head nurse at Children's Hospital in Atlanta. Her sister in Pittsburgh is a mother and nurse. Another sister is a primary school teacher. Two brothers own small businesses in Atlanta. Another brother is an electrical engineer. One sister is a mother and homemaker and another sister is a chef.

Several nieces and nephews attend colleges in Atlanta and Athens, Georgia.

Mary is a talented event organizer. She has used these skills to assist not only her family, but events with the SOA Watch.

Mary is close to and actively involved with her family. Her first priority is to her family.

### **Judith Williams**

Judith Williams entered Federal Prison March 23, 1998 and was released September 18, 1998 after serving her 6 month sentence. She still owes most of the \$3,000 fine.

Ms. Williams was born (b)(6) She has one sister and one brother.

Judith received her master's degree in music at the University of Wisconsin, Milwaukee in 1981 and graduated with honors. She is a music therapist.

She has three children and six grandchildren. One daughter is a widow with four children and is currently a senior at the University of Wisconsin. Her son is an emergency medical technician, and lives in Wisconsin. Her other daughter is a Fullbright Scholar, has two children, and works with her husband at his veterinarian clinic.

Judith is currently the executive director of the Catholic Worker House in Waukesha. This house brings patients from Central America to Waukesha for surgery. As executive director, Judith is directly responsible and involved with making the meals for these patients, taking them to their hospital visits and overseeing their care.

Judith is also involved with the Prison Ministry at the County Jail and plays the organ for the Sunday jail services.

As a music therapist, Judith uses music as a treatment form. She works with children with learning disabilities and also with nursing home patients.

Judith was awarded the YWCA, "Peacemaker of the Year Award" in May 1997.

She is an active grandparent and provides full time care every Thursday to her two grandchildren living in Madison.

Her total income is (b)(6) a year. "I live close to the bones, so I can be helpful to other people."

### **Ruthy Woodring**

Ruthy Woodring is a 24 year old student at the University of Illinois. She is a Spanish major on the Dean's Honor List. Currently, she is a member of the St. Francis Catholic Worker House. Ruthy began serving her six month sentence on March 23, 1998 and was released September 18, 1998 after serving the 6 month sentence. She still owes most of the \$3,000 fine.

She was born (b)(6) and is the youngest of eight children. Her father served in the U.S. Army during the Korean War and is now a Presbyterian minister. Her mother is a family practice physician. Her siblings hold various occupations. Her oldest brother lives in Raleigh, North Carolina with his wife and two sons. He works in the field of animal research. Her sister Sarah also works in Raleigh. Her sister Ginny is a homemaker with three children, whose husband teaches in Bristol, Tennessee. Her brother Jonathan is a Presbyterian minister in Marietta, Ohio. Her brother Chris is in Bolivia with the Mennonite Central Committee and works in agricultural development. Her sister Juji attends nursing school at the University of Illinois. Sister, Debby, lives with her husband in New York and is a teacher.

Ruthy has been living and working at St. Francis Catholic Worker House in Chicago, Illinois for the past five years. St. Francis assists homeless men and women. Sometimes people are referred by local government agencies, but most are homeless people coming in off the streets who have heard of St. Francis by word of mouth.

Ruthy is a dedicated student and human rights activist.

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# ASSEMBLY RESOLUTION No. 175

## STATE OF NEW JERSEY

INTRODUCED NOVEMBER 6, 1997

By Assemblymen KELLY, DORIA, Azzolina, Gregg, Garrett, Wolfe, Rooney, Corodemus, Felice, DiGaetano, Zecker, Geist, Assemblywoman Farragher, Assemblymen Collins, Gibson, Malone, Augustine, Bateman, Holzapfel, Kramer, Weingarten, Bagger, Stuhltrager, Bodine, Chatzidakis, Assemblywomen Heck, Crecco, Assemblymen Blee, Charles and Impeveduto

**AN ASSEMBLY RESOLUTION** urging the President and Congress of the United States to support the closure of the United States Army School of the Americas.

**WHEREAS**, The School of the Americas was established in Panama in 1946 and is presently located in Fort Benning, Georgia; and

**WHEREAS**, The School of the Americas has trained over 59,000 troops from Latin America and the Caribbean since its inception and currently trains 900 to 2,000 such soldiers per year at an annual cost to the American taxpayers of nearly \$20 million; and

**WHEREAS**, Training manuals used by the School of the Americas have advocated execution, false imprisonment, physical abuse, and other forms of torture; and

**WHEREAS**, Many School of the Americas graduates have been involved in a wide range of human rights abuses; and

**WHEREAS**, Two of the three Salvadoran officers cited as being responsible for the 1980 assassination of Archbishop Oscar Romero were School of the Americas graduates, including death squad founder and leader Robert D'Aubuisson; and

**WHEREAS**, Ten of the 12 officers cited as being involved in the massacre of 900 civilians at El Mozote in El Salvador graduated from the School of the Americas; and

**WHEREAS**, Nineteen of the 26 officers cited in the November, 1989 murder of six Jesuit priests, their housekeeper, and her daughter in San Salvador, El Salvador, were School of the Americas graduates; and

**WHEREAS**, Guatemalan Colonel Julio Roberto Alpirez, who was implicated in the killing of U.S. citizen Michael Devine, and Efraim Bamaca, husband of U.S. lawyer, Jennifer Harbury, is a School of the Americas graduate; and

**WHEREAS**, The editorial boards of the Asbury Park Press, Atlanta Constitution, Bangor Daily News, Boston Globe, Cleveland Plain Dealer, Courier News, Des Moines Register, New York Times, San Antonio Express-News, and Syracuse Post-Standard have called for the closure of the School of the Americas; and

**WHEREAS**, The New York Times, in its September 28, 1996 edition stated, "An institution (the School of the Americas) so clearly out of tune with American values...should be shut down without delay"; and

**WHEREAS**, The California chapter of the Veterans of Foreign Wars has passed a resolution to close the School of the Americas and the national organization is deliberating the same resolution; and

**WHEREAS**, There is growing opposition to the School of the Americas in the United States House of Representatives; and

**WHEREAS**, In September 1997 the House of Representatives came within seven votes (210-217) of passing an amendment to the 1998 Foreign Aid Appropriations Bill which would have cut \$1.5 million from the School's funding; and

**WHEREAS**, The House of Representatives vote represents a sharp contrast to 1993 and 1994 when amendments to cut the School's funding were defeated by 82- and 42-vote margins; and

**WHEREAS**, Among the New Jersey delegation to Congress there was bipartisan support for cutting the School's funding, four Republicans and four Democrats having voted in favor of the amendment; now, therefore,

**BE IT RESOLVED** by the General Assembly of the State of New Jersey:

1. That the General Assembly of the State of New Jersey urges the President and Congress of the United States to support the closure of the United States Army School of the Americas.
2. Copies of this resolution shall be transmitted to the President of the United States and to every member of Congress elected from this State.

## **STATEMENT**

This resolution urges the President and Congress of the United States to support the closure of the United States Army School of the Americas.

Urges the President and Congress of the United States to support the closure of the United States Army School of the Americas.

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[SOA Watch Home Page](#) - [Email SOA Watch](#)

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**I**

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Kerry Keefe  
1315 Madison Street, #286  
Seattle, Washington 98104  
(206) 748-3137

I having been previously sworn to make the following statement under penalty of perjury:

I am an attorney in Seattle, Washington.

For the past 10 years I was employed as a prosecuting attorney, handling misdemeanor and felony crimes.

For seven years, I was a senior prosecuting attorney, prosecuting mainly homicides.

I am familiar with the facts in the case of the SOA protestors.

It is my belief that similar criminal convictions in Washington would result in a deferred sentence no jail time for these non-violent criminal trespass charges, with a minimum fine or option to perform 15 to 25 community service hours.

As a felony attorney, I am extremely familiar with the Sentencing Reform Act in this state. The Sentencing Reform Act codified a standard sentencing range enacted by the legislature. The sentencing judges must stay within the standard range unless exceptional circumstances warrant deviating from that range. The judge can sentence low, middle, or high end of the range.

The SOA protester case involved a misdemeanor charge with a maximum penalty of 6 months in Federal prison and a \$5,000 fine. The 25 protestors received 6 months and a \$3,000 fine.

For purposes of comparison I have highlighted the standard ranges of felony charges with and without prior convictions.

1. Burglary 2<sup>o</sup>, a Class B felony, maximum penalty 10 years in prison, \$20,000 fine, is unlawfully entering a building with the intent to commit a crime therein.

a) The typical fact scenario involves illegal breaking and entering into a business or other commercial premise with the intent to steal.

1) The first offense standard range 1 to 3 months in jail.

2) Second offense same charge is 4 to 12 months jail time.

3) Third offense would carry 12 to 16 months in prison.

2. Felony class C drug possession is another charge to compare to. The maximum penalty is 5 years in prison and a \$10,000 fine. The drugs would be either cocaine, heroin, or methamphetamine. First offense standard range:

a. 0 to 90 days in jail.

b. Second offense 2 to 6 months jail time.

c. 3 to 9 months with third offense.

3. Another example of a non-violent offense would be for convictions of malicious mischief 1°, a class B felony, maximum penalty of 10 years in prison and a \$20,000 fine. Malicious mischief 1° is maliciously and intentionally damaging the property of another valued at over \$1,500.

a. Standard range with no priors would carry 0 to 90 days in jail.

b. A second conviction for the same offense would be 2 to 6 months in jail.

c. A third conviction for the same offense would carry a standard range of 3 to 9 months in jail.

4. An example of a violent offense is assault 2°, which is assaulting another with the intent to inflict serious bodily injury. Serious bodily injury is substantial bodily harm. For example, broken bones would constitute an assault 2°.

a. A first conviction standard range is 3 to 9 months in jail.

b. A second conviction standard range for a prior assault 2° would be 12 to 14 months in prison.

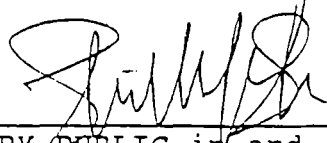
c. A third conviction for assault 2° is 15 to 20 months in prison.

Assault 2° is a Class B felony with a maximum penalty of 10 years in prison and a \$20,000 fine. Felonies are classified from C, B to A, a Class A felony being the most serious.

DATED this 2 day of April, 1998.

Kerry G. Keefe #17204 W434  
Kerry Keefe

SUBSCRIBED AND SWORN TO before me this 2<sup>ND</sup> day of  
April, 1998.

  
NOTARY PUBLIC in and for the  
State of Washington, residing  
at Seattle  
My commission expires 5-2-98.

AFFIDAVIT OF WILLIAM T. MCKAY

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

I, WILLIAM T. McKAY, being first duly sworn under oath, deposes and states:

1. I am an attorney and partner in the law firm of McKay, Huffington, Harrell & Desper, P.L.L.C. I have been practicing law in Washington State since 1986.

2. I served as a prosecutor for the City of Seattle from 1986 - 1991 and supervisor of the trial unit 1989 - 1991. During that time, I personally prosecuted and supervised the prosecution of numerous non-violent political protestors. After leaving the prosecutor's office, I have devoted a portion of my practice to criminal defense.

3. I am aware of the facts of this case and have followed some of the media reports related thereto. I know that the majority of the protestors convicted in this case have never previously been convicted of a crime. Very few of the protestors had prior convictions for similar non-violent political demonstrations.

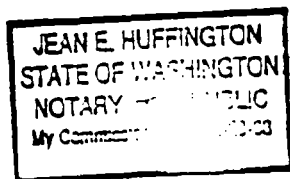
4. The imposition of a sentence of six months in prison and a three thousand dollar fine in this case is shocking. Typically, the first conviction of a crime such as this would render a pretrial diversion, continuance for three months without findings and payment of a fine of \$75 - \$150 and minimal community service hours. Second offense might entail a deferred sentence, where a conviction would be withdrawn after successfully complying with the court's conditions after six months or one year. I have never heard of such an excessive sentence upon conviction of a non-violent political demonstration.

5. A prosecutor must make certain value judgments on each criminal charge that he/she deems worthy of prosecution. These judgments dictate the nature of the prosecution, the resources to be expended on the prosecution, the priority this case would have among the other charges in the office and the type of sentence recommendation to the court. Those judgments include, inter alia, the nature of the crime, injuries or damages to victims and the prior record of the defendant. In my opinion, non-violent political crimes by persons with little or no criminal record are always of low prosecutorial priority and the recommendations to the court for sentencing should reflect this.

DATED this 1<sup>st</sup> day of ~~March~~ <sup>April</sup>, 1998, at Seattle, Washington.

B. McKay  
William T. McKay  
McKay, Huffington, Harrell & Desper, P.L.L.C.  
310 Watermark Tower  
Seattle, WA 98101  
(206) 583-0050

SUBSCRIBED AND SWORN to before me the 1<sup>st</sup> day of ~~March~~ <sup>April</sup>, 1998



[Signature]  
NOTARY PUBLIC in and for the  
State of Washington  
My appointment expires: Aug. 23, 1998

AFFIDAVIT OF DONALD MADSEN. ATTORNEY AT LAW

STATE OF WASHINGTON     )  
                                          ) ss.  
COUNTY OF KING         )

I, Donald Madsen, being first duly sworn under oath, deposes and states:

1.     I am an attorney admitted to practice in Washington State since 1979.
2.     I have worked as a criminal defense attorney for 19 years.
3.     I currently work as a felony supervisor in a Seattle Public Defender firm, Associated Counsel for the Accused.
4.     I am familiar with the facts in this case.
5.     The majority of the 25 protesters have never been convicted of a crime.
6.     The few that have received convictions were for similar, non-violent, civil disobedience demonstrations.
7.     Typically a first time offender convicted of a misdemeanor criminal trespass offense would be eligible for pre-trial diversion or a deferred sentence. With pre-trial diversion the case is continued for 3 months without a finding or admission of guilt and dismissed on condition the defendant had no new law violations during that 3 month period and paid \$75 court costs or performed 15 hours of community service. Another typical sentence would be a deferred sentence. The guilty conviction is withdrawn after 6 or 12 months upon good behavior and a \$100 fine or 25 hours of community service.
8.     I have never heard of a 6-month prison sentence and \$3,000 fine being imposed for first offenders for criminal trespass.

9. I am familiar with cases similar to the facts concerning the SOA protestors, handled by my co-workers in Seattle, Washington. These cases are as follows:

A. Protestors occupied an abandoned building in downtown Seattle with the intention of converting it to a shelter for the homeless. All were convicted of misdemeanor criminal trespass. All received 8 hours of community service, regardless of prior criminal history. No jail time was imposed.

B. Protestors trespassed at the home of a local businessman with ties to South Africa to protest apartheid. These convictions were dismissed after 6 months on condition no new law violations. No jail time was imposed.

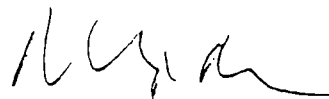
C. Protestors marching across the freeway, disrupting traffic for hours during a presidential visit. No jail time was imposed. The cases were dismissed after 6 months and some community service hours were performed.

10. Often violent offenses are not met with 6 months incarceration.

A. Many domestic violent felony offenses, drug possession, assaults, unlawful imprisonments under the Sentencing Reform Act carry a standard range of much less than 6 months incarceration.

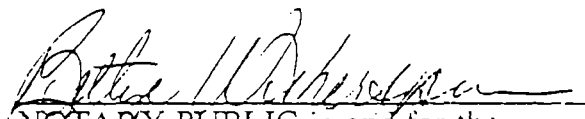
B. Misdemeanor domestic violence offenses where the typical facts are the boyfriend assaults the girlfriend and as she attempts to call 911, he rips the phone from the wall, are given a stipulated order of continuances. The case is dismissed in 18 months if the

defendant receives counseling and has no new violations. These violent offenders typically receive no jail time with a first offense.



DONALD MADSEN  
Attorney at Law  
401 Terrace Street  
Seattle, WA 98104  
(206) 624-8105, Ext. 226

SUBSCRIBED AND SWORN to before me this 2nd day of April, 1998.



NOTARY PUBLIC in and for the  
State of Washington

My appointment expires: 3/4/2000

**Katy Jo Steward**  
Attorney at Law  
P.O. Box 303  
Vashon Island, WA 98070-0303  
(206) 748-3137

I, Katy Jo Steward, first upon being duly sworn, do solemnly attest to the following:

I am an attorney licensed to practice law in both California and Washington states.

I have been an attorney for the past twenty years.

From 1980 to 1983, I was a staff attorney at the Los Angeles Indian Center.

From 1983 to 1984, I represented various Indian tribes.

In 1989, I moved to Seattle, Washington and practiced criminal law as a public defender for ten years.

Currently, I am in private practice.

As an attorney, I have represented numerous clients charged with crimes arising from civil disobedience protests.

Of these, only one client was ever convicted of a crime.

The cases were as follows:

1. In 1994, I represented a man charged with assaulting a police officer, assault 3°, a felony. He, along with 50 other people, were demonstrating for the homeless. While they marched, my client, according to the state, littered. The police stopped the procession and confronted my client for littering. According to the police, my client assaulted an officer by hitting him in the face, causing a black eye. My client told the jury he was acting in self-defense, but he was convicted. He received a 30-day jail sentence, community supervision for two years, and the mandatory Victim Penalty Assessment of \$75.00. The maximum penalty was 5 years in prison and a \$10,000 fine.

2. Another client was involved in a pro-choice demonstration in 1993. At least 2,000 were present. At that demonstration, my client burned the American flag. The city's allegations were that the flag's debris flew onto a police officer endangering him and that my client's actions obstructed other non-demonstrating citizens. My client was charged with reckless endangerment and pedestrian interference, both gross misdemeanor charges, carrying maximum penalties of 1 year in jail and a \$5,000 fine. My client was acquitted. A co-defendant was convicted of obstructing a police

officer, a misdemeanor with a maximum penalty of 90 days in jail and a \$1,000 fine. She received a deferred sentence, which allowed for the case to be dismissed in 1 year if she had good behavior and paid a \$100 fine. No jail time was imposed. The case was appealed, a new trial was ordered, and she was later acquitted.

3. A third case involved a downtown Seattle demonstration, with about 30 people, opposing the Persian Gulf war. My client was charged with simple assault on a police officer and obstructing a police officer in the performance of his duties. Both were misdemeanors at that time carrying a maximum penalty of 90 days in jail and a \$1,000 fine. There were several co-defendants similarly charged. On the day of trial, a plea bargain was reached. The city dismissed all charges upon payment of \$75.00 court costs.

4. Another 1993 demonstration involved a group of anarchists, along with various other groups, marching down a busy city street protesting police brutality and homelessness. There were 1,000 people in the march. There were numerous co-defendants. All were charged with obstructing police officers and failure to disperse. My client was one of the anarchists charged. The case was dismissed by the judge at half time for failure by the city to establish a prima facie case. The plea offer by the city had my client pled guilty before trial, was 6 months deferred sentence, no jail time, and a \$100 fine.

5. I was recently requested to represent a Green Peace activist charged, along with eight others, of nuisance and obstructing a police officer. These nine protesters suspended themselves over the Aurora Bridge for 48 hours to prevent the trollers "clear cutting" in waters, destroying fishing grounds. Their action obstructed the trollers' passage underneath the bridge. The offer from the prosecutor's office is a deferred sentence, dismissal, if within 6 months defendants have no new violations and pay a \$150 fine.

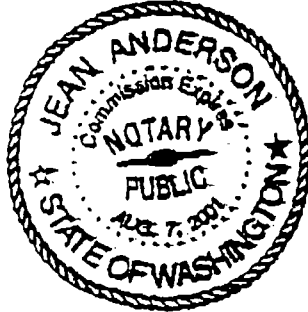
In my 16-year history in the criminal justice system, I have never seen a defendant get the maximum penalty jail sentence and a \$3,000 fine for a criminal trespass charge.

I am familiar with the transcripts and facts in the case of the 25 SOA protesters. This was a peaceful, non-violent action. All would have been eligible for a deferred sentence and small fine or community service hours assuming no criminal record. Even for those with prior convictions, the sentences would be 6 months suspended on condition of payment of court costs or community service hours, with possibly a few days in jail. Based on my experience and review of the biographical history of the 25 SOA protesters and the fact that this march resulted only in trespass and no violence to police officers, most judges would not impose jail time. These people are too valuable to their families, work, and community. Community service hours would be a much more likely sentence.

DATED this 2 day of April 1998.

Kary Jo Steward  
Kary Jo Steward

SUBSCRIBED AND SWORN TO before me this 2 day of April 1998.



Jean Anderson  
NOTARY PUBLIC in and for the State of  
Washington, residing at Seattle  
My commission expires 8-7-2001

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## ATTORNEYS IN SUPPORT OF THE SOA 25 AS "PRISONERS OF CONSCIENCE"

We the undersigned attorneys are familiar with the convictions and sentences of the U.S. Army School of the Americas 25 protesters convicted of illegal re-entry at Ft. Benning, Georgia. All received the maximum prison sentence of 6 months in Federal prison and a \$3,000 fine regardless of past criminal history, the age and health of the protesters, their financial ability to pay a fine, and who they are as citizens. Imposing the maximum prison penalty is usually reserved for those individuals who are violent offenders, who create a real danger and must be removed from society. Imposing a \$3,000 fine on these protesters, most of whom have taken vows of poverty, is grossly excessive.

Based on our expertise, we feel these protesters meet the definition of Amnesty International's "Prisoners of Conscience." Ft. Benning is open to the public. The demonstrations took place in areas open to the public. Over the years, public functions attended by civilian and media invitees, have taken place at Ft. Benning, where political speeches in favor of the School of the Americas, are featured. None of these gatherings have resulted in arrests or charges being filed against those assembling, or those speaking on behalf of the School of the Americas. Viewpoint based discrimination violates the First Amendment. Receiving 6 months in Federal prison for a misdemeanor criminal trespass charge is unheard of. All 25 were given the same sentence. Many had no criminal history. The punishment is one punishment for speech. Clearly the beliefs of the protesters were a significant factor in the determination of their sentences. It was used by the court and prosecutor as a harsh deterrent and warning with the hopes of breaking the spirit of the movement to close the SOA.

| Print Name      | Signature              | Address                           | Bar #* | Phone          |
|-----------------|------------------------|-----------------------------------|--------|----------------|
| KEVIN McLean    | <i>Kevin McLean</i>    | 556 NE 17th St                    | 2764   | 528-5038       |
| DONALD MASSIN   | <i>Donald Massin</i>   | 1027 CRESTWOOD (N. INCOM, W. 1027 | 9342   | 233 564 3414   |
| Deanne K. Felke | <i>Deanne K. Felke</i> | 3234 61st Ave. S.                 | 18898  | 206-938-5842   |
| David M. Miller | <i>David M. Miller</i> | 5372 14th St. S.W.                | 12520  | 626 781-7721   |
| KEVIN McLean    | <i>Kevin McLean</i>    | 7034 33rd Ave. N.E.               | 2682   | 522/299        |
| Barbara Finney  | <i>Barbara Finney</i>  | 3023 NW 95th                      | 19461  | (206) 789-3687 |
| Mark Pothiere   | <i>Mark Pothiere</i>   | 12925 SE 24th St                  | 12400  | 521-6509       |
| Scott Swann     | <i>Scott Swann</i>     | 32211 16th Ave SW                 | 19496  | 601 0263       |
| Kathleen K.     | <i>Kathleen K.</i>     | 513 NE 80th ST                    | 25147  | 527-5992       |
| Sharon M. L.    | <i>Sharon M. L.</i>    | 6253 Grand Dr                     | 13930  | 206-2658347    |
| Deanne K. Felke | <i>Deanne K. Felke</i> | 6241 38th Ave. N.E.               | 11487  | 525-0337       |
| CLARECE VIRTUE  | <i>CLARECE VIRTUE</i>  | 12411 NE 108th PL.                | 19100  | (206) 789-0201 |

\*State of Admission to practice law.

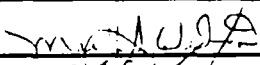
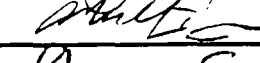
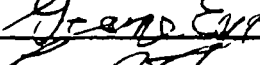
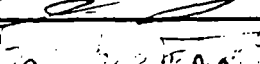
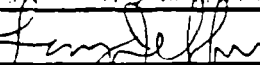
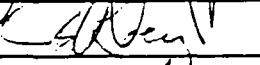
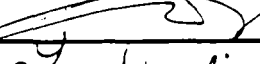
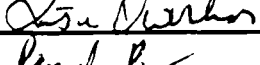
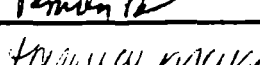
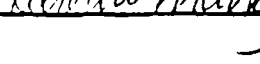
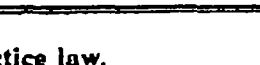
Please return to:

COMMITTEE FOR CLEMENCY/PARDON FOR THE SOA PROTESTORS  
1315 Madison Street, #286  
Seattle, WA 98104  
(206) 748-3137

# ATTORNEYS IN SUPPORT OF THE SOA 25 AS "PRISONERS OF CONSCIENCE"

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| Print Name           | Signature                                                                           | Address                              | Bar #* | Phone                       |
|----------------------|-------------------------------------------------------------------------------------|--------------------------------------|--------|-----------------------------|
| Martha S. Walton     |   | Seattle, WA 98114<br>401 Terrace St. | 11633  | (206) 624-11-<br>51-5 45335 |
| MICHAEL M. MAHA      |  | SEATTLE WA<br>401 TERRACE ST         | 15832  | (206) 624-<br>8105-81219    |
| George Eppler        |  | 401 Terrace St SE<br>SEATTLE WA      | 15268  | (206) 624-<br>8105-81219    |
| Carl Lauer           |  | 401 Terrace St<br>Seattle WA         | 16365  | 624-8105<br>x.218           |
| Ann Thoeny           |  | 401 Terrace St.<br>Seattle, WA       | 17749  | 624-8105<br>x.264           |
| James Lee H. (P. M.) |  | 2033 32nd Ave S, 1725                | 1725   | 624-8105<br>x.218           |
| Larry Jefferson      |  | 401 Terrace St.<br>Seattle, WA       | 24783  | 624-8105<br>x.218           |
| CHARLES E. KENIG     |  | 401 Terrace St.                      | 19056  | 624-8105<br>(206)           |
| Veronica F. (P. M.)  |  | 401 Terrace St.                      |        | 624-8105<br>(206)           |
| ANN DANIELI          |  | 401 Terrace St<br>Seattle WA 98103   | 12921  | 206 624<br>8105 x212        |
| LISA D. JARIN        |  | 401 Terrace St.                      | 21565  | 624-8105 <sup>#</sup> 21    |
| Pamela Pasion        |  | 401 Terrace St<br>Seattle WA 98104   | 20584  | 206 624<br>8105 x210        |
| Karen W. MURPHY      |  | 401 Terrace St.<br>Seattle WA 98104  | 21609  | (206)<br>624-8105           |

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1315 Madison Street, #286  
Seattle, WA 98104  
(206) 748-3137

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| Print Name         | Signature          | Address                                   | Bar #* | Phone             |
|--------------------|--------------------|-------------------------------------------|--------|-------------------|
| Robert E. Williams | Robert E. Williams | 2714 34th Ave S<br>Seattle, WA 98144      | 18211  | (253)<br>520-6509 |
| Kelly Franco       | Kelly Franco       | 23212 SE 135th Ct<br>Issaquah, WA         | 15271  | (253)<br>520-6509 |
| Amy Dawing         | Amy Dawing         | 9801 60th Ave<br>Seattle, WA              | 17657  | 206<br>725-4477   |
| Nancy Spens        | Nancy Spens        | 1210 N. Pine<br>Tacoma, WA 98406          | 18765  | 253-<br>520-6509  |
| L. B. Bush Green   | L. B. Bush Green   | 420 W. Harrison St 201<br>Kent WA 98058   | 24449  | 253<br>520-6509   |
| James F. Lutz      | James F. Lutz      | 2539 31st Ave W.<br>Seattle, WA 98199     | 11312  | 253<br>520-6509   |
| James J. White     | James J. White     | 10081 235th St Pl. #302B<br>Kent WA 98031 | 26802  | 253-852<br>2232   |
| LINDA J. MEKELLE   | Linda J. Mekelle   | 420 W. HARRISON ST.<br>KENT, WA 98032     | 22225  | 206-<br>520-6509  |
| Anita S. Mocer     | Anita S. Mocer     | 1006 Laurel Court<br>Fircrest, WA 98466   | 19170  | 253-<br>564-9097  |
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[illegible]

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| Print Name    | Signature                                                                          | Address                            | Bar #* | Phone       |
|---------------|------------------------------------------------------------------------------------|------------------------------------|--------|-------------|
| KEN HEARNICAN |  | PO Box 4855<br>Rockledge, FL 32955 | 17592  | 407-390-250 |
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| Print Name      | Signature               | Address    | Bar #* | Phone        |
|-----------------|-------------------------|------------|--------|--------------|
| SARAH C KUGELIS | <i>Sarah C. Kugelis</i> | 527 N 67th |        | 206 184 5128 |
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| Print Name          | Signature                  | Address              | Bar #* | Phone          |
|---------------------|----------------------------|----------------------|--------|----------------|
| JUDITH R. HENDRICKS | <i>Judith R. Hendricks</i> | P.O. BOX 124222 ENCL | 22481  | (425) 355-4049 |
| Debra L. Hannula    | <i>Debra L. Hannula</i>    | 135 Madison St. #286 | 13283  | (206) 663-2772 |
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| Print Name      | Signature          | Address                           | WASH<br>Bar #* | Phone    |
|-----------------|--------------------|-----------------------------------|----------------|----------|
| STEVEN WITCHLEY | <i>[Signature]</i> | 810 3rd Ave SEATTLE<br>WA 98104   | 20106          | 447-3900 |
| MARY WOLNEY     | <i>[Signature]</i> | 6218 21st Ave SEATTLE<br>WA 98148 | 7782           | 447-3900 |
| JUNI LUYOMBYA   | <i>[Signature]</i> | 810 3rd Ave SEATTLE<br>WA 98104   | 27017          | 447-3900 |
| Simmie Baer     | <i>[Signature]</i> | 810 5th Ave SEATTLE<br>WA 98104   | 14179          | 447-3900 |
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| Print Name          | Signature                  | Address                                    | WA Bar #* | Phone             |
|---------------------|----------------------------|--------------------------------------------|-----------|-------------------|
| CAROL ELLERBY       | <i>Carol Ellerby</i>       | 15370 62nd Ave S<br>Burien WA 98148        | 19393     | 206-447-3900      |
| ANTON DAWSON        | <i>Anton Dawson</i>        | 3737 Midvale Ave<br>Seattle WA             | 37372     | 206-447-3900      |
| Frederick Spurr     | <i>Frederick Spurr</i>     | 810 Third Ave #800<br>Seattle WA 98104     | 20776     | 206-447-3500      |
| MATTHEW RUBINSTEIN  | <i>Matthew Rubinstein</i>  | 810 3rd Ave, Suite 800<br>Seattle WA 98104 | 22884     | 206-447-3900      |
| DAMIAN KLAUS        | <i>Damian Klaus</i>        | 810 3rd Ave Suite 800<br>Seattle WA 98104  | 17444     | 206-447-3900      |
| FRANCISCO RODRIGUEZ | <i>Francisco Rodriguez</i> | 810 3rd Ave, #800<br>Seattle WA 98104      | 22881     | 206-447-3900      |
| DOUGLASS C MCNEAE   | <i>Douglass C McNeae</i>   | 2203-15th Ave S<br>Seattle WA 98148        | 18907     | 206-528-7200      |
| NANCY HORGAN        | <i>Nancy Horgan</i>        | 15245-115th Ave SW<br>Vashon WA 98080      | 5268      | 206-447-3100      |
| Shawn Crowley       | <i>Shawn Crowley</i>       | 810 3rd Ave<br>Seattle WA 98104            | 18809     | 206-447-3900      |
| Catherine Chanley   | <i>Catherine Chanley</i>   | 810 Third Ave #800<br>Seattle WA 98104     | 21405     | 206-447-3900      |
| Viggo L. Hill       | <i>Viggo L. Hill</i>       | 810 THIRD AVE #800<br>SEATTLE WA 98104     | 17143     | 206-447-3900 x745 |
| Theresa Roberts     | <i>Theresa Roberts</i>     | 810 3rd Ave<br>Seattle WA 98104            | 18747     | 206-447-3900      |
| Leo D. Horgan       | <i>Leo D. Horgan</i>       | 810-3rd Ave<br>Seattle WA                  | 18710     | "                 |
| Theresa Roberts     | <i>Theresa Roberts</i>     | 810 Third Ave #800<br>Seattle WA 98104     | 20878     | 206-447-3900      |

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AFFIDAVIT OF JOHN HENRY BROWNE

STATE OF WASHINGTON            )  
                                          )       ss  
COUNTY OF KING                )

John Henry Browne, being first duly sworn under oath, deposed and says:

1. I am over the age of eighteen and competent to testify to the matters contained in this affidavit.
2. I am an attorney licensed to practice in the State of Washington. I have been an attorney for over twenty years. Throughout my career, my practice has been focused almost exclusively in the area of criminal defense. I have represented literally thousands of clients in both State and Federal Courts on charges ranging from shoplifting to aggravated murder. I have handled appeals and petitions in State and Federal Courts at every level, including the Washington Supreme Court, the Ninth Circuit Court of Appeals, and the United States Supreme Court.
3. I have reviewed materials relating to the following cases: *U.S. v. Fr. William Bischel*; *U.S. v. Sr. Marge Eilerman*; *U.S. v. Ed Kinane*; *U.S. v. Kathleen Rumpf*; *U.S. v. Mary Trofochaud*. With respect to these cases, I am familiar with (1) the nature of and the facts surrounding the alleged offenses (2) the presentence investigation regarding William Bischel prepared by U.S. probation officer Billy Johnson for sentencing Judge Robert Elliott (3) the current dispositions of the

respective cases.

4. I can say without hesitation that no client I have ever represented has received a sentence as grossly unjust as those given by Judge Elliot in the cases involving the SOA Five protestors which I have reviewed. The sentences the SOA offenders received are all "high end" sentences, given in a case where "low end" or indeed even exceptionally low sentences were clearly warranted. It appears from the records I have reviewed that the SOA five are facing fourteen to eighteen months of incarceration and \$4,000-\$6,000 in fines as punishment for a single act of civil disobedience which involved peacefully walking onto government property and damaging a sign to the tune of, arguably, about \$800. This is not a crime for which several months or over a year in a federal prison should even be within a court's contemplation. In addition, the education, dedication to community service, and ages of these individuals all militate towards a lessor rather than greater sentence.
5. I have represented clients who have been convicted of the crime of Manslaughter in the Second Degree and received seventeen months confinement, a lessor sentence than some members of the SOA five now face. Under Washington law Manslaughter in the Second Degree is committed when one who is criminally negligent causes the death of another person.
6. I would not expect that any one of the SOA five, were they convicted in Washington State Court, would do a single day in jail for their acts of civil disobedience. I recognize, as would the courts of this State, that the defendants would receive *some* punishment for their crimes. I think it most likely that the defendants would receive the rather ironic sentence of 80-240 hours of community

service, and that they would be ordered to pay restitution for the reasonable cost of repairing the damaged sign. They would also be obliged to pay a mandatory "victim penalty assessment" of \$500. Fines, especially for individuals such as these who are involved in public service or religious occupations, are virtually unheard of in cases such as this.



John Henry Browne, WSBA # 4677

SUBSCRIBED AND SWORN to me this 3<sup>rd</sup> day of November, 1998.



NOTARY REPUBLIC in and for the  
State of Washington, residing at Seattle

*My commission expires 01/22/01.*

1

2                   **AFFIDAVIT OF KENNETH R. SCEARCE**

3

4           COMES NOW Kenneth R. Searce and states under oath as

5 follows:

6

7           1. I am over 18 years of age, competent to testify and I

8 make the statements herein based on personal knowledge.

9           2. I am licensed to practice law as an attorney in the

10 State of Washington under license number 17818. I have practiced

11 law for over ten years. Most of my practice has been in criminal

12 law. I have tried well over 100 felony jury trials and handled

13 murder and death penalty cases. I have handled hundreds of felony

14 sentencing hearings. I have also tried cases involving protesters

15 charged with criminal offenses.

16

17

18           3. Although my actual experience has been limited to

19 Washington State law, I have general familiarity with the federal

20 sentencing guidelines. Having reviewed pleadings in the cases of

21 U.S. v. Bischel, U.S. v. Streb, U.S. v. Eilerman, U.S. v. Kinane,

22 U.S. v. Rumpf, and U.S. v. Trotochaud, I am specifically familiar

23 with the application of the federal sentencing guidelines in

24 these particular cases.

25

26

27

28

Kenneth R. Searce  
Attorney at Law  
109, Parkside Dr. E.  
Seattle, WA 98112  
Phone: 206-329-6690  
Fax: 206-322-4510

1  
2 4. I have been asked to comment in this affidavit on the  
3 sentences imposed on the above-listed defendants. My  
4 understanding of the common circumstances of these individuals'  
5 cases is as follows: the protesters were convicted of various  
6 federal offenses after trespassing at the U.S. Army's School of  
7 the Americas at Fort Benning, Georgia. The protesters had been  
8 involved in similar non-violent protests on prior occasions. Each  
9 protester has exemplary character and has lead a life devoted to  
10 service to the community. Each protester's conduct was strictly  
11 non-violent. The property damage involved in the offenses was  
12 modest. Each protester was sentenced to serve long sentences in  
13 a federal penitentiary.

14  
15  
16  
17 5. As a general matter, sentences imposed for crimes against  
18 persons can vary significantly from jurisdiction to jurisdiction.  
19 In contrast, sentences for crimes against property tend to be  
20 similar, whether in federal court or state court, and regardless  
21 of the particular jurisdiction. This is so because offenses  
22 against property are generally ranked in severity according to  
23 the value and type of the property involved, which of course is  
24 relatively uniform throughout the United States. Hence, I am  
25 able to offer an educated opinion concerning these federal  
26  
27  
28

Kenneth R. Searce  
Attorney at Law  
1391 Parkside Dr. E.  
Seattle, WA 98112  
Phone: 206-422-5620  
Fax: 206-422-5621

1  
2 sentences based on my experience with Washington State  
3 sentencings.

4         6. Under Washington State sentencing guidelines, the  
5 standard sentences for each of the protesters would vary from  
6 misdemeanor probation to felony sentences ranging from 0 - 90  
7 days in jail (or jail alternatives, such as electronic home  
8 detention and/or community services work), depending primarily on  
9 the value of the property involved and the particular protester's  
10 prior conviction record. Nothing about these Washington State  
11 standard sentencing options would involve consideration of the  
12 personal circumstances or backgrounds of the protesters; rather,  
13 those factors would be available as considerations justifying a  
14 departure downwards from the standard range.  
15  
16  
17

18         7. Based on my years of experience and familiarity with  
19 sentencing standards (and actual sentences) for non-violent  
20 property offenses, the sentences meted out to the School of the  
21 Americas protesters are startling. These protesters were  
22 sentenced to prison. Given their offense records (or lack  
23 thereof) and the modest property value involved, these sentences  
24 are grossly disproportionate to the norm in this country. The  
25 vast majority of courts would have imposed community service work  
26  
27  
28

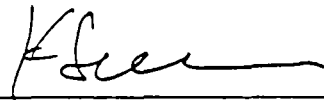
Kenneth R. Searce  
Attorney at Law  
1521 University of W.  
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Fax: 206-422-1110

1  
2 as the principal punishment, perhaps adding a short jail sentence  
3 for "repeat offenders". The vast majority of courts would take  
4 special care to avoid leaving the impression that their sentences  
5 were motivated in any way by an effort to stifle peaceful  
6 dissent. Most judges handling these cases would have had in  
7 mind this Nation's long and honorable history of "law-breaking"  
8 protest and civil disobedience, from the anti-colonialists of the  
9 18th century to the Abolitionists of the 19th century to the non-  
10 violent protests of Dr. Martin Luther King, Jr. and hundreds of  
11 thousands of others in 20th century civil rights movements.  
12 These considerations, and a sense of reasonable proportionality,  
13 would have tempered the severity of the sentences imposed for  
14 these types of offenses in the great majority of jurisdictions in  
15 this country.  
16  
17  
18

19 Herein Your Affiant Further Sayeth Naught.

20 DATED this 2d day of <sup>November</sup>~~October~~, 1998.

21  
22 Respectfully Submitted,

23   
24 KENNETH R. SCEARCE, WSBA #17918  
25 Attorney at Law  
26  
27  
28

Kenneth R. Searce  
Attorney at Law  
1591 Parkside Dr.  
Seattle, WA 98112  
Phone: 206-422-5690  
Fax: 206-422-1510

1  
2  
3 STATE OF WASHINGTON )  
4 ) ss  
5 COUNTY OF KING )

6 SWORN TO UNDER OATH BEFORE ME this 2nd day of November  
7 1998. ~~October~~

8 Sandra L. Rodgers  
9 NOTARY PUBLIC in and for the  
10 State of Washington, residing  
11 at Seattle WA  
12 My commission expires 7-28-02  
13 Sandra L. Rodgers  
14 (print name)

15  
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AFFIDAVIT.DOC



Kenneth R. Searce  
Attorney at Law  
1101 Broadway St. N  
Seattle, WA 98107  
Phone: 206-327-3490  
Fax: 206-327-1510

AFFIDAVIT OF CARL LUER

STATE OF WASHINGTON            )  
                                          )        ss  
COUNTY OF KING                )

Carl Luer, being first duly sworn upon oath, deposes and says:

1.       I am over the age of eighteen and competent to testify to the matters contained in this affidavit. I am familiar with the facts of the following cases: (1) *U.S. v. Fr. William Bichsel*; (2) *U.S. v. Sr. Marge Eilerman*; (3) *U.S. v. Ed Kinane*; (4) *U.S. v. Kathleen Rumpf*; (5) *U.S. v. Mary Trofochaud*. My knowledge is based on reviewing documents and materials filed in these cases, and reviewing summaries of the facts and dispositions in these matters, and reviewing the histories of the individual defendants in these cases..

2.       I am a licensed attorney in the State of Washington. I have been an attorney since October, 1986. I have practiced both civil and criminal law; however, since 1989 my practice has been exclusively in the field of criminal law. I am currently a staff attorney in the felony unit of the Associated Counsel for the Accused (ACA), a public defense agency in King County, Washington. I have also worked in misdemeanor units representing clients in Seattle Municipal Court and various district courts in King County. In addition, I handled felony appeals for the Washington Appellate Defender Association (WADA) for almost two years from 1993 until

1995. I have worked extensively researching and briefing issues under Washington's Sentencing Reform Act (SRA).

(3) The SRA applies to felony sentences in Washington. The SRA is a "determinate sentencing" statute which sets fairly narrow ranges for people convicted of felony crimes. The standard range is based on two factors: (1) The "seriousness level" of the current offense, and (2) the defendant's "offender" score, which is based on the number of prior felony convictions. A judge at sentencing has discretion to impose a sentence within the standard range, but can only go above or below the standard range in exceptional cases where there are legally recognized aggravating or mitigating circumstances. Exceptional sentences are truly exceptional, and are imposed in only 2 to 3% of cases presented.

4. I have searched the Washington Criminal Statutes for crimes comparable to the offenses committed by the defendants in the cases noted in paragraph 1. ("SOA Five") The most analogous crimes in Washington are "Property Destruction" or "Malicious Mischief." Property destruction is a gross misdemeanor and involves the willful destruction of another person's property in an amount not exceeding \$250.00. Malicious mischief 2° involves the willful destruction of another person's property in an amount not exceeding \$1,500.00 and when done with the intent to "vex or annoy" the property owner. Malicious Mischief 1° involves the same conduct as Malicious Mischief 2° except the amount of damage caused by the individual must exceed \$1,500.00. It appears that the defendants in these cases would have committed the crime of Malicious Mischief 2°, or at most Malicious Mischief 1°.

5. Malicious Mischief 2° is a Class C felony in Washington and Malicious Mischief 1° is a Class B felony. Under the SRA, Malicious Mischief 2° is classified as a "seriousness

level I" offense and Malicious Mischief 1<sup>o</sup> is a seriousness level II. Seriousness level I is the least serious classification for a felony offense. The sentencing grid goes up to a level XV, which is reserved for aggravated murder.

6. The standard range for an individual with no prior felony convictions who is convicted of Malicious Mischief 2<sup>o</sup> would be 0 to 60 days. (For Malicious Mischief 1<sup>o</sup>, the standard range is 0 to 90 days.) These are the standard ranges that would apply in the cases of Fr. William Bischel, Sr. Marge Eilerman, Ed Kinane, and Mary Trofochaud as none of these individuals has a prior felony conviction. The standard range for Kathleen Rumpf would probably also be 0 to 60 days or 0 to 90 days despite her one previous felony. The reason is that her prior felony would probably "wash out" since it was committed in 1983, and it appears she had no criminal convictions and was out in the community for a period of ten consecutive years. Even if her prior felony convictions counted as one "point," Ms. Rumpf's standard range would be either 0 to 90 days or 2 to 6 months, depending on whether the charge was first or second degree malicious mischief.

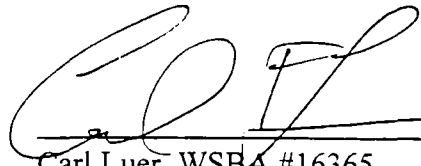
7. Based on my experience in handling hundreds of felony cases in King County, I do not believe that any of the SOA Five protestors would receive sentences approaching 60 or 90 days for these offenses. It would be extremely common for a defendant in these circumstances to receive little or no jail time or to have all of their jail time converted to community service. The community service obligation in cases such as these would typically range from 80 to 240 hours. Sentences consistent with these are commonly recommended by the King County Prosecutor's Office for this type of offense when the individual has minimal criminal history. In fact, it would not be unusual for the prosecutor's officer to reduce the felony charge to gross misdemeanor in

cases such as these where the individual had no felony history. Financial obligations would typically be limited to a mandatory "victim penalty assessment" of \$500.00 and a joint and several restitution requirement.

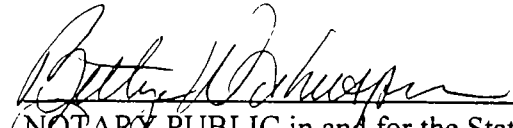
8. The sentences imposed in the cases of the SOA Five, which range from 8 to 12 months consecutive to time imposed for separate but related offenses, are completely disproportionate to sentences for similarly situated people under Washington law. For individuals with no felony history, sentences of this duration would be reserved for far more serious crimes. For example, the crime of Assault in the second degree, which can either be an assault with a deadly weapon, or one which results in "substantial bodily harm," carries a standard range of 3 to 9 months. Second degree robbery, which involves taking personal property by means of force or threatened use of force, carries a standard range of 3 to 9 months. Residential burglary likewise carries a standard range of 3 to 9 months. A standard range of 6 to 12 months for a person with no offender score is reserved for crimes classified as seriousness level V. These include Rape in the third degree (sexual intercourse with a person who clearly expresses a lack of consent); Child Molestation in the third degree (having sexual contact with someone 4 years younger who is between the ages of 14 and 16); and kidnaping 2° (intentionally abducting another person).

9. Under Washington law the sentences imposed against the SOA Five in these cases are more consistent with those imposed for more serious crimes and completely disproportionate to their actual conduct. Given the facts and circumstances of these cases, and the ages and personal histories of the individuals involved, I believe the defendants in these cases would have

been sentenced to serve between 80 and 240 hours of community service and to pay fines of \$500.00 if these offenses had occurred in Washington State.

  
\_\_\_\_\_  
Carl Luer, WSBA #16365

SUBSCRIBED AND SWORN to before me this 30 day of October, 1998.

  
\_\_\_\_\_  
NOTARY PUBLIC in and for the State of  
Washington, residing at MTK Terrace.

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## **Clinton Presidential Records Digital Records Marker**

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# Martin Sheen among school protesters

## 2,000 taken away from Army training center

By ELLIOTT MINOR  
THE ASSOCIATED PRESS

FORT BENNING, Ga. — About 2,000 people, including actor Martin Sheen, were briefly taken into custody yesterday during a demonstration against the Army's School of the Americas, accused by critics of training soldiers involved in atrocities in Latin America.

Unlike at past demonstrations, people who defied orders and walked onto Fort Benning property were not charged with trespassing. Instead, they were loaded onto buses, driven to a park about a mile away and released.

"Our tactic is to demonstrate professionalism and courtesy," said the base commander, Maj. Gen. Carl Ernst.

The school has trained more than 55,000 officers, cadets and soldiers from 22 Latin American countries. It has been a protest target since 1989, when graduates were linked to the murder of six Jesuit priests and two women in El Salvador.

Critics cite a congressional study that found that 10 graduates had taken over Latin American countries through military coups or other undemocratic means in the past 30 years.

Sheen said, "I make my living as an actor, but this is what I do to stay alive. My faith demands it. I love my country enough to risk its wrath."



THE ASSOCIATED PRESS

About 2,000 protesters, some carrying makeshift coffins and crosses, marched at the U.S. Army School of the Americas at Fort Benning, Ga., yesterday.

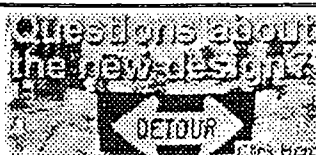
Ten-year-old Bernadette O'Neill of Raleigh, N.C., said as she was ushered onto a bus that she felt she had an obligation to speak out against the school.

"A lot of children are being tortured," she said. "By getting arrested, I show that I am opposed to that."

Her father, Patrick O'Neill, stuck his head out a bus window and said: "A lot of people allow their children to be conscripted into war, so I think it's OK that children take part in peace protests."

School officials said the institution, which moved to Fort Benning from Panama in 1984, is largely responsible for the growth of democracy in Latin America and teaches its students about human rights in each of its courses.

The school's opponents want it closed. "We're asking them to be courageous and brave and realize this does not speak well of the U.S. Army," Sheen said. "We call on the Army to rid itself of this disgrace."



School of the Americas:

## More than 2,000 cross line at post

November 23, 1998

By Wayne Partridge  
Staff Writer

More than 2,370 people -- including actor Martin Sheen -- defied police orders Sunday and marched onto Fort Benning to demand closure of the U.S. Army School of the Americas.

But this time, no one's going to jail.

An estimated 5,000 to 7,000 crowded the Columbus side of Fort Benning's main gate for speeches and singing before marchers filed four abreast for a quarter-mile march into post.

Sunday's attendance eclipsed the record set last year, when about 2,000 gathered for the three-day protest and 601 had themselves arrested by marching onto post.

"I don't know what effect this (turnout) will have," Sheen said before crossing the line. "I can't tell you what the result is going to be; even on myself I can't tell. All I can hope for is that I am faithfully follow the call of Jesus Christ, who calls us to nonviolence, to feed the hungry, to house the homeless."

Sheen and the rest of the demonstrators had been told repeatedly by protest organizers and Fort Benning officials that they could be arrested and sent to prison for trespassing onto post. U.S. courts have ruled that military installations can restrict political and partisan speech and demonstrations.

In January, U.S. District Judge Robert Elliott sentenced nearly 30 of last year's marchers to six months in prison.

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But this time, Maj. Gen. Ernst, Fort Benning's commander, decided not to arrest any of Sunday's marchers. Instead, police loaded the marchers onto waiting buses and dropped them off at Rigdon Park, about a mile away from the protest site on Fort Benning Road.

Police issued the marchers letters barring them from post until midnight Sunday, but did not record the marchers' names.

"We have arrested no one at Fort Benning today," Ernst said during a news conference following the march. "It is not our intent to arrest anyone today."

Opponents of the school have called for its closure since 1989, when some of its graduates were linked to the murder of six Jesuit priests in El Salvador. Since the murder, opponents have gathered at Fort Benning's main gate each November, sometimes marching onto post, or throwing blood or red paint on the SOA building. The acts had always resulted in arrests and media attention.

Protest organizers say the arrests and prosecution of demonstrators -- many of whom were priests, nuns and other clergy -- have generated widespread publicity and sympathy, accounting for the record crowds during the last two protests.

Journalists from throughout the world covered the last two demonstrations, and protest organizers have encouraged participants to contact their local news outlets to make sure they received coverage.

"There's a growing interest on what's going on here," said Deidra Dukes, a reporter for Atlanta's WSB TV station. "Their whole purpose is to hold events that will generate publicity. Publicity is going to make the difference -- without us, they can't get their message out."

That consideration was not lost on Ernst, who says the institution is largely responsible for the growth of democracy in Latin America.

"This year we just opted to try a different tactic and hopefully change the demeanor and the approach on

both sides of this issue," Ernst said. "It's a different approach to try and move this to a different venue."

Some marchers said they were disappointed that they weren't arrested, but they felt they got their point across.

"I'd say we accomplished a lot," said Kristie Lormand, a receptionist from Atlanta. "Even we were surprised that so many crossed the line. We were fully prepared to be arrested and go to jail -- I think it says a lot that nearly 2,500 people are so committed to something like that."

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# COMMITTEE FOR CLEMENCY/PARDON OF THE SOA PROTESTERS

1315 Madison Street #286  
Seattle, Washington 98104  
(206) 748-3137

## MEMBERS

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CHAIR, ATTORNEY AT LAW

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CO-CHAIR, ATTORNEY AT LAW

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SOCIAL ACTION MEMBER

**Maralyn Chao**  
ORGANIZER

**Father Patrick**  
HUMAN RIGHTS COORDINATOR

**Kim Cronin**  
MENTAL HEALTH SOCIAL WORKER

November 30, 1998

Mr. John Podesta  
The White House  
1600 Pennsylvania Ave. NW  
Washington, D.C. 20500

Re: Release of the 6 Protesters of the United States Army's School of the Americas (SOA), Fr. William Bichsel (70), Sr. Marge Eilerman (70), Dr. Richard Streb (73), Ed Kinane (54), Mary Trotochaud (47), Kathleen Rumpf (47)

Dear Mr. Podesta:

Please find enclosed a copy of a letter to President Clinton with exhibits and a box of signed petitions from over 5,500 citizens calling for the immediate release of the SOA 6 protesters.

I am sending this information to you since you were approached by a supporter, Fr. Charles Currie, regarding the SOA Protesters and you wrote him a reply dated May 20, 1998 (copy of that letter attached).

I am asking that you reconsider your position regarding these protesters based on the arguments presented in the letter to President Clinton dated November 30, 1998.

Dr. Richard Streb, a 73 year old WWII veteran entered federal prison September 21, 1998 and is now being considered for clemency by the Pardon Attorney, but as the Pardon Attorney states in his letter of September 16, 1998 and attached as Exhibit B to President Clinton's letter, "we can make no guarantee that final action can be taken before he completes his six-month term of imprisonment."

As you may recall, On November 16, 1997, 25 American citizens, along with over 2,000 other Americans held a silent funeral procession carrying makeshift coffins at Ft. Benning, Georgia, to commemorate the deaths of six Jesuits, their housekeeper and her 15-year-old daughter, killed by 19 School of Americas graduates, on that same date in 1989. Inside the coffins were petitions with 1 million signatures calling for the closure of the School of the Americas based the Georgia military facility. For this non-violent act, these 25 were convicted of criminal trespass and given the maximum prison sentence — six months in Federal prison and a \$3,000 fine — by the Honorable Robert Elliott (see attached bio republished with permission and attached as Exhibit A to President Clinton's letter).

cc: Ruff  
MERIDETH CASE  
IS THIS ON  
YOUR RADAR  
SCREEN?  
Podesta

Mr. John Podesta  
November 30, 1998  
Page 2

In a separate protest two months earlier, on September 29, 1997, five protesters converted the School of the Americas' sign to reflect what much of the American public has found the SOA to be: a "School of Assassins," a "School of Shame." This "editing" of the sign took place at 10:00 a.m., with the press and the base alerted beforehand. Military police watched the entire action and made no attempts to stop the action the protesters. They were then arrested and charged with two felony criminal offenses of property destruction and attempted property destruction. On July 23 of this year, the five protesters were sentenced by Judge Elliott to prison terms ranging from 8 to 12 months and fines of \$1,000 to \$2,000 consecutive with their six month sentences.

I am asking that President Clinton take executive action to commute the sentences of those American citizens involved in the protest at the School of the Americas. These people, exercising their First Amendment rights, should not be imprisoned. There is a growing concern across the country that the SOA should not remain open and these protesters should not be incarcerated in Federal prison for expressing their dissent.

Article II, Section 2, of the U.S. Constitution states that the President

shall have the power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

There are Rules of Clemency attached as Exhibit C to President Clinton's letter, however, as stated in Section 1.10 of the Rules of Clemency, Advisory Nature of Regulations:

The regulations contained in this part are advisory only and for the internal guidance of Department of Justice personnel. They create no enforceable rights in persons applying for executive clemency, nor do they restrict the authority granted to the President under Article II, Section 2 of the Constitution. (Emphasis added)

Nothing in the Rules of Clemency restricts President Clinton's authority to do what he believes to be fair.

These are exceptional cases with exceptional people. There is no judicial relief available that will address their prison sentences in a timely manner. The protesters are outstanding citizens who contribute immensely to their communities. They are a priest, a nun, a WWII veteran and peace activists who work with the mentally ill, the homeless, prisoners and battered women. Several of the inmates are in their 70's.

A Federal prisoner costs the U.S. taxpayer at least \$30,000 a year. These protesters are not a danger to society. We do not need to be protected from them.

Mr. Podesta, I am sure your schedule is overwhelming and you have many pressing issues, but I ask you to assist us. These are hardworking, dedicated Americans. They should not be imprisoned for

Mr. John Podesta  
November 30, 1998  
Page 3

expressing their heartfelt beliefs about the School of the Americas. Their demonstrations are the type of free speech and conscientious objection upon which this nation was founded.

I respectfully ask you to take this information to President Clinton and urge him to commute their sentences and remit their fines and pardon them altogether. Release these good people to their families in time for the holidays.

Very truly yours,

A handwritten signature in black ink that reads "Debra K. Hannula". The signature is written in a cursive, flowing style.

Debra K. Hannula  
(206) 663-2772  
(206) 720-5250

cc: Fr. Charles Curry

## THE WHITE HOUSE

WASHINGTON

May 20, 1998

Charles L. Currie, S.J.  
Association of Jesuit Colleges and Universities  
One Dupont Circle, Suite 405  
Washington, DC 20036

Dear Mr. Currie:

Thank you very much for your recent letter concerning the 25 men and women who were convicted of trespass offenses after an event at the School of the Americas in Fort Benning, Georgia. You are right that this President cares very deeply about justice and human rights, and I appreciate your communicating your views on this issue with me and with him.

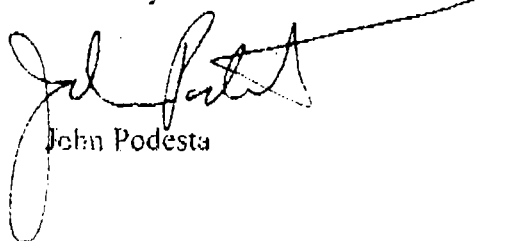
I am informed by the Department of Justice that no applications for these individuals are currently pending. According to longstanding regulations established by the Department of Justice, the Department does not consider applications for executive clemency from individuals who are still in the process of seeking remedies through the courts. It also does not consider applications of individuals who have not yet begun serving their sentences. My understanding is that all but two of the men and women you write about fall into one of these categories.

The remaining two, however, are eligible to apply for executive clemency, because they are in fact serving their sentences, and their cases are not currently under consideration by the courts. They have not yet submitted applications. In order to facilitate that process, the Office of the Pardon Attorney, an office within the Department of Justice, has sent them applications and instructions at the institutions where they are incarcerated. We have asked the Department of Justice to complete its review process as expeditiously as possible upon receipt of these individuals' applications.

In addition, we will keep your letter on file here at the White House so it will be available to the President if and when applications from any of those 25 men and women come before him.

Thank you again for communicating your views to me and to the President.

Sincerely,



John Podesta